



City of
KINGSTON

Ordinary Meeting of Council Supplementary Agenda

Monday, 23rd September 2013

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

<http://www.kingston.vic.gov.au>

Paul Franklin
Acting Chief Executive Officer
Kingston City Council

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- 9. Environmental Sustainability Reports**
 - 9.3 KP12/785 - 500 Nepean Highway Chelsea - Planning Committee Meeting Report - 18 September 2013 5

- 15. Confidential Items**
 - Nil

9. Environmental Sustainability Reports

Officer Comment

Below is a copy of email correspondence in relation to this permit. Officer Comments are in red.

Dear Cr Tamsin Bearsley,

We are writing to ask for your support in relation to Agenda Item No: 4.2, Planning Permit Application No: KP12/785 of the Planning Committee Meeting on 18 September 2013. Having only been given notice of the conditions of approval on 16 September, we trust you understand the urgency with which we write and that we have not been able to request support any sooner. We are thankful for the overall work of the planning officer and we are pleased to read the recommendation for approval. However, we were surprised and disappointed to find the addition of three further conditions, that in all previous correspondence with the planning officer, had not been mentioned and which seem impractical, unreasonable, unworkable and even contradictory to some of the amended plans which were made to appease previous recommendations. We are seeking your support, along with that of all the councilors, to remove conditions 1a, 1b, 1i and to amend condition 1g.

In regards to condition 1a and 1b, we submit, the recommended pedestrian accessway:

- is impractical; it would lead from Nepean Highway to the kitchen window of dwelling two; for it to be more practical it would lead to an access point which is unworkable in the design. In addition, as we intend on being the residents of dwelling two, we cannot see ourselves or our visitors practically using the pedestrian accessway.
- is contradictory; we spent time and made significant concessions to the size of dwelling 1 living spaces, when amending the plans to appease unrequired recommendations relating to increasing the private secluded space of dwelling 1; and yet the now recommended pedestrian access cuts directly through the private and secluded space that was created by our amendments. Further concession on the size of dwelling 1 living space for the purpose of maintaining the same amount of private and secluded living space is unworkable and unreasonable.
- is unnecessary as demonstrated by the precedent set by number 4 Wynne Lane. Dwelling 2 has its own frontage on Wynne Lane which provides all required access. Number 4 Wynne Lane, positioned to the North West of the proposed development also has frontage to Wynne Lane and does not have any other form of access, pedestrian or otherwise.

As it stands, the proposal will result in an unsafe pedestrian access to the rear dwelling when approached from the north end of the lane. As a pedestrian walking down the lane, you can not see the entry to the dwelling, until you are upon it. This creates an unsafe nook where someone could hide, and you wont see this person, until it is too late. Equally, when exiting the dwelling, you can not tell what is in or heading south down the laneway until it is potentially too late. Whilst there is some activity in this laneway, it is not pedestrianized like a typical street, and there are minimal 'eyes on the laneway' as there would be in a normal street.

We recommended that they set the rear fence back from the laneway to align with the entry, however this option was not accepted by the applicant. It would involve reducing the size of the dwelling, to achieve the minimum open space area required by the planning scheme. Therefore, and in recognition that they wanted the rear dwelling to remain as unchanged as possible, we have included a condition to provide pedestrian access from Nepean Highway, which alleviates the safety issue. This has an impact on the front dwelling, however this is considered to be a compromise given that the front dwelling is not the one they want to live in.

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In regards to condition 1i, we submit, the recommendation to the Nepean Highway front fence:

- is unworkable; if the 1.8m fence needs to be setback by 2.5m this would make it impossible to provide adequate turning space for vehicles to exit onto Nepean Highway in a forward direction.

And yet...

- is contradictory; as section 12.33 of the planning officer's report commends the planned 1.8m front fence as a form of protection from traffic noise.
- is unreasonable as demonstrated by neighboring properties; 501, 502 and 503 having 1.8m fences without a setback, whilst the boundary for 499 is an open concrete carpark.
- is contradictory; if the alternate suggestion of a 1.2m high fence was accepted then most of the private and secluded space would no longer be private.

This condition is meant to require them to increase the width of the opening to the driveway by 2.5m (ie the length of fence along the frontage is reduced) and not that they set the fence back from the front boundary. The rationale is that the car can not enter/exit properly as it is currently proposed. It will also allow for better visibility for pedestrians walking along Nepean Hwy, with a wider opening in which to see a car exiting the site, and hence a safer outcome.

In regards to condition 1g we are seeking an amendment. The planning officer acknowledges in section 12.23 that the living spaces and private secluded areas have been appropriately located to the North, so that solar access is maximised. Unfortunately, the Veterinary Clinic wall casts a significant shadow but we feel this should not prohibit us from having an alfresco area. We would be happy to have skylight panels or similar built into the alfresco roof to further maximize the solar access. Therefore we request that you support an amendment to condition 1g:

From – *the removal of the alfresco roof from the secluded private open space of dwelling 2, so that the only overhanging built form is the cantilevered first floor*

To – *the alfresco roof of dwelling 2, by design, permits solar access to the satisfaction of the responsible authorities.*

This condition has been included for a range of reasons. Without the removal of part of the roof:

- the site coverage is excessive, with a majority of the rear lot being covered by building or roof;
- There is insufficient solar access to the area of open space; and
- The area of open space with unfettered/ unobstructed access to the sky does not comply with the requirements of the planning scheme.

As both past and intending future residents of the former City of Chelsea and given the fact that Emily has served as a Kindergarten teacher in Bonbeach for the past ten years, we hope you will take the time to consider our request at such short notice.

Thank you for your support.

Sincerely,

Objectors

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Agenda Item No: 9.3

**KP12/785 - 500 NEPEAN HIGHWAY CHELSEA - PLANNING
COMMITTEE MEETING REPORT - 18 SEPTEMBER 2013**

Contact Officer: Morgan Livingstone, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Application No. KP12/785 - 500 Nepean Highway Chelsea

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Planning Permit to Develop the Land for the Construction of Two (2) Dwellings at 500 Nepean Highway Chelsea, subject to the conditions contained within this report.

