

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

A Planning Committee Meeting of Kingston City Council was held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 22 June 2011.

1. Apologies

2. Confirmation of Minutes of Previous Meeting

Minutes of Planning Committee Meeting of 18 May 2011.

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

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

4. Environmental Sustainability Reports

PC 31	Town Planning application Decisions – May 2011	Page 3
PC 32	KP 892/06 – 56-58 The Corso, Parkdale	Page 17
PC 33	KP 891/10 – 37-39 Patterson Street, Bonbeach.....	Page 32
PC 34	KP 607//10 – 80 Rowans Road, Highett	Page 50
PC 35	KP 872/10 – 307-310 Station Street, Chelsea	Page 71
PC 36	KP 572/10 – 49 Como Parade East, Parkdale.....	Page 99
PC 37	KP 606/10 – 31 Dahmen Street, Carrum	Page 119
PC 38	98 – 116 Cavanagh Street, Cheltenham.....	Page 129

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Minutes of the Planning Committee Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 22 June 2011 which commenced at 7.04pm.

Present: Cr Ron Brownlees (Mayor)
Cr Lewis Dundas
Cr Dan Moloney
Cr Paul Peulich
Cr Trevor Shewan
Cr Rosemary West OAM

In Attendance: Tony Rijs – General Manager Environmental Sustainability
Ian Nice – Manager Statutory Planning
Phil De Losa – Program Leader Governance
Nicola Wright – Governance Officer

1. Apologies

Cr Arthur Athanasopoulos, Cr John Ronke, Cr Steve Staikos, CEO John Nevins

Crs West/Peulich

That the apologies be noted.

Carried

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 18 May 2011

Crs Shewan/Peulich

That the minutes of the Planning Committee Meeting 18 May 2011 be confirmed

Carried

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

Nil

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

4. Environmental Sustainability Reports

PC 31 Town Planning Application Decisions – May, 2011

Approved By: Tony Rijs-General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	115	77
Notice of Decision	18	12
Refusal to Grant a Permit	6	4
Other - Withdrawn (3) - Prohibited (0) - Permit not required (4) - Lapsed (3)	10	7
Total	149	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Crs Peulich/Moloney

That the recommendation be adopted

Carried

City of Kingston
Planning Committee Meeting
22 June 2011

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-717/2010	39 Parkers Road	PARKDALE	11/10/2010	2/05/2011	TWELVE (12) DWELLINGS APARTMENT STYLE	Permit Issued	YES
KP-102/2011	18 McLeod Road	CARRUM	21/02/2011	2/05/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-355/2009/A	78-86 White Street	MORDIALLOC	29/12/2010	2/05/2011	SEVENTY ONE (71) DWELLINGS - SBO	Permit Issued	NO
KP-812/2010	19 Bethell Avenue	PARKDALE	16/11/2010	2/05/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-516/2010	31 Garfield Street	CHELTENHAM	2/08/2010	2/05/2011	TWENTY FIVE (25) DWELLINGS - 3 STOREY APARTMENT STYLE	Refused	NO
KP-710/2010	39 Bay Street	PARKDALE	7/10/2010	2/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-517/2010	57 Scotch Parade	BONBEACH	3/08/2010	2/05/2011	TWO (2) DWELLINGS	Lapsed	NO
KP-202/2011	16 94-102 Keys Road	CHELTENHAM	31/03/2011	2/05/2011	CHANGE OF USE - WAREHOUSE / OFFICE	Permit Not Required	NO
KP-916/2010	220A Como Parade West	PARKDALE	22/12/2010	2/05/2011	LIQUOR LICENCE	Withdrawn	NO
KP-11/2011	10A Acacia Crescent	PATTERSON LAKES	5/01/2011	3/05/2011	REPLACEMENT OF JETTY 77	Permit Issued	NO
KP-95/2010	208 Balcombe Road	MENTONE	23/02/2010	3/05/2011	SEVEN (7) DWELLINGS	Permit Issued	YES
KP-305/2010	82 Station Street	ASPENDALE	20/05/2010	3/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-763/2010	14 1-3 James Street	MORDIALLOC	28/10/2010	3/05/2011	DWELLING EXTENSION	Permit Issued	NO
KP-65/2011	5 46-48 Patty Street	MENTONE	2/02/2011	3/05/2011	DWELLING EXTENSION ON LOT SIZE > 300	Permit Issued	NO
KP-372/2010	53 Marriott Street	PARKDALE	16/06/2010	3/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-558/2010	3 Hermitage Street	CHELTENHAM	18/08/2010	3/05/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	Notice of Decision	NO
KP-762/2010	22 Jean Street	CHELTENHAM	25/10/2010	3/05/2011	TEN (10) DWELLINGS	Refused	NO
KP-554/2010	19 Elora Road	OAKLEIGH SOUTH	17/08/2010	3/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-232/2010	1 3 Mount View Street	ASPENDALE	20/04/2010	4/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-746/2010	43 Randall Avenue	EDITHVALE	21/10/2010	4/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-442/2010	29 Church Road	CARRUM	6/07/2010	4/05/2011	THREE (3) DWELLINGS	Permit Issued	NO
KP-407/2010	4 Swanpool Avenue	CHELSEA	28/06/2010	4/05/2011	FIVE (5) LOT SUBDIVISION	Permit Issued	NO
KP-138/2011	11 Seafarer Court	PATTERSON LAKES	7/03/2011	4/05/2011	REPLACE JETTY 205	Permit Issued	NO
KP-114/2011	7 Eel Race Road	CARRUM	28/02/2011	4/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-829/2010	1 Leslie Court	CLAYTON SOUTH	18/11/2010	4/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-901/2010	32 Cannes Avenue	BONBEACH	15/12/2010	4/05/2011	TWO (2) DWELLINGS	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-799/2010	5 Wyman Place	BRAESIDE	9/11/2010	4/05/2011	BUILDINGS & WORKS	Permit Issued	NO
KP-3/2011	5 50 Barilla Road	MOORABBIN	5/01/2011	4/05/2011	CONSTRUCT FENCE ON COMMON PROPERTY	Permit Issued	NO
KP-170/2011	11 Serpentine Court	WATERWAYS	17/03/2011	5/05/2011	SINGLE DWELLING	Permit Issued	NO
KP-699/1999/A	48 Rae Avenue	EDITHVALE	20/01/2011	5/05/2011	SINGLE DWELLING	Permit Issued	NO
KP-60/2010	4 Niringa Avenue	ASPENDALE	9/02/2010	5/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-533/2010	1 17 Oakes Avenue	CLAYTON SOUTH	10/08/2010	5/05/2011	FOUR (4) LOT SUBDIVISION	Permit Issued	NO
KP-772/2010	136 Wilson Street	CHELTENHAM	27/10/2010	5/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-856/2010	195 Station Street	EDITHVALE	26/11/2010	6/05/2011	DEVELOP FORTY-NINE (49) DWELLINGS WITHIN A THREE (3) STOREY BUILDING (AS AMENDED)	Refused	NO
KP-181/2011	2 10 Collins Street	MENTONE	21/03/2011	6/05/2011	CONSTRUCTION OF ATTACHED VERANDAH TO DWELLING ON A LOT LESS THAN 300M2	Permit Not Required	NO
KP-752/2008	72 Gladesville Boulevard	PATTERSON LAKES	11/08/2008	9/05/2011	BUILDINGS AND WORKS - CONSTRUCT A SECOND FLOOR AND INCREASE CAPACITY TO 65 INDEPENDENT LIVING UNITS	Lapsed	NO
KP-151/2011	98 Station Street	ASPENDALE	9/03/2011	10/05/2011	THREE (3) LOT SUBDIVISION	Permit Issued	NO

City of Kingston
Planning Committee Meeting
22 June 2011

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-90/2011	1 18 Manoon Road	CLAYTON SOUTH	15/02/2011	10/05/2011	THREE (3) LOT SUBDIVISION	Permit Issued	NO
KP-559/2010	1 Hermitage Street	CHELTENHAM	19/08/2010	10/05/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-528/2010	2 Lorraine Street	CHELTENHAM	9/08/2010	10/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-870/2010	13 Boundary Road	MORDIALLOC	2/12/2010	10/05/2011	MOTOR VEHICLE SALES	Permit Issued	NO
KP-826/2010	Factory 3 6 Wren Road	MOORABBIN	18/11/2010	10/05/2011	MOTOR VEHICLE SALES	Permit Issued	NO
KP-159/2011	Boatshed 1009	CHELSEA	15/03/2011	10/05/2011	BUILDINGS & WORKS - BOATSHED 1009	Permit Issued	NO
KP-691/2009/A	316 Highett Road	HIGHETT	21/03/2011	10/05/2011	BUILDINGS & WORKS AND CHANGE OF USE	Permit Issued	NO
KP-528/2010/A	2 Lorraine Street	CHELTENHAM	15/03/2011	10/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-904/2010	14 2 Garden Boulevard	DINGLEY VILLAGE	16/12/2010	10/05/2011	MOTOR VEHICLE SALES	Permit Issued	NO
KP-188/2010	1430 Centre Road	CLAYTON SOUTH	1/04/2010	11/05/2011	ELEVEN (11) DWELLINGS	Permit Issued	NO
KP-643/2010	55 Sherwood Avenue	CHELSEA	15/09/2010	11/05/2011	THREE (3) DWELLINGS	Permit Issued	NO
KP-134/2010	23 Como Parade East	MENTONE	12/03/2010	11/05/2011	SEVENTEEN (17) DWELLINGS	Permit Issued	YES
KP-699/2009	67 Como Parade East	PARKDALE	26/10/2009	11/05/2011	FIVE (5) DWELLINGS	Permit Issued	NO
KP-813/2008/A	1438 Centre Road	CLAYTON SOUTH	13/12/2010	11/05/2011	EIGHT (8) DWELLINGS	Permit Issued	NO

