

**City of Kingston
Planning Committee Meeting**

Agenda

20 April 2011

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 20 April 2011.

1. Apologies

2. Confirmation of Minutes of Previous Meeting

Minutes of Planning Committee Meeting of 23 March 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

PC 15	Town Planning Application Decisions – March 2011	Page 1
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4. Environmental Sustainability Reports

PC 15 Town Planning Application Decisions – March, 2011

Approved By: Tony Rijs-General Manager, Environmental Sustainability
Author: Ian Nice – Manager, Planning

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	83	72
Notice of Decision	12	10
Refusal to Grant a Permit	4	3
Other - Withdrawn (7) - Prohibited (0) - Permit not required (3) - Lapsed (7)	17	15
Total	116	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

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APPL. NO.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-287/2009	22 MACBETH STREET	BRAESIDE	4/05/2009	1/03/2011	INSTALLATION OF SPRAY BOOTH	REFUSED	NO
KP-919/2010	266 BALCOMBE ROAD	MENTONE	23/12/2010	1/03/2011	THREE(3) LOT SUBDIVISION - STAGED	PERMIT ISSUED	NO
KP-846/2009/A	11 ROSEBERRY AVENUE	CHELSEA	17/09/2010	1/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-599/2010	13 MERLYN AVENUE	CLAYTON SOUTH	1/09/2010	1/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-64/2010	1152 NEPEAN HIGHWAY	HIGHETT	9/02/2010	1/03/2011	BUILDINGS & WORKS (CAR WASH)	PERMIT ISSUED	NO
KP-618/2009	63 BEAR STREET	MORDIALLOC	8/09/2009	1/03/2011	SINGLE DWELLING	PERMIT ISSUED	NO
KP-752/2010	45-47 TOOTAL ROAD	DINGLEY VILLAGE	20/10/2010	1/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-116/2009/A	36 MILL STREET	ASPENDALE	24/11/2010	1/03/2011	TWO DWELLINGS	PERMIT ISSUED	NO
KP-80/1999/A	9-11 MANIKATO AVENUE	MORDIALLOC	19/11/2010	1/03/2011	NINETEEN (19) DWELLINGS	PERMIT ISSUED	NO
KP-550/2010	131 PARKERS ROAD	PARKDALE	16/08/2010	1/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-96436/1996/A	22 ROBERNA STREET	MOORABBIN	19/11/2009	1/03/2011	JUNK YARD	PERMIT ISSUED	NO
KP-707/2010	9 CORR STREET	MOORABBIN	5/10/2010	1/03/2011	FACTORY EXTENSION	PERMIT ISSUED	NO

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KP-631/2010	7 DOLPHIN STREET	ASPENDALE	8/09/2010	1/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-667/2010	310-312 GOVERNOR ROAD	BRAESIDE	22/09/2010	1/03/2011	STAGED SUBDIVISION 33 LOTS	PERMIT ISSUED	NO
KP-638/2010	10 BURNS AVENUE	CLAYTON SOUTH	13/09/2010	1/03/2011	THREE (3) DWELLINGS	PERMIT ISSUED	NO
KP-848/2009/A	1 38-40 BOWMAN STREET	ASPENDALE	10/02/2011	1/03/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-693/2009/A	48 RAE AVENUE	EDITHVALE	17/12/2010	2/03/2011	2 LOT SUBDIVISION (CREATED IN ERROR)	PERMIT NOT REQUIRED	NO
KP-866/2010	80 COCHRANES ROAD	MOORABBIN	29/11/2010	2/03/2011	CHANGE OF USE - ANIMAL BOARDING (CATTERY)	LAPSED	NO
KP-575/2009	4-14 CRAWFORD ROAD	CLARINDA	31/08/2009	2/03/2011	INSTALLATION OF FLOODLIGHTS ON TENNIS COURTS	PERMIT ISSUED	NO
KP-895/2010	4 94-102 KEYS ROAD	CHELTENHAM	13/12/2010	2/03/2011	SECTION 32 PLAN - 2 LOT SUBDIVISION	LAPSED	NO
KP-144/2009	38-40 STATION STREET	ASPENDALE	12/03/2009	3/03/2011	ALTS & ADDS TO DWELLING	PERMIT ISSUED	NO
KP-826/2010	FACTORY 3 6 WREN ROAD	MOORABBIN	18/11/2010	3/03/2011	MOTOR VEHICLE SALES	LAPSED	NO
KP-876/2010	1189 NEPEAN HIGHWAY	HIGHETT	6/12/2010	3/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO

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APPL. NO.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-846/2010	2 350 LOWER DANDENONG ROAD	MORDIALLOC	23/11/2010	3/03/2011	CHANGE OF USE - MOTOR VEHICLE SALES	PERMIT ISSUED	NO
KP-18/2011	12 WILLIAMS STREET	MENTONE	13/01/2011	3/03/2011	FRONT FENCE TO DWELLING ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-31/2011	1 21 NEWPORT ROAD	CLAYTON SOUTH	19/01/2011	3/03/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-730/2010	8-10 BONA VISTA AVENUE	ASPENDALE	14/10/2010	3/03/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-77/2011	12 PORTLAND PLACE	WATERWAYS	8/02/2011	3/03/2011	SINGLE DWELLING	PERMIT ISSUED	NO
KP-28/2011	38 ARGUS STREET	CHELTENHAM	19/01/2011	3/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-116/2010	3B KINGSTON ROAD	HEATHERTON	4/03/2010	4/03/2011	SEVENTY SIX (76) DWELLINGS - 5 STOREY APARTMENT STYLE DEVELOPMENT WITH A REDUCTION IN CAR PARKING REQUIREMENTS	PERMIT ISSUED	NO

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APPL. NO.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-242/2009/A	1-4 503-505 MAIN STREET	MORDIALLOC	16/07/2010	4/03/2011	CHANGE OF USE - 100 SEAT RESTAURANT	REFUSED	NO
KP-903/2010	1 42 STATION STREET	ASPENDALE	15/12/2010	4/03/2011	EXTEND A DWELLING ON A LOT LESS THAN 300SQM	WITHDRAWN	NO
KP-526/2010	1 SHEARMAN CRESCENT	MENTONE	9/08/2010	4/03/2011	CONSTRUCT AN EXTENSION TO A DWELLING ON LAND DESIGNATED WITHIN A SBO	WITHDRAWN	NO
KP-464/2010	36 MILTON AVENUE	CLAYTON SOUTH	12/07/2010	7/03/2011	FOUR (4) DWELLINGS	NOTICE OF DECISION	NO
KP-329/2010	326 HIGHETT ROAD	HIGHETT	31/05/2010	7/03/2011	AMEND RED LINE PLAN - VARIATION TO LIQUOR LICENCE	PERMIT ISSUED	NO
KP-466/2010	10-12 PARK ROAD	CHELTENHAM	12/07/2010	7/03/2011	ADVERTISING SIGN	PERMIT ISSUED	NO
KP-737/2010	44 LANGRIGG AVENUE	EDITHVALE	15/10/2010	7/03/2011	DWELLING EXTENSION ON LAND DESIGNATED SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-847/2010	369-377 LOWER DANDENONG ROAD	DINGLEY VILLAGE	23/11/2010	8/03/2011	BUILDINGS AND WORKS	PERMIT ISSUED	NO

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KP-80/2011	18 PORTLAND PLACE	WATERWAYS	9/02/2011	8/03/2011	SINGLE DWELLING ON LAND SUBJECT TO INUNDATION OVERLAY	PERMIT ISSUED	NO
KP-274/2009	2-6 CENTREWAY	MORDIALLOC	29/04/2009	8/03/2011	B'LD & WORKS - OUTSIDE OPEN AREA FOR PATRONS	PERMIT ISSUED	NO
KP-35/2011	63-69 FAIRBANK ROAD	CLAYTON SOUTH	21/01/2011	8/03/2011	BUILDINGS & WORKS	PERMIT ISSUED	NO
KP-1/2011	1123 NEPEAN HIGHWAY	HIGHETT	4/01/2011	9/03/2011	USE PART OF LAND FOOD & DRINK PREMISES	PERMIT ISSUED	NO
KP-36/2011	65 BROADWAY	BONBEACH	21/01/2011	9/03/2011	FOUR (4) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-913/2006/A	11 ERIC AVENUE	MORDIALLOC	8/12/2010	10/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-289/2009	95-97 BEACH ROAD	MENTONE	5/05/2009	10/03/2011	ADVT SIGNAGE	PERMIT ISSUED	NO
KP-832/2010	5 FLORA COURT	CHELSEA HEIGHTS	18/11/2010	10/03/2011	DWELLING EXTENSION ON LAND DESIGNATED LSIO	PERMIT ISSUED	NO
KP-204/2009	5 201-205 THAMES PROMENADE	CHELSEA HEIGHTS	31/03/2009	10/03/2011	HAIR SALON TO INCLUDE INTERNET CAFE	PERMIT NOT REQUIRED	NO
KP-10/2011	14A CLIPPER ISLAND	PATTERSON LAKES	5/01/2011	10/03/2011	REPLACEMENT OF JETTY 20A	PERMIT ISSUED	NO

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KP-71/2011	12 ACACIA CRESCENT	PATTERSON LAKES	7/02/2011	10/03/2011	REPLACE JETTY 76	PERMIT ISSUED	NO
KP-11/2011	10A ACACIA CRESCENT	PATTERSON LAKES	5/01/2011	10/03/2011	REPLACEMENT OF JETTY 77	PERMIT ISSUED	NO
KP-73/2011	7 PALM BEACH DRIVE	PATTERSON LAKES	7/02/2011	10/03/2011	REPLACE JETTY 200	PERMIT ISSUED	NO
KP-13/2011	3 PALM BEACH DRIVE	PATTERSON LAKES	5/01/2011	10/03/2011	REPLACEMENT OF JETTY 201	PERMIT ISSUED	NO
KP-12/2011	11 SWALLOW COURT	PATTERSON LAKES	5/01/2011	10/03/2011	REPLACEMENT OF JETTY 81	PERMIT ISSUED	NO
KP-72/2011	44 CURLEW POINT DRIVE	PATTERSON LAKES	7/02/2011	10/03/2011	REPLACE JETTY 114	PERMIT ISSUED	NO
KP-898/2010	171 THAMES PROMENADE	CHELSEA HEIGHTS	16/12/2010	10/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-796/2010	3 KINGSTON ROAD	HEATHERTON	10/11/2010	10/03/2011	ADVERTISING SIGN	PERMIT ISSUED	NO
KP-830/2010	6 3-17 TAYLOR STREET	PARKDALE	18/11/2010	10/03/2011	EXTEND A DWELLING ON A LOT LESS THAN 300SQM	PERMIT ISSUED	NO
KP-924/2010	1084-1086 CENTRE ROAD	OAKLEIGH SOUTH	23/12/2010	10/03/2011	BUILDINGS & WORKS	LAPSED	NO
KP-58/2011	UNIT 1 22 TRUE AVENUE	CARRUM	3/02/2011	10/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-341/2010	686A-688 SOUTH ROAD	MOORABBIN	3/06/2010	11/03/2011	ADVERTISING SIGN	WITHDRAWN	NO

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KP-922/2010	290 WARRIGAL ROAD	CHELTENHAM	23/12/2010	15/03/2011	ADVERTISING SIGN	PERMIT ISSUED	NO
KP-374/2010	2 JEAN STREET	CHELTENHAM	16/06/2010	15/03/2011	THREE (3) DWELLINGS	NOTICE OF DECISION	NO
KP-265/2010	45 GOLF VIEW ROAD	HEATHERTON	5/05/2010	15/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-806/2010	13 COOLAC STREET	CHELTENHAM	11/11/2010	15/03/2011	MIXED USE DEVELOPMENT	PERMIT ISSUED	NO
KP-583/2010	8 SINCLAIR STREET	CHELTENHAM	14/09/2010	15/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-894/2010	1 624 MAIN STREET	MORDIALLOC	9/12/2010	15/03/2011	CONSTRUCT AN EXTENSION (VERANDAH) TO AN EXISTING RETAIL PREMISE / DWELLING	PERMIT ISSUED	NO
KP-598/2010	17 MATILDA ROAD	MOORABBIN	31/08/2010	15/03/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-94/2011	95 FLINDERS STREET	MENTONE	14/02/2011	16/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-105/2011	38 BARKLY STREET	MORDIALLOC	21/02/2011	16/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-2/2011	2 66 WARRIGAL ROAD	PARKDALE	4/01/2011	16/03/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-852/2010	1-5 HARTWOOD	CHELSEA HEIGHTS	25/11/2010	18/03/2011	CONSTRUCT BUILDING FOR USE AS	PERMIT ISSUED	NO

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APPL. NO.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
	COURT				A TRADE CENTRE		
KP-759/2010	29 COOLABAH STREET	MENTONE	21/10/2010	21/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-528/2008	78 ELSIE GROVE	CHELSEA	2/06/2008	21/03/2011	TWO (2) DWELLINGS	LAPSED	NO
KP-735/2007	9 CENTREWAY	MORDIALLOC	19/09/2007	21/03/2011	SIGNAGE	LAPSED	NO
KP-514/2010	55 WHITESIDE ROAD	CLAYTON SOUTH	4/08/2010	21/03/2011	DISPLAY HOME	LAPSED	NO
KP-887/2010	UNIT 2 262 NEPEAN HIGHWAY	PARKDALE	9/12/2010	21/03/2011	DWELLING EXTENSION	PERMIT NOT REQUIRED	NO
KP-221/2010	13 AONACH STREET	CLAYTON SOUTH	14/04/2010	21/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-817/2010	56 EULINGA AVENUE	ASPENDALE	16/11/2010	21/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-712/2010	33 FRANK AVENUE	CLAYTON SOUTH	8/10/2010	21/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-132/2008	23 WARRIGAL ROAD	MENTONE	25/01/2008	21/03/2011	2 DWELLINGS	PERMIT ISSUED	NO
KP-654/2010	34 ARUNTA CRESCENT	CLARINDA	23/09/2010	22/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-900/2010	423 WARRIGAL ROAD	MOORABBIN	10/12/2010	22/03/2011	CHANGE OF USE - PARTY HIRE	PERMIT ISSUED	NO

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KP-588/2010	47 VALETTA STREET	CARRUM	26/08/2010	22/03/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-449/2010	39 FRANK AVENUE	CLAYTON SOUTH	7/07/2010	22/03/2011	TWO (2) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	NOTICE OF DECISION	NO
KP-430/2010	10 CLAY STREET	MOORABBIN	2/07/2010	22/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-53/2011	5 THE BEACHWAY	CHELSEA	28/01/2011	22/03/2011	SECTION 32 PLAN - 2 LOT SUBDIVISION	PERMIT ISSUED	NO
KP-746/2010	43 RANDALL AVENUE	EDITHVALE	21/10/2010	22/03/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-857/2010	65 CHELSEA ROAD	CHELSEA	30/11/2010	22/03/2011	THREE (3) LOT SUBDIVISION - STAGED	PERMIT ISSUED	NO
KP-554/2010	19 ELORA ROAD	OAKLEIGH SOUTH	17/08/2010	23/03/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-49/2011	13 STAYNER GROVE	MOORABBIN	27/01/2011	23/03/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-499/2010	23 MOUNT VIEW STREET	ASPENDALE	27/07/2010	23/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-698/2010	43 BRENTWOOD CLOSE	CLAYTON SOUTH	1/10/2010	23/03/2011	BUILDINGS & WORKS	NOTICE OF DECISION	NO
KP-528/2007	8-26 CANTERBURY	BRAESIDE	19/07/2007	24/03/2011	OFFICE B'LD & GYM & 52 CAR SPACES	WITHDRAWN	NO

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	ROAD						
KP-318/2009	1142 NEPEAN HIGHWAY	HIGHETT	20/05/2009	25/03/2011	SEVENTY - EIGHT (78) DWELLINGS	PERMIT ISSUED	NO
KP-442/2010	29 CHURCH ROAD	CARRUM	6/07/2010	25/03/2011	THREE (3) DWELLINGS	NOTICE OF DECISION	NO
KP-322/2010	1 131 MCDONALD STREET	MORDIALLOC	26/05/2010	28/03/2011	TWENTY FOUR (24) DWELLINGS	PERMIT ISSUED	YES
KP-423/2010	13 1-3 JAMES STREET	MORDIALLOC	1/07/2010	29/03/2011	DWELLING EXTENSIONS	NOTICE OF DECISION	NO
KP-763/2010	14 1-3 JAMES STREET	MORDIALLOC	28/10/2010	29/03/2011	DWELLING EXTENSION	NOTICE OF DECISION	NO
KP-365/2010	26 SIXTH STREET	PARKDALE	10/06/2010	29/03/2011	TWO (2) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-713/2010	5 JELICOE STREET	CHELTENHAM	8/10/2010	29/03/2011	FIVE (5) DWELLINGS	PERMIT ISSUED	NO
KP-624/2010	146-148 CENTRE DANDENONG ROAD	DINGLEY VILLAGE	7/09/2010	29/03/2011	FOUR (4) DWELLINGS	PERMIT ISSUED	NO
KP-489/2010	18 MILTON AVENUE	CLAYTON SOUTH	21/07/2010	29/03/2011	TWO (2) DWELLINGS	WITHDRAWN	NO

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KP-848/2004/A	19-23 CLARINDA ROAD	OAKLEIGH SOUTH	11/01/2007	29/03/2011	WAREHOUSE DEVELOPMENT	WITHDRAWN	NO
KP-480/2003/A	103 LOWER DANDENONG ROAD	MENTONE	21/07/2010	30/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-356/2010	1 LE PAGE STREET	MOORABBIN	8/06/2010	30/03/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-743/2010	94 BEACH ROAD	MENTONE	22/10/2010	30/03/2011	FRONT FENCE	PERMIT ISSUED	NO
KP-140/2010	1 171 NEPEAN HIGHWAY	MENTONE	16/03/2010	30/03/2011	REMOVAL OF EASEMENT AND CONSOLIDATION	PERMIT ISSUED	NO
KP-111/2011	13 JAMES STREET	MORDIALLOC	24/02/2011	31/03/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	WITHDRAWN	NO
KP-152/2010	29 MALLAWA STREET	CLAYTON SOUTH	18/03/2010	31/03/2011	THREE (3) DWELLINGS	PERMIT ISSUED	NO

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PC 16

KP762/10 – No 22 – 24 Jean Street, Cheltenham

APPLICANT	Aurecon
ADDRESS OF LAND	22-24 Jean Street, CHELTENHAM VIC 3192 (Lots 31 and 32 on PS 007711)
PROPOSAL	TEN (10) DWELLINGS
PLANNING OFFICER	Cameron Gentle
REFERENCE NO.	KP-762/10
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.01: Cheltenham Business Centre Policy Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	N/A
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	7 March, 2011
STATUTORY DAYS	63 as of 10 March, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans received on 6 January, 2011

1.0 KEY ISSUES

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

- Traffic considerations
- Overlooking
- Overshadowing
- Neighbourhood character
- Vegetation removal
- Noise
- Drainage

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwellings and outbuildings on the site and construct ten (10) double storey dwellings.