500 Nepean Highway Chelsea – Planning Permit Application No. KP12/785

Executive Summary for Planning Committee Meeting

APPLICATION No:	KP12/785
LAND:	500 Nepean Highway Chelsea
PLANNING OFFICER:	Morgan Livingstone
PROPOSAL:	Develop the Land for the Construction of Two (2) Dwellings
PERMIT TRIGGER:	Construct two or more dwellings on a lot
EXISTING SITE CONDITIONS:	Single storey dwelling
APPLICANT:	Neil Fletcher Design Pty Ltd
ZONE / OVERLAYS:	Single storey dwelling
RESIDENTIAL POLICY AREA	Increased Housing Diversity
OBJECTIONS	None

1.0 DESCRIPTION OF PROPOSAL

- 1.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct two (2) double storey dwellings. The proposed dwellings would be designed in a tandem arrangement with dwelling 1 orientated towards Nepean Highway and dwelling 2 orientated to and accessed from Wynne Lane.
- 1.2 Each dwelling would be provided with open plan kitchen, living & dining area and powder room at ground floor. At first floor the dwellings would be provided with three (3) bedrooms, a “rumpus” room, and two (2) bathrooms.
- 1.3 Dwelling 1 would have 54m² of private open space located to the side (north) of the dwelling, and would be provided with first floor balcony of 10.5m² and roof top deck of 12.2m².
- 1.4 Dwelling 2 would have 39m² of private open space located to the front (west) of the dwelling, and would be provided with two (2) first floor balconies with a combined floor area of 22.1m² and roof top deck of 24m².

2.0 SUBJECT SITE AND SURROUNDS

- 2.1 The following map illustrates the subject site in its surrounding context.



- 2.2 The site is generally rectangular in shape with a frontage to Nepean Highway of 15.24 metres, a side depth of 39.62 metres, resulting in a site area of 603.8 m². It currently contains a single storey, weatherboard dwelling and associated outbuildings. A 1m high fence runs along the width of the site's street frontage.
- 2.3 The subject site also abuts Wynne Lane (part constructed) to rear (west), which provides a secondary vehicle access point to the existing dwelling.
- 2.4 The surrounding area generally comprises a mix of commercial and retail uses to the north along the Nepean Highway frontage, and residential dwellings to the east, west and south of the subject site.

3.0 KEY PLANNING CONSIDERATIONS

3.1 The key planning considerations relate to:

(a) Double Storey Dwelling to the Rear

The proposal seeks to construct two (2) double storey dwellings. Clause 22.11 Council's Residential Development Policy generally encourages double storey components to be located to the front of sites, or to be sensitively designed to minimise the impact on adjoining properties.

In this instance it is considered that, subject to appropriate conditions the proposed dwellings do represent a well-designed proposal that should sit well within the streetscape, and be consistent with the broader neighbourhood character; for the following reasons:

- The site context is such that sensitive interfaces are reduced, by virtue of the commercial property to the north and the rear laneway to west; and
- The first floor elements have been sensitively design to limit amenity impacts on adjoining sensitive uses through appropriate window screening treatments and exceeding setback requirements.

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3.2 Further, the proposal will fulfil broader policy aims which seek to encourage the provision of an incremental increase in housing densities in order to meet the needs of an increasing population.

4.0 OBJECTOR CONCERNS

4.1 Two (2) objections were received to the application, relating primarily to the overlooking and the construction of Wynne Lane to accommodate the proposal. Following the amendment of plans on the 12th of June 2013, both objections were withdrawn.

5.0 CONCLUSION

5.1 Based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by objectors, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported.

RECOMMENDATION

That Council determine to support the proposal and issue a Planning Permit to Develop the land for the construction of two (2) dwellings at No. 500 Nepean Highway, Chelsea (Lot 3 on LP005211), subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 12th June 2013 but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - ii) 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;
 - iii) 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;
 - iv) 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;
 - v) a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - vi) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vii) the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - viii) sustainable lawn areas and plant species taking current water restrictions into consideration;
 - ix) all trees provided at a minimum of 2 metres in height at time of planting;
 - x) medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - xi) the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - a) the provision of a 1.2m wide secure pedestrian accessway along the sites northern property boundary providing a pedestrian access from the Nepean Highway frontage to dwelling 2;
 - b) the secluded private open space of dwelling 2 (north of the dwelling) reconfigured to accommodate the pedestrian accessway required by condition 1a) and achieve the

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- minimum area of 40m² of secluded private open space with a dimension of 3.0 metres as required by Standard B28 of the Kingston Planning Scheme.
- c) the 2000 litre rainwater tanks clearly nominated for dwellings with water re-use for toilet flushing;
 - d) the provision of screening to south facing windows (dwelling 2: bed 1 ensuite, toilet, bathroom; dwelling 1: bed 2, bath, toilet) nominated on the site and elevation plan to be in accordance with the requirements of Standard B22 Overlooking (ResCode) of the Kingston Planning Scheme;
 - e) the provision of screening to the west facing first floor rumpus room windows of dwelling 2 and west facing first floor balcony nominated on the site and elevation plan to be in accordance with the requirements of Standard B22 Overlooking (ResCode) of the Kingston Planning Scheme;
 - f) the provision of privacy screening to a minimum height of 1.7m above the finished floor level to the south elevation of the roof top deck of Dwelling 2 and the west and south elevations of the roof top deck of Dwelling 1 in accordance with the requirements of Standard B22 (ResCode) of the Kingston Planning Scheme;
 - g) the removal of the alfresco roof from the secluded private open space of dwelling 2, so that the only overhanging built form is the cantilevered first floor;
 - h) the provision of double glazing or alternate acoustic treatment to first floor rumpus and bed 3 east facing windows of dwelling 1 and a notation on the plan to reflect this requirement;
 - i) an elevation plan of the Nepean Highway front fencing, with such fencing either setback 2.5 metres from the edge of the existing crossover, or reduced to maximum height of 1.2m;
 - j) the provision of a full colour, finishes and building materials schedule, including colour samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
 - k) the provision of a notation on the plans stating that the right of way must be constructed, from No 499 Nepean Highway to No 501 Nepean Highway to the satisfaction of Council's Development Approvals Engineering Department and Council's Roads and Drains Department as required by Condition 10 of this permit.
 - l) the surface material of all driveways / accessways and car parking spaces of dwelling 2 nominated in all-weather coloured concrete sealcoat, or similar; and
 - m) the surface material of all driveways and accessways of dwelling 1 nominated in a suitable permeable paving (not gravel), or similar.

