

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

K 190	Town Planning Application Decisions – October 2008	Page 6
K 191	Planning Application KP191/08 – 18 Maury Road, Chelsea	Page 14
K 192	Planning Application KP414/08 – 38 Clay Street, Moorabbin	Page 30
K 193	Planning Application KP228/08 – 100 Beach Road and 14-18 Palermo Street, Mentone (St Bede’s College)	Page 47
- 9. Organisational Development and Governance Reports**

K 194	Remembrance Garden	Page 56
-------	--------------------	---------
- 10. Notices of Motion**
- 11. Question Time** Page 58
- 12. Urgent Business**
- 13. Items in Camera**

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

Minutes of the Ordinary Meeting of the Kingston City Council held at the Cheltenham Office at 1230 Nepean Highway, Cheltenham, on Monday, 24 November 2008 at 7.05pm.

Present: Cr Bill Nixon OAM (Mayor)
Cr Greg Alabaster
Cr Arthur Athanasopoulos
Cr Justin McKeegan
Cr Topsy Petchey
Cr John Ronke
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Paul Franklin – General Manager Corporate Services
Tony Rijs – General Manager Environmental Sustainability
Elaine Sowerby – General Manager, Organisational Development and Governance
Michael Petit – Manager Communications and Promotions
Ian Nice – Manager Planning and Building
Michael Fry – Team Leader Council Business

Question Time

The Mayor Cr Nixon advised that question time would close at 8.00pm.

1. Apologies

Nil.

2. Confirmation of Minutes of Previous Meetings

Crs Alabaster/West

That the minutes of the Ordinary Council Meeting held on 27 October 2008 and the Special Council Meeting held on 31 October 2008 be confirmed.

Carried

3. Declaration by Councillors or Officers of any interest or conflict of interest in any items on the Notice Paper, pursuant to Section 79 of the Local Government Act 1989

There were no declarations by Councillors or officers.

4. Petitions

Nil.

5. Presentation of Awards

The Mayor, Cr Nixon, advised the meeting of three awards as follows:

***Heart Foundation Government Award - State Category Winner
“Programs that Promote Healthy Weight”***

Helen Watson and Kim Howland (Maternal and Child Health Services)

The Mayor, Cr Nixon, in accepting the award, made the following statement:

‘The City of Kingston’s Active Mum Active Kids initiative, undertaken in partnership with Central Bayside Community Health Centre, has won the Heart Foundation’s Local Government Award in the state category of “Programs that Promote Healthy Weight”.

The project addresses the growing incidence of childhood obesity and the impact of motherhood on levels of physical activity.

Research indicates that 51% of women are physically inactive and many women with young children are not achieving adequate levels of physical activity to maintain good health.

The ‘Active Mum Active Kids’ project involved engaging with local mums, children and local sporting groups to develop:

- *Come and Try sessions for various physical activity options, including the facilitation of annual pram strolls;*
- *An ‘Active Mums Active Kids’ brochure which provides information and makes suggestions regarding the benefits of physical activity; and*
- *An adult gym between the Carrum Maternal and Child Health Centre and the children’s Playground at Roy Dore Reserve.*

The installation of gym equipment in a local park has enabled mums to be active and overcomes a number of barriers to physical activity including cost, access to child care, lack of knowledge and motivation.

On behalf of my fellow Councillors, I congratulate Helen and Kim and the members of the Central Bayside Community Health Centre on the Award./

Debra Jordan

The Mayor, Cr Nixon, in presenting a Certificate of Appreciation to Debra Jordan, made the following statement:

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

“It gives me great pleasure to recognise the community contribution of Debra Jordan. Debra joined Bonbeach Life Saving Club Inc in 1989 and has made a real impact on both the club and local community.

A Registered Nurse , she has a challenging career as a Senior Administrator at Peninsula Health, based at the Chelsea Community Rehabilitation Centre, as well as supporting her husband Campbell in his Life Saving endeavours and bringing up her two children , Scott and Brooke. Debra has found the time to be Secretary and is now currently President of Bonbeach Life Saving Club and was made a Life Member in 2005.