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2.2 Development summary:

Dwelling	Floor Area (including garage)		Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
	Ground	First			
1	101.1	84.9	46.9 (41.7m ² in front yard +8.5m ² at rear)	2	2 (single garage + tandem space)
2	87	62.4	20.68m ² (12.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
3	87	62.4	20.68m ² (12.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
4	87	62.4	20.68m ² (12.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
5	94.5	77.4	39.38m ² (areas of 22.7m ² and 8.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
6	94.5	72.7	39.38m ² (areas of 22.7m ² and 8.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
7	87	62.4	20.78m ² (12.8m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
8	87	62.4	20.78m ² (12.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
9	87	62.4	20.78m ² (12.7m ² at ground level + 7.98m ² balcony)	2	1 (single garage)
10	91.6	88.3	75m ² (comprised of 63.3m ² in front yard and 11.2.m ² at rear)	2	1 (single garage)

2.3 The proposal has an overall site coverage of 56.9 percent and 26.3 percent permeability.

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2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room; OR a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; OR a roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.	Dwellings 2-9 are provided with a balcony of 8 square metres with a minimum width exceeding 1.6 metres. These dwellings are also provided with areas of ground level private open space. Dwellings 1 and 10 do not strictly comply with these requirements, with neither dwelling provided with 25 m ² to the side or rear. Each dwelling is provided with areas exceeding 40 m ² (Dwelling 1 with 41.7 m ² and Dwelling 10 with 63.3m ²), however, as front yards, and smaller supplementary areas at the rear of each dwelling.
Car Parking	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 with these requirements. Dwelling 1 is provided with one additional tandem car parking space. Two on-site visitor car parking spaces are required under the applicable ResCode requirements but have not been provided.
Front Setback	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.	Complies
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 56.9% and therefore complies

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

Roof:	Flat; not visible externally
Walls:	Cement sheet cladding; rendered cladding & brickwork; face brickwork
Garage doors	Not specified

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Windows:	Aluminium window frames
Driveways:	Not specified
Front fencing:	1.8 metre high horizontal timber screen fencing
Boundary fences:	Existing fencing to be retained in part

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises a 1579.6m² allotment on the east side of Jean Street, Cheltenham, approximately 180 metres to the south of Southland. It consists of two allotments, each containing detached, single storey, weatherboard dwellings. The site does not contain any vegetation which has been assessed as having high retention . The site is encumbered by a 1.8 metre wide stormwater easement along its southern property boundary. There appears to be no restrictions listed on the Certificate of Title.
- 3.2 Vehicle access to the site is currently via two single width crossovers.
- 3.3 A street tree is located mid-way along the frontage of No. 22 Jean Street.
- 3.4 To the south of the subject site (at No. 20 Jean Street) is a development of three (3) single storey dwellings set back 5.625 metres from the street, and containing private open space areas abutting the subject site.
- 3.5 To the east (rear) of the subject site (at No. 9-15 Garfield Street) is a development of 16 double storey dwellings accessed from Garfield Street. Four dwellings on this site are set back approximately 1.5 metres from the subject site.
- 3.6 To the north of the subject site (at No. 26 Jean Street) is a development of three single storey dwellings set back a minimum of 2.8 metres from the subject site, and 5.865 metres from the street.
- 3.7 The section of Jean Street in the immediate vicinity of the site contains a mix of dwelling types, including older, single storey weatherboard dwellings, and more recently constructed brick and render double storey development.
- 3.8 Within Garfield Street, to the east of the site, medium density housing developments have been constructed to a greater extent than in Jean Street, particularly in the section close to Southland.

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 1 Zone and is not subject to any overlay controls.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.01 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 the subject site has no relevant planning history.

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. Ten (10) objections to the application were received. The valid grounds of objection raised are summarised as follows:

- Traffic and parking
- Overlooking
- Overshadowing
- Neighbourhood character
- Vegetation removal
- Noise
- Drainage

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 2 March 2011 with the relevant Planning Officer, Ward Councillor(s) and Permit Applicant. The above-mentioned issues were discussed at length and the applicant agreed to consider these after the meeting and respond to Council accordingly.

9.2 In providing a response to the issues raised in the objections and discussed at the preliminary conference, the applicant has agreed to:

- increase the ground floor southern setback of Dwellings 6, 8 and 9 by a minimum of 1 metre;
- screen upper level windows (as would have been required by Council)
- provide a landscape plan which includes lattice and climbing plants along the northern boundary; and
- include permeable paving within ground floor private open space areas.

9.3 Should Council decide to approve the application, the above changes can be required through permit conditions.

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 officers 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 31 of the Neighbourhood Character Guidelines, where no critical or major contributory elements are identified. 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 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 adjoining properties, 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 *Increased Housing Diversity* area.

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

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

- Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- Objective 4:** To promote more environmentally sustainable forms of residential development.
- Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.

Objective 6: To ensure residential development does not exceed known physical infrastructure capacities.

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- 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 a positive 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.
- § 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.

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 essentially extends 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, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be strongly 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.

12.4 Clause 22.01– Cheltenham Business Centre Policy

The subject site is located within *Area J* (Medium Density Residential Precinct) under the Cheltenham Business Framework Plan.

Medium Density Residential Precinct

The key policies relating to new development within this precinct (where relevant), are as follows:

- Medium density residential development be encouraged with a mixture of accommodation types and building scales.
- Development optimises site utilisation, is innovative, responsive to its streetscape context and incorporates the following design features:
 - A high level of articulation in building setbacks, facades and roof lines.
 - Open landscaped front gardens.

- Low or transparent front fencing styles.
- Where site consolidation is proposed, the following design responses may be supported where the amenity of adjoining properties will not be significantly reduced:
 - Multi-level buildings (**up to a maximum of two storey plus attic, giving three levels**).
 - Construction of single storey walls on side boundaries.
 - **Flexibility in the size and layout of private open space.**
 - **Reduction in street frontage setbacks.**

The proposed development is considered to be generally consistent with the above policies relating to articulation, landscaping and fence styles. The proposed development has taken the opportunity to incorporate some smaller areas of private open space, which is considered reasonable.

12.5 Zoning Provisions

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

The Schedule to the Residential 1 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

Standard B32 – Front Fences , which 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 development seeks to vary this requirement, with the provision of a 1.8 metre high front fence around the front yards of Dwellings 1 and 10. This variation is considered acceptable, in this instance, for the following reasons:

- The proposed fence will run along less than half (44.2%) of the site frontage, leaving the majority of the site frontage without fencing.
- The proposed fencing has been designed to incorporate insets for landscaping and pedestrian gates, which will enhance the presentation of the site frontage.
- The proposed fencing will provide the front yards of Dwellings 1 and 10 with a fully private area for residents which is directly connected to internal living areas.
- Several properties within Jean Street have high front fences and, as such, the proposed front fence would not be out of character with the area.

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 satisfies the requirements of ResCode and is a well-designed development.

Clause 55.05-5 Solar access to private open space objective (Standard B29)

The objective of Clause 55.05-5 is: 'to allow solar access into the secluded private open space of new dwellings and residential buildings'.

Under this standard, private open space should be located on the north side of the dwelling, and the southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

With parts of the overall private open space provided for each dwelling located on the south side of the dwellings, not all secluded private open space areas within the proposed development are provided with a northern orientation. Given that each dwelling is provided with a functional and appropriately dimensioned area which does have a northern orientation, however, it is considered that an appropriate outcome is achieved in relation to the objective of this standard.

In relation to the required setback from walls to the north, the ground level private open space areas provided for Dwellings 6-9 do not satisfy this requirement and, as such, would be substantially affected by shadow cast by the adjoining wall. Given that north facing private open space areas are provided for each dwelling, however, it is considered that the proposal does meet the objective of this standard.

Clause 55.03-11 Parking provision objectives (Standard B16)

In addition to car parking requirements for each dwelling Standard B16 requires the provision of 1 visitor car parking space to each 5 dwellings. The proposed development satisfies the requirements for each dwelling but is not provided with two (2) required visitor car parking spaces. This variation to the requirements of Standard B16 is considered acceptable, however, for the following reasons:

- The site is located within a Principal Activity Centre and is therefore within convenient walking distance of extensive public transport facilities.
- It is considered that capacity exists in Jean Street to accommodate the infrequent and short term parking requirements of two vehicles without unreasonably affecting the availability of parking for other residents of the street. One such space would be available immediately in front of the subject site.
- Each dwelling is provided with bicycle storage facilities which can accommodate visitors to the site.
- Dwelling 1 is provided with a tandem visitor car parking space which can accommodate visitors to this dwelling.

Overall, it is therefore considered that the proposed development satisfies the objectives of this standard to 'ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents'; and 'to ensure that the design of parking and access areas is practical and attractive and that these areas can be easily maintained'.

Clause 55.04-2 Walls on boundaries objective (Standard B18)

The proposed extent of boundary wall construction along the site's northern property boundary exceeds the suggested maximum under Standard B18 by 4.84 metres. This variation is considered acceptable for the following reasons:

- The northern property boundary of the subject site abuts a driveway and garage on the adjoining property and, as such, the proposed walls will have no impact on sensitive areas of this site.
- The proposed boundary walls are spread out along the length of the site which should minimise any perceived negative visual impact.
- The proposed development satisfies the requirements of this standard in relation to the southern property boundary, and proposes no walls along the rear property boundary.
- The construction of walls on boundaries is not uncommon in the surrounding area and, as such, the proposed development will not be inconsistent with or disrespectful of neighbourhood character.
- The height of all walls proposed on the boundary does not exceed 3 metres and therefore meets the requirements of this standard.

It is therefore considered that the proposed development satisfies the objective of this standard to 'ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Clause 55.04-4 North-facing windows objective (Standard B20)

Standard B20 would require the wall of the meals area in Dwelling 6 to be set back 1 metre from the site's southern property boundary, rather than constructed on the property boundary, as proposed.

The applicant's response to the concerns raised in the objections and at the preliminary consultation meeting includes providing a 1 metre setting back walls along the southern property boundary, which would achieve compliance with this standard in relation to Dwelling 6, in addition to reducing the impact of the overall development on the adjoining properties.

14. RESPONSE AGAINST GROUNDS OF OBJECTIONS

14.1 Traffic and parking

Whilst objectors' concerns about traffic within the surrounding area are well understood, it is not considered that the level of traffic likely to be generated by the proposed development is such that the application should not be supported, particularly given the strong policy support for medium density housing development in this area.

14.2 Overlooking

All upper level windows and balconies will be screened in accordance with the requirements of Clause 55. It is therefore considered that issues raised in relation to overlooking have been satisfactorily addressed.

14.3 Overshadowing

Shadow diagrams submitted with the application demonstrate that shadows cast by the proposed development would impact on properties to the south. With an increased setback at ground level for Dwellings 6, 8 and 9, it is considered that overshadowing would be reduced and that the impact on adjoining properties would not be unreasonable.

14.4 Neighbourhood Character

Whilst the form and density of the proposed development contrasts with that of existing, single dwelling development in the area, it is considered that the development is appropriate in relation to the transitional nature of the area and strong policy support for medium density housing development. Within the area surrounding the site, particularly in Garfield Street, developments of similar and greater densities have been approved and constructed, indicating the likely future character of the area.

Although pitched roof forms are common in the surrounding area, it is not considered that the proposed flat roof forms are disrespectful of the existing neighbourhood character or inappropriate for the subject site. Were pitched roofs proposed on the site, it is not considered that this would necessarily achieve a better outcome in terms of integration with the streetscape or presentation to adjoining properties.

In terms of the layout of the proposed development, it is considered that the provision of two dwellings fronting Jean Street, similar to the existing dwellings on the sites, represents an appropriate design response, and assists to integrate the development within the streetscape.

14.5 Vegetation Removal

Council's Vegetation Management Officer has advised that the site does not contain any vegetation of high retention value. As such, it is considered that new landscaping on the site can provide for appropriately located, high quality planting which will make a positive contribution to the locality.

14.6 Noise

It is not considered that the proposed development will result in unreasonable noise impacts on the surrounding residential area.

14.7 Drainage

Should Council resolve to approve the application, permit conditions can ensure that the site is appropriately drained and that best practice measures are implemented on the site to manage stormwater on the site.

15. 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 1 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).
- 15.3 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

16 RECOMMENDATION:

That Council resolves to issue a Notice of Decision to Grant a Permit for the development of this site for ten (10) dwellings, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 12 August 2010 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 three (3) suitable medium sized (at maturity) canopy trees within the front setback of each dwelling 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.

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- (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; and
 - (xi) the provision of lattice and climbing plants along the site's northern property boundary adjacent to the private open space areas of Dwellings 2-5.
- b) Dwellings 6, 8, and 9 set back a minimum of 1 metre from the southern property boundary, with such setback to not result in any reduction in private open space areas or setbacks, other than to align the meals and kitchen area walls in Dwelling 6;
 - c) the elevation plans to clearly show the provision of screening to north, south and east facing upper level windows to a height of 1.7 metres above first floor finished floor level, directly below, as required under Clause 55.04-6 of the Kingston Planning Scheme;
 - d) provision of permeable paving within the ground level private open space areas located to the rear of each dwelling;
 - e) 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;
 - f) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - g) the guttering pertaining to the garages / walls on boundary on the site's southern, eastern and northern property boundaries nominated as being contained wholly within the title property boundaries of the subject land;
 - h) a comprehensive detailed drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
 - i) the provision of at least a 2000 litre rainwater tank for each dwelling with water re-use for toilet flushing and irrigating landscaped areas;
 - j) a note on the plan stating: "Footpath must be constructed in front of the development (along Jean Street) to the satisfaction of Roads & Drains Department according to the engineering plans approved by the Council";
 - k) a note on the plan stating: "The construction of the proposed Streets connections (vehicle crossings) to Jean Street should to be as per standard drawings & specifications and to the satisfaction of the Council";
 - l) provision of skylights within Dwellings 2, 3, 4, 6, 7, 8 and 9 to improve solar access to the meals and kitchen areas within these dwellings;
 - m) the meals area walls of Dwellings 2, 3 and 4 to be constructed 150mm off the northern property boundary;
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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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.
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 occupancy of the development the footpath as described in Condition 1j) must be constructed at the developer's cost and maintained in accordance with the plans approved by the Council. Discussion with Roads and Drains Department is recommended prior to the submission of a design. A priced schedule of works within the footpath with the payment of Council's engineering fees of 3.25% of the cost of works is required to be submitted prior to the approval of the engineering plans.
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 bioretention 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 of the site.
10. The easement drainage pipe must be protected during the construction.
11. The proposed footings of the dwelling 3 located along the easement line must be below the invert of the existing easement pipe.
12. 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. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

15. External clothes drying facilities must be provided for each dwelling.
 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. 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.
 18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 19. 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.
-

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 would have an adverse effect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-2 Residential Policy Objectives; Clause 55.03-8 Landscaping Objectives; Clause 55.03-11 Parking Provision Objectives; Clause 55.04-2 – Walls on Boundaries Objective; Clause 55.04-4 – North Facing Windows Objective; and Clause 55.06-1 Design Detail Objective.

ATTACHMENT A – RESCODE ASSESSMENT CLAUSE 55

Standard of the Kingston Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy 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>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	No	Whilst the proposed development does not provide a range of dwelling sizes, it is considered that the provision of two bedroom dwellings will contribute to dwelling diversity in an area still dominated by detached, single storey dwellings.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through permit conditions.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	It is considered that the proposed development would integrate satisfactorily with the street. This is evidenced by: the orientation of two dwellings towards the street; and clearly identifiable pedestrian and vehicle links. Whilst a high front fence is proposed, this is considered acceptable, as discussed in the main body of the report.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	The proposed front setback of Dwellings 1 and 10 complies with this standard.
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 6.875metres</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 60% Proposed: 56.9%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 26.3%</p>
<p>B10 Energy Efficiency 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	All dwellings are provided with north facing private open space areas and/or living areas, in accordance with this standard.
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	No communal open space is proposed and the site does not abut any public open space.
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	It is considered that the layout of the proposed development will provide a satisfactory level of safety and security in accordance with the requirements of this standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	<p>The proposed development provides satisfactory opportunities for landscaping throughout the site.</p> <p>Permit conditions should require the preparation of a landscape plan.</p>
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	<p>A workable reversing area is provided for all car parking facilities using the common driveway.</p> <p>The provision of two crossovers on this site is considered satisfactory and is in accordance with the requirements of this standard.</p>
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	Yes	The location of car parking facilities on the site is considered satisfactory.
<p>B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors.</p>	No	Refer to report.
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	All proposed side and rear setbacks comply with the requirements of this standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B18 Walls on Boundaries 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	Refer to report.
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	Complies
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	No	Refer to report.
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	Complies
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Yes	Upper level windows will be screened, where required, in accordance with the requirements of this standard.
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Complies
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	It is considered that the layout of the development is appropriate in relation to the requirements of this standard.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	Each dwelling provides an appropriate layout for people with limited mobility in accordance with the requirements of this standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	The entrances to Dwellings 1 and 10 will be clearly identifiable from the street and the entrance to other dwellings will be clearly identifiable from the proposed common driveway.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	It is considered that all new habitable room windows within the proposed development would receive adequate daylight.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	Refer to report.
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	No	Refer to report.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Each dwelling is provided with 6m ³ of externally accessible, secure storage space.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	It is considered that the detailed design elements of the proposal are satisfactory and that most elevations of the proposal provide an appropriate level of articulation and visual interest.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	No	Refer to report.
<p>B33 Common Property 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	It is considered that common property within the development, will be functional, and can be managed and maintained in accordance with the requirements of this standard.