City of Kingston
Planning Committee Meeting
22 June 2011

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-83/2011	4 Randall Avenue	EDITHVALE	10/02/2011	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-711/2010	308 Nepean Highway	PARKDALE	8/10/2010	11/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-126/2011	9 Gipps Avenue	MORDIALLOC	7/03/2011	11/05/2011	FOUR (4) LOT SUBDIVISION	Permit Issued	NO
KP-172/2011	21 Davey Street	PARKDALE	16/03/2011	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-392/2010	21 Rennison Street	PARKDALE	23/06/2010	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-257/2011	70 Blackwood Avenue	MENTONE	14/04/2011	11/05/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-125/2011	31 Fourth Street	PARKDALE	4/03/2011	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-213/2011	22 Camelia Grove	CHELTENHAM	7/04/2011	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-1028/2000/A	1126-1146 Centre Road	OAKLEIGH SOUTH	6/01/2011	11/05/2011	BUILDINGS & WORKS	Permit Issued	NO
KP-173/2011	42 Fifth Avenue	CHELSEA HEIGHTS	17/03/2011	11/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-207/2011	39 Northcliffe Road	EDITHVALE	6/04/2011	12/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-218/2011	52 Curlew Point Drive	PATTERSON LAKES	6/04/2011	13/05/2011	REPLACE JETTY 112	Permit Issued	NO
KP-240/2011	18 Beachcomber Court	PATTERSON LAKES	15/04/2011	13/05/2011	REPLACE JETTY 225	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-798/2010	426-431 Nepean Highway	CHELSEA	8/11/2010	13/05/2011	LIQUOR LICENCE	Permit Issued	NO
KP-217/2011	35 Snapper Point Drive	PATTERSON LAKES	6/04/2011	13/05/2011	REPLACE JETTY 11	Permit Issued	NO
KP-237/2011	41 Curlew Point Drive	PATTERSON LAKES	8/04/2011	13/05/2011	BUILDINGS & WORKS	Permit Issued	NO
KP-236/2011	127 Palm Beach Drive	PATTERSON LAKES	8/04/2011	13/05/2011	REPLACE JETTY 167	Permit Issued	NO
KP-740/2010	2 Heland Place	BRAESIDE	21/10/2010	13/05/2011	FACTORY/WAREHOUSE/OFFICE	Permit Issued	NO
KP-698/2010	43 Brentwood Close	CLAYTON SOUTH	1/10/2010	16/05/2011	BUILDINGS & WORKS	Permit Issued	NO
KP-857/2010	65 Chelsea Road	CHELSEA	30/11/2010	16/05/2011	THREE (3) LOT SUBDIVISION - STAGED	Permit Issued	NO
KP-129/2011	29 Snapper Point Drive	PATTERSON LAKES	7/03/2011	16/05/2011	REPLACE JETTY NO. 13	Permit Issued	NO
KP-891/2010	1-19 Industrial Drive	BRAESIDE	10/12/2010	16/05/2011	BUILDINGS AND WORKS ON LAND SUBJECT TO INUNDATION OVERLAY	Permit Issued	NO
KP-655/2010	599A Nepean Highway	BONBEACH	17/09/2010	16/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-273/2011	38 Snapper Point Drive	PATTERSON LAKES	20/04/2011	16/05/2011	REPLACE JETTY 10	Permit Issued	NO
KP-274/2011	7 Gull Court	PATTERSON LAKES	20/04/2011	16/05/2011	REPLACE JETTY 98	Permit Issued	NO
KP-183/2011	6 Clipper Island	PATTERSON LAKES	24/03/2011	16/05/2011	REPLACE JETTY 18	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-272/2011	32 Curlew Point Drive	PATTERSON LAKES	20/04/2011	16/05/2011	REPLACE JETTY 118	Permit Issued	NO
KP-780/2010	11 Glencannon Crescent	CLAYTON SOUTH	29/10/2010	17/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-435/2009/A	493C Warrigal Road	MOORABBIN	12/05/2011	17/05/2011	FACTORY / OFFICE / WAREHOUSE / RESTAURANT IN A ROAD ZONE CATEGORY 1	Permit Issued	NO
KP-682/2004/A	4 94-102 Keys Road	CHELTENHAM	12/05/2011	17/05/2011	TAKE AWAY FOOD PREMISES	Permit Issued	NO
KP-124/2011	29 Dactyl Road	MOORABBIN	4/03/2011	17/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-128/2011	31 Snapper Point Drive	PATTERSON LAKES	7/03/2011	17/05/2011	REPLACE JETTY NO. 12	Permit Issued	NO
KP-518/2008/A	29 Wells Road	CHELSEA HEIGHTS	17/12/2010	17/05/2011	BUILDINGS AND WORKS	Permit Issued	NO
KP-563/2003/B	139 Parkers Road	PARKDALE	13/05/2008	18/05/2011	BUILDINGS & WORKS - TWO (2) CARETAKERS DWELLINGS	Withdrawn	NO
KP-195/2011	39-41 Canterbury Road	BRAESIDE	28/03/2011	18/05/2011	FACTORY/OFFICE DEVELOPMENT WITH REDUCED CARPARKING	Permit Issued	NO
KP-563/2010	560 Station Street	CARRUM	20/08/2010	18/05/2011	CHILD CARE CENTRE	Notice of Decision	NO
KP-107/2011	3 Morris Street	PARKDALE	24/02/2011	18/05/2011	BUILDINGS & WORKS ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-62/2011	58 Tarnard Drive	BRAESIDE	1/02/2011	18/05/2011	BUILDINGS & WORKS	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-152/2011	2 Harding Lane	BONBEACH	9/03/2011	18/05/2011	THREE (3) LOT SUBDIVISION	Permit Issued	NO
KP-651/2010	14 Church Road	CARRUM	17/09/2010	18/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-67/2011	627E Nepean Highway	CARRUM	2/02/2011	18/05/2011	DWELLING EXTENSION	Permit Issued	NO
KP-175/2011	4 Jordan Street	CLAYTON SOUTH	22/03/2011	18/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-746/2009	555 Highett Road	HIGHETT	13/11/2009	18/05/2011	MIXED USE DEVELOPMENT	Permit Issued	NO
KP-78/2011	66 Rae Avenue	EDITHVALE	8/02/2011	19/05/2011	SINGLE DWELLING ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-234/2011	30 Portland Place	WATERWAYS	14/04/2011	19/05/2011	SINGLE (1) DWELLING	Permit Issued	NO
KP-99/2011	1190-1214 Nepean Highway	CHELTENHAM	18/02/2011	19/05/2011	BUILDINGS & WORKS	Permit Issued	NO
KP-150/2011	1 Charlotte Street	CLAYTON SOUTH	9/03/2011	19/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-492/2010	513-514 Nepean Highway	BONBEACH	23/07/2010	19/05/2011	MIXED USE DEVELOPMENT- NINE (9) DWELLINGS & ONE (1) SHOP WITH REDUCED CAR PARKING REQUIREMENTS	Refused	NO
KP-309/2011	Shop 25 171-187 Nepean Highway	MENTONE	13/05/2011	20/05/2011	APPLICATION ERROR PLEASE REFER TO KP905/10	Permit Not Required	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-785/2010	Shop 3 171-187 Nepean Highway	MENTONE	12/11/2010	23/05/2011	LIQUOR LICENCE & ADVERTISING SIGN	Permit Issued	NO
KP-931/2010	167 Beach Road	PARKDALE	29/12/2010	23/05/2011	SEVENTEEN (17) DWELLINGS	Refused	NO
KP-241/2011	23 Admirals Quay	PATTERSON LAKES	7/04/2011	23/05/2011	SINGLE DWELLING	Permit Not Required	NO
KP-604/2010	249-251 Centre Dandenong Road	CHELTENHAM	2/09/2010	23/05/2011	FOUR (4) DWELLINGS	Permit Issued	NO
KP-282/2010	34 Nepean Highway	MENTONE	12/05/2010	23/05/2011	MAJOR PROMOTION/SKY SIGN	Permit Issued	YES
KP-784/2010	202-208 Nepean Highway	PARKDALE	4/11/2010	23/05/2011	LIQUOR LICENCE	Permit Issued	NO
KP-108/2011	252 Nepean Highway	EDITHVALE	24/02/2011	23/05/2011	MIXED USE DEVELOPMENT - CONSTRUCT DWELLING ABOVE EXISTING SHOP	Lapsed	NO
KP-790/2010	17 Norma Avenue	CHELTENHAM	5/11/2010	23/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-907/2010	31A Antibes Street	PARKDALE	17/12/2010	24/05/2011	EXTEND A DWELLING ON A LOT LESS THAN 300SQM	Permit Issued	NO
KP-279/2010	12 Mascot Avenue	BONBEACH	12/05/2010	24/05/2011	FOUR (4) DWELLINGS	Notice of Decision	NO
KP-441/2010	7 Olive Grove	MENTONE	6/07/2010	24/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-251/2011	11 Eric	MORDIALLOC	13/04/2011	24/05/2011	TWO (2) LOT SUBDIVISION	Permit	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
	Avenue					Issued	
KP-212/2011	23 Warrigal Road	MENTONE	7/04/2011	24/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-474/2009	5-7 Spray Avenue	MORDIALLOC	21/07/2009	24/05/2011	MOTOR VEHICLE SALES & BUILDINGS & WORKS (FRONT FENCE)	Permit Issued	NO
KP-277/2001/A	756-768 Springvale Road	BRAESIDE	27/10/2010	24/05/2011	LIQUOR LICENCE - AMENDMENT	Permit Issued	NO
KP-848/2010	5 25 Ti-Tree Grove East	PARKDALE	23/11/2010	24/05/2011	DWELLING EXTENSION & REMOVAL OF COVENANT	Notice of Decision	NO
KP-96/2011	Unit 2 10 The Strand	CHELSEA	16/02/2011	25/05/2011	DWELLING EXTENSION ON LOT LESS THAN 300 SQM	Permit Issued	NO
KP-629/2010	23 Dennis Street	HIGHETT	8/09/2010	25/05/2011	THREE (3) DWELLINGS	Permit Issued	NO
KP-805/2010	25 Bradshaw Street	MORDIALLOC	10/11/2010	25/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-289/2011	24 Portland Place	WATERWAYS	4/05/2011	25/05/2011	SINGLE DWELL ON LAND SUBJECT TO INUNDATION OVERLAY	Permit Issued	NO
KP-191/2011	17 The Waterways Boulevard	WATERWAYS	24/03/2011	25/05/2011	DWELLING EXTENSION	Permit Issued	NO
KP-909/2010	7 Kara Grove	ASPENDALE	21/12/2010	25/05/2011	FOUR (4) LOT SUBDIVISION	Permit Issued	NO
KP-724/2010	17 Smith Street	CARRUM	13/10/2010	25/05/2011	FOUR (4) DWELLINGS	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-221/2011	13 Mascot Avenue	BONBEACH	8/04/2011	25/05/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-244/2011	1230-1232 Nepean Highway	CHELTENHAM	4/04/2011	25/05/2011	ADVERTISING SIGNAGE	Permit Issued	NO
KP-42/2011	552 Nepean Highway	BONBEACH	25/01/2011	25/05/2011	TWO (2) LOT SUBDIVISION / CREATE EASEMENT	Permit Issued	NO
KP-747/2010	33 Bethell Avenue	PARKDALE	20/10/2010	26/05/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-736/2010	17 Horsmunden Road	MOORABBIN	15/10/2010	26/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-252/2011	Office 2062BE 1239 Nepean Highway	CHELTENHAM	13/04/2011	26/05/2011	ADVERTISING SIGNAGE	Permit Issued	NO
KP-493/2009/A	112 Devon Street	CHELTENHAM	31/03/2011	27/05/2011	TWO (2) DWELLINGS AND TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-292/2011	1320 Nepean Highway	CHELTENHAM	4/05/2011	27/05/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-760/2010/A	7B Collins Street	MENTONE	12/04/2011	30/05/2011	TWO (2) DWELLINGS	Withdrawn	NO
KP-976/2007/A	58-64 Nepean Highway	MENTONE	17/02/2011	30/05/2011	BUILDING & WORKS - SBO	Permit Issued	NO
KP-589/2010	28 Rennison Street	PARKDALE	27/08/2010	30/05/2011	FOUR (4) DWELLINGS	Notice of Decision	NO

**City of Kingston
Planning Committee Meeting
22 June 2011**

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-748/2010	198 Old Dandenong Road	HEATHERTON	20/10/2010	30/05/2011	BUILDINGS & WORKS ON LAND DESIGNATED AS LSIO	Permit Issued	NO
KP-169/2011	1 Darvall Court	CHELTENHAM	17/03/2011	30/05/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-25/2011	105-107 Nepean Highway	MENTONE	17/01/2011	30/05/2011	ADVERTISING SIGN	Permit Issued	NO
KP-24/2011	2 370 Boundary Road	DINGLEY VILLAGE	17/01/2011	30/05/2011	ADVERTISING SIGN	Permit Issued	NO
KP-23/2011	422-424 South Road	MOORABBIN	17/01/2011	30/05/2011	ADVERTISING SIGN	Permit Issued	NO
KP-142/2011	100 Broadway	BONBEACH	7/03/2011	30/05/2011	DWELLING EXTENSION ON LAND SUBJECT TO AN INUNDATION OVERLAY	Permit Issued	NO
KP-226/2011	3 MacQuarie Circle	WATERWAYS	4/04/2011	31/05/2011	SINGLE (1) DWELLING	Permit Issued	NO
KP-198/2010	26 Railway Parade	HIGHETT	8/04/2010	31/05/2011	SIX (6) DWELLINGS	Permit Issued	NO
KP-82/2011	960-962 Centre Road	OAKLEIGH SOUTH	10/02/2011	31/05/2011	ADVERTISING SIGN	Permit Issued	NO
KP-786/2010	1-9 Balcombe Road	MENTONE	9/11/2010	31/05/2011	MIXED USE DEVELOPMENT	Refused	NO
KP-692/2010	72 Woodbine Grove	CHELSEA	30/09/2010	31/05/2011	THREE (3) DWELLINGS	Notice of Decision	NO
KP-745/2010	22-36 Bulli Street	MOORABBIN	19/10/2010	31/05/2011	BUILDINGS & WORKS	Notice of Decision	NO

City of Kingston
Planning Committee Meeting
22 June 2011

Minutes

Planning Decisions May, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-227/2011	25 Harpley Street	CHELTENHAM	12/04/2011	31/05/2011	BUILDING & WORKS (STEEL SHED)	Permit Issued	NO
KP-860/2010	3 Booker Street	CHELTENHAM	26/11/2010	31/05/2011	THREE (3) DWELLINGS	Notice of Decision	NO
KP-203/2009/A	75 Station Street	ASPENDALE	17/08/2010	31/05/2011	TWO DWELLINGS	Notice of Decision	NO

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 32

KP892/06 – 56–58 The Corso, Parkdale

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

EXISTING CONDITIONS:

The site is located on the south side of The Corso, Parkdale, opposite its intersection with Heslop Street. The site is irregular in shape and size, has a frontage width of approximately 37.04 metres to The Corso and an overall area of approximately 2993m². There is a significant slope of the land in a north-south (front to rear) direction. The subject site is developed and used for the purpose of a church (place of worship).

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

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

The existing conditions plan shows that there approximately thirty-one (31) formal car spaces located on site. There is also a gravel area which is used for car parking, however, this car parking area has not be formalised with line marking and suitable drainage / surfacing. The existing and proposed car parking and traffic conditions are discussed later in this report.

TITLE DETAILS:

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

SITE HISTORY:

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

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

PROPOSAL IN DETAIL:

It is proposed to construct alterations and additions to the existing church building, including car parking works. Details of the proposed works are as follows;

Lower Level

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

Upper Level

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

The overall building area for the existing church is approximately 255m² for the lower level and approximately 200m² for the upper level, with an additional area of approximately 48m² of concourse area also located on the upper level. The proposed alterations and additions would increase the overall building area at the lower level by approximately 70m², to an area of approximately 325m². The increase in the upper level would be approximately 265m², to an area of approximately 465m² (with an additional concourse area of approximately 85m²).

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

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

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION:

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

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

Council decided to allow the amendments.

ADVERTISING:

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Twenty-six (26) objections to the proposal were received. The valid grounds of concern may be summarised as follows

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

PRELIMINARY CONFERENCE:

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

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

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION:

Prior to a decision on the application being made, the applicant requested that the application be placed on hold. The application remained on hold until an amendment to the application under Section 57A of the Planning and Environment Act 1987 was made on 8th July, 2010. Amongst other minor amendments made, the revised application reduced the floor area of the lower level of the proposed development approximately 200m².

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

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

- Parking and traffic concerns;

- Visual Bulk and Mass;
- Drainage; and
- Loss of privacy.

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

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

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

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

REFERRALS:

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

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

RELEVANT POLICIES:

State Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.13 Heritage

Clause 22.16 Heritage Policy

Zoning

Clause 32.01 (Residential 1 Zone)

Overlays

Clause 43.01 (Heritage Overlay)

Clause 43.02 (Design & Development Overlay – Schedule 1)

Particular Provisions

Clause 52.06 (Car Parking)

General Provisions

Clause 65 (Decision Guidelines)

PLANNING CONSIDERATIONS:

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

STATE PLANNING POLICY FRAMEWORK

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

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

Context:

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

Heritage:

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

Architectural quality:

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

Landscape Architecture:

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

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

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

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

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

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

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

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

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

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

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

provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protects the environment and to reduce the impact of stormwater on bays and catchments.