Endorsed Plans

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

Drainage and Water Sensitive Urban Design

- 3. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.

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4. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
5. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
6. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

Infrastructure and Road Works

7. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
8. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of Council's Roads and Drains Department.
9. All reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant authority.
10. The right of way must be constructed, from No 499 Nepean Highway to No 501 Nepean Highway to the satisfaction of Council's Development Approvals Engineering Department and Council's Roads and Drains Department.
11. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of Council's Roads and Drains Department.

General amenity conditions

12. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use or development of the land, through the:
 - Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

to the satisfaction of the Responsible Authority.

Completion of Works

14. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
15. 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.

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Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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

Time Limits

17. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, 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 Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

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

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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

OR

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

1. The proposal fails to meet the objectives of Clause 55.02-5 (Street Integration) and Clause 55.05-2 (Dwelling Entry) of the Kingston Planning Scheme.

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2. The proposal does not maximise energy efficiency opportunities for dwelling 2, failing to satisfy the objective of Clause 55.03-5 (Energy Efficiency) of the Kingston Planning Scheme.
3. The proposal would result in an unreasonable impact on the amenity of the adjoining properties, contrary to the objectives of Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.

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PLANNING OFFICER REPORT	
APPLICANT	Neil Fletcher Design Pty Ltd
ADDRESS OF LAND	500 Nepean Highway, Chelsea (Lot 3 on LP005211)
PROPOSAL	Develop the land for the construction of two (2) dwellings
PLANNING OFFICER	Morgan Livingstone
REFERENCE NO.	KP-785/2012
ZONE	Residential Zone 1
OVERLAYS	Design and Development Overlay Schedule 1 & Schedule 7
OBJECTIONS	Two (2)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	12th June 2013
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	Exempt
APPLICANT	Neil Fletcher Design Pty Ltd

1.0 RELEVANT LAND HISTORY

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

2.0 SITE PARTICULARS

2.1 The site is generally rectangular in shape with a frontage to Nepean Highway of 15.24 metres, a side depth of 39.62 metres, resulting in a site area of 603.8 m². It currently contains a single storey, weatherboard dwelling and associated outbuildings. A 1m high fence runs along the width of the site's street frontage.

2.2 The subject site also abuts Wynne Lane (part constructed) to rear (west), which provides a secondary vehicle access point to the existing dwelling.

2.3 The land is generally flat and is predominately void of any significant vegetation

2.4 There are no restrictions listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

3.1 The surrounding area generally comprises a mix of commercial and retail uses to the north along the Nepean Highway frontage, and residential dwellings to the east, west and south of the subject site.

3.2 The architectural style and built form of existing residential development in the surrounding area is varied, with a mix of single dwellings on large single allotments and more recent examples of medium density housing.

3.3 Land directly abutting the subject site and opposite is described as follows:

East (Front) Nepean Highway: Railway Reserve.

South (Side): No. 501 Nepean Hwy comprises a double storey weatherboard cladding dwelling. The dwelling is orientated to the rear (east) of the site, setback over 19.8m from the Nepean Highway frontage. Consequently, the main areas of private open space for the dwelling are located to the front (north) of the subject site. The subject site has vehicle access from the Nepean Highway frontage and the rear laneway (Wynne Lane).

West (Rear) Wynne Lane: Beyond Wynne Lane is No.2 Shenfield Avenue. No. 2 Shenfield Avenue comprises a two (2) storey brick and weatherboard dwelling on a large allotment. The dwelling is orientated to Shenfield Avenue with a large area of secluded private open space located to the rear (north) of lot.

North (Side): No. 499 Nepean Hwy is currently occupied by a Veterinary Clinic. The building is orientated to the rear (east) of the site, setback 20 m from the Nepean Highway frontage. The single storey premises' is constructed of brick veneer, and has a 3.5 metre wall built on the boundary abutting the subject site.

4.0 PROPOSAL

- 4.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct two (2) double storey dwelling. The proposed dwellings would be design in a tandem arrangement with dwelling 1 orientated towards Nepean Highway and dwelling 2 orientated to Wynne Lane.

Dwelling 1 (Nepean Highway frontage) comprises:

- 4.2 The two (2) storey dwelling would comprise: a large open plan kitchen, living & dining area, laundry, study and powder room at ground floor. At first floor the dwelling would be provided with three (3) bedrooms, a "rumpus" room, and two (2) bathrooms. The dwelling will have ground floor foot print of 95 square metres and 102 square metres at the first floor.
- 4.3 The dwelling will be provided with a double car garage with a floor area of 39.9 m².
- 4.4 The dwelling have 54m² of private open space located to the side (north) of the dwelling, and would be provided with first floor balcony of 10.5m² and roof top deck of 12.2m².

Dwelling 2 (Wynne Lane frontage) comprises

- 4.5 The two (2) storey dwelling would comprise: a large open plan kitchen, living & dining area, laundry, media room and powder room at ground floor. At first floor the dwelling would be provided with three (3) bedrooms, a "rumpus" room, and two (2) bathrooms. The dwelling will have ground floor foot print of 131.6 square metres and 121.5 square metres at the first floor.
- 4.6 The dwelling will be provided with a double car garage with a floor area of 49.2 m².
- 4.7 The dwelling have 39m² of private open space located to the front (west) of the dwelling, and would be provided with two (2) first floor balconies with a combined floor area of 22.1m² and roof top deck of 24m².
- 4.8 The proposal has an overall site coverage of 55% and a permeability of 29.8%.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 Residential 1 Zone: Pursuant to Clause 32.01-4 of the Kingston Planning Scheme, a planning permit is required to construct two (2) or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme. The Schedule to the Residential 1 Zone includes a variation to a number of standards within Clause 55.