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Title and Objective	Complies with Standard?	Requirement and Proposed
B34 Site Services 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	The proposed layout allows for each dwelling to be provided with site services and facilities in accordance with this standard.

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PC 17

KP516/10 – 31 – 33 Garfield Street, Cheltenham

APPLICANT:	AR Project Consultants
ADDRESS OF LAND:	No. 31 & 33 Garfield Street, Cheltenham
PROPOSAL:	Twenty-five (25) Dwellings
PLANNING OFFICER:	Sebastian Lorenzo (author Cameron Gentle)
REFERENCE NO:	KP516/10
ZONE:	Residential 1
KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:	Clause 11.04: Metropolitan Development Clause 11: Settlement Clause 15: Built Environment and Heritage Clause 16: Housing Clause 21.05 MSS – Residential Land Use Clause 22.01: Cheltenham Business Centre Policy Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 55: Two or More Dwellings on a Lot Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA:	Increased Housing Diversity
DECISION DATE BY:	
STATUTORY DAYS:	
CONSIDERED PLAN REFERENCES / DATE RECEIVED	25th February, 2011

1.0 KEY ISSUES

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

- Neighbourhood character; and
- Amenity impact (internal and external).

2.0 PROPOSAL

2.1 It is proposed to construct a three storey apartment building on this site containing twenty-five (25) dwellings and basement car parking.

2.2 Of the twenty-five (25) dwellings proposed, ten would be located on the ground and first floor levels, and five would be located on the second floor level. Twelve (12) would contain three bedrooms and thirteen (13) would contain two bedrooms. Fifteen (15) different floor plans are proposed.

2.3 Each dwelling would be provided with either one or two car parking spaces within the basement. Five (5) visitor car parking spaces would also be provided in the basement.

2.4 Vehicle access to the proposed basement would be via an existing crossover on the southern side of the site. Vehicles would then exit the site via an existing crossover on the

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northern side of the site.

2.5 Development summary:

Dwelling	Floor Area m2	Private Space m2	Open	No. of Bedrooms	No. of Car Parking Spaces
1	78.4	33		3	2
2	87.9	20		2	1
3	92.1	23		2	1
4	87.9	20		2	1
5	93.4	15		3	2
6	99.1	23.6		3	2
7	80	27		2	1
8	75	32		2	1
9	80	27		2	1
10	74	35.5		3	2
11	87.1	15.71		3	2
12	80.2	10		2	1
13	84.5	10		2	1
14	80.6	10		2	1
15	81.6	9		3	2
16	86.2	12		3	2
17	75.6	11		2	1
18	70.5	11		2	1
19	75	11		2	1
20	80.3	13.65		3	2
21	107	19.2		3	2
22	71.8	11.1		2	1
23	97	10.1		3	2
24	152.9	18.3 & 9.8		3	2
25	105	19.2		3	2

2.6 The proposal has an overall site coverage of approximately 65 percent and a permeability percentage of approximately 24.5 percent.

2.7 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
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Private Open Space	<p>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.</p>	<p>Ground floor dwellings are provided with a minimum 20 square metres of private open space with convenient access from a family / living room.</p> <p>First floor and second floor dwellings are provided with a minimum 9 square metres of private open space in the form of a balcony or terrace. These are provided with widths in accordance with the requirements of this Standard and are provided with convenient access from a family / living room.</p>
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover.	The proposed number of car parking spaces satisfies this requirement.
Front Setback	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.	A minimum front setback of 6.05 metres is required. Two sections of the proposed building are set back less than this, at 4.5 metres and 5 metres.
Site Coverage	Maximum 60%	Site coverage is approximately 65%

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

Roof:	Pitched sections- woodland grey Colorbond
Walls:	Combination of render, face brick and cladding with a mix of colours
Windows:	Charcoal black
External Screening:	Western red cedar timber
Front fencing:	1.5m high with beige rendered brick piers & western red cedar slats.
Boundary fences:	1.8 metre high paling along north, south and western boundaries.

3.0 SITE & SURROUNDS

3.1 The subject site is located on the western side of Garfield Street, Cheltenham, in the section between Sinclair Street and May Street. The site consists of two regular shaped allotments with a combined frontage width of 30.48 metres, a depth of 48.77 metres, and an overall area of 1486m².

3.2 The site is generally flat, with a gradual fall to the rear of less than 500mm. Vehicle access to the site is currently via two single width crossovers located at the northern and southern extremities of the site frontage. The site contains scattered significant vegetation, including two large trees at the front and rear of the site. Currently on the site are two single storey, brick dwellings with associated out buildings. A 1.22 metre wide easement runs along the rear (western) boundary of the site.

3.3 To the north of the site is a development of three attached, single storey, brick dwellings with a common driveway running along the boundary with the subject site and a garage at the rear constructed on the boundary with the subject site. The front dwelling on this site is set back 4.5 metres from the street.

3.4 To the south of the site is a detached, single storey, brick dwelling set back 1.4 metres from the subject site and 7.6 metres from the street.

3.5 To the west of the site are two properties. One is a detached, single storey dwelling fronting Jean Street and set back approximately 28.9 metres from the subject site. The other is a development of two attached, double storey dwellings fronting Sinclair Street and containing a section of wall constructed on the boundary with the subject site.

3.6 Residential development in the surrounding area is characterised by a mix a both single and double storey dwellings constructed in a variety of architectural styles, building materials and finishes. Older housing stock is typically constructed with weatherboard cladding or red brick. Recently constructed unit developments are common and are generally single or double storey in height. To the north of the site, closer to Southland, development up to three storeys in height has been constructed.

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 1 Zone and is not subject to any overlay provisions.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.01 – Residential 1 Zone of the Kingston Planning Scheme, 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. Twenty-five (25) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood character;
- Car parking and traffic;
- Overlooking and overshadowing; and
- Overdevelopment.

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 16 December 2010 and attended by the objectors, permit applicant, Council officer and ward Councillors.

9.2 The objectors' concerns were unable to be resolved at the preliminary conference, and the objections still stand.

10.0 REFERRALS

10.1 The application was referred to the following external authorities pursuant to Section 55 of the Act. Where appropriate amended applications under Section 50, S50A and S57C have been re-referred. The referral responses below relate to the current/amended application only:

- The Metropolitan Fire Brigade who advised of no objection to the proposal.

10.2 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 ESD Officer who advised of a number of changes which can be implemented into the proposed design.
- Council's Waste Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued;
- Council's Traffic Engineer who advised of no in principle objection, subject to a number of concerns being addressed through the inclusion of appropriate conditions on any permit issued; and
- Council's Vegetation Management Officer who provided the following comments in relation to existing vegetation:
 - Initially it was advised that there was no objection to the removal of all vegetation on the subject site subject to the inclusion of suitable conditions requiring the re-vegetation of the subject site. This was detailed in a referral response dated 11th November, 2010;
 - However, upon further examination and analysis of the subject site and the proposed development in the preceding months, it has now been advised that the existing *Melia azedarach* – White Cedar located towards the rear of No. 31 Garfield Street should be retained as part of the proposed development. As a result, of this recommendation, it is considered that suitable conditions requiring the re-design of the proposal in order to retain the tree as well as tree protection conditions should be placed on any permit issued. This has been included in the officer's recommendation below.

11.0 AMENDMENT TO THE APPLICATION AFTER NOTIFICATION

11.1 Amended plans were submitted to Council on 25th February, 2011. The amendments proposed include increased side and rear setbacks at ground floor level, first floor level and

second floor level, increases in private open space, reduction in site coverage and improved façade treatments.

- 11.2 The amendments proposed do not substantially impact on the built form and therefore, it was decided that the amendment should not be re-advertised. Importantly, all objections received to date continue to stand.

12.0 RELEVANT POLICIES

12.1 State Planning Policy Framework (SPPF)

Clause 11.04: Metropolitan Development
Clause 11: Settlement
Clause 15: Built Environment and Heritage
Clause 16: Housing

12.2 Local Planning Policy Framework (LPPF)

Clause 22.01 (Cheltenham Business Centre Policy)
Clause 21.05 (Residential Land Use)
Clause 22.11 (Residential Development Policy)

12.3 Zoning

Clause 32.01 - Residential 1 Zone

12.4 Overlays

None applicable.

12.5 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings)

12.6 General Provisions

Clause 65 (Decision Guidelines)

12.7 Other

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

The land is located within Area 31 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile.

13.0 PLANNING CONSIDERATIONS

- 13.1 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, as amended, 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.

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.

13.2 Clause 21.05 - Residential Land use

The subject land is identified within an *Increased Housing Diversity* area where 'medium density housing comprising a variety of housing types and layouts will be promoted responding to the established but evolving urban character'. Clause 21.05 notes that 'because these are already established as residential areas, the design of new medium density housing proposals will need to display sensitivity to the existing residential context and amenity standards in these areas'.

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

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **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 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 proposal is generally consistent with the policy directions and strategies of this Clause. The proposal seeks to increase housing density and diversity within an area designated as “increased housing diversity”. The subject site is also located in between the Southland Principal Activity Centre and the Cheltenham Major Activity Centre. The site has good access to public transport, community services and infrastructure and the daily and specialised needs required by future residents. The development provides a range of 2 and 3 bedroom dwellings in a residential area serviced by necessary community services and infrastructure.

13.3 **Clause 22.01 - Cheltenham Business Centre Policy**

The subject site is located within *Area J* (Medium Density Residential Precinct) under the Cheltenham Business Framework Plan.

Medium Density Residential Precinct

The key policies relating to new development within this precinct (where relevant), are as follows:

- Medium density residential development be encouraged with a mixture of accommodation types and building scales.
- Development optimises site utilisation, is innovative, responsive to its streetscape context and incorporates the following design features:
 - A high level of articulation in building setbacks, facades and roof lines.
 - Open landscaped front gardens.
 - Low or transparent front fencing styles.

- Where site consolidation is proposed, the following design responses may be supported where the amenity of adjoining properties will not be significantly reduced:
 - Multi-level buildings (**up to a maximum of two storey plus attic, giving three levels**).
 - Construction of single storey walls on side boundaries.
 - **Flexibility in the size and layout of private open space.**
 - **Reduction in street frontage setbacks.**

The proposed development is considered to be generally consistent with the above policies relating to articulation, landscaping and fence styles. With the consolidation of two sites, the proposed development has taken the opportunity to incorporate smaller areas of private open space and a minor reduction in street frontage setback, both of which are considered reasonable, notwithstanding issues associated with the orientation and setback of some private open space areas discussed elsewhere in this report.

The proposed development also seeks to incorporate a third storey element in the form of a full level, rather than an attic style as suggested in the policy. However, the proposed third floor level is provided with increased side and rear setbacks and is located centrally within the proposed development. While considered a conventional storey (as opposed to an attic style storey), it is considered that the setbacks and articulation proposed to the third floor level are appropriate and in this instance, acceptable given the overall scale and built form of the proposal.

13.4 **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 aims 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.

In relation to **built form, siting and scale of development**, it is policy, where relevant, to:

- 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.

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 essentially extends 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, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is considered to be consistent with Council’s Local Planning Policy Framework. Importantly, the proposal delivers on specific objectives relating to new residential development, which seek to encourage well-designed medium density housing in appropriate locations (i.e. around activity centres) as well providing diversity in housing choice to assist in meeting the anticipated future population forecasts.

13.5 Zoning Provisions

Clause 32.01: Residential 1 Zone: The purpose of the Residential 1 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

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

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

14.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 14.1 **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 non-compliance, which are discussed below:**

Standard B6 – Street Setback: This Standard requires dwellings be set back the average setback of adjoining properties. In this instance the average setback of adjoining properties is 6.05 metres (adjoining property to north is set back 4.5 metres and adjoining property to south is set back 7.6 metres). The proposal seeks to provide a setback which varies between 4.5 metres and 6 metres.

Having consideration to the average setback required, the setback of adjoining properties to the north and south of the subject site and the setback of dwellings on other properties along Garfield Street, it is considered that the proposed setback is appropriate. The proposed development is provided with a reduced setback of 4.5 metres where it nears the existing dwellings to the north of the subject site and an increased setback as it nears the site's south property boundary. This provides consistency with the existing setbacks of adjoining properties and provides a variation to the built form of the proposed development. Therefore, it is considered that a variation to the requirements of this Standard is appropriate in this instance.

Standard B7 – Building Height: This Standard suggests that developments should not exceed 9 metres in height. The proposed development is provided with a maximum height of approximately 10.3 metres. This is an increase of approximately 1.3 metres above the suggested building height of this Standard.

However, it should be noted that the maximum building height of 10.3 metres only applies to the two (2) pitched roof feature elements of the proposal. These two (2) pitched roof feature elements identify the two main building sections of the apartment building and have been incorporated to provide an element which is consistent with the existing and emerging neighbourhood character of the area.

Furthermore, the majority of the built form of the proposed development does not exceed a maximum building height of 8.6 metres, which complies with the requirements of this Standard. Therefore, it is considered appropriate in this instance that a variation to the requirements of this Standard is appropriate and the maximum building height of 10.3 metres is appropriate.

Standard B8 – Site Coverage: This Standard requires that any new developments should not exceed a maximum site coverage of 60%. While amendments to the proposal have allowed a partial reduction in the site coverage of the proposal, the development continues to exceed the maximum site coverage requirements of this Standard. It is considered that the proposed development can be made to comply with the maximum site coverage allowable under the requirements of this Standard through an increase in side setbacks. Therefore, it is considered that an additional reduction in the site coverage of the proposed development is appropriate and warranted in this instance.

As a result, a condition has been placed within the officer's recommendation below which requires the site coverage of the proposed development be reduced to a maximum 60%. This can be achieved through increases in side setbacks and a slight reduction in the building footprint throughout the proposed development. These increases in setbacks and reduction in building footprint will not only reduce the site cover of the proposed development but also provide for a reduction in the amenity impacts on adjoining and surrounding properties through increased setbacks.

Standard B28 – Private Open Space: This Standard requires that:

'If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:

- *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room'.*

The majority of private open space areas within the development comply with ResCode provisions. However, a variation to the requirements of this Standard is required with regard to the proposed ground floor dwellings of the development:

- **Ground level: Dwellings 1 to 10 (inclusive)**

It is common practice that private open space areas should be relative to the size of dwellings sought and their location. This is evident for apartments that are at first floor level or above, where private open space areas are provided in the form of balconies. In developments such as the one proposed, this trend should be treated no different to apartments on the ground floor level.

The aforementioned concept is one of a common approach and position of the Tribunal for developments of this manner. In this application, whilst the ground floor apartments fall short of 40 square metres required by this Standard, they generally exceed the minimum 25 square metres of Standard B28, and warrant approval given their size and dimensions. For those dwellings at ground floor level which are provided with less than 25 square metres, it is considered appropriate that a condition requiring these dwellings be increased in size. Such a condition has been included in the Officer's recommendation below.

- **Upper Floor Levels: Dwelling 11-25 (inclusive)**

All upper floor level dwellings are provided with suitably sized balcony or terrace areas in accordance with the minimum requirements of this Standard. While all upper level dwellings are provided with a minimum of 9 square metres of private open space, the majority of upper floor level dwellings are provided with between 10-20 square metres of

private open space. All balconies comply with the minimum width requirements of this Standard.

Standard B29 – Solar Access to Open Space: This Standard requires that the private open space area of each dwelling should be provided to the north of the dwelling, where possible. Generally, the majority of dwellings within the proposed development have been provided with good solar orientation, with the exception of those dwellings that essentially have a south-east orientation. Whilst it is acknowledged that these dwellings will not be afforded with the same level of solar access as other dwellings within the proposed development, it is submitted that all dwellings within the development are provided with private open space area which is of an appropriate size and is provided with suitable solar access / orientation. Furthermore, these dwelling will be provided with good access to morning sun.

It is also noted that only six (6) of the twenty-five (25) dwellings proposed are provided with poorer solar orientation than otherwise required. Given the scale of the proposed development, not all dwellings can enjoy the same level of amenity and given the reasons outlined above, the proposed development is considered appropriate in terms of solar access. Therefore, it is considered that a variation to the requirements of this Standard is appropriate in this instance.

Standard B32 – Front Fence: The Schedule to the Residential 1 Zone requires that front fences should not exceed 1.2 metres in height. The proposal seeks the provision of a 1.5 metre front fence along the site's Garfield Street property frontage. The proposed increase in front fence is considered appropriate having regard to the height of front fences in the immediate area and the need for additional privacy for the private open space areas of dwelling 1 and dwelling 10. Furthermore, the increased height is considered minor and therefore, a variation to the requirements of this Standard is appropriate.

15.0 RESPONSE TO GROUNDS OF OBJECTION

- **Neighbourhood character:** While the proposed development is contemporary in nature, the development is provided with various elements which are consistent with the existing and emerging neighbourhood character. The development is provided with elements of pitched roofs, as well as colours and building materials consistent with surrounding and adjoining properties. Furthermore, it is considered that Garfield Street as well as the surrounding street network has numerous examples of contemporary built form with added elements of neighbourhood character. It is considered that the built form is consistent with the policy directions of the Cheltenham Business Centre Policy as well as with recent developments such as the three (3) storey mixed use development at 6 May Street, Cheltenham (approximately 50 metres to the north of the subject site). Overall, it is considered that the proposal would sit appropriately within the streetscape and would be consistent with the broader neighbourhood character.
- **Car parking and 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.
- **Overlooking:** The proposed development has been designed to prevent overlooking to adjoining and surrounding properties. This has been achieved through the inclusion of highlight windows, frosted / obscure glazing and / or external screening. As a result it is

considered that overlooking has been adequately addressed throughout the proposed development.