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

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

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

LOCAL PLANNING POLICY FRAMEWORK

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

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

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

As noted previously, Council's Heritage Advisors have considered the proposal and advised of no objection to the proposed alterations and addition. Indeed, it was suggested that the proposal "represents a better heritage outcome" and that "while the building will still be substantially remodelled it will facilitate the ongoing valued use and produce little impact on the most important aspects of the design - namely its presentation to The Corso." As a result, it is considered that the proposal adequately satisfies the requirements of Clause 21.13 of the Kingston Planning Scheme.

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

- To conserve heritage places by respecting the historic and architectural integrity of buildings, streetscapes and vistas.

- To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.
- To ensure that new development is undertaken in a manner that integrates positively with the surrounding buildings and area.

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

ZONING

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

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

OVERLAYS

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

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

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

Clause 42.02: Design & Development Overlay – Schedule 1 (Urban Coastal Height Control Area): The design objectives of the *Urban Coastal Height Control Area* include:

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

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

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

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

PARTICULAR PROVISIONS

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

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

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

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

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

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

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

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

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

The Proposal: The proposal seeks to increase the overall building floor area from approximately 455m² to approximately 790m².

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

*Planning Scheme Parking Requirements: **Under the Planning Scheme, a church is classified as a 'Place of Assembly'. As discussed above, a fixed number of additional seats have not been proposed and therefore the parking requirement would be based on the additional floor area. With an increase in area of approximately 335m², the car parking requirement would translate to 335m² x 0.3 spaces per square metre = 100 car parking spaces. However, this figure is not considered particularly meaningful because it has no particular regard to existing occupation levels for the church.***

Empirical Assessment of Parking Demand

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

The Church: The increase in space available to the congregation would increase by approximately 130m². If the existing space of approximately 100m² can accommodate 100 persons it follows that the additional 130m² would be able to accommodate an additional 140 persons taking the total capacity to approximately 230 persons. However, this does not include standing room which is likely to take the capacity of the church beyond 230 persons.

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

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

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

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

In essence, it is proposed to increase the overall floor area of the existing building while reducing the overall number of car spaces provided on site. This is considered to be unacceptable given the existing car parking and traffic concerns as raised by residents and the capacity of the street network to accommodate increased on street car parking and traffic.

Conclusions: Overall, having regard to the following;

- *the existing Building Permit which requires the church to provide only eighteen (18) car spaces on site;*
- *the existing sixty-one (61) formal and informal car spaces currently provided on site;*
- *the proposed extension of the church;*
- *the reduced number of car spaces proposed to be provided on site;*
- *the capacity of the existing road network to accommodate any increase in car parking demand, and;*
- *the current car parking provisions of the Kingston Planning Scheme,*

Council's Traffic Engineers advised that the application should not be supported on the basis of inadequate car parking provided on site. Furthermore, it is considered that an overall reduction in the proposed floor area and an increase in the number of car parking spaces provided on site should be considered as part on any future development of the site.

RESPONSE TO GROUNDS OF OBJECTION

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

It should also be noted that the car parking situation in the surrounding road networks is a significant issue regardless of the proposed Church extension. While the proposal would indeed seek to formalise an increase number of car parking space on site (i.e. from 31 formal car parking spaces to 52 formal car parking spaces), this increase in formalised car parking spaces does not result in a reduction in the car parking or traffic implications of the proposal on the surrounding road network. As a result, Council Officer's consider that the proposal should not be supported on car parking and traffic implications.

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

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

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

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

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

It is considered that the overall length and height of the proposed extension does not present unreasonable and excessive amenity, visual bulk and mass concerns, particularly having regard to the overall context of the development, including the slope of the subject site, the retention and planting of vegetation on the site and the setback of the proposed building from its south, east and west property boundaries.

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

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

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

CONCLUSION:

It is unusual to not have a definitive position on an application once a full assessment of the relevant planning provisions has been conducted. However, in this instance, the Planning Department has come to a conclusion where by it cannot support the proposed extension on car parking and traffic implications, even though the heritage and built form considerations, vegetation retention, neighbourhood character and built form issues of the proposal satisfy the relevant requirements of the Kingston Planning Scheme. As a result, a dual recommendation is provided below:

RECOMMENDATION:

A) That Council resolve to issue a Notice of Decision to Grant a Permit to construct alterations and additions to the existing Church on this site, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 8th July, 2010 and 10th December, 2011, but modified to show:
 - a) the provision of a landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - b) the provision of details of car parking construction along the site's south (rear) property boundary taking into consideration existing vegetation located along this boundary;
 - c) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
 - d) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
4. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.

5. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) 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.
 - vi) 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.

6. 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.
7. 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.
8. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
9. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
10. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site and directed to the Council's drainage located in the front.
11. The stormwater pits located in the front must be modified to Council's Standards and satisfaction.
12. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
13. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
14. Construction on the site must be restricted to the following times:

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Monday to Friday: 7:00am to 6:00pm;
Saturday: 8:00am to 1:00pm; and
Sunday and Public Holidays: No construction permitted.
Or otherwise as approved by the Responsible Authority in writing.

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

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

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

OR

- B) Council resolve to issue a Notice of Refusal to Grant a Permit to construct alterations and additions to the existing Church on this site, on the following grounds.

That a Notice of Refusal be issued to develop this site for alterations and additions to the existing church building based on the following grounds:

1. The proposal constitutes an overdevelopment of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal would have an adverse effect on the amenity of an established residential neighbourhood.
4. The proposal generates excessive bulk and mass.
5. The proposal does not adequately satisfy Clause 52.06 of the Kingston Planning Scheme in respect to the car parking provisions.
6. The traffic generated by the proposal would aggravate an existing traffic problem in the locality.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Ken Wheeler addressed the meeting on behalf of the objectors

Colin Bowden addressed the meeting on behalf of the applicant

Crs West/Shewan

That consideration of this matter be deferred until the next Planning Committee meeting to allow further discussions in relation to the application.

Carried

The motion was carried on the casting vote of the Chairperson.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 33

KP871/10 – 37–39 Patterson Street, Bonbeach

APPLICANT	Taylor's Development Strategists Pty Ltd
ADDRESS OF LAND	No. 37-39 (Lot 12 & Lot 13 on PS006377) Patterson Street, Bonbeach
PROPOSAL	Ten (10) Dwellings
PLANNING OFFICER	Sebastian Lorenzo
REFERENCE NO.	KP-871/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11: Settlement Clause 12: Environmental and Landscape Values Clause 13: Environmental Risks Clause 15: Built Environment and Heritage Clause 16: Housing
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Clause 32.01: Residential 1 Zone
OVERLAYS	Not Applicable
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
CONSIDERED REFERENCES RECEIVED / PLAN DATE	18 th February, 2011

1.0 KEY ISSUES

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

- Car Parking and Traffic Concerns;
- Neighbourhood Character Concerns;
- Waste Management Concerns;
- Density Concerns; and
- Overdevelopment Concerns.

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwellings and outbuildings on the overall parcel of land and construct ten (10) dwellings on this site.

2.2 Development summary:

Dwelling	Floor Area	Private Open Space	No. of Bedrooms	No. of Car Spaces
1	96m ²	72m ² Ground Floor POS	2	1
2	85m ²	46m ² Ground Floor POS	2	1
3	87m ²	82m ² Ground Floor POS	2	1
4	100m ²	40m ² Ground Floor POS	2	1

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Dwelling	Floor Area	Private Open Space	No. of Bedrooms	No. of Car Spaces
5	86m ²	10m ² Balcony	2	1
6	82m ²	10m ² Balcony	2	1
7	92m ²	8.5m ² Balcony	2	1
8	81m ²	8.5m ² Balcony	2	1
9	82m ²	8.5m ² Balcony	2	1
10	94m ²	8.5m ² Balcony	2	1

2.3 The proposal has an overall site coverage of sixty (60%) per cent and a permeability of approximately thirty (30%) per cent.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room.	Dwellings are provided with the minimum area and dimensions of private open space as required by this Standard. However, the location requirements of this Standard have not been satisfied. Please refer to the ResCode private open space section of this report for further information and discussion on this element of the proposal.
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling plus one (1) visitor car space per five (5) dwellings.	Each dwelling is provided with one (1) under cover car space located towards the rear of the site. No visitor car parking is provided and the applicant seeks a waiver of this requirement.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Front Setback	<p>As the site is on a corner, the development is required to be set back the same distance as the front wall of the existing building on the abutting allotment. In this instance, the abutting allotment is set back 8.125 metres from the site's Patterson Street property frontage.</p> <p>The side setback of new developments to the side street can be 2 metres. The front setback of new development fronting a side street must be a minimum 3 metres.</p>	<p>The development is provided with a varied front setback along Patterson Street. This is a result of the overall design response as well as the alignment of Patterson Street. Dwellings are set back a minimum of 3 metres from the side street (Haldane Street).</p> <p>Please refer to the ResCode setback section within this report for further information and discussion on this element of the proposal.</p>
Site Coverage	Maximum 60% - as per ResCode	Site coverage is sixty (60%) per cent and therefore complies.

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises two (2) side by side allotments. These are known as No. 37 (Lot 13) Patterson Street and No. 39 (Lot 12) Patterson Street. For the purposes of this application, the two (2) separate allotments have been combined to form one (1) overall larger parcel of land. For the purposes of this application, any reference to the subject site will refer to the combined allotments, unless otherwise stated.
- 3.2 The subject site is irregular in shape and has a frontage width of 28.68 metres to Patterson Street, a frontage width of 42.67 metres to Haldane Street and an overall area of approximately 1207m². Each allotment currently has a single storey dwelling and associated outbuildings, which are proposed to be removed as part of this application.
- 3.3 The subject site is located within an established residential area that contains a variety of built forms and dwelling types. These include, but are not limited to, apartment style dwelling, detached dwellings and semi-detached multi-dwelling developments. The following multi-dwelling developments can be found in the immediate vicinity of the subject site:
- No. 2-4 Haldane Street is developed for six (6) attached single storey dwellings and associated car parking facilities;
 - No. 10 Haldane Street is developed for a two (2) dwelling development;
 - No. 41 Patterson Street is developed for a two (2) dwelling development;
 - No. 31 Patterson Street is developed for a two (2) dwelling development; and
 - There are a number of multi-dwelling developments located along Station Street, approximately 60 metres to the west of the subject site.
- 3.4 It is also noted that the subject site is located one block north of a small group of shops located within a Business 1 Zone. A number of these premises have been developed for new retail / office uses at ground floor level, with dwellings located at first floor level. Furthermore, the built form of these premises are somewhat contemporary in nature and similar in nature to the proposed development.

4.0 TITLE DETAILS

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

- The covenant states that no quarrying is to be conducted on the site and that no earth, clay, gravel or sand be dug or removed from the land except for the purposes of laying foundations. It is considered that the proposal will not breach the covenant as not quarrying is to be conducted and the only earth, clay, gravel or sand which is to be removed from the land is for the purpose of laying foundations.

5.0 PLANNING CONTROLS

5.1 The subject site is located within a Residential 1 Zone. No Overlay Provisions apply to the subject site.

6.0 PLANNING PERMIT REQUIREMENTS

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

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 Prior to advertising, the Permit Applicant submitted revised plans and documentation on 18th February, 2011, which provided greater justification for the proposal in relation to the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

8.2 As discussed, the proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Twenty (20) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Car Parking and Traffic Concerns;
- Neighbourhood Character Concerns;
- Waste Management Concerns;
- Density Concerns; and
- Overdevelopment Concerns.

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 10th May, 2011 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and objectors in attendance. The above-mentioned issues were discussed at length.

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

10.0 REFERRALS

- 10.1 No external referrals were required in respect of this application.
- 10.2 The application was referred to the following internal departments within Council (where appropriate amended applications have been re-referred):
- Council's Development Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued;
 - Council's Vegetation Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued; and
 - Council's Waste Management Department who advised of no objection, subject to the inclusion of a number of conditions on any permit issued;

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

Clause 11 (Settlement)
Clause 12 (Environmental and Landscape Values)
Clause 13 (Environmental Risks)
Clause 15 (Built Environment and Heritage)
Clause 16 (Housing)

11.2 Local Planning Policy Framework (LPPF)

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

11.3 Particular Provisions

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

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

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

The land is located within Area 78 of the Neighbourhood Character Guidelines. This area identifies building placement, roof shape and materials as making major contributions to the neighbourhood character of the area. It is considered that the proposal is non-compliant with these three (3) elements of the Neighbourhood Character Guidelines. These will be discussed in more detail under the Neighbourhood Character section of this report.

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

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

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

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

12.2 Local Planning Policy Framework

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

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

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

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

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

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

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

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

12.3 Clause 22.11 – Residential Development Policy

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

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

- Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

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

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

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

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

Performance measures:

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

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

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

Performance measures:

On-site infiltration should be maximised by:

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

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

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

12.4 Zoning Provisions

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

12.5 Overlay Provisions

There are no Overlay Provisions which apply to the subject site.

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

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

Standard B1 – Neighbourhood Character: The objective of this Clause 55.02-1 is 'to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area'. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site. Furthermore, as noted above, it is considered that the proposal does not adequately satisfy the building placement, roof shape and materials characteristics as identified in the Character Area No. 78 of the Kingston Neighbourhood Character Guidelines 200 (revised February, 2003).