Overlay

- 5.2 Design and Development Overlay (Schedule 1): Pursuant to Clause 43.02 and Schedule 1 of the Zone, a planning permit is not required to construct a building or construct and carry out works providing that building has an internal storey height (measured from floor to ceiling) of 3.5 metres or less.

Particular Provisions

- 5.3 Car Parking: Planning Scheme Amendment VC90, introduced into the Kingston Planning Scheme on 5 June 2012 contains the following residential car parking rates at Clause 52.06:

- 1 space to each 1 or 2 bedroom dwelling;
- 2 spaces to each 3 or more bedroom dwelling; and
- 1 visitor space for every 5 dwellings.

This equates to a parking requirement of four spaces for the proposed development. As the required number of car parking spaces are provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3.

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

General Provisions

- 5.5 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

5.1 State Planning Policy Framework (SPPF)

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

5.2 Local Planning Policy Framework (LPPF)

- Clause 21.05 Residential Land Use
- Clause 22.11 Residential Development Policy

5.3 Other

- 5.4 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 65 of the Neighbourhood Character Guidelines.

- 5.5 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.

7.0 ADVERTISING

- 7.1 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. Two (2) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy
- Parking and traffic concerns

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 22nd March 2013 with the relevant Planning Officer, Ward Councillor, the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.

- 8.2 Following mediation between the applicant and the objector's the concerns were resolved and the objections withdrawn.

- 8.3 It is noted that both objectors advised Council that they had reviewed amended plans, indicating that the first floor windows and balcony of dwelling 2 are screened. Plans submitted to Council on the 11th of June 2013 (Ref DP-AD363 Rev B) provide screening to the west facing balconies & windows of dwelling 2.

9.0 SECTION 57A – AMENDMENT TO PLANS

- 9.1 Following the preliminary conference meeting the Permit Applicant lodged amended plans on the 11th of June 2013 pursuant to Section 57A of the *Planning and Environment Act 1987* the amended plans incorporated the following changes:

- Provide screening to west facing balconies & windows of dwelling 2; and
- Modify the design of dwelling 2 to improve dwelling identity and passive surveillance to Wynne Lane

- 9.2 Section 57B of the *Planning and Environment Act 1987* Notice of amended application requires that Council to consider whether, as a result of the amendments made to the application, the granting of the permit would material detriment to any person. In this instance, it is considered that the amendments are minor in nature (changes to the front fence/ dwelling entry) and it is submitted that there should be no material detriment to the adjoining properties as a result of the amendments.

- 9.3 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

10.0 REFERRALS

- 10.1 The application was referred to the following internal departments:

- Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to stormwater management, the provision of a minimum 2000 litre rainwater tank and requirements relating to Council's drain at the rear of the site.

- Council's Vegetation Management Officer - raised no objection to the application, subject to conditions included on any permit issued relating to the requirements for landscaping and associated works in conjunction with the proposed development.

- Council's Roads and Drains Department - raised no objection to the application, subject to conditions included on any permit issued relating to construction of rear laneway, footpath and property boundary levels and the construction of any new crossovers. It is noted that Roads and Drains Department have recommended that the existing crossover to Nepean Highway be modified and the application be referred to Vic Roads. As this applicant has not sought to make changes to the existing Nepean Highway crossover, no referral to Vic Roads was required in this instance.

11.0 PLANNING CONSIDERATIONS:

State Planning Policy Framework

- 11.1 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.
- 11.2 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.*
 -
- 11.3 **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.

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- 11.4 **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.
- 11.5 Clause 15.03-2 (**Aboriginal Cultural Heritage**) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.6 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity, however the Permit Applicant has completed the Aboriginal Heritage Planning Tool on the Department of Planning and Community Development (DPCD) website and established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan. A copy of the planning questionnaire tool is attached for reference purposes.
- 11.7 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.
- 11.8 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.
- 11.9 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.
- 11.10 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. Subject to appropriate conditions on any permit issued, 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.

Local Planning Policy Framework

- 11.11 The City of Kingston's MSS at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.12 **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.

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

- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through promoting increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes.*

11.14 It is considered that proposed development generally satisfies this objective and policy direction. Specifically, the development seeks to increase the dwelling density in an area which is clearly identified as being well serviced by existing residential infrastructure. It is submitted that context of the subject site, given the Nepean Highway frontage, abutting commercial uses and rear laneway is such that this site is appropriate for medium density development. It is also noted that the subject site is within 800 metres of the Chelsea Railway Station and less than 500 metres from the Chelsea Shopping Strip, and two primary schools.

- *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.*

11.15 It is considered that proposed development generally satisfies this objective and policy direction. Specifically, it is accepted that the proposed design, subject to conditions would positively responds to the sites Nepean Highway context and would contribute to the beachside character of the area.

- *To ensure residential development does not exceed known physical infrastructure capacities.*

11.16 It is considered that proposed development, subject to conditions would generally satisfy this objective and policy direction. Specifically, it is recommended that conditions relating to drainage and the laneway construction be included on any permit issued.

11.17 **Clause 22.11 Residential Development Policy** extends upon the provision contained at Clause 21.05 (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

11.18 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:

- To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.

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- To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.
- Ensure the two storey component of new medium density housing to be located towards the front of a site and where any upper storey components towards the rear are proposed, ensure that they are sensitively designed to avoid unreasonable adversity amenity impacts on the neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- 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. This is to be achieved through ensuring that the garages are set back from the front building line of the dwelling and garages and carports to be within the main roofline of the dwelling.
- To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.
- To limit the amount and impact of increased stormwater runoff on local drainage systems.

11.19 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 (with the exception of the proposed second storey element to the rear). This will be discussed in further detail in the following sections of this report.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

12.1 The proposal has been assessed against the standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to Appendix A). Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought. Seven (7) of the thirty-four (34) ResCode standards are sought to be varied, with the remaining twenty seven (27) standards satisfied by the proposal.