- **Overshadowing:** While it is acknowledged that the proposal will provide for overshadowing of adjoining properties, particularly towards the south of the subject site, it is considered that the proposal satisfies the minimum requirements of overshadowing and is in accordance with the relevant requirements of Clause 55 (ResCode).
- **Overdevelopment:** As outlined above, the proposal achieves an adequate 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, the proposal is not considered to represent an overdevelopment.

16.0 CONCLUSION

16.1 The proposed development subject to the inclusion of suitable conditions on any permit issued 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 1 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).

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

17.0 RECOMMENDATION:

That Council Resolve to issue a Notice of Decision to Grant a Planning Permit for the development of this site for twenty-five (25) dwellings be issued, subject to the following conditions:

13. 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 25th February, 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. All works around the existing neighbour's tree 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;
 - v. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre (or larger) 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 around the *Brachychiton acerifolius* (Illawarra Flame Tree) at a distance of 2.5 meters;
 - vi. a range of plant types from ground covers to large shrubs and trees;
 - vii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - viii. the provision of two (2) suitable medium sized (at maturity) and two small 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.
 - ix. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - x. all trees provided at a minimum of two (2) metres in height at time of planting;
 - xi. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the existing *Melia azedarach* – White Cedar located towards the rear of No. 31 Garfield Street, Cheltenham is to be retained;
 - c. the development at basement level, ground floor level, first floor level and second floor level is to be re-designed to allow for the retention of the *Melia azedarach* – White Cedar as per Condition 1 b) of this permit;
 - d. a tree protection zone (including fencing) in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites is to be provided throughout the construction period of the development;
 - e. the development must be provided with a maximum site coverage of 60% which can be achieved through the incorporation of any and / or all of the following:
 - i) increase in the front set back to Garfield Street;

- ii) increased setbacks at ground floor level and first floor level from the site's north (side) and south (side) property boundaries; and
 - iii) increased setbacks at ground floor level and first floor level from the site's west (rear) property boundary.
- f. the actual location of the existing 150mm diameter stormwater drain at the rear of the property and any modifications required to the proposed basement so as to not affect the drain;
- g. the provision of a notation on the plans stating that the existing 150mm diameter stormwater drain located along the rear property boundary to be upgraded to 225mm diameter drain prior to any building works commencing close or within the easement in accordance with the engineering plans approved by Council;
- h. the provision of a notation on the plans stating that the 150mm/225mm diameter stormwater drain located at the rear of the property must be protected all times and the temporary support of the drain must be provided during construction of the basement;
- i. the provision of a notation on the plans stating that no trees planted within the rear easement with intrusive roots that may effect the drainage;
- j. the basement ramp longitudinal section with grades and apex above the existing invert of the kerb and channel along the Garfield Street frontage of the development in accordance with Condition 9 of this permit;
- k. a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design treatments;
- l. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- m. the provision of a 1.5 metre by 1.5 metre splay adjacent to the basement entry ramp;
- n. the provision of a 1.5 metre by 1.5 metre splay adjacent to the basement exit ramp;
- o. the provision of suitable directional signage located at the top of the basement entry and exit ramps indicating entry only / exit only;
- p. the storage areas for each dwelling nominated as being a minimum 6m³ in size; and
- q. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings.
14. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
15. A Tree Protection Zone (TPZ) must be installed in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites from the White Cedar (*Melia azedarach*) located towards the rear of NO. 31 Garfield Street, Cheltenham. 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 trees TPZ:
- 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;

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- 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;
16. 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 within the trees TPZ. The above requirements in Condition 3 must be observed within this area.
17. 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.
18. 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.
19. 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.
20. 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.
21. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
- a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.
- The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.
22. The existing stormwater drain located along the rear boundary must be upgraded in accordance with condition 1b) at the developer's cost prior to any building works commencing close or within the easement. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of works within the easement and the payment of Council's engineering fees of 3.25% of the cost of works are required to be submitted prior to approval.

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23. The drain as described in Condition 1 c), d) and e) must be protected all time during construction.
24. An apex (ie hump) a minimum of 300mm above the existing invert of kerb and channel along the Garfield St frontage must be provided. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. hump in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
25. 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.
26. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge (stormwater connection to the drain located at the rear is not permitted) 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.).
27. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
28. 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.
29. 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.
30. 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.
31. 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.

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32. 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.
33. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
34. 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 are 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.

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 the Council choose to not support the application, it can do so using the following grounds:

1. The proposal would have an adverse effect on the amenity of area.
2. The proposal would detract from the visual amenity of the locality.
3. The proposal constitutes an over-development of the site.
4. The proposal exhibits excessive bulk and mass.
5. The proposal does not satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular, Clause 55.02-1 Neighbourhood Character Objective, Clause 55.03-1 Street Setback Objective, Clause 55.03-2 Building Height Objective, Clause 55.03-3 Site Coverage Objective, Clause 55.05-4 Private Open Space Objective, Clause 55.05-5 Solar Access to Open Space Objective, Clause 55.06-1 Design Detail Objective and Clause 55.06-12 Front Fence Objective.

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PC 18

KP589/10 – 28 Rennison Street, Parkdale

APPLICANT	Annie Lai Architects and SJB Planning Pty Ltd
ADDRESS OF LAND	28 Rennison Street, PARKDALE VIC 3195 (Lot 1 on TP755748Q)
PROPOSAL	Four (4) Dwellings
PLANNING OFFICER	Cameron Gentle
REFERENCE NO.	KP-589/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	Design and Development Overlay – Schedule 1
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	29 January, 2011
STATUTORY DAYS	94 days as of 4 March, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans received on 22 November, 2010

1.0 KEY ISSUES

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

- Neighbourhood Character
- Privacy
- Overshadowing
- Front setbacks

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwellings and outbuildings on the land and construct four (4) attached, double storey dwellings on this site.

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2.2 Development summary:

Dwelling	Floor Area (excluding garage / verandah)		Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
	Ground	First			
1	152.98m ²	122.43m ²	63.51m ² comprised of 40.51 m ² at ground level and a 23m ² balcony. Open space within front yard also provided.	3	2
2	120.63m ²	98.16m ²	63.59m ² comprised of 37.85m ² at ground level and a 21.21m ² balcony. Open space within front yard also provided.	3	2
3	119.6m ²	103.55m ²	63.01m ² comprised of 39.23m ² at ground level and a 19.45m ² balcony. Open space within front yard also provided.	3	2
4	133.14m ²	96.27m ²	81.33m ² comprised of 48.34 m ² at ground level and a 17.2m ² balcony. Open space within front yard also provided.	3	2

2.3 The proposal has an overall site coverage of 58 percent, with 22.7 percent permeability.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room.	All dwellings comply
Car Parking	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
Front Setback	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.	A minimum front setback of 5.25 metres is required and is provided at ground level. At first floor level, the proposed dwellings are set back a minimum of 4.1 metres from the site frontage.

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Site Coverage	Maximum 60% - as per ResCode	Site coverage is 58% and therefore complies
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2.5 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Zincalume
Walls:	White and dark render with sections of timber, metal and stone cladding
Windows:	Not specified
Driveways:	Concrete
Front fencing:	None proposed
Boundary fences:	Timber paling

3.0 SITE & SURROUNDS

- 3.1 The subject site is located on the eastern side of Rennison Street, Parkdale, between Beach Road and Royal Parade and consists of two allotments with an overall frontage width of 30.48 metres, a depth of 30.48 metres and a total area of 929.03m².
- 3.2 Currently on the site are two detached, double storey dwellings, with vehicle access to both dwellings obtained via a centrally located crossover.
- 3.3 Existing vegetation is noted along the subject site's eastern (rear) property boundary, and between the two allotments. Two trees within the frontage of the site have been removed within the past 12 months. One street tree is located adjacent to No. 28 Rennison Street.
- 3.4 The subject site contains no easements and there appears to be no restrictive covenants or Section 173 Agreements registered on the Certificate of Title.
- 3.5 To the north of the subject site, at No. 32 Rennison Street, is a detached, single storey weatherboard dwelling set back 5 metres from the street and a minimum of 4.5 metres from the subject site. This property contains three trees along the boundary with the subject site.
- 3.6 To the south of the subject site, at No. 26 Rennison Street, is a detached, double storey brick dwelling set back 5.5 metres from the street and 1.6 metres from the subject site.
- 3.7 To the east (rear) of the subject site, at No. 2 Thompson Rise, is a development of double storey units set back 3.1 metres from the subject site.
- 3.8 The surrounding area contains both single and double storey dwellings constructed in a range of architectural styles and using varied building materials. Recent medium density housing development has occurred nearby in both Royal Parade and Beach Road.

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. A review of the certificate of title submitted with the application

5.0 PLANNING CONTROLS

5.1 The subject site is located within a Residential 1 Zone and is subject to a Design and Development Overlay – Schedule 1 (Urban Coastal Height Control Area).

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.01 – Residential 1 Zone, a planning permit is required to construct two (2) or more dwellings on a lot.

6.2 Pursuant to Clause 43.02 – Design and Development Overlay, a planning permit is required for an internal ceiling height exceeding 3.5 metres, as is proposed within Dwelling 1.

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 22 November, 2010, that addressed some of the initial concerns outlined within the Planning Officer's further information letter. 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. Ten (10) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood Character
- Overlooking
- Overshadowing
- Front setbacks
- Traffic and parking
- Vegetation removal

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 16 February 2011 with the relevant Planning Officer, Ward Councillors, the Permit Applicant and objectors 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 Street Tree Coordinator

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

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

The land is located within Area 19 of the Neighbourhood Character Guidelines. The proposal is considered satisfactory in relation to the applicable character profile.

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 abuttals, 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 *Increased Housing Diversity* area.

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

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

- Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- Objective 4:** To promote more environmentally sustainable forms of residential development.

Objective 5: To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.

Objective 6: To ensure residential development does not exceed known physical infrastructure capacities.

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- 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 integrate well with 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.
- § 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.

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 essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions which promote higher-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be strongly 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.

12.4 Zoning Provisions

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

The Schedule to the Residential 1 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

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.

No front fence is proposed.

12.5 Overlay Provisions

The purpose of the Design and Development Overlay – Schedule 1 is

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

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

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.

The proposed development triggers a permit under the applicable provisions of the Design and Development Overlay – Schedule 1 given that the internal storey height of Dwelling 1 exceeds 3.5 metres.

The proposed internal storey height of Dwelling 1 provides for an internal feature wall and does not contribute to the overall height of this dwelling. As such, it is not considered to raise any issues in relation to compatibility with surrounding development and is considered to be consistent with the purpose of the overlay.

CLAUSE 55 (RESCODE ASSESSMENT)

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 55.03 – Site Layout and Building Massing

Standard B6 – Street Setback

At ground level, the proposed development provides a minimum front setback of 5.25 metres and complies with the requirements of this standard. At first floor level, however, a reduced front setback of 4.1 metres is proposed in the form of projecting balcony areas.

The proposed reduced setback is considered appropriate for the following reasons:

- The projecting elements consist of narrow sections of rendered banding rather than solid sections of wall and, as such, would not be expected to have a negative impact on the streetscape of Rennison Street.
- The proposed variation is not significant and is considered unlikely to interrupt the streetscape rhythm along this section of Rennison Street, particularly given that the main building form is set back the required distance.
- It is not considered that increasing the setback of the balcony sections would achieve a better outcome in terms of integration with the streetscape or provision of amenity for future residents.

- The proposed setbacks are considered to meet the objective of this standard to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Clause 55.04 – Amenity Impacts

Standard B20 – North facing windows

A short section of wall proposed to be constructed along the site's southern boundary does not technically comply with this standard, given the proximity of north facing windows on the adjoining property. It is noted, however, that windows within the adjoining dwelling are highlight windows and, as such, the proposed development will not have a significant impact on solar access. It is therefore considered that the minor variation sought is reasonable.

Clause 55.05 – On-site Amenity & Facilities

Standard B26 – Dwelling Entry

The proposed development raises a minor concern in relation to the entrances of each dwelling given that no covered area is provided. In order to meet the requirements of Clause B26, it is considered appropriate that permit conditions require the entrances to provide some form of shelter.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Neighbourhood Character

Whilst it is acknowledged that medium density housing development is not common in Rennison Street, it is not considered that this in itself provides reasonable grounds for opposing the application, particularly given the zoning and policy support for such development.

In terms of the proposed design and whether or not it respects neighbourhood character, it is considered important to note that existing dwellings in Rennison Street are highly varied in terms of architectural style, construction era, building materials and finishes, height, window shapes and proportions, roof pitch, front fences and front gardens. It is also noted that the subdivision layout within this area is not uniform, particularly in the area bounded by Rennison Street, Royal Parade, Rosella Road and Thompson Road, where the subject site is located.

It is therefore considered that the surrounding area does not contain consistent characteristics which can or should be incorporated into proposed design. Further, it is considered that this varied character provides an opportunity for innovation whilst maintaining an appropriate level of site responsiveness and sensitivity to surrounding dwellings.

The proposed development is therefore considered appropriate in relation to neighbourhood character and should make a positive contribution to the area.

14.2 Privacy

In response to concerns about loss of privacy it is noted that all upper level windows will be screened in accordance with the requirements of Clause 55 and, as such, this issue has been satisfactorily addressed.

14.3 Overshadowing

Shadow diagrams submitted with the application demonstrate that shadow cast by the proposed development on adjoining properties satisfies the requirements of Clause 55.

14.4 Front setbacks

Concern has been raised in relation to the proposed setback of upper storey elements at the front of the site. As discussed in Section 13 of this report, the proposed variation in setback requirements is considered reasonable and consistent with the objective of the applicable Clause 55 standard.

14.5 Vegetation removal

In response to concerns about the impact of the proposed development on existing vegetation to the north of the site, permit conditions will be included on any permit issued that require the provision of an appropriate tree protection zone in this part of the site, and a subsequent reduction in the size of the basement level.

In response to concerns about overall vegetation loss on the site, it is considered appropriate to include conditions on any permit issued which require the provision of appropriate planting throughout the site, including canopy trees at the front of the site with advanced tree and shrub planting being required.

14.6 Traffic and parking

The number of car parking spaces provided on the site meets the requirements of Clause 55, with two car parking spaces provided for each dwelling.

In relation to issues raised in relation to the narrow width of Rennison Street, associated difficulties with passing cars, it is not considered that this issue can be addressed within the context of the current application. Whilst vehicles associated with the proposed development may contribute to these difficulties to some extent, traffic volumes generated by the proposed development are likely to be minor and can be accommodated within the surrounding road network. From a traffic and parking perspective, the proposed development is therefore considered satisfactory.

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 1 zoning and the Schedule to the zone, Design and Development Overlay – Schedule 1; Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 15.3 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

15.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for four (4) dwellings, with a floor to ceiling height greater than 3.5 metres within Dwelling 1, subject following conditions:

35. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 22 November, 2010 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;
 - ii. the delineation of all garden beds, paving, grassed area, 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 one (1) suitable medium sized (at maturity) canopy tree within the front setback of each dwelling 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 2 metres in height at time of planting and all shrubs to be advanced planting stock at the time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - iv. 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
 - v. the provision of a notation of the Tree Protection Details as provided in Conditions 3 and 4 of this permit.
- b) provision of a revised basement and ground floor layout plan reflecting the tree protection zone required under Conditions 1a, 3 and 4 of this permit;
 - c) provision of shelter/weather protection around the entrance to each dwelling;
 - d) 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;
 - e) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - f) a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
 - g) protection of the basement from floodwater up to the apex level entering via all the basement entrances (stair accesses, entry/exit driveway etc);
 - h) a notation to the effect that all redundant vehicle crossings are to be removed and Council's assets are to be reinstated to the satisfaction of the Council;
 - i) provision of longitudinal sections of the basement ramps, with grades including the apexes; and

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- j) a notation to the effect that vehicle crossings are to be constructed as per Council standards and specifications and to the satisfaction of the Council.
36. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
37. A Tree Protection Zone (TPZ) must be installed at a distance of 4 metres radius around the *Araucaria heterophylla* (Norfolk Island Pine), Melaleuca and the *Lagunaria patersonii* (Norfolk Island Hibiscus) growing along the boundary in the adjoining property at 32 Rennison Street. 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 4m 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; open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - e. tree roots must not be severed or injured;
 - f. machinery must not be used to remove any existing concrete, bricks or other materials;
 - g. without the further consent in writing of Council's Vegetation Management Officer.
38. 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 4m in a radius from the *Araucaria heterophylla* (Norfolk Island Pine), Melaleuca and the *Lagunaria patersonii* (Norfolk Island Hibiscus). The above requirements in condition 2 must be observed within this area.
39. Prior to the removal of the tree from the site's Rennison Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$1450 including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
40. 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.
41. 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.
42. Prior to commencement of the development hereby permitted, a Site Management Plan, 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 Site Management Plan must clearly set out measures to prevent amenity loss to surrounding

properties during the construction period. The Plan is to include, but not limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.

43. 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.
44. 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.).
45. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
46. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
47. 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.
48. 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.
49. 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.
50. 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.

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51. 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.

18. Construction on the site shall be restricted to the following times:

Monday to Friday	7:00am to 7:00pm;
Saturday	9:00am to 6:00pm; and
Sunday and Public Holidays	No Construction Permitted.

Or otherwise as approved by the Responsible Authority in writing.

19. Finished floor levels shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.

20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

21. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development 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.

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

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4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-2 Residential Policy Objectives; Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives; 55.04-4 North-facing windows objective; On-site Amenity & Facilities; 55.05-2 Dwelling entry objective; and Clause 55.06-1 Design Detail Objective.