It is considered that the proposed development has been designed to respond to the existing and emerging character of the area. While the Neighbourhood Character Guidelines suggest that building placement, roof form and materials makes a major contribution to the character of the area, it is considered that these should be used as a guide only, given that neighbourhood character is constantly changing.

Specifically, the character guidelines suggest that roof forms in the area are a combination of simple hipped, complex hipped, simple gable, complex gable and a combination of all these. As a result, it is considered that there is no one single dominant roof form in the immediately surrounding area. Furthermore, recent developments in the area would suggest that flat roof forms should also be included within the neighbourhood character guidelines. Examples of flat roof forms include the recently developed properties at No. 41 Patterson Street and No. 47 Patterson Street which are developed for shop top housing.

With regard to building placement and materials, it is again considered that the area is constantly changing. The building placement does not specifically relate to the subject site given such a building placement would not be appropriate for a corner property and would

not make efficient use of the subject land. Furthermore, there are numerous examples of where varied building materials and colours have been used which complement the existing character and the emerging contemporary nature of the area.

Overall, it is considered that the proposal adequately responds to and has regard to the existing as well as the emerging character of the area. Therefore, Council Officers are satisfied that the proposal satisfies the requirements of this Standard.

Standard B3 – Dwelling Diversity: This Standard requires that developments of ten (10) or more dwellings should provide for a range of dwelling sizes and types. The proposal seeks to develop the site for ten (10) two (2) bedroom dwellings. Overall, while all dwellings are provided with two (2) bedrooms, it is considered that the proposal does indeed provide dwelling diversity. This is evident by the following:

- The proposal provides both ground floor and first floor dwellings;
- Dwellings vary in sizes from 82m² up to 100m² in size; and
- The amount of private open space provided varies between 8.5m² up to 82m².

Furthermore, it is considered that the proposal also provides dwelling diversity with regard to the surrounding area. This is both with regard to dwelling type (i.e. apartment style / detached dwelling / semi-detached dwellings) as well as with regard to the number of bedrooms proposed. It is considered that a large proportion of dwellings within the Bonbeach / Carrum area have three (3) or more bedrooms and as such, the proposal seeks to provide a diversity of accommodation options for the broader community. As a result, it is considered that the proposal adequately satisfies the requirements and objectives of this Standard.

Standard B4 – Infrastructure: The proposal was referred to Council's Development Engineers who advised of no objection to the proposal subject to the inclusion of suitable conditions being placed on any permit issued. Furthermore, given the subject site is currently connected to all required services, it is considered unlikely that the proposal will in any way detrimentally impact on the existing infrastructure or its capacity to accommodate the proposed development. Nevertheless, suitable conditions have been included in the Officer's recommendation below in order to address and potential issues with regards to infrastructure.

Standard B5 – Integration with the Street: The proposal seeks to construct a new 1.7 metre high brick pier and timber infill front fence along the site's Patterson Street and Haldane Street property frontage. This is a direct result to needing to afford the front setback area of each dwelling some privacy given the location of private open space for each dwelling. Nevertheless, whilst a higher than normal front fence reduces the development interaction with the street, it is considered that the proposal adequately satisfies the intention and requirements of this Standard. All dwellings at ground floor level are provided with suitable gates in order to provide direct access to the street and by providing the private open space of dwellings within the front setback area, the development is promoting passive surveillance of the streetscape. Therefore, it is considered that the development achieves an appropriate level of interaction with the street.

Standard B6 – Street Setback: This Standard requires that dwellings be provided with a minimum front setback of 8.125 metres from the site's Patterson Street property frontage. The proposed development does not comply with the minimum setback requirements of this Standard and as a result, the applicant has sought a variation to the requirements of this Standard. The proposal seeks to provide a varied front setback along the site's

Patterson Street frontage which varies between 6.6 metres and 8.8 metres. Having regard to the decision guidelines of this Standard it is considered that a variation to the requirements of this Standard are appropriate for the following reasons:

- The development provides a varied front setback to Patterson Street which creates articulation and visual interest throughout the development and along the site's Patterson Street property frontage;
- The development is set back 8.8 metres from the site's Patterson Street property frontage directly adjoining the site's south (side) property boundary and reduces to 6.6 metres as it nears the corner of Patterson Street and Haldane Street;
- The setback of dwelling 1 from Patterson Street is consistent with that of the existing dwelling to the south of the subject site;
- The proposed setbacks are a direct result of the overall design response for the subject site and allows the development of the site to make greater and more effective use of the overall subject site; and
- The alignment of Patterson Street and the irregular nature of the subject site should allow for flexibility in the setback requirements for any development on the subject site.

Therefore, having regard to the overall design response and the abovementioned factors, it is considered that a variation to the setback requirements of this Standards is appropriate in this instance.

Standard B13 – Landscaping: The application was referred to Council's Vegetation Management Officers who advised of no objection to the proposal subject to the inclusion of suitable landscape conditions being placed on any permit issued.

Standard B16 – Parking Provision: This Standard requires that one (1) visitor car parking space be provided for every five (5) proposed dwellings. Given that the proposal seeks the development of the site for ten (10) dwellings, this Standard requires that two (2) on site visitor car parking spaces should be provided. The proposed development is not provided with any visitor car parking and as a result, the applicant is seeking a waiver of the visitor car parking requirements of this Standard.

In order for the development to be provided with two (2) on site visitor car parking spaces, the proposal would need to be significantly redesigned. It is considered inappropriate to require this of the proposed development. However, after further discussions with the applicant, it is considered that one (1) visitor car parking space can be accommodated on the site without significantly re-designing the proposed development. In essence, the stairwell access for the upper floor dwelling will be required to be moved approximately one (1) metre further west, the six (6) resident car parking spaces will also be moved one (1) metre further west and one (1) new car parking space is to be provided to the east of car parking space number 6. This will also require the bin storage facilities to be re-located as appropriate. Suitable conditions have been placed within the Officer's recommendation below in order to achieve the provision of one (1) on-site visitor car parking space.

Therefore, as a result of the abovementioned requirements, Council must consider whether it is appropriate to allow a waiver of only one (1) visitor car parking space. Having regard to following:

- the decision guidelines of this Standard;
- the to removal of two (2) vehicle crossovers along the site's Patterson Street property frontage, thereby providing the possibility of additional on-street car parking facilities along Patterson Street;
- the practicality of providing additional on-site visitor car parking spaces;

- the location of the site in proximity to the Bonbeach Railway Station (approximately 500 to the north-west) and the Carrum railway Station (approximately 800 metres to the south-west) as well as bus routes along Station Street and Patterson Street; and
- the availability of on street car parking,

it is considered appropriate to waive the requirement to provide one (1) additional on-site visitor car parking space.

Standard B20 – North Facing Windows: The proposed storage areas for car spaces 1-6 are located directly along the site's south (side) property boundary and are opposite existing north facing habitable room windows. This Standard requires that walls should be located a minimum of 1 metre from a boundary where there is a north facing habitable room window on an adjoining site. These storage facilities are provided at a maximum height of between 1.9 metres and 2 metres along this property boundary. Therefore, it is considered that the proposed storage facilities provided along this boundary are appropriate as the maximum height of these storage facilities are no more than what a typical boundary fence would be. As a result, it is considered that the requirements of this Standard can be varied in this instance.

Standard B23 – Internal Views: It is considered that the first floor balconies of dwelling 5, dwelling 6, dwelling 7 and dwelling 10 have the potential to overlook to ground floor private open space areas of dwellings within the development. It is considered that the amenity of ground floor dwellings should be preserved, however, to screen these upper level balconies with standard 1.7 metre high screens would cause internal amenity concerns to these dwellings. As a result, it is considered appropriate to include an open-ended condition requiring that the first floor balconies of dwelling 5, dwelling 6, dwelling 7 and dwelling 10 be adequately treated to prevent significant overlooking into the private open space areas of dwellings directly below them. This gives the applicant flexibility to provide a creative solution in order to achieve this requirement without impacting on the amenity of the first floor balconies and dwellings themselves.

Standard B26 – Dwelling Entry: This Standard requires that dwellings should be provided with clearly visible and identifiable entry areas which provide a sense of place and address for the proposed development.

The proposal provides dual dwelling entry areas for those dwellings which are located on the ground floor. This allows ground floor dwellings to be provided with direct dwelling entry from both Patterson Street and / or Haldane Street where appropriate. For first floor dwellings, the development provides a communal pedestrian entry point along Haldane Street with a staircase located towards the rear of dwelling 1 providing access to first floor dwellings.

Overall, it is considered that the entry areas provided for both ground floor and first floor dwellings provide a sufficient sense of place, identify the development and address the street where appropriate.

Standard B27 – Daylight to New Windows: The majority of habitable room windows within the development have been designed and sited to achieve good access to daylight with the exception of the east most bedrooms of dwelling 2 and dwelling 3. However, in this instance, it is considered that these bedrooms are provided with sufficient access to light and ventilation and while ideally these bedrooms would be located so as to have direct access to sunlight, the internal amenity which is afforded to these bedrooms is acceptable. Therefore, a variation to the requirements of this Standard is appropriate.

Standard B28 – Private Open Space: While the proposed development adequately satisfies the dimension and size requirements of this Standard, it is considered that the location requirements have not been satisfied. In this instance, the private open space of each dwelling is located within the front setback area of each dwelling. This is a direct result of the overall design response of the development and making good efficient use of the subject site. Furthermore, the location of the private open space areas within the front setback area allows for improved solar access to these areas and provides for a more useable area of private open space for each dwelling. Therefore, it is considered that the location of private open space for each dwelling is considered appropriate in this instance.

Standard B32 – Front Fences: This Standard requires that front fences should not exceed a maximum height of 1.2 metres. The proposed front fence will have a maximum height of 1.7 metres and as such the applicant seeks a variation to the requirements of this Standard. The fence is to be constructed from brick piers with timber in fills.

In this instance, it is considered appropriate to allow for the construction of a higher front fence given the ground floor dwellings are provided with their main private open space areas within the front setback area of each dwelling. As a result, a high front fence will allow these areas to be afforded additional privacy and improved amenity outcomes.

14.0 CONCLUSION:

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

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

15.0 RECOMMENDATION:

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

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 18th February, 2011 but modified to show:

- a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of one (1) suitable medium sized spreading canopy trees within the front setback of each ground floor dwelling site;
 - vi. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - vii. suitable species selected for use within the landscape strip along the driveway i.e. take into consideration the mature width of the plant selected;
 - viii. all hard surfacing and fencing located at least one (1) metre from any existing or proposed canopy tree;
 - ix. all trees provided at a minimum of two (2) metres high at time of planting;
 - x. a range of plant types from ground covers to large shrubs and trees;
 - xi. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - xii. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a comprehensive detailed drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
- c. the redundant vehicle crossing to be removed and the Council's assets (Foot path Kerb & channel Nature strip etc) to be reinserted to the satisfaction of the Responsible Authority;
- d. the provision of a 3 metre by 3 metre spay provided at the corner of Patterson Street and Haldane Street on any subdivision plan prepared for the subject site, and accordingly shown on the development plans;
- e. the common stairs and car parking spaces 1-6 moved 1 metres further west to allow for one (1) additional car parking space in place of the existing bin, with the bin to be relocated as appropriate elsewhere within the common property area of the development;
- f. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

- g. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
5. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
6. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.
7. 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.
8. 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.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

11. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
12. 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.
13. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
14. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d) Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

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

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

Rebecca Lans-Davies addressed the meeting on behalf of the objectors

Chris Pippo addressed the meeting on behalf of the applicant

Crs Shewan/Moloney

That Council resolve to issue a Notice of Refusal to Grant a Permit on the following 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 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 55.02-3 Dwelling Diversity Objective, Clause 55.02-5 Integration With The Street Objective; Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives, Clause 55.03-11 Parking Provision Objectives; Clause 55.04-4 North-Facing Windows Objective; Clause 55.04-7 Internal Views Objective; Clause 55.05-2 Dwelling Entry Objective; Clause 55.05-3 Daylight to New Windows Objective; Clause 55.05-4 Private Open Space Objective; Clause 55.06-1 Design Detail and Clause 55.06-2 Front Fences Objective.

Carried

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 34

KP607/10 - 80 Rowans Road, Highett

Applicant:	Design 79	
Location:	No. 80 (Lot 4 on PS022122) Rowans Road, Highett	
Melways Ref:	77 H8	
Proposal:	Two dwellings	
File Number:	KP607/10	
Planning Officer:	Helen Walker	
Objections:	Two (2)	
Zoning:	Clause 32.06	Residential 3
Overlays	Clause 44.05	Special Building Overlay
Kingston Planning	Clause 11	Settlement
Scheme Ordinance	Clause 13	Environmental Risks
	Clause 15	Built Environment and Heritage
	Clause 16	Housing
	Clause 21.05	Residential Land Use
	Clause 22.11:	Residential Development Policy
	Clause 32.06:	Residential 3 Zone
	Clause 55:	Two or More Dwellings on a Lot (ResCode)
	Clause 65:	Decision Guidelines
	Clause 66:	Referrals
Residential Policy Area	Incremental Change Area	
Neighbourhood Character Area	7	
Decision By:	22 January, 2011	
Nett days	186 days @ 22 June, 2011	
Considered Plan References/Date Received	21st December, 2010	

1.0 KEY ISSUES:

1.1 The key issue arising from this proposal relates to:

- Neighbourhood character
- Amenity
- Impact on neighbour's tree

2.0 EXISTING CONDITIONS:

2.1 The subject site is situated on the east side of Rowans Road, Highett. The land is regular in shape with a frontage of 17.37metres to Rowans Road, a maximum depth of 35.05 metres and an overall area of 609m². The topography of the land is generally flat. There is no significant vegetation on the site. A 1.83m wide easement traverses the eastern boundary of the site.