Some years ago she realised that much of the club’s history was beginning to disappear , as our older former members started to pass away. This realisation was further crystallised , with the passing of her father in law Roy Jordan (Past Secretary) , who had completed a largely text based Club history for our 60th year in 1992 , and Morrie Portingale , Past President of Bonbeach LSC and Mayor of the City of Chelsea.

Debra set about researching, contacting former & present members, and their families, in the end amassing thousands of photo’s and many stories. Over a three year period Debra compiled this information into the magnificent Bonbeach Life Saving Club, 75th Year History Book.

Despite no formal training in publishing or graphic design, Debra managed to bring the Club’s history up to date in a world class publication filled with Photographs, Life Members’ Recollections, and interesting Historical Data. Debra did all the content, layout and artwork even raising funds and sourcing sponsorship for the book.

Sales of the book have been brisk (I understand that it is the Perfect Christmas Gift, at the Special Christmas Price of just \$20.00) with all funds going to the Club and helping past and present club members connect.

Since publication Debra has been helping other people with their History projects, and is currently working on a History of the Chelsea Community Rehabilitation Centre.

On behalf of my fellow Councillors, I wish Debra all the best for the future.”

Syd Gallagher

The Mayor, Cr Nixon, in presenting a Certificate of Appreciation to Syd Gallagher, made the following statement:

“It gives me great pleasure to recognise the community contribution of Syd Gallagher for his contribution to community safety and municipal emergency management through out Kingston for the past twenty years.

Syd is retiring from the Police force and it is fitting Council recognize his valued service to the Kingston community.

Syd was appointed ‘officer in charge’ to the Moorabbin Police Station in 1988 and immediately sat on the former City of Moorabbin’s Emergency Management Planning Committee. Thereafter he undertook the role of Municipal Emergency Response Coordinator, a statutory Police appointment under the Emergency Management Act.

When Kingston was formed during amalgamation, Syd was a key leader on the development of Kingston's initial Emergency Management Plan, working in close partnership with Council and other emergency management agencies.

Kingston's key features such as our coast line, major transport spines, Southland shopping centre, large industrial areas, the Kingston Centre rehabilitation facility and the Moorabbin Airport, all possess emergency management challenges. Over the years these features have presented several emergency incidents including a, mini tornado that demolished a large number of industrial premises, a bomb threat requiring large scale evacuation, airport incidents, several major flooding events, many road and rail accidents and in more recent times the Keys Road fire, the April windstorm this year and the fatal aircraft accident in Cheltenham.

As the Emergency Response Coordinator or Police commander for Kingston Syd was a key member of emergency teams, responding and minimizing the impact on the Kingston community.

On behalf of Council, I am pleased to extend our appreciation for your highly valued services to Council's Emergency Management Planning Committee and the Kingston community and we wish you a long and fulfilling retirement."

6. Reports from Village Committees

There were no Village Committee reports.

7. Reports from Delegates Appointed by Council to Various Organisations

The Mayor, Cr Nixon OAM, reported on his participation in the Prime Minister's Local Government Summit held in Canberra on 18 November 2008. The Mayor advised that Kingston City Council had been allocated \$488,000 to spend by September 2009 on infrastructure projects that would promote growth and employment opportunities. With respect to this allocation, the Mayor also advised that the administration is drawing up a list of suitable projects that could meet the specified selection criteria.

Additionally, the Mayor advised that the Prime Minister announced a further \$50 million allocation Australia wide for larger scale projects costing \$2 million or more for which the administration will prepare an appropriate application for the incoming Council's consideration.

Crs Ronke/Petchey

That the report of the delegate be accepted and the delegate be thanked for his report.