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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 1 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through permit conditions.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	It is considered that the proposed development integrates satisfactorily with the street. This is demonstrated by the orientation of all dwellings towards the street, the absence of high front fences, and the provision of adequate pedestrian and vehicle links.
<p>B6 Street Setback The setbacks of buildings from a street</p>	No	Required: 5.25metres Proposed: 5.25 metres at

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respect the existing or preferred neighbourhood character and make efficient use of the site.		ground level; 4.1metres at first floor level. Refer to report. Proposed variation is considered reasonable.
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9 metres Proposed: 9 metres
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 60% Proposed: 58%
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 22.7%
B10 Energy Efficiency 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	The proposed development provides a satisfactory layout considering the east –west orientation of the site. Each dwelling will be provided with generous eastern and western facing private open space and/or living areas which will allow for appropriate use of daylight and solar energy.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	
B12 Safety Layout to provide safety and security for residents and property.	Yes	The proposed layout of the development is considered satisfactory in relation to this standard.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances 	Yes	The proposed development provides adequate opportunities for landscaping throughout the site and will incorporate measures for the protection

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<p>habitat for plants and animals in locations of habitat importance.</p> <ul style="list-style-type: none"> The retention of mature vegetation on the site. 		<p>of trees to the north of the site.</p>
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>The proposed access arrangement is considered satisfactory in relation to this standard, with the proposed basement layout providing for safe and manageable access to and from the site.</p>
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>The location of car parking facilities for each dwelling is considered to be convenient and appropriately located, in accordance with the requirements of this standard.</p>
<p>B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 8 Proposed: 8</p> <p>Parking provision on the site is considered to be satisfactory in relation to the requirements of this standard.</p>
<p>B17 Side and Rear Setbacks 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>All proposed side and rear setbacks are in accordance with the requirements of this standard.</p>

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<p>B18 Walls on Boundaries 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>	<p>Yes</p>	<p>The combined length of walls proposed on the site's western property boundary complies with the requirements of this standard.</p> <p>The proposed height of walls constructed on the boundary also complies with the requirements of this standard.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>The proposed development will have minimal impact on the amount of daylight provided to existing habitable room windows on adjoining properties.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>No</p>	<p>A short section of wall proposed to be constructed along the site's southern boundary does not technically comply with this standard. It is noted, however, that windows within the adjoining dwelling are highlight windows and, as such, the proposed development will not have a significant impact on solar access. It is therefore considered that the minor variation sought is reasonable.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>The proposed development complies with this standard and will not have an unreasonable impact on adjoining properties as a result of overshadowing.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>Complies.</p>

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<p>B23 Internal Views 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>Internal views have been appropriately considered and limited, in accordance with the requirements of this standard.</p>
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Yes</p>	<p>It is not considered that the proposed development raises any particular issues in relation to noise, or is subject to any significant external noise sources.</p>
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	<p>Yes</p>	<p>The proposed development is considered satisfactory in relation to the requirements of this standard.</p>
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	<p>No</p>	<p>Refer to report. Subject to conditions, each dwelling entry can be made to be satisfactory in relation to the requirements of this standard.</p>
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>	<p>All proposed windows are considered satisfactory.</p>

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<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Yes</p>	<p>Each dwelling proposes large balcony areas connected to internal living areas, at first floor level, making use of the views available to the west and south of the site.</p> <p>At the rear of each dwelling, at ground level, an area well in excess of 25sqm which will also function well as an area of secluded private open space. These areas a further supplemented by front yards for each dwelling.</p> <p>Overall it is considered that the proposed development meets the requirements and objectives of this standard.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>Solar access to proposed secluded private open space areas is considered satisfactory.</p>
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Yes</p>	<p>Each dwelling is provided with storage areas in accordance with this standard.</p>
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Detailed design elements are considered appropriate in relation to the character of the area.</p>
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>N/A</p>	<p>Maximum: 1.2m Proposed: No front fence</p>

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<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>Common areas within the basement are appropriately laid out to ensure compliance with this standard.</p>
<p>B34 Site Services 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>All required services and facilities can be provided to each dwelling.</p>

PC 19

KP635/10 459 – 459A Main Street, Mordialloc

APPLICANT	Taylor's Development Strategists Pty Ltd
ADDRESS OF LAND	No. 459 and 459A Main Street, Mordialloc
PROPOSAL	Nineteen (19) Dwellings & Medical Centre
PLANNING OFFICER	Sebastian Lorenzo
REFERENCE NO.	KP-635/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11: Settlement Clause 12: Environmental and Landscape Values Clause 13: Environmental Risks Clause 15: Built Environment and Heritage Clause 16: Housing
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Clause 32.04: Mixed Use Zone
OVERLAYS	Clause 43.02: Design & Development Overlay Schedule 10
PARTICULAR PROVISIONS	Clause 52.06: Car Parking Clause 52.29 – Land Adjacent to a Road Zone Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Incremental Housing Change
DECISION DATE BY	9 th November, 2010
STATUTORY DAYS	128 days at 23 rd March, 2011
CONSIDERED PLAN REFERENCES / DATE RECEIVED	

1.0 KEY ISSUES

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

- Traffic / Access / Car Parking Considerations;
- Amenity impact (internal and external); and
- Built Form.

2.0 PROPOSAL

2.1 The subject site consists of two (2) allotments. The northern most allotment contains an existing dwelling while the southern most allotment contains an existing medical centre. It is proposed to demolish the existing dwelling and medical centre on the land and construct a three (3) storey plus basement car parking mixed use development on this site comprising a physiotherapist clinic and nineteen (19) dwellings.

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2.2 Development summary:

Dwelling	Floor Area	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	88m ²	30m ²	2	1
2	81m ²	27m ²	2	1
3	81m ²	26m ²	2	1
4	71m ²	13m ²	2	1
5	77m ²	25m ²	2	1
6	93m ²	22m ²	2	1
7	90m ²	41m ²	2	1
8	81m ²	13m ²	2	1
9	81m ²	13m ²	2	1
10	80m ²	38m ²	2	1
11	77m ²	19m ²	2	1
12	63m ²	15m ²	1	1
13	93m ²	24m ²	2	1
14	90m ²	46m ²	2	1
15	81m ²	14m ²	2	1
16	81m ²	14m ²	2	1
17	80m ²	41m ²	2	1
18	77m ²	20m ²	2	1
19	56m ²	9m ²	1	1

2.3 The proposal has an overall site coverage of approximately ninety-one (91%) percent and a permeability percentage of approximately 2.6%.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room.	Ground floor dwellings are provided with a minimum 13 square metres of private open space with convenient access from a family / living room. First floor and second floor dwellings are provided with a minimum 9 square metres of private open space in the form of a balcony or terrace. These are provided with widths in accordance with the requirements of this Standard and are provided with convenient access from a family / living room.
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling.	All dwellings are provided with one (1) under cover car parking space.

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Front Setback	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.	Required Setback: 2 Metres. Proposed Setback: between 0 metres and 1.55 metres. Variation required.
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 91% and therefore does not meet standard (refer to the ResCode discussion section within this report)

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises two (2) regular sized allotments located on the north-east side of Main Street, Mordialloc. For the purpose of this application the allotments have been amalgamated and are considered as one (1) site.
- 3.2 The subject site has a frontage of 27.43 metres to Main Street, a maximum depth of 40.86 metres and an overall area of approximately 947 square metres. The subject site has a right of carriageway over an existing 3.04 metre wide road as shown on title which is adjacent to the site's rear property boundary.
- 3.3 The subject site currently contain an existing dwelling, an existing medical centre used as a physiotherapist clinic and associate out buildings. The subject site has a fall of approximately 2.5 metres from front (Main Street) to rear (existing car park). No significant vegetation is located on the subject site. Currently, vehicle access is provided via the existing car park located towards the rear of the subject site. It is noted that this car park is currently constructed over the existing 3.04 metre wide road as shown on title. This area of the proposal is discussed in more detail below in this report.
- 3.4 The surrounding area typically comprises of a varied built form. To the south-east of the site is an existing commercial building built boundary to boundary and which is used and developed for commercial purposes. To the north-west of the subject site is an existing Community Neighbourhood House which is used and developed for commercial and community purposes. To the north-east of the subject site is an existing car park used for visitor and commuter use. Main Street is located directly to the south-west of the subject site with Nepean Highway located further south-west. Below is an aerial photograph which illustrates the existing site and surrounding conditions.



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 Mixed Use Zone. A Design and Development Overlay Schedule 10 applies to the subject site.

5.2 Main Street is identified in a Road Zone Category 1.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.04, a planning permit is required to construct two (2) or more dwellings on a lot.

6.2 Pursuant to Clause 43.02 – Design and Development Overlay Schedule 10 of the Kingston Planning Scheme, a Planning Permit is required to vary the performance criteria of Table 1 of this Schedule.

6.3 Pursuant to Clause 52.29, a planning permit is required to construct or alter an access to a Road Zone Category 1.

7.0 RELEVANT HISTORY

7.1 Planning Permit No. KP827/04 was issued by the City of Kingston on 2nd December, 2005 for the development and use of the land for the purpose of an addition to the existing medical centre (physiotherapy clinic).

8.0 ADVERTISING

8.1 Prior to advertising, the Permit Applicant submitted revised plans on 10th November, 2010 that essentially addressed a number of the initial concerns outlined within the Planning Officer's further information letter. 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. Three (3) objection(s) to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy;
- Parking and traffic concerns; and
- Overdevelopment.

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 8th February, 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 The above concerns were unable to be resolved at the preliminary conference, and the objections still stand.

10.0 REFERRALS

10.1 The application was not required to be referred to any external authorities.

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

- Council's Development Engineer;
- Council's Vegetation Management Officer;
- Council's Environmental Sustainability Officer;
- Council's Urban Designer;
- Council's Waste Management Officer;
- Council's Property Services Department;
- Council's Roads and Drains Department; and
- Council's Traffic Engineer.

The relevant comments from each of the abovementioned departments are detailed below.

Development Approvals Engineers: Council's Development Approvals Engineers advised of no objection to the proposed development subject to the inclusion of suitable drainage conditions being placed on any permit issued. These conditions are included as part of Council officers recommendation.

Vegetation Management Officers: Council's Vegetation Management Officer advised of no objection to the proposed development subject to the inclusion of suitable vegetation conditions being placed on any permit issued. These conditions are included as part of Council officers recommendation.

Environmental Sustainability Officer: Council's Environmental Sustainability Officer advised of no objection to the proposed development, however provided a number of suggestions to improve the energy efficiency and sustainability of the proposed development. These include the use of double glazed windows, solar treatments to east and west facing windows, the use of water and energy efficient fixtures and fittings. This has been considered and a number of these elements have been provided as conditions within Council's recommendation.

Urban Designer: Council's Urban Designer advised of no objection to the proposed development, however provided a number of suggestions to improve the built form and reduce visual bulk and mass. These elements were incorporated at the early design stage and therefore the current proposal does not raise significant urban design issues. As part of a condition on any permit issued, the applicant is required to submit a full colour and building materials schedule which better reflects the coastal village and history of Mordialloc.

Maintenance Contracts and Waste Department: Council's Maintenance Contracts and Waste Department advised of no objection to the proposed development subject to the inclusion of a suitable condition requiring the applicant to submit a Waste Management Plan being placed on any permit issued. This condition is included as part of Council officers recommendation.

Property Services Department / Roads and Drains Department / Traffic Engineers: Council's Property Services Department, Roads and Drains Department and Traffic Engineers advised of concerns with regard to the proposed vehicle accessway for the proposed development. As discussed previously in this report, the current vehicle access to the subject site is through the existing Council car park located to the rear of the site. The car park is currently constructed over the existing road (as located on title) located directly adjacent the site's north-east (rear) property boundary. The proposal, as currently designed seeks to continue to use the existing Council car park for vehicle access to the subject site. However, Council's Property Services Department has advised that access through Council's car park will not be granted and the existing road (as shown on title) is to be reinstated and used for access to the subject site.

As such, the existing car park is to be re-configured by Council and the road is to be constructed and used for vehicle access to the subject site and the proposed development. The applicant has advised that the basement ramp has been designed so as to allow vehicle access to and from the basement using the road / laneway as detailed on title.

The following can be said with regards to the road / laneway vehicle accessway from McDonald Street to the proposed basement ramp:

- The road / laneway is shown on title and is 3.04 metres in width;
- The road / laneway is not constructed and no vehicle crossover is currently provided along McDonald Street;
- The existing Council car park is partially built over the road / laneway as shown on title;
- The basement ramp is a minimum 3.6 metre in width and widens to approximately 5.7 metres as it meet the site's north-east (side – road / laneway) property boundary; and
- Council's Traffic Engineers had no objection to the width of the road / laneway at 3.04 metres for it's entirety. However, it was noted that the basement ramp should be provided with a suitable passing area to allow vehicles to enter and exit simultaneously as well as allow vehicles to remain on site if another vehicle is using the road / laneway.

It has been suggested that the proposed development should be set back a minimum 3 metres from the site's north-east (rear) property boundary in order to create a 6 metre wide road / laneway adjacent to the site's rear property boundary. This widening of the laneway would allow improved vehicle access to and from the site. Furthermore, in the event of a future development at No. 463 Main Street Mordialloc, a similar setback from its rear property boundary is to be imposed. The diagram below illustrates the requirements.



However, it is considered inappropriate to require the development to be set back 3 metres from the site's north-east (rear) property boundary in order to create a 6 metre wide laneway. Furthermore, there are numerous examples throughout the City of Kingston and Metropolitan Melbourne where mixed use, multi storey developments have been constructed and which have vehicle access lanes of approximately 3 metres. Examples in Kingston and Metropolitan Melbourne include, but are not limited to the following developments:

- No. 541 Main Street, Mordialloc developed for fifteen (15) dwellings and four (4) retail premises;
- No. 157 Park Road, Cheltenham (currently at under review at VCAT) supported by the relevant Planning Officer but overturned at Council;

- No. 278 Charman Road, Cheltenham recently approved for a four (4) storey building comprising shops and dwellings;
- No. 632 North Road, Ormond approved for a four (4) storey building and accessed via a 3 metre wide laneway; and
- No. 285 Barkley Street, St.Kilda approved for a residential building and accessed via a 3 metre wide laneway.

Furthermore, as noted above, Council's Traffic Engineers did not specifically object to the use of the 3 metre road / laneway for vehicle access to the subject site. The concern which was raised was that a passing lane / area should be provided as part of the basement ramp in order to assist vehicle movements to and from the site. It is considered that such a requirement can be incorporated into the proposed development without significant impact on the current design. As a result, it is considered that the following conditions should be included as part of any permit issued:

1. the road / laneway is to be constructed directly adjoining the subject site in accordance with Council's engineering requirements;
2. a new vehicle crossover providing access to the road / laneway is to be constructed along McDonald Street in accordance with Council's engineering requirements;
3. the basement ramp is to be widened as appropriate to allow for a suitable vehicle passing area along the ramp;
4. a suitable light warning system provided at the entry / exit to the basement ramp; and
5. a note stating that Council are responsible for the re-arranging of the Council car park.

The abovementioned conditions have been included on in the Officer's recommendation below.

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

- Clause 11 (Settlement)
- Clause 12 (Environmental and Landscape Values)
- Clause 13 (Environmental Risks)
- 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)
- Clause 22.14 (Mordialloc Activity Centre Policy)

11.3 Overlay Provisions

- Clause 43.02 (Design and Development Overlay Schedule 10)

11.4 Particular Provisions

Clause 52.06 (Car Parking)
Clause 52.29 (Land adjacent to a Road Zone)
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.

11.5 General Provisions

Clause 65 (Decision 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 abuttals, 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.

Within Clause 21 (MSS) of the Kingston Planning Scheme, the following five (5) clauses are submitted as being the most relevant to the consideration of the proposal:

- Clause 21.03: Land Use Challenges for The New Millennium;
- Clause 21.04: Vision;
- Clause 21.05: Residential Land Use;
- Clause 22.11: Residential Development Policy;
- Clause 22.14: Mordialloc Activity Centre Policy

After reviewing the relevant strategic directions that emerge from the abovementioned Clauses, the following can be summarised:

- **Clause 21.03: Land Use Challenges for The New Millennium** 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.

- Within **Clause 21.04-3: Strategic framework plan** (Clause 21.04 Vision), provides for the strategic direction for future land use planning and development within the City of Kingston. This Policy includes a Strategic Land Use Framework Plan, which identifies the location of where specific land use outcomes are anticipated, supported and promoted. Further, it also illustrates potential ‘development opportunity areas’, where significant land use change might be expected, along with defining areas where land use constraints may restrict future development.

With specific regard to this application, the Strategic Land Use Framework Plan identifies Mordialloc as a “Primary Activity Node” as well as an area for the promotion of “Medium Density Housing.” Furthermore, redevelopment opportunities for sites such as the one before Council rarely come about in the municipality and, therefore, it is important that we take advantage of these sites to cater for our housing projections and to reduce pressures on surrounding residential areas. Accordingly, the major strategic direction identified on the Framework Plan, within Clause 21.04-3, which is of relevance to this application, is as follows:

- *Locations for promotion of medium to higher density housing opportunities within areas designated for increased housing diversity and activity centres;*
- *Larger residential opportunity sites where new residential development (including medium density housing) should be pursued.*
- 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:
 - Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
 - Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
 - 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.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.

It is considered that the proposed development is generally 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.

- **Clause 22.11 Residential Development Policy** extends upon the provision contained at Clause 21.05 (Residential Land Use), effectively promoting high-density development around activity centres and locations close to public transport.

In summary, it is considered that the proposal is consistent with Council's Local Planning Policy Framework. Importantly, the proposal delivers on specific objectives relating to the development of larger opportunity sites which seek to encourage well-designed medium density housing in appropriate locations as well providing diversity in housing choice to assist in meeting the anticipated future population forecasts.