2.2 The land is currently occupied by a single-storey, grey brick clad dwelling and fibro cement garage and shed, accessed via a crossover on the north-west side of the site. Land to the north, south and west is developed for residential purposes and comprises a mix of single and double-storey dwellings. Immediately east of the dwelling is Moorabbin Timber and Hardware

which has a frontage to Wickham Road. There are examples of medium density housing in the immediate locality.

2.3 The site is located approximately 1 km north of Southland Shopping Centre and Bus interchange. Hihett Railway Station and shopping centre is approximately 800m to the west. There are a range of schools, community facilities and public reserves within easy walking distance of the site.

3.0 RESTRICTIVE COVENANTS:

31. The current Certificate of Title contains restrictive covenant 2415840. The covenant states that:

“No quarrying operations shall at any time hereafter be carried on in or upon the said land hereby transferred and no stone earth clay gravel or sand shall at any time hereafter be carried away or removed from the said land – hereby transferred except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land hereby transferred to be used for the manufacture or winning of bricks tiles or pottery ware....”

The proposal is not considered to breach any restrictions.

4.0 SITE HISTORY:

4.1 Council records indicate that no Planning Permits have issued for the subject site.

5.0 PROPOSAL IN DETAIL:

5.1 The plans for consideration are those received by Council on 21st December, 2010.

It is proposed to demolish the existing dwelling and outbuildings and construct to two double storey semi-detached dwellings.

5.2 DEVELOPMENT SUMMARY:

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

SITE AREA	609m ²
FRONTAGE/S	17.37 metres.
DEPTH	35.05 metres
SITE COVERAGE	50%
NO. OF DWELLINGS	2
NO. OF STOREYS	2
NO. OF BASEMENT LEVELS	0
FRONT SETBACK	9 metres
MINIMUM SIDE SETBACK	0 metres to the northern and southern (side) property boundaries.
REAR SETBACK	5.25 metres

5.3 Key elements of the proposal are as follows:

Dwelling	Floor Area (Excluding Garage/Carport Areas)	Private Open Space Area (Total)	No. of Bedrooms	Car Parking Spaces
1	266.40m ² (ground floor)	43.6m ²	4	2
2	266.40m ² (ground floor)	43.6m ²	4	2

5.4 Building materials and colours have been nominated as:

Roof:	Concrete Tiles – Jaffa Red
Walls:	Combination: Ground floor – Selkirk ‘pressed red’ brickwork. First Floor – Dulux ‘arctic daisy half’ painted weatherboard.
Garage door/s:	Panel Lift - Mahogany.
Windows:	Timber framed – Dulux ‘government green’.
Driveways:	Details not provided
Front fencing:	1500mm timber picket – Dulux ‘arctic daisy half’.
Boundary fences:	Treated Pine Palings.

Dwellings 1 and 2 each have as single lock-up garage, with tandem car space and are accessed via separate driveways.

5.5 DEVELOPMENT ASSESSMENT TABLE:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40 m ² , with a minimum dimension of 5m, plus for any bedrooms over two, an additional area of 20m ² and minimum dimension of 3 metres, with convenient access from a living room.	Dwelling 1: 43.6m ² . Dwelling 2: 43.6m ² .
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling, and two (2) car parking spaces for each three (3) or more bedroom dwelling.	Dwelling 1: complies (2 spaces provided, single lock-up garage with tandem space). Dwelling 2: complies (2 spaces provided, single lockup garage with tandem space).
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	A setback of 9.15m is required. The application proposes 9m. Complies
Site Coverage	Maximum 50% - as per ResCode	Site coverage is 50% and therefore complies.

6.0 AMENDMENTS PRIOR TO NOTIFICATION OF APPLICATION:

6.1 There were no amendments made prior to advertising.

7.0 ADVERTISING:

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a public notice on site for fourteen (14) days. Two (2) objections were received. The valid grounds of objection raised are summarised as follows:

- Adequate car parking
- Noise during construction
- Proximity to adjoining Industrial use
- Loss of sunlight/overshadowing
- Height
- Impact on vegetation

8.0 PRELIMINARY CONFERENCE:

- 15.1 A preliminary conference meeting was held on 20th April, 2011, with the relevant Planning Officer, the Permit Applicant, Councillor and one (1) objector in attendance. The above-mentioned issues were discussed at length.
- 1.2 None of the above concerns could be resolved and the objections remain in place.

9.0 PLANNING SCHEME PROVISIONS:

- 9.1 A Planning Permit is required to develop land for two (2) or more dwellings on a lot and also to extend a dwelling on a lot with more than one (1) dwelling, pursuant to Clause 32.06 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 (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme. The land is also affected by a Special Building Overlay.

10.0 OTHER

10.1 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). Further, the Policy aims to ensure that new development is responsive to the character elements identified in the *Kingston Neighbourhood Character Guidelines – May 2000, revised February 2003*, particularly those identified as making a *major* or *critical* contribution to neighbourhood character.

The land is located within Area 7 of the Neighbourhood Character Guidelines, which nominates corner windows and porches as having a major contribution to the character of the area. The proposal is generally in accordance with the applicable character profile, and incorporates a front verandah for each dwelling. Any areas of non-compliance are as follows:

Type and Height of Development: Most houses are detached.

The proposed duplex design is out of character with the existing building type in the area which is predominantly detached. While the application proposes a semi-detached design, the height and layout of the development is not inconsistent with the pattern of development in the area. Buildings/walls, (other than garages), have been setback off side boundaries, garages have been recessed behind the front wall of the dwellings and the staggered, front setback is generally in keeping with the adjoining properties (subject to a condition to setback the garages a full metre from the front entrance wall of the dwelling). Given this, it is considered that the proposed attached design achieves an appropriate integration with the street and can make a positive contribution to the existing character.

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

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines. The duplex design avoids a double storey dwelling to the rear, reducing the potential to impact on the amenity of adjoining properties. The

garages will be required to be setback 1 metre from the front entrance of the dwellings to improve articulation across the front of the site.

11.0 REFERRAL:

The application was referred to the following internal and external authorities:

- Development Approvals Engineer;
- Vegetation Management Officer; and,
- Melbourne Water

No objections were offered to the proposed development, subject to the inclusion of suitable conditions being included on any permit issued.

12.0 DISCUSSION:

12.1 Kingston Planning Scheme Provisions:

12.2 State Planning Policy Framework (SPPF)

Clause 11 (Settlement) - seeks to facilitate the orderly development of urban areas.

Clause 13 (Environmental Risks) - aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

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

Clause 16 (Housing) – outlines objectives to provide increased densities to consolidate urban areas and encourage residential development that makes better use of existing infrastructure, is energy efficient, incorporates water-sensitive urban design and is well-located to public transport.

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

12.3 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use) – The subject site is located in an ‘Incremental Change Area’ as identified in the MSS. These areas encourage lower density housing forms with a predominance of single dwellings and the equivalent of dual occupancy developments on average sized lots. Within these areas, new housing development should

be responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas.

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

The subject site is identified within Area 2 of this study. The average lot size within this area has been calculated to be 613m², which results in a suggested development density of 1 dwelling per 306.55m². As the site has an overall site area of 609m² the development density would be calculated at 1 dwelling per 304.5m². Although the proposal does not meet this strategy, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone requirements. This matter will be further discussed at a later section within this report.

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

13.0 Clause 32.01: 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 to construct two or more dwellings on a lot.

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

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

Standard B8 – Site Coverage: The local variation is nominated as a maximum of 60%. The proposed site coverage for the development is 50% and is consistent with the Schedule requirements.

Standard B28 – Private Open Space: The local variation requires 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 or residential building with a minimum area of 40m², 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 20m² with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m² of private open space required for the dwelling.

Dwellings 1 and 2 propose a total of 43.6m² secluded private open space (to the rear) for four (4) bedroom dwellings, (three bedrooms plus study). The applicant has nominated areas within the front setback as private open space to achieve the additional requirement of 20m², however this is assuming that the area shown as a "study" on the ground floor of each dwelling will not be used as a bedroom – given that this room could easily be made into a bedroom and the location of an adjacent bathroom it seems reasonable to include this as a fourth bedroom, thus requiring an additional 40m² private open space. In order to improve the useability of the

private open space for dwellings of this size and provide greater separation from the adjoining industrial property to the rear, a condition of permit will require that a minimum of 60m² secluded private open space be achieved to the rear of each dwelling.

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

The application proposes a 1.5m high timber picket fence with 50% transparency. The proposed fence is consistent with the height of front fencing along Rowans Road and incorporates a design and materials commonly found in the area, for these reasons a variation should be allowed.

14.0 Clause 44.05 Special Building Overlay (SBO)

The purpose of Clause 44.05 is *“to identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority; and to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity”*.

14.1 Pursuant to Clause 44.05-1 a planning permit is required to construct a building or to construct or carry out works.

14.2 Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

The application proposes two (2) dwellings on the land which is considered appropriate given the existing use of the land and it being in accordance with the purpose of the Residential 3 Zone. Melbourne Water have offered no objection to the proposed development subject to conditions, and for this reason the proposal is considered acceptable.

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

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 would satisfy the relevant objectives and standards of ResCode, with the only areas of non-compliance being identified as follows:

15.1 Clause 55.02-1 – Neighbourhood Character Objective

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

The proposal is generally in accordance with the characteristics of the area, although as discussed above in Section 10.1, the duplex design is not in keeping with the existing character. However, it is considered that the semi-detached design, the two storey height, the built form, materials, integration with the street and the layout of the development will make a positive contribution to the neighbourhood character, with little impact on the amenity of neighbouring properties. Additionally, it is considered that the duplex design allows for open space areas to be located at the rear of both dwellings, providing a good opportunity for landscaping treatment to buffer the dwellings from the adjoining Timber and Hardware business. This is considered a good response to the existing site constraints.

15.2 Clause 55.03-5 – Energy Efficiency Objective

The objective of this Clause is *"to achieve and protect energy efficient dwellings and residential buildings and ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar access"*.

The duplex design on an east-west facing allotment results in Dwelling 1 having poor northerly orientation. However, it is considered that the shared wall and double storey design achieves a higher thermal mass resulting in less need for fossil fuel energy use. Despite the layout of the development Dwelling 1 relies on predominantly west and east solar access while Dwelling 2 achieves excellent northerly orientation. Both dwellings achieve excellent solar access to secluded open space areas. As such it is considered that the proposed design will be capable of producing energy efficient dwellings.

15.3 Clause 55.05-4 – Private Open Space Objective

The objective of this Clause is to *"provide adequate private open space for the reasonable recreation and service needs of residents"*.

Refer Section 13.0 above.

15.4 Clause 55.06-2 – Front Fences Objective

The objective of this Clause is to *"encourage front fence design that respects the existing or preferred neighbourhood character"*.

Refer Section 13.0 above.

16.0 Clause 65: Decision Guidelines

16.1 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.

17.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS

17.1 Adequate car parking

The objector raised concern about the number of car spaces provided and concern for where visitors to the two dwellings would park. Each dwelling provides two (2) car spaces which meet the requirements of the Kingston Planning Scheme. Additionally, Council's Traffic Engineers have not raised any issues with the availability of car parking in the area. There is no requirement for a development of this size to provide visitor parking and it is expected that additional need for parking will be similar to existing circumstances.

17.2 Noise during construction

Noise during the construction stage of the development is unavoidable and is not something that is controlled by the Planning Scheme. Amenity conditions should be placed on any permit issued to alleviate those concerns of the objector.

17.3 Proximity to adjoining Industrial use

An objector has raised concern with the location of Moorabbin Timber and Hardware extending across the eastern (rear) property boundary of the site. The applicant is aware of the Industrial premises to the rear and has incorporated double glazing in the easterly facing windows, and will incorporate heavy planting along the property boundary as further acoustic treatment. It is considered that the duplex design offers the best outcome for development of this site as it places both dwellings away from the Industrial use as opposed to a development that positions dwellings to the front and back. Overall it is considered that the location of an Industrial use to the rear of the site does not preclude the opportunity to develop the site and that with appropriate construction methods and layout a development can be supported.

17.4 Loss of sunlight/overshadowing

Concern has been raised regarding loss of sunlight to north facing rooms and overshadowing of windows and open spaces areas of the adjoining property to the south. While it is acknowledged that there will be a greater shadow cast during the winter months the Kingston Planning Scheme requires overshadowing calculations to be taken at the September equinox, to give an average assessment of shadowing impacts. The applicant has submitted additional drawings (20th April 2011-10125-09SK) which were presented at the Consultative Committee to demonstrate that the proposal complies with the requirements of the Kingston Planning Scheme and that there will be no greater impact to the adjoining property to the south. In terms of loss of sunlight to north facing windows, the Planning Scheme requires that a greater setback be achieved where there are habitable room windows 3 metres of the boundary, the adjoining property to the south is setback 5.5 metres from the boundary and has an overall setback of 7 metres from the proposed development, as such the development clearly complies with the requirements of the Planning Scheme.

17.5 Height/Bulk

The proposed development has an overall height of 7.25 metres which is well below the allowable height of 9 metres, is well articulated and provides a good transition to the adjoining single storey dwellings. The first floor of the proposed dwellings has been setback from the boundaries in excess of the requirements of the planning scheme and light weight weatherboard construction reduces the visual impact of the two storey walls. There are many two storey dwellings in the area, as such it is considered that the proposed development sits well within the streetscape and is consistent with the pattern of development in the area.