12.2 The following assessment considers the relevant standards and objectives of ResCode where they require further discussion to that provided in the attached Appendix, particularly those standards where concessions are sought.

Standard B1 – Neighbourhood Character

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

12.4 The site is located within Area 65 of the Neighbourhood Character Guidelines. The guidelines identify the following character traits as having a major contribution to the character of the area:

- Most houses have balconies and porches; and
- Most houses have tiled roofs of various colours, and walls with weatherboard or render of various colours.

12.5 A site inspection conducted by the Planning Officer has identified that development in the surrounding area is evolving responding to the zoning and local policy direction for the area, with a numerous examples of recently constructed medium density development and a number of existing single dwellings on large single allotments.

12.6 On balance it is considered that the proposal would sit well within the streetscape and be consistent with the broader neighbourhood character:

- The setback of the dwellings provides an appropriate transition between dwellings to the south and commercial properties to the north; and
- The proposal utilises varied finishes such as cream brick render and selected timber finishes which are commonly found within the streetscape

Standard B2 – Residential Policy

12.7 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston's MSS and Residential Development Policy has been provided at section 10.17 of this Report, with the proposal subject to appropriate conditions, found to be compliant.

12.8 Specifically, it is considered that the proposed development achieves the objectives of the State and Local Planning Policy Framework guidelines which seek to balance the need for well-designed medium density housing and the protection of sensitive coastal environments.

12.9 It is noted that the proposal includes provision for two (2) double storey dwellings, one to be located to the rear of the site. Clause 22.11 Council's Residential Development Policy generally encourages double storey components to be located to the front of sites, or to be sensitively designed to minimise the impact on adjoining properties.

12.10 In this instance it is considered that double storey dwellings, subject to appropriate conditions, can be accommodated on the site without any detrimental impacts to abutting properties for the following reasons:

- The site context is such that sensitive interfaces are reduced, by virtue of the commercial property to the north and the rear laneway to west; and
- The double storey dwelling to the rear has been sensitively design to limit amenity impacts on adjoining sensitive uses through appropriate window screening treatments and exceeding setback requirements.

Standard B5 Integration with the Street & Standard B26 Dwelling Entry

12.11 The objectives of Clause 55.02-5 (Street Integration) and Clause 55.05-2 (Dwelling Entry) is to integrate the layout of development with the street and provide each dwelling with its own sense of identity.

12.12 The Standards requires that developments should;

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- provide adequate vehicle and pedestrian links that maintain or enhance local accessibility;
 - should be oriented to front existing and proposed streets;
 - high fencing in front of dwellings should be avoided if practicable;
 - be visible and easily identifiable from streets and other public areas; and
 - provide shelter, a sense of personal address and a transitional space around the entry.
- 12.13 It is considered that the design of dwelling 2, which is orientated to Wynne Lane responds poorly to the streetscape. Dwelling 2 proposes secluded private open space to be located within the dwellings front setback, with a 1.8 metre front fence running approximately one third (5.5m) of the street frontage, with the dwelling entrance and double garage making up the remaining length of street frontage. The front fence design includes three (3) metal panels to provide a degree of visual transparency to the street. The dwelling entry is set back 2.2m from the front property boundary and the garage is set back 3.4m.
- 12.14 Councils Planning Officer notes that the streetscape of Wynne Lane is much that of a traditional rear service laneway with predominately high rear and side fences with walls and garages commonly on the boundary. It is noted that No. 4 Wynne Lane is orientated and fronts Wynne Lane.
- 12.15 However, the design response proposed is such that it seeks to utilise Wynne Lane as the street frontage and as the main pedestrian and vehicle points of access for dwelling 2. While there is one similar example at No. 4 Wynne Lane is considered that this is generally not characteristic with the existing conditions of the streetscape.
- 12.16 While Council's Planning Officer does not object to this design response in principal, it is expected that a new dwelling appropriately front and address its street frontage. Councils Planning Officer has particular concern with lack of street surveillance that this dwelling provides, particularly given that pedestrians would be required to traverse Wynne Lane to access the dwelling. This situation is exacerbated by character of the laneway, as most dwellings do not front the street and generally have high rear and side fences and thus do not provide any street surveillance.
- 12.17 It is noted that in response to concerns raised by Council, the applicant made the following design changes to improve the dwellings integration with Wynne Lane and specifically address the issue of street surveillance:
- The dwelling entry brought forward of the double garage by 1.2 metres; and
 - The design of the front fence modified to include three perforated panels to provide a degree of the visual transparency.
- 12.18 However, it is submitted that these measures are not sufficient to meet the objectives of Standard B5 & Standard B26 for the following reasons:
- The proposed entrance way which is oriented to the street, with only two narrow windows within the front façade at ground level – presents a relatively inactive ground floor frontage.
 - While the dwelling entry assists in reducing the dominance of garages within the Wynne Lane, it fails to improve on street surveillance, given that there are habitable spaces surveillance on the street;
 - The surveillance of the street afforded by the fence design is minimal a total of 2.4m² of area which is further obscured by laser patterns, likely to be impeded by vegetation and

would only provide functional surveillance when occupants of the dwellings are within their private open space areas.

- 12.19 Having regard to the Decision Guidelines of Clause 55.02-5 and Clause 55.05-2 it is recommended at dwelling 2 is provided a secondary point of pedestrian access from Nepean Highway.

Standard B6 Street Setback

- 12.20 Standard B6 Street Setback requires that any new dwelling be set back from the street frontage a minimum of 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. It is noted that No. 499 Nepean Highway is setback 20 metres and No. 501 Nepean Highway is setback 19.8 metres. Accordingly, in this instance the new buildings on this allotment should be setback 9 metres. The proposal would result in a building setback of 5.7 metres to Nepean Highway.
- 12.21 Having regard to the Decision Guidelines of Clause 55.03-1 and the street setback objective, it is considered that the proposed setback variation is acceptable given the overall streetscape character of Nepean Highway. Particularly, it is noted that commercial properties to the north of the subject site, typically have little to no setback from Nepean Highway. It is accepted that the proposed setback provides an appropriate transition from this commercial context to older residential development to the south and would sit comfortably within the Nepean Highway streetscape.