- **Clause 22.14 Mordialloc Activity Centre Policy:** The Mordialloc Activity Centre Policy is relevant in the assessment of this application. This Clause builds upon the relevant State and Local Planning Policy Framework of the Kingston Planning Scheme and seeks to provide design guidance and policy direction in the implementation of the *Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc, 2004*. As relevant to this application, it is policy to:

- **Land Use:** Where a permit is required for the use of land within the policy area, it is policy to:
 - Encourage active commercial premises at ground level and inactive uses such as offices, and residential at upper levels.
 - Provide housing opportunities within the Activity Centre to capitalise on the area's transport, open space and retail assets.
 - Promote a diverse range of housing types and sizes within areas identified for increased residential and mixed development.

- Encourage the provision of service and commercial accommodation to address the needs of visitors to Mordialloc and the surrounding region.
- Encourage the provision of aged care accommodation.
- **Built Form:** Where a permit is required for the development of land within the policy area, it is policy to:
 - Ensure development is designed to reinforce Mordialloc's coastal village attributes, heritage features and environmental qualities.
 - Ensure development preserves important views, vistas and landmarks currently enjoyed of existing heritage built forms and natural attributes.
 - Encourage buildings to interact with the street by providing entrances, windows and other details that maximise movement and surveillance.
 - Require balconies and roof decks to integrate with the building and provide minimal visual impact when viewed from the street and surrounding area.

Balconies and roof decks should not overlook into surrounding private open space areas, habitable room windows or cause overshadowing.

- Encourage all development to:
 - Be of a high architectural and urban design standard that presents integrated building forms, that have a sense of address and clearly articulated facades, and sensitively designed building form.
 - Apply design techniques and detail that will integrate a building with its surrounding streetscape, natural landscape and heritage without replicating or mimicking historical detailing.
 - Highlight key corners, entries or landmarks through design projection, detailing and massing that presents to both street frontages and the site's surroundings.
 - Ensure that service infrastructure is appropriately sited into the design and obscured from the public domain.
 - development and design including solar orientation, use of storm water management systems and natural ventilation.
- Ensure building heights, setbacks and massing achieves solar access to pathways, public open spaces and forecourt areas.
- Require developments, where relevant, to respond to the principles, siting and design guidelines set out in the *Siting and Design Guidelines for Structures on the Victorian Coast, 1998*.
- **Access:** Where a permit is required for the use and development of land within the policy area, it is policy to:
 - Encourage the development of an interchange between modes of transport including buses and the station area, commuter drop off points, park and ride, and bike locker facilities.
 - Rationalise private vehicle and traffic access through, to and within the Mordialloc Activity Centre.

- Consolidate and simplify vehicular points of access to and off-street car parking facilities.
- Reinforce east-west pedestrian connection between the foreshore area, Main Street and established area east of Albert Street.
- Provide a series of safe and highly amenable pedestrian routes.

The subject site also falls within Precinct 8 of the Mordialloc Activity Centre Policy. In addition to the general policies, in the Eastern Fringe Precinct it is policy to:

- Ensure development provides a gradual shift in building scale from the low rise residential properties to the taller buildings in the commercial core;
- Encourage the retention and establishment of community facilities and institutional uses around the intersection of Albert Street and Lewis Street; and
- Encourage the redevelopment of existing commercial premises for medical and health related services around the intersection of McDonald Street and Albert Street.

The following can be said with regards to the proposed development in response to the abovementioned policy directions of the Mordialloc Activity Centre Policy:

- The proposal seeks to provide higher density living within a consolidated site which is capable of accommodating increased heights and densities;
- The proposal provides a diverse range of dwelling types, sizes and layouts which can accommodate couples and singles with one (1) bedroom and two (2) bedroom dwellings proposed as part of this application;
- The proposal provides additional residential opportunities within the Mordialloc Activity Centre in close proximity to various modes of transportation as well as the necessary day to day community services used by residents;
- The proposal preserves existing views and vistas to heritage listed places / buildings while retaining the coastal village attributes through building colours and materials;
- The development provides for the passive surveillance and interaction of Main Street / Nepean Highway as well as the railway reserve by providing suitable courtyards / raised terraces;
- Low balustrades for balconies and deck areas have been provided to reduce the visual bulk and mass of the proposed building. It is noted that overlooking from balconies and deck areas has been assessed and it considered that there should not be any significant overlooking from balcony or deck areas of the proposed development;
- The commercial hard edge is maintained to Main Street via the continued accommodation of the existing medical clinic within the proposed development;
- Overshadowing and overlooking to adjoining and surrounding properties have been adequately address to prevent adverse amenity impacts on the surrounding area;
- Setbacks from the street and railway reserve are generally considered appropriate having regard to the alignments of Main Street and the road on title towards the rear of the site (subject to conditions); and
- Traffic, car parking and vehicle access to the site is adequately provided for and should not cause adverse amenity or safety implications to the surround road networks or adjoining properties (subject to conditions).

Overall, it is considered that the proposed development of the site for a three (3) storey plus basement car park mixed use building comprising a medical centre and nineteen (19) dwellings is appropriate and adequately addresses and satisfies the policy directions and objectives of Clause 22.14 – Mordialloc Activity Centre of the Kingston Planning Scheme.

12.3 Zoning Provisions

Clause 32.04: Mixed Use Zone: The purpose of the Mixed Use Zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality. In this instance, the provision of residential townhouse development on the southern most part of the overall Mordialloc Timber Yard is appropriate given the residential nature of properties opposite the site to the east. A planning permit is required for the development of 2 or more dwellings.

Schedule The proposal meets the additional requirements listed in the Schedule to the Mixed Use Zone.

12.4 Overlay Provisions

Clause 43.02: Design & Development Overlay – Schedule 10: Mordialloc Activity Centre: The subject site falls within Precinct 8 of the framework plans under this Clause. Table 1 to Schedule 10 of the Design and development Overlay provides policy direction with regard to maximum building height as well as performance criteria which should be met as part of any development. Precinct A8 requires that new development on the subject site should be a maximum of three (3) storeys (11 metres) in height. Furthermore, the performance criteria states that any third (3rd) storey must be recessed from the buildings frontage.

The proposal is generally in accordance with Schedule 10 of the Design and Development Overlay. The proposal will not exceed three (3) storeys or a maximum height of 11 metres at any point. However, as noted previously at point 6.2 of this report, a Planning Permit is required to vary the performance criteria of Table 1 of this Schedule. This is discussed in more detail below:

- The performance criteria of Table 1 in Schedule 10 states that any third (3rd) storey must be recessed from the buildings frontage. However, no specific setback is provided within the schedule. As such, it is up to Council's discretion whether the development satisfies the performance criteria of the schedule;
- While the balcony balustrade of the third (3rd) storey is located directly on the site's front (Main Street) property boundary, the building is set back between 2.05 metres and 3.07 metres from the site's frontage.
- The proposed built form along the site's frontage provides for a continuous rhythm and consistent built form for the proposed development without being overbearing or an overdevelopment of the site.
- The roof form and use of balconies located towards the front of the site provides for a visual break in the built form and the partial solid balustrade proposed creates a perception that the building form is set back further from the site's Main Street property boundary.

- Therefore, having consideration to the overall design response for the site, it is considered that a variation to the performance standard of Table 1 of the Design and Development Overlay Schedule 10 is considered appropriate.

12.5 Particular Provisions

Clause 52.06: Car Parking: The proposal seeks to provide the follow number of car parking spaces within the basement car park:

- Nineteen (19) spaces for dwellings;
- Two (2) visitor spaces for dwellings;
- Three (3) spaces for the physiotherapist; and
- Total of twenty-four (24) spaces provided.

The proposed development currently falls short of one (1) visitor car space for the residential component of the development. The proposal also falls short by an additional five (5) car spaces based on the existing physiotherapist use of the site and the increase in the number of practitioners from two (2) to up to three (3) practitioners.

Generally, it is considered that the number of resident car parking spaces is sufficient. Furthermore, the provision of a reduction in one (1) visitor car space for the residential component of the development is considered appropriate having regard to the availability of short term and long term car parking in the surrounding street network. Furthermore, it is considered that the majority of visitors to and from the site will be on weekends and the evening time when car parking facilities including the Mordialloc Railway Car Park, the Council Car Park to the rear of the site and on street car parking in the surrounding areas is available for use.

A reduction in the number of car spaces provided for the proposed increase in the number of practitioners is also considered appropriate having regard to the hours of operation of the proposed use, the number of on site car parking spaces and the availability of car parking in the surrounding area. Overall, it is considered appropriate to reduce the car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme.

Clause 52.29: Land Adjacent to a Road Zone Category 1: The subject site abuts Main Street, Mordialloc which is identified as a Road Zone Category 1. However, it is not proposed to provide new vehicle access to the site via Main Street. As a result, it is considered that the requirements of this Clause are satisfied.

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 B5 – Integration with the Street: It is considered that dwelling 1 which fronts Main Street at ground floor level does not provide for an appropriate integration between the

development and the street. It is considered that a direct dwelling entry from Main Street to dwelling 1 would allow for an improved visual and pedestrian connection between the proposed development and Main Street. As such, a condition requiring dwelling 1 to be provided with a direct pedestrian entry area has been included as part of the Council Officer's recommendation below.

Standard B6 – Street Setback: This Standard requires that new buildings should be set back a minimum of 2 metres from the site's Main Street property boundary. The proposal seeks to provide a setback of between 0 metres and 1.55 metres to Main Street. Whilst the proposed front setback is less than that required under this Standard, the proposed setback is considered to be appropriate for the following reasons:

- The proposal provides a hard edge to Main Street along the southern most section of the site creating a continuous rhythm and consistency from the intersection of Main Street and McDonald Street;
- The proposal provides a central break at ground floor level where the proposed foyer / entry area is located. This foyer / entry area is set back approximately 5.5 metres from the site's Main Street property frontage and will be provided with appropriate landscaping to soften the built form;
- The setback along the northernmost section of the Main Street frontage varies between 1.28 metres and 1.55 metres and is appropriately landscaped with planter boxes;
- The proposed setback is a design response to the location of the site and the various policy directions of the Kingston Planning Scheme; and
- The proposed setback provides a staggered building footprint to Main Street.

Overall, it is considered that the proposed setback is appropriate and a variation to the requirements of this Standard is acceptable in this instance.

Standard B8 – Site Coverage: The requirements of this Standard allow a maximum site cover of 60%. The proposal seeks a site coverage of approximately 91%. While this is clearly in excess of the maximum allowable under the requirements of this Standard, it is considered that the proposed site coverage is acceptable for the following reasons:

- The subject site is located within a Major Activity Centre;
- The proposed site coverage is similar to that of other new and existing developments in the immediately surrounding area. Examples include the existing commercial tenancy to the south-east of the subject site and the currently under-construction development at No. 530 Main Street Mordialloc;
- The proposed site coverage is a design response element for the proposed development.

Overall, it is considered that the proposed setback is appropriate and a variation to the requirements of this Standard is acceptable in this instance.

Standard B9 – Permeability: Given the proposed site coverage is in excess of the maximum allowable under Clause 55 (ResCode) it is considered acceptable that a reduced site permeability be also allowed. However, it is considered that the additional ESD measures be incorporated to improve the environmental credentials of the proposed development. Elements such as water tanks, double glazing, cross ventilation, solar hot

water systems and solar orientation help to improve the environmental sustainability of the development and provide an incentive to allow a reduced permeability.

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.

Standard B14 – Access: This area has been discussed in more detail previously in this report. It is considered that the access to the subject site via the road / laneway on title is appropriate subject to the inclusion of suitable conditions requiring it’s construction and the widening of the basement ramp.

Standard B16 – Parking Provision: This area has been discussed in more detail previously in this report. It is generally considered that the car parking provided on site is sufficient to deal with the expected demand for on site car parking.

Standard B17 – Site & Rear Setbacks: The proposed development requires a variation to the requirements of this Standard, with particular regard to the site’s north-west and south-east property boundaries. The proposed development requires a setback of between 4.09 metres and 5.39 metres along the site’s north-west (side) property boundary. However, a setback of 3 metres to the building line has been proposed. It is considered that such a reduction in the setback requirements of this Standard is appropriate having regard to the following:

- The adjoining and surrounding land uses;
- The design response of the proposed development; and
- The amenity (both internal and external) impacts of such a reduction.

Overall, it is considered that a reduction in the setback requirements of this standard are appropriate having regard to the abovementioned factors. It is considered that a reduction in these setback should not detrimentally impact on adjoining or surrounding properties. As a result, it is considered appropriate to vary the requirements of this Standard.

Standard B28 – Private Open Space This Standard requires that:

‘If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:

- *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room’.*

The majority of private open space areas within the development comply with ResCode provisions. However, a variation to the requirements of this Standard is required with regard to the proposed ground floor dwellings of the development:

- **Ground Floor Level: Dwellings 1 to 5 (inclusive)**

It is common practice that private open space areas should be relative to the size of dwellings sought and their location. This is evident for apartments that are at first floor level or above, where private open space areas are provided in the form of balconies. In developments such as the one proposed, this trend should be treated no different to apartments on the ground floor level.

The aforementioned concept is one of a common approach and position of the Tribunal for developments of this manner. In this application, whilst the ground floor apartments fall short of 40 square metres required by this Standard, they generally exceed the minimum 25 square metres of Standard B28 (except for dwelling 4 – 13m²), and warrant approval given their size and dimensions.

- **Upper Floor Levels: Dwelling 6-19 (inclusive)**

All upper floor level dwellings are provided with suitably sized balcony or terrace areas in accordance with the minimum requirements of this Standard. While all upper level dwellings are provided with a minimum of 9 square metres of private open space, the majority of upper floor level dwellings are provided with between 13-41 square metres of private open space. All balconies comply with the minimum width requirements of this Standard.

Standard B29 – Solar Access to Open Space: This Standard requires that the private open space area of each dwelling should be provided to the north of the dwelling, where possible. Generally, the majority of dwellings within the proposed development have been provided with good solar orientation, with the exception of those dwellings that essentially have a south-east orientation. Whilst it is acknowledged that these dwellings will not be afforded with the same level of solar access as other dwellings within the proposed development, it is submitted that all dwellings within the development are provided with private open space area which is of an appropriate size and is provided with suitable solar access / orientation.

It is also noted that only two (2) of the nineteen (19) dwellings proposed are provided with poorer solar orientation than otherwise required. Given the scale of the proposed development, not all dwellings can enjoy the same level of amenity and given the reasons outlined above, the proposed development is considered appropriate in terms of solar access. Therefore, it is considered that a variation to the requirements of this Standard is appropriate in this instance.

14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS

- **Car parking and 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.

- **Overdevelopment:** As outlined above, the proposal achieves an adequate 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, the proposal is not considered to represent an overdevelopment.

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), Mixed Use Zone and the Schedule to the zone, Overlays, Particular Provisions, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for a three (3) storey plus basement car park mixed used development comprising nineteen (19) dwellings, a medical centre (physiotherapy clinic) with reduced car parking requirements pursuant to Clause 52.06 – Car Parking of the Kingston Planning Scheme 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 10th November, 2010, but modified to show:
 - a. the provision of a 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 be planted on the site, with such plans to be prepared by a suitably qualified landscape professional;

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- b. the provision of a direct pedestrian entry area from Main Street to dwelling 1;
 - c. the road / laneway is to be constructed directly adjoining the subject site in accordance with Council's engineering requirements;
 - d. a new vehicle crossover providing access to the road / laneway is to be constructed along McDonald Street in accordance with Council's engineering requirements;
 - e. the basement ramp is to be widened as appropriate (minimum 5.2 metres) to allow for a suitable vehicle passing area along the ramp;
 - f. a suitable light warning system provided at the entry / exit to the basement ramp; and
 - g. 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.
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, 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.
 4. 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.
 5. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - e) The manner in which waste will be stored and collected including: type, size and number of containers.
 - f) Spatial provision for on-site storage.
 - g) Details whether waste collection is to be performed by Council's services or privately contracted.
 - h) The size of the collection vehicle and the frequency, time and point of collection.The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the 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.

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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. 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.
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. 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.
13. 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.
14. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
15. 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.

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

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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 are responsible for the re-arranging of the Council car park.

OR

In the event that Council choose not to support the application, it can do so using the following grounds:

1. The proposal would prevent the orderly and proper planning of the area.
2. The proposal would have an adverse effect on the amenity of area
3. The proposal constitutes an over-development of the site.
4. The proposal would detract from the visual amenity of the locality and the streetscape.
5. The proposal is inconsistent with the relevant provision of the Kingston Planning Scheme.
6. The proposal is not consistent with the neighbourhood character of the area.

PC 20

KP204/07 321 Old Dandenong Road, Dingley Village

REQUEST TO EXTEND LIFE OF PLANNING PERMIT

APPLICANT	Devcon Group Pty Ltd
ADDRESS OF LAND	321 Old Dandenong Road, DINGLEY VILLAGE VIC 3172 (PC370984
PROPOSAL	REQUEST TO EXTEND LIFE OF PLANNING PERMIT
PLANNING OFFICER	Christopher McInnes
REFERENCE NO.	KP-204/2007
ZONE	Clause 35.04 – Green Wedge Zone (GWZ2)
OVERLAYS	None Applicable
PARTICULAR PROVISIONS	None Applicable
DATE AMENDMENT RECEIVED	25 February 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	25 February 2011

1. PROPOSAL:

- 1.1 The above planning permit was issued by the City of Kingston, at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on the 17th April, 2009.
- 1.2 The expiry condition of the permit required the development to commence within two (2) years of the date of the permit (17th April, 2011) and the development to be completed within four (4) years from the commencement of works.
- 1.3 The applicant has advised Council that there have been delays in the commencement of the development due to:
 - Difficulties obtaining finance caused by the Global Financial Crisis.

2. SITE HISTORY

- 2.1 Planning Permit No. KP204/07 was issued by Council, at the direction of the VCAT on the 17th April, 2009, for “The Use and Development of the site for Animal Boarding and Caretaker Residence, display advertising signage and to create access to land adjacent to Road Zone Category 1 in accordance with plans to be submitted pursuant to Condition 1 hereof:”

3. COMMENT(S):

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- 3.1 The request is considered reasonable. A two (2) year extension to the permit is considered appropriate as the applicant has indicated that the development will commence in 2013.
- 3.2 The planning circumstances of the site and the surrounding land have not altered since the permit was issued to the degree that would warrant the refusal of the request.