17.6 Vegetation

There is a large *Eucalyptus viminalis* within the rear yard of No. 78 Rowans Road. Council's Vegetation Management Officer has recommended conditions to be included on any issued permit to protect the health of this tree. Council's Vegetation Management officer has also required conditions to be included on any issued permit which requires the submission of a landscape plan incorporating the planting of two (2) medium sized canopy trees within the front setback of each dwelling and one (1) small tree within the secluded open space area of each dwelling.

18.0 GENERAL COMMENT:

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

- The design and siting of the development should respect existing or preferred neighbourhood character;
- The proposal generally satisfies the objectives and criteria of Council's Residential Land Use Policy (Clause 21.05); Clause 22.11 (Residential Development Policy); Clause 32.06 (Residential 3 Zone), Clause 44.05 (Special Building Overlay) and Clause 55 (Two or More Dwellings on a Lot) of the Kingston Planning Scheme; and
- The proposed development of this site is considered to be appropriate, having regard to its design and the standard of amenity provided for future residents.

It is considered that on balance and subject to the inclusion of conditions, the proposal is considered reasonable and warrants support.

19.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for the construction of two (2) dwellings, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans received by Council on 21st December 2010, but modified to show:
 - a) the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

- i) an associated planting schedule showing the proposed, 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 and grassed areas 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 (i.e. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi) the provision of two (2) suitable medium-sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
 - vii) sustainable lawn areas and plant species taking water restrictions into consideration;
 - viii) all trees provided at a minimum of two (2) metres in height at the time of planting;
 - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi) the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3 and 4 of this permit;
 - xii) all works around the existing neighbour's tree (*Eucalyptus viminalis*) must be in accordance with the Australian Standards AS4970 (2009) "Protection of trees on development sites" and be undertaken by a qualified and experienced Arborist; and,
 - xiii) all post holes within the rear yard of Dwelling 1 must be hand dug.
- b) the garage of each dwelling's set back a minimum of 1 metre from the respective front façade entry wall;
 - c) each dwelling provided with an area of 60m² secluded private open space, with a minimum dimension of 5 metres to its rear, in accordance with Clause 55.05-4 (Private Open Space);
 - d) the provision of an additional area of 20m² secluded private open space, with a minimum dimension of 3 metres to the side of each dwelling, in accordance with Clause 55.05-4 (Private Open Space);
 - e) the provision of suitable acoustic treatment to the site's rear boundary either in the form of heavy landscaping and/or fencing;
 - f) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
 - g) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown.
2. A Tree Protection Zone (TPZ) must be installed within the rear yard of dwelling 1 at a distance of 5 metres from the *Eucalyptus viminalis* (Manna Gum) located in the neighbouring property (to the south). A qualified arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 5 metres of the tree:
- a. The existing soil level must not be altered either by fill or excavation;
 - b. The soil must not be compacted or the soil's drainage changed;

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

- c. No fuels, oils, chemicals, poisons, rubbish and other materials harmful to the trees are to be stored or dispersed;
- d. No storage of equipment, machinery or materials is to occur;
- e. Open trenching to lay underground services e.g. drainage, water, gas, etc must not be used;
- f. Tree roots must not be severed or injured;
- g. Machinery must not be used to remove any existing concrete, bricks or other materials.

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

- 3. Prior to the commencement of the development hereby permitted a Tree Protection fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 5m in radius from the *Eucalyptus viminalis* (Manna Gum). The above requirements in condition 2 must be observed within this area.
- 4. All tree pruning work to the existing neighbour's tree is to be completed prior to the commencement of demolition and construction and must be in accordance with the Australian Standard AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
- 4. Before the development hereby approved 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 an 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 of the site must be provided with stormwater works which will incorporate the use of water sensitive urban design principles to improve stormwater run-off as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for re-use and a detention system.
- 7. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 8. 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.
- 9. 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.
- 10. 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.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

11. 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.
12. 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.
13. Prior to the occupation of the dwellings hereby approved, 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 seal coat, natural, seal-coat to the satisfaction of the Responsible Authority.
 - d) Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
15. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
17. Once the development and/or use has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of issue.
 - b) The development is not completed within 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: *Prior to the commencement of the development you are required to obtain the necessary Building Permit.*

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.*

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

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.*

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

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal exhibits excessive bulk and mass.
3. The proposal does not satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character, Clause 55.03-5 Energy Efficiency, Clause 55.05-4 Private Open Space Objectives and Clause 55.06-2 Front Fencing.

Elizabeth Larking addressed the meeting on behalf of the objectors

Mike Walter addressed the meeting on behalf of the applicant

Crs Peulich/West

That consideration of the matter be deferred to the next Ordinary Council meeting on 27 June 2011.

Carried

**APPENDIX A – RESCODE ASSESSMENT
Standard of the Kingston Planning Scheme**

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

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Generally	<p>The proposed development generally complies with the emerging neighbourhood character.</p> <p>See report.</p>
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	<p>The proposed development largely satisfies State and Local Planning Policies and is located in area designated to take advantage of medium density development.</p>
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	<p>Can be addressed through a permit condition.</p>
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	<p>The duplex design allows for both dwellings to be orientated to the street. Each dwelling has a defined entry.</p>
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	<p>Maximum: 9.15 metres Proposed: 9 metres</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 7.25 metres</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 60% Proposed: 50%</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 50%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Partially	<p>Dwelling 1 achieves poor solar orientation due to its location on the southern side of the development, achieving an easterly orientation for main habitable rooms. Dwelling 2 has good solar access with a predominantly north facing orientation for main habitable rooms.</p> <p>See Report</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	<p>The layout of the development is safe and secure, providing clear and open entrances to dwellings and accessways.</p>
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	<p>There is no vegetation worth retaining on the site. Reasonable areas have been set aside for landscaping within private open space areas and the front setback.</p> <p>Require a landscape plan as condition of permit</p>
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	<p>Two crossovers are proposed occupying 34.5% of the street frontage, complying with the requirement of 40%.</p> <p>Location of parking areas</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Title and Objective	Complies with Standard?	Requirement and Proposed	
		are safe and manageable.	
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	Parking for both dwellings is located conveniently with direct access into the dwellings. Separate driveways ensure there will be no traffic conflicts within the development.	
<p>B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.</p>	Yes	<p>Required: 4 (2 per dwelling) Proposed: 4 (2 per dwelling).</p>	
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p>Dwelling 1 Required: <u>Ground Floor</u> North: N/A (party wall) East: 0-1m South: 0-1m West: N/A (frontage)</p> <p><u>First Floor</u> North: N/A (party wall) East: 1.66m South: 1.66m West: N/A (frontage)</p> <p>Dwelling 2 Required: <u>Ground Floor</u> North: 0-1m East: 0-1m South: N/A (party wall) West: N/A (frontage)</p>	<p>Dwelling 1 Proposed: <u>Ground Floor</u> North: N/A (party wall) East: 5.35m South: 0-1.5m West: N/A (frontage)</p> <p><u>First Floor</u> North: N/A (party wall) East: 7.3m South: 2.1m West: N/A (frontage)</p> <p>Dwelling 2 Proposed: <u>Ground Floor</u> North: 0-1.5m East: 5.25m South: N/A (party wall) West: N/A (frontage)</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Title and Objective	Complies with Standard?	Requirement and Proposed	
		<u>First Floor</u> North: 1.66m East: 1.66m South: N/A (party wall) West: N/A (frontage)	<u>First Floor</u> North: 2.1m East: 7.3m South: N/A (party wall) West: N/A (frontage)
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	Maximum: 10m + 25% of remaining boundary. Proposed: 6.6m on northern and southern property boundaries.	
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	Existing habitable room windows will not be unreasonably affected by the proposed development, with the development setback a minimum of 1.7m from the nearest habitable room window.	
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	There are no north facing windows within 3m of the boundary.	
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	Shadow diagrams submitted with the application indicate that there will be no unreasonable levels of overshadowing to existing secluded private open space.	
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Yes	Potential for overlooking has generally been addressed through the use of highlight windows and obscure glass at first floor level and 1.9m high fencing with trellis along the southern boundary and 1.85m high fencing along the northern boundary.	
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	The layout of the development prevents overlooking within the site.	

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	<p>There proposed development will not impose noise normal to a residential dwelling.</p> <p>Double glazed windows are used on the eastern facing windows of the development to protect future residents from the adjoining factory.</p>
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	All dwellings can be made accessible for people with limited mobility.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	Each dwelling has a clear entry identified by a porch providing protection from the weather and a sense of address.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	All habitable room windows are orientated to face a light court or outdoor area.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	<p>Required: 40m² for each dwelling with minimum dimension of 5m, + 20m² with minimum dimension of 3m for each additional bedroom over two bedrooms.</p> <p>Proposed: Dwelling 1: 43.6m². Dwelling 2: 43.6m²</p> <p>See Report.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	Both dwellings have excellent solar access to the secluded private open space.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	6m ³ of external storage within the private open space of each dwelling.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	The design of the dwellings incorporates a hip and gable end roof form, window openings and materials that respect the design of dwellings in the neighbourhood.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	No	<p>Maximum: 1.2m Proposed: 1.5m timber picket fence. See Report</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	No common property is proposed.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	Site services can be easily maintained and placed to avoid management difficulties.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 35

KP872/10 – 307 – 310 Station Street, Chelsea

APPLICANT	Taylors Development Strategists Pty Ltd
ADDRESS OF LAND	No. 307-310 Station Street, CHELSEA VIC 3196 (Lot 1 on PS 327151 and Lot 5 on LP5316)
PROPOSAL	TWENTY THREE (23) DWELLINGS
PLANNING OFFICER	Tanya Sokolowski
REFERENCE NO.	KP-872/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 13: (Environmental Risks) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 21.06 (Retail and Commercial Land Use) Clause 22.11: Residential Development Policy
ZONE	Mixed Use Zone and Residential 1 Zone
OVERLAYS	Environmental Audit Overlay
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	25th March, 2011
STATUTORY DAYS	121 days as of 11th May, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans received on 6th January, 2011

1.0 KEY ISSUES

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

- Overshadowing
- Overlooking
- Visual bulk/neighbourhood character
- Parking

2.0 PROPOSAL

2.1 It is proposed to demolish existing buildings on the site and construct a three storey building containing twenty-three (23) dwellings and basement car parking, over two sites. The building's third storey is proposed to be sited towards the centre and front of site, allowing for a two storey transition towards the rear boundary and the interface with single storey dwellings to its rear (east).

2.2 Pedestrian entries to the ground floor dwelling's 1, 2 and 3 would be from Swan Walk, whilst the main entry to the remaining dwellings would be from Station Street. The existing crossover on Swan Walk is proposed to be removed and reinstated and a new 3.6 metre wide crossover provided from Station Street, located towards the site's south property boundary.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

- 2.3 A total of twenty-three (23) car parking spaces, storage areas for each dwelling, shared waste facilities and a bicycle storage area with capacity to accommodate up to ten (10) bicycles would be located within the basement. One (1) centrally located stairwell and lift would provide access to the upper floors. Two (2) 25,000 litre underground water tanks are proposed within the basement.
- 2.4 A summary of the proposal is as follows:

Dwelling	Floor Area m2	Private Open Space m2	No. of Bedrooms proposed	No. of Car Parking Spaces provided
Ground				
1	81	51	2	1
2	77	44	2	1
3	78	68	2	1
4	77	30	2	1
5	88	40	2	1
6	84	23	2	1
7	87	27	2	1
8	82	32	2	1
9	83	23	2	1
10	78	28	2	1
First				
11	81	26	2	1
12	77	22	2	1
13	78	13	2	1
14	77	20	2	1
15	88	27	2	1
16	84	33	2	1
17	84	22	2	1
18	78	15	2	1
19	83	17	2	1
Second				
20	88	55	2	1
21	88	34	2	1
22	88	42	2	1
23	89	29	2	1

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

2.5 At the ground and upper levels of the proposed building, the following setbacks would be provided:

	North (Swan Walk frontage)	South	East	West (Station Street frontage)
Ground Floor	Between 4.2m and 6.15m	Between 1.2m and 3.6m	0m from southern section (laneway); 2m from northern section.	Between 0.6m and 3.835m
First Floor	4.24m	Between 3.18m and 4.4m	2.4m from southern section (laneway); 2m from northern section.	Between 0.6m and 4.17m
Second Floor	6.255m	6.92m	8.285m from northern section.	Between 3.26m and 4.013m

2.6 The proposed building has a site coverage of 67.3% with 12.5% permeable area.

2.7 The overall height of the proposed building would be 10.91 metres.

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

Roof:	Colorbond (Dune)
Walls:	Render, powder coated battens, stone cladding, zinc panels.
Windows:	Powder coated aluminium
Driveways:	Basement
Front fencing:	Not specified
Boundary fences:	2.24m high brick fence along southern boundary to be retained; 1.95 metre high timber paling fence along eastern boundary to be retained.

2.9 Development Assessment Table:

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room; or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.	All dwellings comply.
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling OR Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply. No visitor spaces proposed to be provided, with the applicant seeking a variation of the Standard. This will be discussed further in the assessment of the proposal.
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	The abutting property to the south has a street setback of 5.47 metres. A variation is sought to this Standard to allow for a street setback which will vary between 0.6 metres and 3.83 metres. This will be discussed further in the assessment of the proposal.
Site Coverage	Maximum 60% - as per ResCode	The proposal entails site coverage of 67.3%, with a variation of the Standard sought. The appropriateness of this variation will be discussed further in the report.