Carried

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

8. Environmental Sustainability Reports

K 190

Town Planning Application Decisions – October 2008

Approved By: Tony Rijs-General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

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

A summary of the decisions is as follows:

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

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Crs Ronke/Petchey

That the recommendation be adopted.

Carried

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

K 191

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

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

Main Issues Relating to this Application

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

Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
----------	---------------------	--------------------------------	--

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

Private Open Space	<ul style="list-style-type: none"> • An area of 40m², 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 25m², a minimum dimension of 3 metres and convenient access from a living room, or. • Balcony – minimum 8 sqm, minimum width 1.6m and accessed from living room or; • Roof-top – minimum 10 sqm, minimum width 2m and convenient access from living room 	<p>Dwelling 1 – 65.10m² of which 39m² is secluded private open space</p> <p>Dwelling 2 – 65.10m² of which 39m² is secluded private open space</p> <p>Dwelling 3 – 57.40m² of which 43.4m² is secluded private open space</p>	As per ResCode
Car Parking	Two (2) spaces for each 3 bedroom dwelling.	<p>Dwelling 1 – Two (2) car spaces – Two (2) in Double Garage garage</p> <p>Dwelling 2 – Two (2) car spaces – Two (2) in Double Garage garage</p> <p>Dwelling 3 – Two (2) car spaces – Two (2) in Double Garage garage</p>	Adequate car parking for future residents and visitors
Dwelling Setback to Street	Site is technically on a corner – The abutting allotment facing to front street – 5.6 metres Dwelling 3 - 3 metres	Dwelling 1 and Dwelling 2 – 5.24 metres Dwelling 3 – 5 metres	As per ResCode
Site Coverage	Maximum 60%	Site coverage is 58%	As per ResCode

EXISTING CONDITIONS:

The subject site is located on the south side of Maury Road, Chelsea. It is rectangular in shape with a frontage width of 18 metres, a maximum depth of 30.48 metres, resulting in an overall area of 548.64m². The site has a fall of approximately 0.21 metres towards the west. The subject site does not contain any significant vegetation. The site is currently vacant and is unused Tennis Court.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

PROPOSAL IN DETAIL:

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

Key elements of the proposal are as follows:

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

Building Materials and colours have been nominated as:

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

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

TITLE DETAILS

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

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

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

- Windows obscured;

- Internal rearrangement of the partition and staircase;
- 6m³ storage added to each dwelling;
- Visitor's car space removed from ramp area and other minor changes were done.

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

ADVERTISING

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

The grounds of concern may be summarised as follows:

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

PRELIMINARY CONFERENCE

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

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION

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

- The deletion of the roof top deck and the spiral staircase to the roof top deck;
- The reduction in width of crossover to Maury Road to enable the retention of one on-street car parking space;
- More obscured windows;
- The deletion of the study area in all dwellings;
- The redesign of the basement car parking area by using turntable to enable the car to exit the site in a forward direction;
- The ground floor secluded private open space area increased by 44 m², resulting in a total secluded of private open space of 99 m²;
- The total site coverage reduced by 2%, resulting in a total site coverage of 58%.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

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

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

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

PLANNING SCHEME PROVISIONS

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

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

REFERRAL

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

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

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

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

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

Discussion

Kingston Planning Scheme Provisions:

Clause 12: Metropolitan Development

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

Clause 12.01 A more compact city seeks to:

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

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

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

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

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

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

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

Clause 12.08 Better transport links seeks to:

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

It is considered that this application meets these objectives.

Clause 14.01: Planning for Urban Settlement

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

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

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

It is considered that this application meets these objectives.

Clause 16.02: Housing - Medium Density Housing

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

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

It is considered that this application clearly meets these objectives.