4. RECOMMENDATION:

- 4.1 That Planning Permit KP204/07 be extended for a further two (2) years for commencement. The development should, therefore, be commenced by the 17th April, 2013, and be completed within four (4) years from the commencement of works.

**PLANNING
PERMIT**

Permit Number:	KP204/07
Planning Scheme:	KINGSTON
Responsible Authority:	CITY OF KINGSTON

ADDRESS OF THE LAND:

No. 321 (Lot 1 on TP102017C) Old Dandenong Road, Dingley

THE PERMIT ALLOWS:

The Use and Development of the site for Animal Boarding and Caretaker Residence, display advertising signage and to create access to land adjacent to Road Zone Category 1 in accordance with plans to be submitted pursuant to Condition 1 hereof:

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

-
- 1 Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 30 March, 2007, but modified to show:
- (a) the provision of an improved 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 earth mounding to perimeter of the site on north east, north and western boundaries to a height of not less than 2m which is to be landscaped.

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1. 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;
 2. the delineation of all garden beds, paved and grassed areas throughout the development;
 3. 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;

 4. the retention of established vegetation that is located outside the building envelope and is in good health and condition;
 5. a range of plant types from ground covers to large shrubs and trees;
 6. adequate planting densities (i.e.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 7. the provision of a minimum of ten (10) spreading native canopy trees located within the site's front setback to Boundary road;
 8. the provision of a minimum of forty (40) spreading native canopy trees located throughout the site;
 9. the provision of screen planting along the Boundary Road frontage of the site;
 10. all trees provided at a minimum of 1.5 metres in height at time of planting;
 11. medium to large shrubs to be provided at a minimum pot size of 200mm;
 12. a minimum of 80% of plant species to be indigenous to the area;
 13. 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;
 14. sustainable lawn areas and plant species taking current water restrictions into consideration;
- (b) the provision of a cross-section of the proposed mounding showing a typical height above natural ground surface;
above natural ground surface level;
2. the proposed caretaker's dwelling nominated as being constructed in accordance with AS2021-1994, Acoustics – Aircraft Noise Intrusion – Building, Siting and Construction;
 3. the location of any external waste storage/collection areas;
 4. full details of all external building materials and colours for the proposed buildings;
 5. the inclusion of all acoustic measures recommended in the Acoustic report prepared by Geoffrey Barnes for the subject site dated 29 March, 2007; the proposed caretaker's

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- dwelling provided with a sealed all weather driveway from the garage to the entry point of the site on Boundary Road;
6. The proposed caretakers dwelling provided with a sealed all weather driveway from the garage to the boundary of the site on Boundary Road.
- 2 The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3
- 4 The development of the site must be provided with storm-water treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Approvals Engineer can advise on treatment options.
- 5 The development must not be occupied and the permitted use/s must not commence until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
- 6 Before the development hereby permitted commences, a drainage plan showing the method of stormwater treatment from the development must be submitted to the Responsible Authority for approval. The plan must be prepared by a qualified person and show all drainage works required. The plan must also show all existing and proposed features that may have an impact on drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.)
- 7 Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be in accordance with the approved drainage plan.
- 8 Before the use allowed by this permit commences, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
- 9 All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.
- 10 Before commencement of the use/s hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- (a) Constructed to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced in a manner to the satisfaction of the Responsible Authority, including the Caretaker's dwelling driveway in an all weather seal coat.
 - (d) Drained to the satisfaction of the Responsible Authority.

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- (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.
 - (g) Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
- 11 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.
- 12 The car parking provided on the land must always be made available for the use by persons employed or residing on the subject land to the satisfaction of the Responsible Authority and no measure restricting access by such persons to the car park may be taken without the prior written consent of the Responsible Authority.
- 13 Access to the site must be constructed in accordance with the requirements of Vic Roads and the Responsible Authority.
- 14 The surface of the car parking areas must be treated to the satisfaction of the Responsible Authority to prevent dust resulting in loss of amenity to adjoining and nearby properties.
- 15 The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin; and
 - (e) In any other way.
- 16 Prior to the commencement of the development the permit holder must submit a Management Plan to the satisfaction of the responsible authority showing the implementation of all the matters identified in the acoustic report prepared by Geoffrey Barnes for the subject site dated 29 March, 2007, with this report to be approved by Responsible Authority prior to the Development commencing.
- 17 The construction of the proposed caretakers dwelling must be constructed in accordance with AS2021-1994, Acoustics – Aircraft Noise Intrusion - Building, Siting and Construction.
- 18 No more than forty (40) dogs and fifteen (15) cats must be permitted to be boarded on the premises at any one time, without the further consent of the responsible authority.
- 19 The development and/or use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard, the “Permissible Noise Levels” as established in Accordance with the State Environment Protection Policy No N-1 must not be exceeded.
- 20 Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

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- 21 Exterior lights must be installed in such positions to effectively light all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
- 22 All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to Council satisfaction.
- 23 The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
- 24 Any plant and/or equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- 25 Construction on the site shall be restricted to the following times:
- | | |
|-------------------|------------------|
| Monday to Friday: | 7:00am to 7:00pm |
| Saturday: | 9:00am to 6:00pm |
- Or otherwise as approved by the Responsible Authority in writing.
- 26 The premises must be managed at all times to ensure,
- (i) All waste water generated at the premises from the cleaning of the dog kennels must be retained within the boundary of the premises.
 - (ii) All solid wastes generated from the dog kennels must be collected and stored in an enclosed container prior to disposal.
 - (iii) The kennels and exercise yards are kept clean at all times and regularly disinfected to prevent the spread of disease to the satisfaction of the Responsible Authority.
 - (iv) All food for consumption by dogs or cats is to be kept in vermin and fly proof containers and all meat must be refrigerated and kept in a place approved by the Environmental Health Officer for Kingston City Council.
- 27 Before the use hereby permitted commences, the permit holder must provide a septic system for the treatment of waste water and other waste products in accordance with EPA requirements. Council's Health Department is responsible for the approval of Septic Systems within the City of Kingston.
- 28 Prior to the commencement of the use the proposed caretaker's dwelling must be:
- (a) provided with a sealed all weather driveway from its garage to the boundary point of the site on Boundary Road.
 - (b) connected to a stand alone septic system to the satisfaction of the responsible authority.
 - (c) connected to a potable water supply.
 - (d) connected to a reticulated electricity supply

- 29 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 30 Sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and deliveries and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.
- 31 The location and details of the sign(s) shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 32 All sign(s) must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
- 33 Sign(s) must not be animated or contain any flashing or intermittent light.
- 34 External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 35 This permit (or part of the permit that relates to advertising signage) expires fifteen (15) years from the date of issue of the planning permit.
- 36 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 37 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development and/or use is not started before two (2) years from the date of this permit.
 - The development is not completed before four (4) 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.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO.2962/2008
PERMIT APPLICATION NO.KP204/07

CATCHWORDS

Kingston Planning Scheme, Green Wedge Zone, Appropriateness of Animal Boarding in this Zone, Amenity Issues, Increase in Traffic, Access from Declared Main Road

APPLICANT	Peter Bogut
RESPONSIBLE AUTHORITY	Kingston City Council
RESPONDENT	Devcon Pty Ltd
SUBJECT LAND	321 Old Dandenong Road, Dingley
WHERE HELD	Melbourne
BEFORE	Elizabeth Bensch, Member
HEARING TYPE	Hearing
DATE OF HEARING	13 March 2009
DATE OF ORDER	03 April 2009
CITATION	medium

Order

- 1 The decision of the Responsible Authority in Permit Application KP204/07 is varied.
- 2 In Permit Application KP204/07 a permit is granted and directed to be issued for the land at 321 Old Dandenong Road, Dingley Village. The permit will allow:

Use and Development of the site for Animal Boarding and Caretaker Residence, display advertising signage and to create access to land adjacent to Road Zone Category 1 in accordance with the endorsed plans and the amended conditions set out in Appendix A.

Elizabeth Bensch
Member

APPEARANCES

For Applicant Mr T Radisich, Town Planner of Associated Town
Planning Consultants.

For Responsible Authority Mr Peter Connell, Town Planner

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For Respondents	Mr Fred Krumins
Melbourne Water Corporation	No appearance

INFORMATION

Description of Proposal	Use and Development of the site for Animal Boarding and Caretaker Residence, display advertising signage and to create access to land adjacent to Road Zone category 1.
Nature of Application	Section 82 <i>Planning and Environment Act 1987</i>
Zone and Overlays	Green Wedge Zone Design and Development Overlay DD05 Public Acquisition Overlay PA01
Permit triggers	cl 35.04 Animal Boarding Facility and caretakers Residence cl 35.04-5 Building within 100 metres of a Road Zone Category 1 cl 52.05 Business Identification Sign cl 52.29 Access to a Road Zone Category 1
Land description	This site is located on the east side of Boundary Road and has frontage to Old Dandenong Road, Dingley. The total site area is some 5.54 hectares and is irregular in shape.
Cases referred to	<i>Browne v Melton</i> [2008] VCAT 2227 <i>Cashman v Wellington</i> [2008] VCAT 2439 <i>Mitchell v Cardinia</i> P1509/2002

Reasons

Introduction

- 38 This is an application to seek review of a Notice of Decision to Grant a Permit issued by the City of Kingston for the use and development of the land as an animal boarding facility and caretaker's residence. The application was determined by council under delegation on 19 September 2008
- 39 The application was referred externally to Melbourne Water, EPA and VicRoads and internally to council's vegetation management officer and Health Department. No objections were received.
- 40 Mr Bogut's grounds of appeal are:
1. The animal boarding facility is too close to our residential home.
 2. There will be noise and smells from the boarding facility. This will increase over the warmer months with high temperatures which is usually the peak season for such facilities.
 3. There will be increase in traffic in the local area.
- 4 At the hearing the parties relied on both written and oral submissions and a number of photographs, plans and other documents that were tendered to the Tribunal. An inspection of the site and surrounds was undertaken on the evening of Monday 16 March.

Subject site and locality

- 5 The subject site is located on the east side of Boundary Road and also has frontage to Old Dandenong Road, Dingley. The subject site has a total area of 5154 hectares and is irregular in shape.
- 6 Over the years much of the site has been filled making it generally flat except for a water course that runs diagonally through the middle of the site. There was no significant stands of vegetation on the site due to filling in the past and use of the land for grazing of stock. The proposed use and caretaking dwelling will occupy approximately 8,614 square metres of the site and will be located towards the southwest corner of the site.
- 7 To the west of the site, there are two properties, one is being used for the purpose of a wholesale plant nursery and the northern site is used for materials recycling. Further to the south of the site on the corner of Boundary Road and Centre Dandenong Road the land was once used as a petrol filling station and is now vacant. To the north of site on the west side of Boundary Road land is occupied by a trotting track and is used for horse training purposes
- 8 There was also a general fall across the land in a south west direction towards Boundary Road and towards the southern boundary of the site. The proposed use and caretaker dwelling will be situated on the south west corner of the site.
- 9 Mr Bogut's property is to the north of the site bounded by Boundary Road and Old Dandenong Road and is a large two storey dwelling and also contains trucks storage and earth moving equipment. On the other side of Old Dandenong Road there are a further two dwellings. Land abutting the subject site along its eastern and southern boundary are in the same ownership and this has been used in the past for market garden purposes. Recently an

extensive amount of clear fill have been bought onto the site. Further to the east of the site is the road reservation for the proposed Dingley bypass.

- 10 The closest residentially zoned land is approximately 400 metres to the south east of the site. This area is known as Dingley Village. The Dingley Village Shopping Centre is approximately 2 kilometres south east of the site and Southland Shopping Centre 5 kilometres to the west. The Moorabbin Airport is 1 kilometre southwest of the site.
- 11 The area generally could be described as one of being 'in decline' with a number of the market gardens that formally were established in the area having closed and a range of questionable activities currently taking place on some of the sites.

Proposal

- 12 It proposed to use the land for an animal boarding facility catering for 40 dogs and 15 cats with an ancillary caretaker's residence. It is also proposed to erect a business identification sign on the site and create access to a Road Zone Category 1.

Details of the application are:

- 13 Development of a single large building designed to accommodate both the dogs in individual runs as well as an internal roofed exercise area. The building is to be acoustically treated to ensure the use will comply with the relevant EPA guidelines and it will also be air conditioned. Adjacent to the main dog accommodation area there is to be a smaller building for a cattery which will have the capacity to house 15 cats. The two buildings will have a combined floor area of 1338 square metres. The proposed caretaker's residence will have a floor area of 236 square metres and accommodation for two cars. Access to the sites will be from Boundary Road with a gravel car park being provided for visitors attending the site.
- 14 The large dog runs are designed to provide dogs with fresh air while at the same time ensuring that no two dogs are outside in adjoining runs at the same time. Each individual dog enclosure will have a small run of its own as well as the large external areas.
- 15 The buildings will be low slung in style and will be coloured to match the other large agricultural type buildings in the vicinity of the site.
- 16 A 2 metre high earth mound wall is proposed around the western side of the facility to minimise noise entering and escaping from the site. The mounding will be to screen any visual impact of the building. It is proposed to plant native vegetation on top of the mounding to ensure that within 12 months there will be a screen of vegetation between the site and Boundary Road. A security fence will be placed behind the mounding to ensure that animals cannot escape from the facility as well as to ensure people can only enter the facility via the main gate which will be adjacent to the caretaker residence.
- 17 The caretaker's dwelling is proposed to be constructed of acoustically treated materials and to accommodate the two owners of the facility.
- 18 The proposed kennel/cattery will operate 24 hours per day 365 days per year. Feeding time will generally occur between 7.00 am and 6.00 pm (7.00 pm during daylight savings) and delivery and collection times to the site will be between 8.00 am and 5.00 pm. Exercise times will be between 9.00 am and 5.00 pm (6.00 pm during daylight savings). Staff operating the site will include two full time staff members and one on-site manager

Reasons for the Tribunal's decision

- 19 This decision considers the issues raised by the parties in this case being:
- Compliance with Planning Scheme Policy and the Zone requirements
 - The proximity of the proposed development to the Mr Bogut's residence.
 - The impact of noise and smell on Mr Bogut.
 - Potential for increases in traffic in the local area.
- 20 Having considered the proposal in light of the above issues I find the proposal in its current form is an appropriate response to the relevant planning policies and controls and warrants the issue of a permit subject to some modification to the acoustic treatments to that side of the site that is nearest to Mr Bogut's dwelling.

Compliance with policy and the zone

- 21 Clause 12.02-2 Strategies – Green Wedge – Better Management of Metropolitan Growth. One of the aims of the State Planning Policy Framework in managing metropolitan growth states amongst other things “supporting development in the Green Wedge that provides for environmental social and economic benefits.”
- 22 Council maintains that the proposal is consistent with the above strategy as the use and development of the site for an animal boarding facility is suitable in that it can provide social and economic benefits for the area while not being contrary to the purpose of the Green Wedge. Council maintains that if the proposal is appropriately landscaped and screened and noise emissions from the site are managed it could have a positive contribution to make to the area in that it will provide advantages for people going on holidays and allowing them to leave their pets with an animal boarding facility that is conveniently located in the metropolitan area of south east Melbourne. Additional economic benefits will flow into the area in the terms of employment opportunities and ongoing purchasing requirements associated with the proposal.
- 23 With regard to the Local Planning Policy Framework Clause 21.10 – Non Urban Areas, and upon inspection of the site I concur with council that many of the existing uses in the area do not contribute to the long term planning solutions for this corridor, and detract from its potential. The proposal, however is consistent with policy and also provides a use that will be long term in nature and provide a service to the residents in the area.

Clause 22.04 South East Non Urban Area Policy

- 24 There are two objectives to this policy that deal with any development not compromising metropolitan urban growth strategies and protect and further develop the landscape and scenic values of the non urban area. It is contended by Council and the permit applicant that with appropriate landscaping treatment of the site the site's appearance will be improved in respect to its approach from Boundary Road which is generally degraded at the present time. The applicant did not contradict this position.

Clause 22.05 – Moorabbin Airport Environs Policy

- 25 The policies around the airport are to ensure that inappropriate development is not located in proximity to the airport and its environs and to shield people and sensitive activities from the

impact of aircraft noise .It further aims to limit the number of people residing in the area that are likely to be subject to significant levels of aircraft noise.

- 26 It is contended that the proposal, with the soundproofing of both the kennel complex and the caretaker's dwelling, will be shielded from inappropriate noise generated by aircraft movements in the vicinity of Moorabbin Airport.
- 27 The applicants representative Mr Radisich maintains that aircraft movements in the vicinity of the approaches to the runways would act as external stimuli to the dogs boarding on the premises which may cause undue levels of barking to occur on the site.
- 28 It is my view that sufficient appropriate conditions can be placed on the permit to minimise this potential from occurring. It further needs to be noted that the residential dwellings in the green wedge in the vicinity of the subject site are not located in pristine residential areas, and have a lower level of amenity at present. This is not to say that their amenity should be further eroded and as noted above I consider that suitable safeguards can be put in place to protect the existing residents.

Overlays

Clause 43.02 – Schedule 5 to the Design and Development Overlay (DDO5) Aviation Obstacle Height Area No. 2

- 29 The planning scheme requires a permit to be obtained to construct a building which exceeds 25 metres in height. The proposed buildings will not exceed this height in that they are single storey. It is noted that although the overlay extends over the subject site, the overlay does not extend over the part of the site proposed to be occupied by the animal boarding facility or the caretaker's residence so it can be concluded that the proposal is not contrary to the requirements of the design overlay. The proposed buildings on the site are, in any event proposed to be single storey.

Particular provisions

- 30 Clause 52.05 Advertising Signage requires that a permit is required for a business identification sign. The proposed sign will have a dimension of 2 metres x 1.5 metres. This satisfies the requirement that business identification signs cannot exceed 3 square metres.

Clause 52.06 Car parking.