3.0 SITE & SURROUNDS

- 3.1 The subject site is located on the south-east corner of Station Street and Swan Walk Chelsea, within the Chelsea Major Activity Centre. Chelsea Station is located approximately 160 metres to the south.
- 3.2 The site is 'L' shaped and consists of two allotments, with an overall frontage of 33.563 metres to Station Street, a frontage of 31.04 metres to Swan Walk, resulting in an overall

site area of 1357sqm. The eastern-most boundary of the site abuts a laneway running between Swan Walk and Thames Promenade, to the south.

- 3.3 Currently on the northern part of the site is a detached, single storey building and car parking, previously used as a medical centre. On the southern part of the site is a retail building, with a dwelling component and associated outbuildings.
- 3.4 Existing vegetation on the site is minimal and consists of low level planting associated with the former medical centre car park.
- 3.5 The applicant has provided information that Lot 5, which is subject to an Environmental Audit Overlay (EAO), is currently being assessed for potential contaminants. Lot 1 (which is not subject to the EAO) has previously undergone an Environmental Audit in 1992, with a Certificate issued stating that the land would not be detrimental to or potentially detrimental to the beneficial use of the land. Any future use of the land needs to be considered against the requirements of Clause 45.03 – Environmental Audit Overlay and Clause 13.03-1 – Use of contaminated and potentially contaminated land, and if a permit were to be issued prior to the completion of any environmental assessment, a condition must be included to require that an audit is completed before the land is developed.
- 3.6 To the east of the site, at No. 2 Swan Walk, is a detached, single storey dwelling set back 2.97 metres from the street, and 1.17 metres from the subject site. Also to the east of the site, on the east side of the laneway, is the Salvation Army Church, which fronts Thames Promenade.
- 3.7 To the south of the site, at No. 1A Thames Promenade, is a two (2) storey apartment building, set back a minimum of 5.47 metres from Station Street, and between 0m and 1 metre from the subject site. Private open space areas located at first and second floor level within this development face the subject site.
- 3.8 Opposite the site, to the north, land is developed and used for residential purposes, with the two properties immediately opposite the site containing detached, single storey dwellings.
- 3.9 Opposite the site, to the west across Station Street, is the Melbourne-Frankston railway line.

4.0 TITLE DETAILS

- 4.1 The Permit Applicant has completed the planning application form acknowledging that a Section 173 Agreement (reference S941242N, dated 16/2/94) is registered on one of the allotments forming part of the subject site.
- 4.2 The Section 173 Agreement was entered into between the former City of Chelsea and a previous land owner, and stipulates that Lot 1 on PS327151F (which forms part of the subject site) must only be used as a medical centre.
- 4.3 The applicant and Council are currently in the process of either ending or amending the agreement to allow the proposed development to proceed, under a concurrent planning permit application. It is considered that this process needs to be finalised before the

development can commence and if a permit were to be issued for the development of the land, a condition must be included to specify this.

5.0 PLANNING CONTROLS

- 5.1 The northern part of the subject site (No. 307 Station Street) is located in a Residential 1 Zone.
- 5.2 The southern part of the subject site (No. 308-310 Station Street) is located within a Mixed Use Zone and is covered by an Environmental Audit Overlay.

6. PLANNING PERMIT REQUIREMENTS

- 6.1 Pursuant to Clause 32.01 (Residential 1 Zone) a planning permit is required to construct two (2) or more dwellings on a lot.
- 6.2 Pursuant to Clause 32.04 (Mixed Use Zone) a planning permit is required to construct two (2) or more dwellings on a lot.

7. RELEVANT HISTORY

- 7.1 Planning Permit No. 2306 was issued by the former City of Chelsea on 24 December, 1994 and allowed the subdivision of land, part of which is included within the subject site. This land is subject to the Section 173 Agreement referred to in Section 4 of this report.
- 7.2 Planning Permit No. KP00/1066 was issued by Council on 16 February, 2001 and allowed the use of land at No. 307 Station Street for an Education Centre.

8. ADVERTISING

- 8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Three (3) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy
- Overshadowing
- Overdevelopment
- Traffic and parking

9. PRELIMINARY CONFERENCE

- 9.1 A preliminary conference was held on 10 March, 2011, with the relevant Planning Officer, Ward Councillors, the Permit Applicant and objectors in attendance.
- 9.2 The objectors' concerns were discussed at length at the Preliminary Conference meeting but no resolution was achieved and the objections have not been withdrawn.

10. REFERRALS

10.1 The following internal referral departments were notified:

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

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

11. RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

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

11.2 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use)
Clause 21.06 (Retail and Commercial Land Use)
Clause 22.11 (Residential Development Policy)

11.3 Particular Provisions

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

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

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

The land is located within Area 68 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile.

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

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character. It is considered that the dwellings are generally in accordance with these Guidelines.

12 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage), **Clause 16** (Housing), **Clause 18** (Transport), **Clause 19** (Infrastructure). The SPPF requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development.

Clause 11 (Settlement) seeks to ensure that a sufficient supply of land is available for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 13.03-1 (Environmental Risks) requires the identification of risks and hazards in the planning process to ensure best practice environmental management. Specifically, Clause 13.03-1 Use of Contaminated and Potentially Contaminated Land is relevant to the application, which aims to ensure that potentially contaminated land is safe and suitable for its intended future use and development.

Clause 15 (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Urban design principles outlined at Clause 15.01-2 are applicable to proposals, such as that under consideration, which are not subject to ResCode.

Clause 16 (Housing) encourages the provision of housing diversity (including affordable housing), that has access to services and be planned for long term sustainability. It also seeks to ensure the efficient provision of supporting infrastructure.

Clause 19 (Infrastructure) aims to ensure that the development of social and physical infrastructure is provided in a way that is efficient, equitable, accessible and timely.

It is considered that the proposed development is consistent with the abovementioned State strategies and policy direction. Given the site's location within the Chelsea Major Activity, the proposal will make a positive contribution, in particular, to achieving objectives in relation to housing and economic development.

12.2 Local Planning Policy Framework

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

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

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

urban consolidation objectives with an understanding of specific character issues applicable to certain neighbourhoods.

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

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

The subject land is identified within an *Increased Housing Diversity* area.

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

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.

- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- 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 21.06 is broken into six (6) key objectives, the first of which relates to the protection and strengthening of the hierarchy of activity centres. The subject land is located within the Chelsea Activity Centre, which is identified as a 'Major Activity Centre' with the primary role of providing 'retail and commercial facilities and a strong range of community service functions'.

12.3 Clause 22.11 – Residential Development Policy

The Residential Development Policy at **Clause 22.11** extends upon the provision contained at Clause 21.05 (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential

development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

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

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

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

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

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

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

Performance measures

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

§ Incorporating garages and carports within the main roof line of the dwelling.

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

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

Performance measures

On-site infiltration should be maximised by:

§ Wherever possible, using unpaved landscape areas or porous paving.

§ Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.

§ Designing to limit the impervious area.

§ Incorporating on-site water re-cycling systems for stormwater run-off.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

12.4 Zoning Provisions

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

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

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

The proposed front fence is 1.7 m high and, therefore, seeks approval for a variation to the Schedule requirements. The proposed fence does not extend the entire length of the frontage, with fencing primarily provided for privacy purposes to the terraces of dwelling's 1, 4 and 6 and habitable room windows of dwelling's 4 and 6. The design of the front fence incorporates material which is complementary of the overall proposed design detail and entails a height and transparency not dissimilar to front fences found within proximity of the site, such as at No. 306 Station Street, opposite the subject site on the north-east corner of Station Street and Swan Walk. The proposed fencing would also assist in limiting the impact of noise from the railway line opposite the subject site. Unimpeded views of the building's main entry will be maintained, along with views of the north-west corner of dwelling 1 at the ground level, allowing for an appropriate degree of integration of the design within the streetscape. The variation to the Schedule requirements is therefore considered acceptable.

It is noted that changes will be required to the proposed fence heights to maintain sightlines on the north-west corner boundary (dwelling 1 terrace) and to the south-west corner of the terrace to dwelling 6, pursuant to Council's Development Engineer requirements. A

condition on any permit issued would require either a reduction in fence height to 1.2 metres or a splay, for a specified distance (between 2 metres and 2.5 metres)

12.5 Overlay Provisions

The Environmental Audit Overlay applicable to the land requires that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

As no certificate or statement has been issued to date relating to No. 308-310 Station Street, Chelsea, appropriate conditions should be included on any permit issued which ensure compliance with the requirements of the overlay. It is noted that a Certificate has been issued for the land at No. 307 Station Street, forming part of the subject site, though not covered by the Environmental Audit Overlay.

13 CLAUSE 55 (RESCODE ASSESSMENT)

- 13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. A number of variations are being sought relating to:

Clause 55.03 – Site Layout and Building Massing

Standard B6 – Street Setback

At ground level, the proposed front setback of 0.6 metres increasing to 4.17 metres is proposed and at the second floor a setback of 3.26 metres increasing to 4.01 metres is proposed. The adjoining setback to the south of the site is 5.47 metres with Standard B6 requiring the proposal to match this setback.

It is acknowledged that setbacks within the street are varied, however it is considered that the setback of 0.6 metres should be increased to allow for a better transition into residentially zoned land from the Mixed Use Zone. In addition, the proposed 0.6 metre setback towards the north-west corner of the site does not provide the capacity for any substantial planting to soften the development from the street. A condition is recommended to be included on any permit issued requiring the 0.6 metre setback increased to a minimum of 1 metre from the Station Street frontage.

Standard B7- Building Height

This Standard specifies a maximum height of a building should be 9 metres, the proposed building height is 10.9 metres. Whilst a 9 metre limit is specified, development is not limited to two storeys. A variation of this standard from 9 metres to 10.9 metres is considered satisfactory with regard to the third storey proposed to have substantive side and rear

setbacks to limit visibility from adjoining residential properties and off-site amenity impacts. The proposal entails an active street frontage with balconies and habitable room windows which provide a satisfactory design response to the site, located adjacent to an existing contemporary two (2) storey residential development which would sit sympathetically alongside the proposal. It is also noted that the site's location on the periphery of an activity centre where increased densities are encouraged, is suitable for a three storey development, entailing a total building height of 10.9 metres, and is not contrary to what local policy seeks to achieve in this area.

Standard B8 – Site Coverage

This Standard specifies that proposals should meet a maximum of 60% site coverage, with 67.3% proposed. The variation sought is considered to be relatively minor in this instance; site coverage will also decrease with the inclusion of a permit condition to increase the front setback (albeit a minor decrease to the overall percentage). The proposed site coverage is considered acceptable.

Standard B9 – Site Permeability

A minimum of 20% permeability is sought by this Standard. It is proposed to provide a minimum of 12.5%. As noted above the area of permeability will increase marginally with an increase to the front setback of dwelling 1. It is also considered that a condition should be included on any permit issued to ensure that ground level terraces and paved areas are on permeable bases to minimise stormwater run off from the development. Council's Drainage Engineers have required conditions to be placed on any permit issued to provide a Stormwater Management Plan for the site and works to reduce runoff. The proposed variation sought is considered acceptable subject to the abovementioned conditions.

Standard B16- Parking Provision

The application seeks a variation of the requirement to provide 1 visitor car space per 5 dwellings, with the proposal not providing on-site visitor car parking for the required 4 spaces. The applicant has provided a traffic impact assessment report which included a study of on-street parking demand within proximity of the subject site. The study found that 168 on-street spaces are available in the locality including a total of 7 to the site's frontages comprised of 4 to Station Street and 3 to Swan Walk. Whilst access to the development would remove 1 of the 4 car spaces located to the front of the site on Station Street, the removal of the existing crossover to No. 307 Station Street from the Swan Walk sideage and reinstatement of kerb, channel and nature strip would allow for an increase in one (1) car parking space in that location. The peak demand recorded along the subject site's frontages was 2.

The site is located within 200 metres of the Chelsea Railway Station and there are four (4) bus routes which operate to the front of the site along Station Street.

It is considered that there is sufficient on-street parking available within the locality and to the site's Station Street and Swan Walk frontages to accommodate any additional parking needs that may result from the development, along with sufficient access to public transport to reduce reliance on car travel to the site.

Standard B18 – Walls on Boundaries

The proposal entails a wall to the eastern boundary for a length of 16.76 metres and height of 4.6 metres, exceeding the permitted length by 0.8 metres and the height by 1.6 metres. Whilst the Standard is not met, off-site amenity impacts are limited by the walls abuttal to a laneway. The proposed wall length and height are therefore considered acceptable.

Standard B29 – Solar Access to Private Open Space

The balcony of dwelling 17 which is south facing, does not meet the setback requirement from walls located to the north. Whilst that setback is not met, on the balance of the overall design, balconies to the remaining dwellings have been provided with appropriate solar access and the variation sought is limited to one dwelling. The variation is considered acceptable, with a recommendation that the minimum dimension provided to that balcony is a minimum of 2 metres to maximise the useability and amenity of the space.

14 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Overlooking

All upper level windows of the dwellings will either be screened in accordance with ResCode requirements to a height of 1.7 metres above the floor level directly below or will have a sill height of 1.7 metres above finished floor level directly below. A number of balconies are also shown with screening to a height of 1.7 metres above finished floor level. It is recommended that screening to the south side of the balcony to dwelling 18 and to the north side of the balcony to dwelling 19 also be provided to prevent views to adjoining private open space.