Clause 21.05 MSS - Residential Land use

Increased Housing Diversity

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

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

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

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

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

Clause 22.11 - Residential Development Policy

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

Average dwelling size within this area has been calculated to be 289.05m² and it is therefore acknowledged that this proposal would not meet this strategy as the subject site just falls short with an area of 182.88m². However, the proposal adequately meets the requirements of the site coverage, private open space, permeability, on-site car parking, and so on. Further, the proposed built form has been well articulated with different building materials and various wall inseting in the elevations in order to avoid a 'box-like' double storey type designs, thus reducing visual bulk. The design and the layout of the proposed dwellings incorporate features which minimise overlooking of adjacent properties. The garages are located in the basement without dominating the street frontage. Therefore, it is submitted that the smaller than required average dwelling size does not have great impact on this proposal.

Clause 32.01: Residential 1 Zone

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

Schedule

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

Clause 42.02 – Design and Development Overlay

Schedule 1 – Urban Coastal Height Control Area

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

- To ensure that new buildings, works, renovations and extensions are compatible with surrounding buildings and natural features, and sympathetic to the surrounding natural landscape and environment.
- To relate building heights, building bulk and setbacks to adjoining sites so that they are compatible with and enhance the appearance and character of the immediate locality.

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

Schedule 7 – Urban Coastal Foreshore Setback Control Area

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

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

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

Clause 55: Rescode

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

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

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

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

Standard B29 Solar Access to Open Space -

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

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

Clause 65: Decision Guidelines

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

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

Neighbourhood Character Area Guidelines (Incorporated Document):

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

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

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

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

Response to Grounds of Objection

Objection - *Overlooking neighbouring property*

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

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

Objection – *Excess floor height and building height*

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

Objection: *Overdevelopment/visual bulk*

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

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

Objection: *Excess site coverage*

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

Objection: *Overshadowing neighbouring private open space*

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

Objection: *Traffic safety; ramp gradient and accessway*

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

Objection: *Excessive hard surface*

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

General Comment

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

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

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

Recommendation

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

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

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

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

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

The meeting was addressed by Mr John Guthrie on behalf of the objectors.

Crs McKeegan/Petchey

That a Notice of Refusal to Grant a Permit be issued on four grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-5 Integration With The Street Objective, Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.04-5 Overshadowing Open Space Objective, Clause 55.05-4 Private Space Objective; Clause 55.05-5 Solar Access To Open Space Objective; and Clause 55.06-1 Design Detail.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

K 192

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

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

Main Issues Relating to this Application

- Secluded private open space
- Access
- Front fence

Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
----------	---------------------	--------------------------------	--

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

EXISTING CONDITIONS:

The subject site is located on the east side of Clay street, Moorabbin. It is rectangular in shape with a frontage width of 15.24 metres, a maximum depth of 64.72 metres, resulting in an overall area of 986m². Vehicle access to the site is via a single width crossover located on the south side of the Clay Street property frontage. The subject site does not contain any significant vegetation.

The site is currently occupied by a single storey house.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

PROPOSAL IN DETAIL:

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

Key elements of the proposal are as follows:

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

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

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

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

TITLE DETAILS

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

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

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

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

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

ADVERTISING

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

The grounds of concern may be summarised as follows:

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

PRELIMINARY CONFERENCE

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

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

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

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

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION

No amendments made.

PLANNING SCHEME PROVISIONS

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

REFERRAL

No external referrals were required in respect of this application.

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

Discussion

Kingston Planning Scheme Provisions:

Clause 12: Metropolitan Development

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

Clause 12.01 A more compact city seeks to:

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

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

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

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

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

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

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

Clause 12.08 Better transport links seeks to:

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

It is considered that this application meets these objectives.

Clause 14.01: Planning for Urban Settlement

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

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

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

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

It is considered that this application meets these objectives.

Clause 16.02: Housing - Medium Density Housing

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

§ Respects the character of the neighbourhood.

§ Improves housing choice.

§ Makes better use of existing infrastructure.

22. Improve energy efficiency of housing.

It is considered that this application clearly meets these objectives.

Clause 21.05 MSS - Residential Land use

Incremental Housing Change Area

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

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

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

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

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

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

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

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

Average dwelling size within this area has been calculated to be 306.55m² and it is therefore considered that this proposal would meet this strategy as the subject site has an area of 328.67m².