- 31 This clause in the Kingston Planning Scheme is silent in respect to the number of car parking spaces required for an animal boarding facility. It is noted that the applicant has provided a gravel car parking area which accommodate up to 14 car spaces. Due to the spread out nature of times that people would be dropping off and collecting animals from such an establishment this would appear to be an acceptable ratio. The site is large enough to accommodate any over flow that may be required with out off-site impact. In addition there would be car parking provided for the caretaker's dwelling and for staff on the site.

Clause 52.29 Land Adjacent to the Road Zone Category 1

- 32 Council referred the application to VicRoads and consent was granted by them subject to the purchase of a parcel of land that lies between the subject site and Boundary Road. The applicant tendered information at the hearing which indicated that they had purchased this

strip of land and it had been consolidated with the main title thereby overcoming this requirement. It is further noted that VicRoads had no specific requirements in relation to access to and from the site from Boundary Road.

- 33 As a result of the purchase of this additional strip other land the applicant has indicated the proposal in its current form can be moved approximately 10 to 15 metres towards Boundary Road following the amendment of the title boundaries, ie further away from the objectors dwelling.
- 34 With regard to compliance with policy and the zone requirements in general terms, it can be said that the proposal complies with requirements of the planning scheme and the one area of concern that has been raised by the objector's representative Mr Radisich in this matter relates to the aircraft movements over Moorabbin Airport when taking off and landing at that site. The proposal is not however contrary to the specific height controls in DDO5.

Amenity Impacts

The proximity of the proposed development to the objector's residence

- 35 There was considerable discussion during the course of the hearing with regard to the actual distance of Mr Bogut's residence from the proposed development. Various distances were put forward but the general consensus appeared to be that Mr Bogut's dwelling was somewhere in the order of 150-180 metres from the proposed boarding facility. The EPA noise guidelines as they relate to dog boarding kennels are relevant in this situation.
- 36 Reference was made to the EPA Noise Guidelines relating to Dog Boarding Kennels. The guidelines indicate a kennel should be located at least 500 metres from residential areas. What the EPA guidelines do not specify is whether this is to be from a residence or residentially zoned areas. The residentially zoned area known as Dingley, it was agreed, was within the order of 400 to 500 metres from the proposed site. However strict straight line distances should not be used alone as a guide as to whether a use can comply with the guidelines, there are a number of other factors involved.
- 37 The dog boarding guidelines issued by the EPA indicate a range of measures that can be used to deal with barking and it is noted that the applicant for this permit has complied with those requirements in relation to feeding, exercising hours, having a responsible person on the site and the construction of the kennels themselves to reduce noise. Another key element is that the kennel be constructed to visually screen stimuli such as other dogs, animals, traffic or passer-bys. It is considered that the applicant has complied with these guidelines and for the one area that is perhaps in contention is that the kennels should be positioned so it utilised the ability of the topography to reduce noise. This site is problematic to that extent as it is basically flat and the use of mounding or earth mounds and landscaping have been introduced in an endeavour to overcome this issue.

Noise

- 38 The applicant provided an acoustic report as part of their application to council for approval. This report recommended a number of measures in accordance with the EPA guidelines to overcome the areas of concern. The author of that report Mr Barnes was not available for cross examination however there was a general agreement with the types of issues that were put forward in that report. Of note is that there are in fact four individual dwellings within the

Green Wedge zone at a distance of 200 metres or more from the proposed site and that there are some 17 dwellings within 500 metres of the kennels.

- 39 Mr Radisich, indicated that the major source of stimuli to the dog's boarding that's the kennel would be aircraft taking off and landing at Moorabbin Airport which it is noted is open 24 hours a day 365 days a year and is a major training airport. Mr Radisich made particular note of the number of helicopters that were operating in the area and it is further noted that Police and Emergency Service helicopters routinely fly at relatively low levels and that their training is performed to the east of the runway in the general direction of the proposed site.
- 40 Mr Radisich contended that the majority of the planes landing and taking off from Moorabbin would fly over the site in particular, and have the greatest ability to cause disruption to the animals. A plan was tendered by Mr Krumins which indicated the final master plan for Moorabbin Airport prepared in 1998 showed runway extensions being proposed to the north west/south east runways. These runways would accommodate the majority of the landing and taking off of planes from the site and that the approved ANEF for the site touched just at the junction of Centre Dandenong Road and Boundary Road. There was some debate as to whether this would cause impact to the site.
- 41 In an endeavour to ensure that external stimuli such as over flying planes do not cause unreasonable levels of barking by dogs on site the applicant has designed an acoustically treated complex using 'econorock' (a compressed sandwich type product with some acoustic properties) with separate pen areas so there is no stimuli from face to face viewing from one dog to the other, no views of passing vehicles etc and roofing of the kennels and their enclosures. Mr Krumins put to the Tribunal that this would overcome the issue of excessive dog barking caused by that stimuli. I agree with this proposition.
- 42 This kennel proposal is fairly small in scale and with suitable acoustic treatment to reduce the transmission of noise as recommended in the Barnes acoustic report, is considered can overcome the noise concerns expressed by Mr Bogut in this application.

Smell

- 43 Mr Bogut indicated that there was no connection for the site to reticulated sewer, however it is confirmed that there is electricity and water supply to the site. The application itself did not contain a large amount of detail regarding on site treatment of effluent and waste however the applicant indicated he has had ongoing discussions with the environmental health officers of Kingston Council and has indicated that a purpose built package treatment plant will be put onto the site to ensure that there is no discharge of waste water off the site. There is a natural drainage line passing through the property and if a permit were to issue conditions would be placed on a permit requiring that no waste water be discharged to this drainage line.
- 44 With the stringent requirements in relation to treating any waste from the property and management requirements that go with managing dog boarding kennels the possibility of smells emanating from the site is negligible. Mr Kumins, on behalf of the permit applicant drew the Tribunal's attention to a recent Tribunal decision that dealt at some length with the treatment of waste from such a type of development. In the matter of *Smith v Greater Geelong*¹ the decision required a range of waste and drainage treatment mechanisms which

¹ *Smith v Greater Geelong City Council* [2007] VCAT 734

dealt with such matters as disposal and treatment of wastewater, the type of impervious floors within the kennel areas, the collection of solid waste and their disposal. Directions were also required regarding the cleanness of kennels and exercise yards and containment of food for the consumption by cats and dogs to be kept in vermin or fly proof receptacles and all meat delivered to the site must be refrigerated. These types of conditions are appropriate for application in this case.

- 45 Mr Radisich raised the issue of ongoing management of the facility as being important and it is noted that Council required such a plan at Condition 15 (Acoustic Requirements). However it is considered that with the inclusion of these types of practices in conjunction with the EPA requirements at Condition 25 for the proposed development on this site that the issue of smell and its potential impact on the objector will be minimised if not completely overcome.

Traffic

Impact in the local area

- 46 The total site is of some 5.54plus hectares (the lease area is some 8000m²) and is in a triangle of land bounded by Old Dandenong Road, Boundary Road and Centre Dandenong Road all of which carry considerable levels of traffic through and around the area. It was estimated that the traffic volumes carried on Boundary Road were in excess of 20,000 vehicles per day in the vicinity of the site. With the relatively low scale of the development the increase in traffic moving along Boundary Road or in the general vicinity of the site is expected to be very low and not have an undue impact on the amenity in the area generally.
- 47 It is further noted that the objector, Mr Bogut's property fronts onto Old Dandenong Road and upon my site inspection it was noted that there were a number of large trucks and trailers and other large machinery on the site which it is understood he uses in the course of his family business. The impact of minor deliveries to the site and entry and exit of the site by persons dropping off or picking up their pets is not considered to be detrimental to this extent and will not then cause detriment to the road network. I am in agreement with that position.

Carparking on site

- 48 It is considered that sufficient car parking has been provided on site as part of the application and with the requirement to seal the access to the site, no impacts will arise

Access to a Category 1 Road

- 49 It is noted that VicRoads did not have any specific requirements in relation to access and egress from the site onto a Category 1 Road.

Conditions

- 50 I consider the conditions proposed by Council are generally satisfactory, however in order to address the concerns of Mr Bogut, I will require additional mounding and landscaping to the site as set out in the landscape plan condition. With regard to the management of the facility I will require additional conditions that are based on the EPA guidelines that have been applied in other similar applications to ensure the development will not cause the detrimental effects asserted by the applicant.

Conclusion

- 51 I am satisfied that the proposed animal boarding facility is appropriate in a Green Wedge Zone, in that it complies with Council policy and can positively contribute to the area by way of increased landscaping in an other wise open and degraded area, economic benefits and providing a service to residents in the area. On this basis, I direct a permit to issue based on Councils permit conditions but including conditions as set out in Appendix A.

Elizabeth Benz
Member

Appendix A

- 1 Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 30 March, 2007, but modified to show:
 - (a) the provision of an improved 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 earth mounding to perimeter of the site on north east, north and western boundaries to a height of not less than 2m which is to be landscaped.
 1. 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;
 2. the delineation of all garden beds, paved and grassed areas throughout the development;
 3. 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;
 4. the retention of established vegetation that is located outside the building envelope and is in good health and condition;
 5. a range of plant types from ground covers to large shrubs and trees;
 6. adequate planting densities (i.e.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 7. the provision of a minimum of ten (10) spreading native canopy trees located within the site's front setback to Boundary road;
 8. the provision of a minimum of forty (40) spreading native canopy trees located throughout the site;
 9. the provision of screen planting along the Boundary Road frontage of the site;
 10. all trees provided at a minimum of 1.5 metres in height at time of planting;
 11. medium to large shrubs to be provided at a minimum pot size of 200mm;
 12. a minimum of 80% of plant species to be indigenous to the area;
 13. 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;
 14. sustainable lawn areas and plant species taking current water restrictions into consideration;

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- (b) the provision of a cross-section of the proposed mounding showing a typical height above natural ground surface;
above natural ground surface level;
 7. the proposed caretaker's dwelling nominated as being constructed in accordance with AS2021-1994, Acoustics – Aircraft Noise Intrusion – Building, Siting and Construction;
 8. the location of any external waste storage/collection areas;
 9. full details of all external building materials and colours for the proposed buildings;
 10. the inclusion of all acoustic measures recommended in the Acoustic report prepared by Geoffrey Barnes for the subject site dated 29 March, 2007; the proposed caretaker's dwelling provided with a sealed all weather driveway from the garage to the entry point of the site on Boundary Road;
 11. The proposed caretakers dwelling provided with a sealed all weather driveway from the garage to the boundary of the site on Boundary Road.
- 2 The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - 3 The development of the site must be provided with storm-water treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Approvals Engineer can advise on treatment options.
 - 4 The development must not be occupied and the permitted use/s must not commence until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
 - 5 Before the development hereby permitted commences, a drainage plan showing the method of stormwater treatment from the development must be submitted to the Responsible Authority for approval. The plan must be prepared by a qualified person and show all drainage works required. The plan must also show all existing and proposed features that may have an impact on drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.)
 - 6 Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be in accordance with the approved drainage plan.
 - 7 Before the use allowed by this permit commences, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 - 8 All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.
 - 9 Before commencement of the use/s hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:

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- (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 a manner to the satisfaction of the Responsible Authority, including the Caretaker's dwelling driveway in an all weather seal coat.
 - (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.
 - (g) Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
- 10 In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
- 11 The car parking provided on the land must always be made available for the use by persons employed or residing on the subject land to the satisfaction of the Responsible Authority and no measure restricting access by such persons to the car park may be taken without the prior written consent of the Responsible Authority.
- 12 Access to the site must be constructed in accordance with the requirements of Vic Roads and the Responsible Authority.
- 13 The surface of the car parking areas must be treated to the satisfaction of the Responsible Authority to prevent dust resulting in loss of amenity to adjoining and nearby properties.
- 14 The amenity of the area must not be detrimentally affected by the development and/or use, through the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin; and
 - (e) In any other way.
- 15 Prior to the commencement of the development the permit holder must submit a Management Plan to the satisfaction of the responsible authority showing the implementation of all the matters identified in the acoustic report prepared by Geoffrey Barnes for the subject site dated 29 March, 2007, with this report to be approved by Responsible Authority prior to the Development commencing.
- 16 The construction of the proposed caretakers dwelling must be constructed in accordance with AS2021-1994, Acoustics – Aircraft Noise Intrusion - Building, Siting and Construction.
- 17 No more than forty (40) dogs and fifteen (15) cats must be permitted to be boarded on the premises at any one time, without the further consent of the responsible authority.

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- 18 The development and/or use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard, the “Permissible Noise Levels” as established in Accordance with the State Environment Protection Policy No N-1 must not be exceeded.
- 19 Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
- 20 Exterior lights must be installed in such positions to effectively light all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
- 21 All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to Council satisfaction.
- 22 The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
- 23 Any plant and/or equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- 24 Construction on the site shall be restricted to the following times:
- | | |
|-------------------|------------------|
| Monday to Friday: | 7:00am to 7:00pm |
| Saturday: | 9:00am to 6:00pm |
- Or otherwise as approved by the Responsible Authority in writing.
- 25 The premises must be managed at all times to ensure,
- (i) All waste water generated at the premises from the cleaning of the dog kennels must be retained within the boundary of the premises.
 - (ii) All solid wastes generated from the dog kennels must be collected and stored in an enclosed container prior to disposal.
 - (iii) The kennels and exercise yards are kept clean at all times and regularly disinfected to prevent the spread of disease to the satisfaction of the Responsible Authority.
 - (iv) All food for consumption by dogs or cats is to be kept in vermin and fly proof containers and all meat must be refrigerated and kept in a place approved by the Environmental Health Officer for Kingston City Council.
- 26 Before the use hereby permitted commences, the permit holder must provide a septic system for the treatment of waste water and other waste products in accordance with EPA requirements. Council’s Health Department is responsible for the approval of Septic Systems within the City of Kingston.
- 27 Prior to the commencement of the use the proposed caretaker’s dwelling must be:
- (a) provided with a sealed all weather driveway from its garage to the boundary point of the site on Boundary Road.
 - (b) connected to a stand alone septic system to the satisfaction of the responsible authority.

- (c) connected to a potable water supply.
- (d) connected to a reticulated electricity supply
- 28 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 29 Sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and deliveries and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.
- 30 The location and details of the sign(s) shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 31 All sign(s) must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
- 32 Sign(s) must not be animated or contain any flashing or intermittent light.
- 33 External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 34 This permit (or part of the permit that relates to advertising signage) expires fifteen (15) years from the date of issue of the planning permit.
- 35 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 36 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development and/or use is not started before two (2) years from the date of this permit.
 - The development is not completed before four (4) 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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KP531/09 – 10-12 Pietro Road, Heatherton

APPLICANT	Adam Dettrick Architect
ADDRESS OF LAND	No. 10-12 Pietro Road, HEATHERTON VIC 3202 (Lot 2 on PS 541095S)
PROPOSAL	Dwelling
PLANNING OFFICER	Christopher McInnes
REFERENCE NO.	KP-531/2009
ZONE	Clause 35.04 – Green Wedge Zone (GWZ2)
OVERLAYS	Clause 43.02 – Design and Development overlay (DDO5)
PARTICULAR PROVISIONS	Clause 57 – Metropolitan Green Wedge Land
DATE AMENDMENT RECEIVED	3 December 2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	3 December 2010

Please note that delays processing this application resulted from this application to Amend a Planning Permit being submitted by the applicant prior to original development plans being endorsed.

SUMMARY

An application has been received by Council for minor alterations to the plans, under Secondary Consent provisions, in association with Condition 2 of Planning Permit No. KP-531/2009 issued on the 3rd March, 2010, for the development of the site for one (1) dwelling. The proposed modifications include:

1. The addition of new automatic driveway gates to the front fence;
2. Slight revision in the width of the driveway entrance to accommodate the new gates; and
3. The addition of an enclosed laundry yard to the south elevation.

The current Planning Permit No. KP-531/2009 allows for the development of the site for one (1) dwelling. The original application was required to be advertised.

The original permit was not a permit issued at the direction of the Victorian Civil and Administrative Tribunal or a permit issued under Division 6 of the Planning and Environment Act 1987.

PLANNING PERMIT & SITE HISTORY

Planning Permit No. KP-531/2009 was issued by council on the 3rd March, 2010, for the development of the site for one (1) dwelling.

Planning Permit No. KP-406/2005 was issued by council on the 8th July, 2005, for the subdivision of the site (boundary realignment).

TITLE DETAILS

There appears to be no restrictions listed on the Certificate of Title.

REFERRAL ADVICE

The proposed alterations to the endorsed plans, under the provisions of Secondary Consent, have not been referred to any internal or external authorities.

APPLICATION ASSESSMENT AND ISSUES

The principles, or tests, of Secondary Consent

The Victorian Civil and Administrative Tribunal have set out, on a number of occasions, the principles, or tests, of Secondary Consent (e.g. Westpoint Corporation PL v Moreland CC [2005]).

The tests include the following:

- § *It [proposed amendment] does not result in a transformation of the proposal.*
- § *It [proposed amendment] does not authorise something for which primary consent is required under the planning scheme.*
- § *It [proposed amendment] is of no consequence having regard to the purpose of the planning control under which the permit was granted.*
- § *It [proposed amendment] is not contrary to a specific requirement (or condition of the permit) as distinct from an authorisation within the permit, which itself cannot be altered by consent.*

It is considered that the proposed modifications to the endorsed plans are satisfactory, and meet the above tests of secondary consent. The proposed amendments do not result in a transformation of the original proposal nor would they authorise something for which primary consent is required under the planning scheme.

Additional comments:

It is considered that the changes being sought by the applicant are very minor, and are merely design detail modifications, and they do not change the nature of what has already been approved under the Permit. Further, as the amendments sought are very minor and meet the required test provisions set out by the Tribunal for Secondary Consent, it is submitted that the proposed amendments be supported by Council.

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DECISION

That council resolve to approve the proposed modifications and consent is issued by Council under Secondary Consent provisions, specified under Condition 2 of Planning Permit No. KP-531/2009.