Standard B10 Energy Efficiency

- 12.22 The objective of Clause 55.03-5 is to achieve and protect energy efficient dwellings and residential buildings; and to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- 12.23 The Standard requires that buildings be orientated to make appropriate use of solar energy and should be design so that solar access to north-facing windows is maximised. In this instance it is considered that the design response of dwelling 2 does not achieve Standard B10. Specifically, it is noted that while both the living areas and private open space are located to the north, they directly abut a 3.5 metre wall on the northern boundary; leaving these areas in shadow for the greater part of the day. This situation is further exacerbated by the proposed verandah/alfresco.
- 12.24 Having regard to the decision guidelines of Clause 55.03-5, particularly to the design response and the resulting availability of solar access for north facing windows, it is recommended that the depth and dimension of the alfresco be reduced to improve sunlight into both private open space areas and living areas.

Standard B21 Overshadowing Open Space

- 12.25 The objective of Clause 55.04-5 is to ensure buildings do not significantly overshadow existing secluded private open space.
- 12.26 The Standard requires that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space

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should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

- 12.27 Given the orientation of the subject site shadows cast by the development will fall predominately on the secluded private open space of No. 501 Nepean Highway.
- 12.28 No 501 Nepean Highway comprises a double storey weatherboard cladding dwelling. The dwelling is orientated to the rear (west) of the site, setback over 19.8m from the Nepean Highway frontage. Consequently, the main area of private open space for the dwelling is located to the front (north) of the subject site. The subject site has vehicle access from the Nepean Highway frontage and the rear laneway (Wynne Lane).
- 12.29 Given the unusual orientation of the dwelling and the high front fence to the Nepean Highway frontage, all land located to the front (west) of the dwelling meet the tests of being secluded private open space for the purposes of Standard B21. This equates to the dwelling have approximately 365m² of secluded private open space. As such, the overshadowing generated by the proposal complies with the numerical standards of B21 Overshadowing Objective.
- 12.30 However, it should be noted that primary areas of functional secluded private open space appears to be located on the north side of the dwelling, situated behind the garage. This area is approximately 96m². Further, it is noted that the proposal will cast shadow within this primary area of secluded private open space.
- 12.31 Nevertheless, it is accepted that the proposal not only meets the numerical requirements of Standard B21, having regard to the decision guidelines of Clause 55.04-5, the proposal achieves the objective of the Standard for the following reasons:
- 40m² of primary areas of secluded private open space at No. 501 Nepean Highway should receive five hours of sunlight between 9 am and 3 pm on 22 September.
 - Shadows cast by the development will not impede on the sunlight penetration into habitable room windows of No. 501 Nepean Highway.

Standard B24 Noise Impacts

- 12.32 The objective of Standard B24 is to contain noise sources in developments that may affect existing dwellings and to protect residents from external noises. This is to be achieved by ensuring that
- Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.
 - Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.
 - Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.
- 12.33 In this instance the design of dwelling 1 has relatively short 5.7m setback from the Nepean Highway frontage and while at ground floor the lounge area is offered considerable protection from traffic noise by the proposed 1.8m front fence, it is considered the first floor rumpus room and bedroom three would be subject to significant vehicle noise from Nepean Highway. It is also noted that this portion of Nepean Highway does not benefit from a service road.

12.34 Having regard to the design response it is recommended that a condition of any permit issued would be the provision of double glazing or alternate acoustic treatment to upper floor habitable room windows of dwelling 1.

Standard B28 – Private Open Space

12.35 The objective of this Clause 55.05-4 is “to provide adequate private open space for the reasonable recreation and service needs of residents”.

12.36 Under the Standard, a minimum area of 40m² with a dimension of 3.0 metres of private open space is required where dwellings have access to ground floor areas. Secluded private open space should be provided to the side or rear of dwellings. Dwelling 2 would only be provided with a total private open space area of 39m² at the ground level and thus does not achieve the requirements of Standard B28 – Private Open Space.

12.37 Having regard to the decision guidelines of Clause 55.05-4 it is considered that a minor variation to the Standard can be supported in this instance as ground floor areas of secluded private open space are supplemented with two (2) first floor balconies with a combined floor area of 22.1m² and roof top deck of 24m².

13.0 CONCLUSION:

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

- The compatibility of the design and siting with the surrounding area;
- The mitigation of off-site amenity impacts; and
- A suitable level of compliance with all relevant policies, including Clause 55 of the Kingston Planning Scheme

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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. Development responds to features of the site and surrounding area.</p>	Yes	Refer to Section 11 of the 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	Refer to Section 11 of the 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	It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	No	Refer to Section 11 of the report.
<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>	No	<p>Required: 9 metres Proposed: 5.7 metres</p> <p>Refer to Section 11 of the report.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 8.65 metres</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: 55%</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<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: 29.8%</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>	No	Refer to Section 11 of this report.
<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	
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	Complies. Dwellings are provided with porches and pedestrian refuges. No unsafe spaces are proposed as part of the development.
<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	It is recommended that a landscape plan be required by way of a condition of any permit issued.
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	Refer to Section 11 of the report.
<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>	Yes	The design of the proposed garages and accessways ensures that vehicle access to and from a development is safe and convenient. Habitable room windows meet the minimum

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Title and Objective	Complies with Standard?	Requirement and Proposed	
		requirements of Standard B15 to ensure they are protected from vehicle noise.	
B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.			
<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	<p>Dwelling 1 Required: <u>Ground Floor</u> North: 1m East: N/A (frontage) South: 0m West: N/A</p> <p><u>First Floor</u> North: 2.59 East: N/A (frontage) South: 1.93m West: N/A</p> <p>Dwelling 2 Required: North: N/A (frontage) East: N/A South: 1m West: 1m</p> <p><u>First Floor</u> North: N/A (frontage) East: N/A South: 1.93 West: 2.59</p>	<p>Dwelling 1 Proposed: <u>Ground Floor</u> North: 1m East: N/A (frontage) South: 0m West: N/A</p> <p><u>First Floor</u> North: 3.4m East: N/A (frontage) South: 2.7m West: N/A</p> <p>Dwelling 2 Proposed: North: N/A (frontage) East: N/A South: 1m West: 2.2m</p> <p><u>First Floor</u> North: N/A (frontage) East: N/A South: 2.7 West: 3.2m</p>