Clause 22.11 - Residential Development Policy

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

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

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

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

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well-articulated and graduated elevations in order to avoid “box-like” double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

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

Clause 32.06: Residential 3 Zone

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

Schedule

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

Clause 55: Rescode

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

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

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

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

Standard 28 (schedule to the R3Z) requires an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open space required for the dwelling.

Dwelling 3 has 3 bedrooms and 1 multi purpose room (M.P.R.). It is acknowledged that the size of M.P.R. has been reduced substantially, as demonstrated on the amended plans submitted. However, looking at the size of M.P.R., it is still considered possible to convert this room into a bedroom. Therefore, the size of private open space for dwelling 3 is substandard as only 64.2m² of secluded P.O.S. is proposed. This shortfall of P.O.S. can be addressed via a condition on any permit issued.

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

Clause 65: Decision Guidelines

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

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

Neighbourhood Character Area Guidelines (Incorporated Document):

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

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

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

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

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

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

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

Response to Grounds of Objection

Objection: *Overlooking to the neighbouring properties.*

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

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

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

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

Objection: *Overshadowing to habitable windows to neighbouring property*

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

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

Objection: *Less front street setback than required.*

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

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

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

General Comment

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

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

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

Recommendation

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

- d) the provision of new minimum 2.2 metre high timber paling fences nominated along the site's north, south and east side property boundaries and constructed to the cost of the applicant/owner, with the side fences to taper down to 1m in height at 3 metres from the frontage of the site;
 - e) the front fence reduced to 1.2m high and provision of an elevation plan of the front fencing, which provides details of height, materials and colours;
 - f) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - g) the door of each garage nominated as a panel lift door, or similar;
 - h) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings; and
 - i) the provision of the private open space of dwelling 3 increased to 80m² or the M.P.R. deleted in accordance with Clause 55.05-4 of Kingston Planning Scheme.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 4. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
 6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
 7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 8. Construction on the site must be restricted to the following times:

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

Or otherwise as approved by the Responsible Authority in writing.

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

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

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

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

The meeting was addressed by Ms Sue Samuel on behalf of the objectors and Peter Pascuzzi on behalf of the applicant.

Crs Alabaster/West

That a Notice of Refusal to Grant a Permit be issued on four grounds:

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

4. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-5 Integration With The Street Objective, Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.05-4 Private Space Objective; Clause 55.06-1 Design Detail; and Clause 55.06-2 Front Fence Objective.

Carried

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

K 193

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

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

Main Issue

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

Existing Conditions:

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

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

Proposal:

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

Music/Drama Facility

This new facility consists of the following components

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

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

Gymnasium upgrade

The upgrade to the existing gymnasium consists of the following components

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

Planning Scheme Requirements:

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

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

Advertising:

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

Response to Grounds of Objection

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

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

Preliminary Conference

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

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

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

Referrals:

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

Planning Assessment:

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

State Planning Policy Framework

Clause 18.07 Education Facilities

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

Clause 19.03 Design and Built Form

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

Local Planning Policy Framework (including the MSS)

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

Zoning Provisions

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

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

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

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

Particular Provisions

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

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

General Comment:

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

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

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

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

Recommendation:

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

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

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

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

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

Or otherwise as approved by the Responsible Authority in writing.

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

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

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

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

The meeting was addressed by Mr Tony Wilson on behalf of the objectors.

Crs Petchey/McKeegan

That a Notice of Refusal to Grant a Permit be issued on four grounds:

1. The proposal would have an adverse affect on the amenity of the neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal would detract from the visual amenity of the locality and the streetscape.

Carried

9. Organisational Development and Governance Reports

K 194 Remembrance Garden

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

Author: Trish Smyth, Manager Libraries & Education

1. Purpose

This report provides an update on the Remembrance Garden.