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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>	Yes	<p>Complies. Maximum: 17.40m on southern boundary Proposed: 7.33m. It is noted that the wall on the boundary has a maximum average wall height of 3m.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	<p>Complies. No buildings are proposed to be constructed closer than 1 metre of existing habitable room windows.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	<p>Complies. No north facing habitable room windows are within 3 metres of the property boundary.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>Refer to Section 11 of the report.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Yes	<p>Subject to suitable conditions requiring screening first floor windows are nominated to comply with Standard B22.</p>
<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	<p>Complies. The design of dwellings limits views internally. Overlooking within the development is less than 50% and complies with the Standard B23.</p>
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	No	<p>Refer to Section 11 of the report.</p>
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	<p>Complies. Existing crossover to Nepean Highway is to be maintained. All vehicles should be able to egress the site to Nepean Highway in a forwards direction.</p>
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	No	<p>Refer to Section 11 of the report.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	Complies. New windows are located to face an outdoor space clear to the sky with a min. dimension of 1m. Where a verandah is provided it is open for at least one third.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	Refer to Section 11 of the Report.
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	Complies. No south facing private open space is proposed.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Each dwelling has adequate space to accommodate 6m ³ of conveniently accessible external storage, clothesline and water tank. It is recommended that a condition of the permit be for these facilities to be shown on the plans.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	It is considered that the dwellings incorporate building materials and design details which are sympathetic to the locality and are consistent with the evolving nature of the surrounding residential area. The design entails flat roof forms and window proportions, are consistent with the surrounding environs.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Yes	Maximum: 2m Proposed: 1.8m

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Title and Objective	Complies with Standard?	Requirement and Proposed
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.	N/A	
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	Subject to the inclusion of suitable conditions it is accepted there is sufficient space to accommodate site services.

Appendices

Appendix 1 - KP12/785 500 Nepean Highway Chelsea - Considered Plans (Trim No 13/90338)

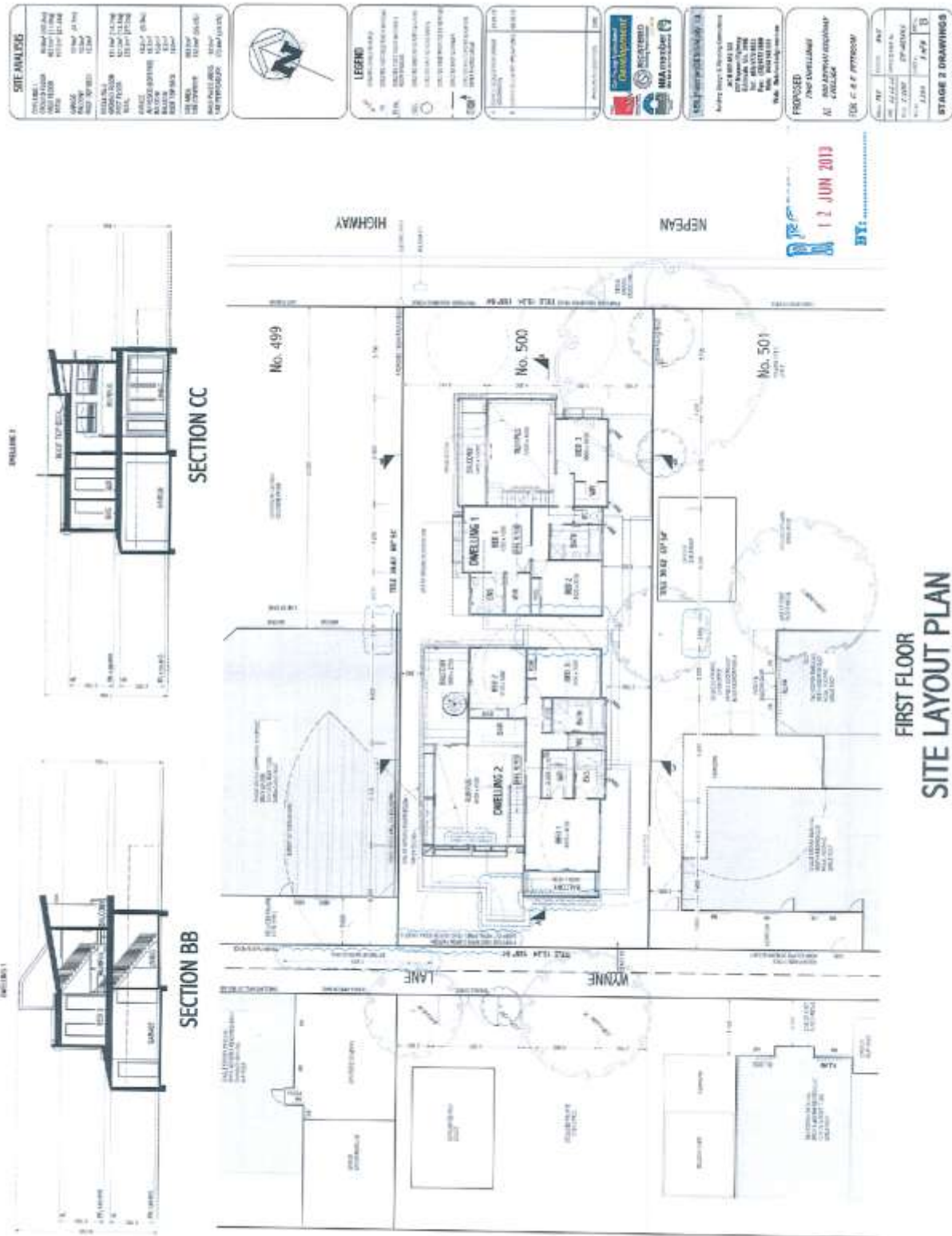
Author/s: Morgan Livingstone, Statutory Planner