2. Background

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

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

3. Issues

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

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

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

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

4. Triple Bottom Line Checklist

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

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

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

5. Summary and Conclusion

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

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

6. Recommendation

That Council:

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

Crs Petchey/McKeegan

That the recommendation be adopted.

Carried

10. Notices of Motion

There were no notices of motion.

11. Question Time

Trevor Sherwan asked the following question regarding the residential part of the Northern Framework Plan

1. Why didn't Council make a provision to prevent concrete crushers and factories in the proposed Employment Zone 1 of the Green Wedge?

The Northern Non Urban Area Framework Plan adopted by Council recommends that Council develop planning controls to regulate future land uses so that they accord with the principles of the plan.

Draft controls will be developed in conjunction with the State Government.

Andrew McIntosh asked the following question regarding the cleaning and safety of Old Dandenong Road.

1. Who should be taking responsibility for keeping the road clean and safe from bricks & mud in Old Dandenong Road, Heatherton?

Council officers are proactively working with operators and a number of actions have been taken to reduce the amount of mud generated from land fill sites.

Andrew McIntosh asked the following question regarding more concrete crushers in Heatherton

1. What action is council going to take in protecting the Local Community and Market Gardens and the School from more concrete crushers in Heatherton?

The decision, taken by the Minister for Planning, is not supported by Council. Council argued against this planning permit application at the Panel Hearing.

Andrew McIntosh asked the following question regarding the operation of TPI.

1. How can TPI still operate illegal soil height?

Conditions on the current permit relate to the height of waste materials.

Council is in the process of ensuring compliance with amenity conditions and approved site management plans.

Andrew McIntosh asked the following question regarding the City Circle permit

1. Has City Circle got a permit to operate in Heatherton?

No. Council has successfully taken action to stop works on the site.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

Andrew McIntosh asked the following question regarding Landtrax operating a soil sieving machine on site.

1. How can Landtrax operate without a permit and with a soil saving machine on site operating?

It is Council's understanding that permits are in place to accept clean fill.

A letter will be forwarded to Mr McIntosh confirming the status of current permits for the site.

12. Urgent Business

Crs Ronke/Alabaster

That an item with respect to the Minister for Planning determination in relation to the concrete crusher planning application be considered as an item of Urgent Business

The motion was put and **carried**.

Crs Alabaster/Athanasopoulos

The motion was put and **carried**.

That Kingston Council expresses its strong opposition and extreme disappointment in the recent decision by the Minister for Planning to grant a permit for a concrete crusher in the municipality, against the wishes of Council and the community.

That Council seek a legal opinion on the possibility of amending Special Use Zones in the municipality to exclude concrete crushing facilities in these Zones.

Crs West/Alabaster

That an item with respect to rezoning the Special Use Zone 2 in the green wedge be considered as an item of Urgent Business

The motion was put and **carried**.

Crs West/Alabaster

“That Council request the officers to provide a report on the feasibility of rezoning as Green Wedge Zone all of the land currently zoned Special Use Zone 2 in Kingston's green wedge as the only means to effectively prevent the approval of further concrete crusher applications.”

The motion was put and **carried**.

13. Items in Camera

There were no items dealt with in camera.

Mayor's remarks on the Council term

The Mayor, Cr Nixon OAM made the following remarks at the conclusion of business at the last Ordinary Council Meeting of this term of Council:

'This is the last Ordinary Council Meeting for my colleagues and I.

I would like to say a few words on a number of what I believe have been remarkable achievements gained for the community over the last three years.

I would add that it has been my good fortune to be able to put an even greater perspective on where we started and where we are today, given the honour of having served as Kingston's first and now current Mayor.

In 1997, Kingston's first elected Councillors inherited a debt of \$29 million and were in the bottom half-dozen metropolitan councils in terms of financial viability.

Today, due to the efforts of that Council, and each Council that has preceded it, our debt has been reduced to \$5.5 million and we are in the top half-dozen Councils.

Reducing debt is important. But even more important is the delivery of the highest quality of services – and we deliver more than 100. To prioritise funding to fix ageing infrastructure and to build or renew community assets. This was addressed by each Council from 1997 to today and beyond into the future.

Lets look at the past.

I have read in election material and the local paper Council is a "pro-developer" Council and one that is led around by Council officers.

Inappropriate residential development has been a battle fought on behalf of residents dating back to the election of the first Kingston Council.

Kingston is now one of the few Victorian municipalities to effectively apply height restrictions to specific residential areas to protect the character and amenity of neighbourhoods. We have completed structure plans in Clayton South, Carrum, Mordialloc and Highett and are developing them for Mentone, Moorabbin and Cheltenham.

One of the enduring features about this Council, about all Kingston Councils, has been a commitment to listen, to be courteous and constructive even when we disagree, and to then take action to benefit the community.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

I hope that this Kingston credo continues when the new Councillors take office next month.

Now, I said that we have accomplished much over the past three years and I will mention just a few of these successes in closing my remarks tonight.

- *Council is spending \$26.7 million on Capital Works Projects across the City, a record amount. It includes more than \$8 million on road and drainage projects and big projects such including the Patterson Lakes Community Centre and Library, playgrounds \$616,000 upgrades, replacement of the Beasley Reserve Pavilion in Chelsea Heights; the extension and renovation of Walter Galt Pavilion in Mordialloc and \$1 million for coastal infrastructure and works on Mordialloc Creek. Planting of thousands of trees per year.*
- *Speaking of the Creek, Melbourne Water is consulting with Council and the community on exciting plans to create new wetlands at Aspendale Gardens that will reduce the chance of flooding, improve water quality and provide a place for native birds, animals and fish to thrive.*
- *The Kingston Charitable Trust has raised well over a quarter of a million dollars and is now in a position to financially assist eligible community projects..*
- *Council's response to the challenges of Stage 3A water restrictions was a Water Conservation Plan that saves 5.2 megalitres (5,200,000 litres) of water annually. Council has also reduced water consumption at its Waves Leisure Centre by approximately 7 million litres annually.*
- *We have also invested funds to "drought proof" our sporting fields and ovals because of the vital role that sport plays in the life of residents of all ages. This is being carried out in a planned sustainable way.*
- *Council distributed approximately \$1 million in Community and Village Committee Grants.*
- *Stage 1 of the Mordialloc Bay to Rail Precinct project and the first section (Stages 1(a) and 1(b) of the Kingston shared pedestrian/bicycle trail were completed.*

We addressed Greenhouse gas emissions, warm season grasses on seven major sports grounds, waste management initiatives, worked with business and community effectively.

Finally a word of sincere thanks from us all to our Chief Executive Officer, John Nevins, to Senior Officers and to Kingston Council staff in general.

You have provided professional advice with courtesy and frankness and this aided us in reaching decisions that were always made with the Kingston community in mind.

**City of Kingston
Ordinary Council Meeting**

Minutes

24 November 2008

Highlights included:

- *Working with two remarkable Junior Mayors in Victoria Hermitage, Mentone Primary School and Tahryn Mant of St Marks Primary, Dingley.*
- *The support from the Faith communities through their prayers.*
- *Citizenship ceremonies*
- *Major festivals and events*
- *Village Committees*
- *Volunteers. Thousands and god knows how many hours in health, environment and sport.*

Read the 2007/08 City of Kingston Annual Report. The quality of our staff from CEO, John Nevins, our General Managers through to staff in all areas of service to our community.

“It is more than just a job.” ‘

The Mayor, in conclusion, thanked the Councillors for allowing him to serve as Mayor and for their good counsel, and invited any Councillor who wished to speak to do so.

Each Councillor addressed the meeting to identify their highlights and key achievements of their term.

There being no further business, the meeting closed at 9.25pm.

Accepted His / Her Worship The Mayor

2008