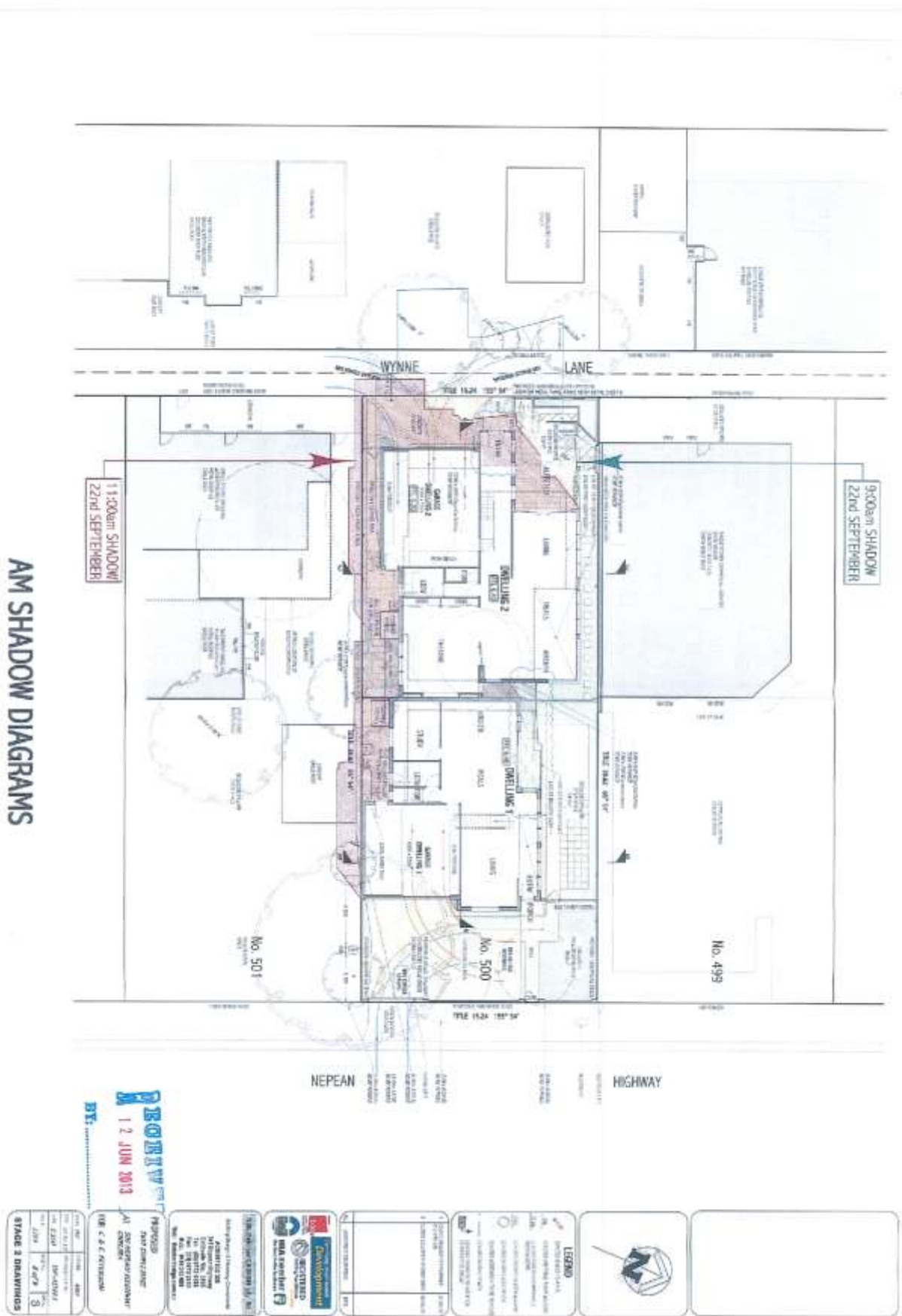
Reviewed and Approved By: Hannah McBride-Burgess, Team Leader Statutory Planning

9.3

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- 1 KP12/785 500 Nepean Highway Chelsea - Considered Plans.. 366





AM SHADOW DIAGRAMS

PROFIT
 12 JUN 2013
 BY: [Signature]

LEGEND

- EXISTING FOOTPRINT
- NEW FOOTPRINT
- EXISTING WALL
- NEW WALL
- EXISTING ROOF
- NEW ROOF
- EXISTING DRIVE
- NEW DRIVE
- EXISTING FENCE
- NEW FENCE
- EXISTING LANDSCAPE
- NEW LANDSCAPE
- EXISTING UTILITIES
- NEW UTILITIES
- EXISTING SERVICES
- NEW SERVICES
- EXISTING SETBACKS
- NEW SETBACKS
- EXISTING EASEMENTS
- NEW EASEMENTS
- EXISTING RIGHTS OF WAY
- NEW RIGHTS OF WAY
- EXISTING ADJACENT PROPERTIES
- NEW ADJACENT PROPERTIES
- EXISTING ADJACENT ROADS
- NEW ADJACENT ROADS
- EXISTING ADJACENT UTILITIES
- NEW ADJACENT UTILITIES
- EXISTING ADJACENT SERVICES
- NEW ADJACENT SERVICES
- EXISTING ADJACENT SETBACKS
- NEW ADJACENT SETBACKS
- EXISTING ADJACENT EASEMENTS
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- EXISTING ADJACENT ADJACENT EASEMENTS
- NEW ADJACENT ADJACENT EASEMENTS
- EXISTING ADJACENT ADJACENT RIGHTS OF WAY
- NEW ADJACENT ADJACENT RIGHTS OF WAY

STAGE 2 DRAWINGS

DATE	12 JUN 2013
BY	[Signature]
FOR	PROFIT
PROJECT	12 JUN 2013
SCALE	AS SHOWN
STATUS	STAGE 2 DRAWINGS