14.2 Overshadowing

Shadow diagrams submitted with the application demonstrate that shadow cast by the proposed development on adjoining properties satisfies the requirements of Clause 55 in regard to Standard B20 – North Facing Windows and Standard B21 – Overshadowing Open Space.

14.3 Traffic and parking

The basement parking area and access to the site are considered to enable safe and efficient movement of vehicles to and from the site subject to conditions to reduce the fence height to the terrace of dwelling 6, or provide a splay to enable appropriate sightlines for vehicles exiting the basement and the provision of a convex mirror within the basement. It is considered preferable that access to the site is gained from Station Street due its busier nature and suitability for heavier traffic, as opposed to Swan Walk which is a local road.

As noted above the applicant has provided a traffic impact assessment which demonstrated that there is sufficient on-street parking to the front and side of the site and within the broader locality to meet likely demand without a detrimental impact. It is noted that Council's Traffic Engineers did not object to the proposal.

14.4 Neighbourhood character and overdevelopment

Part of the subject site is located within a Mixed Use Zone and the remainder within a Residential 1 zone, local policy identifies the site within an area designated for 'increased housing diversity'. The site is ideally placed for a medium density development with regard to policy, as well as its corner location, proximity to public transport and location within the Chelsea Major Activity Centre. Further to the south of the site is commercial development with lesser street setbacks and substantial site coverage. Whilst residential development to the north and east of the site is predominantly single storey detached dwellings, the future character has been identified as one which will contain an increase in medium density contemporary housing stock. To the south of the site is an existing contemporary style two (2) storey residential development, with the proposal responding to that site in terms of design detail as well as ensuring appropriate setbacks to limit off-site amenity impacts. The

third storey of the development would be provided with reasonable setbacks to single storey dwellings located to the east and north, allowing for a good transition in height and built form.

It is noted that land to the north of the site along Station Street is also located within an area nominated for 'increased housing diversity', and land to the east of the site is within an area nominated for 'residential renewal' (which acknowledges that there is existing medium density development that is encouraged to be renewed over time). The future character of the broader area is therefore likely to contain more medium density development of a contemporary style and similar to that which is currently proposed.

15 CONCLUSION

- 15.2 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.
- 15.3 The proposed development is considered appropriate for the site as evidenced by:
- The design and siting of the proposed development to be compatible with the surrounding area;
 - The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
 - The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 zoning and the Schedule to the zone; Clause 55 – Two or more dwellings on a lot and Residential Buildings; Clause 56 – Subdivision; and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 15.4 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 twenty-three (23) 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 in accordance with the plans submitted to Council on 6 January 2011, but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;

- ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - vi. suitable species selected for use within the landscape strip along the front of the site i.e. take into consideration the mature width of the plant selected;
 - vii. all hard surfacing and fencing located at least one (1) metre from any existing or proposed canopy tree;
 - viii. all trees provided at a minimum of two (2) metres high at time of planting;
 - ix. a range of plant types from ground covers to large shrubs and trees;
 - x. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - xi. a notation on plans that any ground floor paving or terrace areas within the secluded open space areas of the proposed dwellings are on a permeable base; and
 - xii. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. an increase to the street (front) setback of dwelling 1 from 0.6 metres to a minimum of 1 metre, with any required changes to upper floors to dwellings 11 and 20 to ensure a minimum 1 metre street setback is provided;
 - c. levels to Australian Height Datum to be shown on floor plans;
 - d. the provision of a north elevation plan with ground floor detail of dwelling's 9 and 10 including natural ground level, finished floor levels and boundary fence height, ensuring compliance with Clause 55.04-6 of the Kingston Planning Scheme;
 - e. fencing details to be shown on the ground floor plan;
 - f. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - g. the provision of suitable fixed screening to a height of 1.7 metres above finished floor level to the south side of the balcony of dwelling 16, with the obscured glazing to the bedroom window of dwelling 16 on the balcony deleted;
 - h. the provision of suitable fixed screening to a height of 1.7 metres above finished floor level to the south side of the balcony of dwelling 18;
 - i. the provision of suitable fixed screening to a height of 1.7 metres above finished floor level to the north side of the balcony to dwelling 19;
 - j. where balconies are screened to a height of 1.7 metres, any balustrade/screens designed to have a maximum transparency of 25%, with screen details provided;
 - k. the second floor plan corrected to accurately represent lower floors;

- l. the east elevation corrected to accurately represent details of the balcony to dwelling 22;
 - m. the balcony of dwelling 17 provided with a minimum dimension of 2 metres;
 - n. north boundary fencing shown with a maximum height of 1.8 metres;
 - o. the replacement of notations referring to film on windows with 'fixed obscure glazing';
 - p. a convex mirror provided adjacent to car space number 1 on the south-eastern internal wall, to facilitate exiting and entering drivers to anticipate oncoming vehicles;
 - q. car space width dimensions clearly nominated;
 - r. the storage area for each dwelling fully dimensioned, ensuring a minimum of 6 cubic metres is provided to each;
 - s. a comprehensive detailed drainage strategy of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
 - t. the basement ramp longitudinal section grades and apex above the existing back of path level along the site's Station Street frontage;
 - u. the provision of a notation on the plan stating: "Footpath along Station Street and Swan Walk must be reinstated to Council's Standard and satisfaction. Contact Road and Drains Department for reinstatement treatment details";
 - v. any measures identified in the ESD report required under Condition 2 of this permit;
 - w. fencing to the site's corner of Station Street and Swan Walk, with a splay of 2 metres x 2.5 metres provided in accordance with AS/NZS.12890.1:2004, with the area clear of any obstructions to visibility;
 - x. the fence abutting the ramp access must be reduced to 1.2 metres height or a 1.5 metre x 1.5 metre splay; and
 - y. fence details to the ground floor plan.
2. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the applicant must provide an ESD report prepared by a suitably qualified professional with this plan to be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the Permit and must thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, day lighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
5. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
6. Prior to the commencement of construction or carrying out of buildings or works in association with this development the applicant/owner must provide for the following and to the satisfaction of the Responsible Authority one of the following:
 - (a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the [Environment Protection Act 1970](#); or

An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the intended use and the development that are the subject of this permit.

- b) Any works required by or terms or conditions in the statement of environmental audit must be carried out, given effect to and acknowledged in writing as having been completed to the satisfaction of the Responsible Authority by the environment auditor. A copy of the auditor's letter must be submitted to the Responsible Authority.
7. 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. The detention system must have a restricted outflow limited to 10 l/s and store run-off that exceeds the run-off from 35% of the site area.
 8. 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.).
 9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 10. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
 11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
 12. An apex (i.e. hump) a minimum of 150mm above the existing back of path level along the Station St. frontage must be provided or implement an alternative engineering solution for major flooding, approved by the Council. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. hump in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
 13. Construction on the site must be restricted to the following times:
 - a. Monday to Friday 7:00am to 7:00pm; and
 - b. Saturday 9:00am to 6:00pm.
 - c. Sunday and Public Holidays No construction permittedOr otherwise as approved by the Responsible Authority in writing.
 14. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority.

- b) Properly formed to such levels that they can be used in accordance with the plans.
- c) Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
- d) Drained and maintained to the satisfaction of the Responsible Authority.
- e) Line marked to indicate each space; and,
- f) Sign posted to identify the allocation of spaces, and the location of the bicycle parking area.

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

- 15. The entrance of the building and car parking areas must be lit by movement sensor lights during hours of darkness. The lighting must be located, directed and shielded, and thereafter maintained so that no nuisance or loss of amenity is caused to any person outside the site, 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.
- 19. Number 308-310 Station Street, Chelsea is to have the existing property boundary and back of footpath offset reinstated, to the satisfaction of the Responsible Authority.
- 20. Number 307 Station Street, Chelsea Swan Walk sideage is to have the property boundary and back of path offset reinstated with the correct offset, to the satisfaction of the Responsible Authority.
- 21. Footpath and property boundary levels are not to be altered, to the satisfaction of the Responsible Authority.
- 22. Footpaths along Station Street and Swan Walk must be reinstated to Council's Standard and satisfaction.
- 23. All road reserve works must be completed to the satisfaction of the Responsible Authority.
- 24. External clothes drying facilities must be provided for each dwelling ensuring that they are appropriately screened if located on balcony areas.
- 25. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film of the like that can be removed must not be used.
- 26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 27. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

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: Council's Roads and Drains Department must be contacted for the correct path offset to be provided to Station Street and Swan Walk, and the type of reinstatement treatments to be used.

OR

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

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

Chris Pippo addressed the meeting on behalf of the applicant

Crs Shewan/Moloney

That Council resolve to issue a Notice of Refusal to Grant a Permit for the development on this site for twenty-three (23) dwellings on the following grounds:

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

Carried

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme: Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	<p>Information contained in the written submission and plans is considered appropriate.</p> <p>Given the proximity of the site to a range of community services and facilities, along with the zoning of the land, it is not unreasonable to consider higher densities within this area. The site is located within Chelsea Major Activities Centre and within walking distance of Chelsea Railway Station.</p> <p>The objectives of this Standard are met.</p>
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	No	<p>Whilst the proposal entails all dwellings to comprise 2 bedrooms, the development will provide an increase in dwelling diversity and options within the broader area and is considered acceptable. The proposal entails dwellings at ground level with living areas and services pursuant to the remaining requirements of the Standard.</p>
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through permit conditions.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	<p>It is considered that the proposed development integrates satisfactorily with the street with dwellings at ground, first and second levels oriented to the street with habitable rooms and balconies providing an active frontage. Remaining dwellings</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

		are either oriented to the north sideage of Swan Walk with pedestrian entries to ground floor dwellings provided, or to the rear and south side boundary.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<p>Required: 5.47metres Proposed: 0.6metres</p> <p>Refer to report. Proposed variation is considered reasonable subject to a condition to increase that setback to a minimum of 1 metre at ground and upper floors.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	No	<p>Maximum: 9 metres Proposed: 10.9 metres</p> <p>See report. Whilst the height is exceeded the overall proposal is consistent with the policy objectives identified for this area, and off-site amenity impacts limited by an appropriate design response. A transition in height is provided to the abutting single storey dwellings to the site's north and east, satisfying the objective.</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	No	<p>Maximum: 60% Proposed: 67.3%</p> <p>Refer to report. Variation to Standard considered acceptable, subject to conditions to be included to ensure viable plantings, an increase to the front setback and appropriate stormwater works.</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	No	<p>At least: 20% Proposed: 12.5%</p> <p>Refer to report and Standard B8 above.</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	<p>An appropriate degree of daylight is achieved to all dwellings, with the site maximising north orientations where possible for balconies and habitable room windows. Dwelling 17 is the only dwelling which is solely south-facing, which on the balance of the overall proposal is considered acceptable.</p> <p>Two underground rainwater tanks are</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

		<p>shown within the basement.</p> <p>The size of the development requires an ESD assessment to ensure that sustainable measures will be incorporated into the development.</p> <p>Dwellings will also be required to</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	The proposed layout of the development is considered satisfactory in relation to this standard.
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	The proposed development provides adequate opportunities for landscaping throughout the site. A detailed landscape plan was not submitted with the application and should a permit be issued a condition requiring a landscape plan must be included to ensure appropriate plantings are provided.
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	The proposed access arrangement is considered satisfactory in relation to this standard, with the common driveway providing safe and manageable access to and from the site subject to a condition to be included on any permit issued requiring the fencing to dwelling 6 is splayed to allow for appropriate sightlines to be maintained.
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	The location of car parking facilities for each dwelling is considered to be convenient and appropriately located, in accordance with the requirements of this standard.
B16 Parking Provision	No	Required: 27

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>		<p>Proposed: 23</p> <p>See report. The proposal meets the required parking for residents but seeks a variation of the requirement to provide 4 visitor parking spaces. Information submitted by the applicant has demonstrated that the site's location close to the Chelsea Railway Station and the availability of on-street parking will not result in the development having a detrimental impact.</p>
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Yes</p>	<p>All proposed side and rear setbacks are in accordance with the requirements of this standard.</p>
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>No</p>	<p>See report. The proposed wall on the eastern site boundary exceeds the permitted length (15.99m) and height (3m) by 0.8 metres and 1.6 metres respectively. The variation to the Standard is considered acceptable with regard to the abuttal to a laneway which limits any potential amenity impact of that wall.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>The proposed development will have minimal impact on the amount of daylight provided to existing habitable room windows on adjoining properties.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>Whilst the abutting south development has north facing windows within 3 metres of the shared boundary the proposed development meets setback requirements of this Standard.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>The proposed development complies with this standard and will not have an unreasonable impact on adjoining properties as a result of overshadowing.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>Subject to conditions requiring screening to the balconies of three dwellings.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Yes</p>	<p>Internal views have been appropriately considered and limited, in accordance with the requirements of this standard.</p>
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Yes</p>	<p>Any noise created as a result of this proposal can be directly attributed to typical residential noises associated with typical residential land use. It is not anticipated that the proposal will result in increased noise levels internally or externally.</p> <p>It is noted that as the site is primarily surrounded by residential uses there should be no unreasonable noise sources being created in the surrounding area that would effect on site amenity.</p>
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	<p>Yes</p>	<p>The proposed development is considered satisfactory in relation to the requirements of this standard.</p>
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	<p>Yes</p>	<p>The building's main entry to Station Street is appropriately identified, giving a sense of address to the building.</p>
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>	<p>All proposed windows are considered satisfactory.</p>
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Yes</p>	<p>Each dwelling is provided with an area in excess of 8 square metres of private open space in the form of a terrace. Whilst ground floor dwellings will also be provided with terrace areas which are less than 25 square metres it is considered that these areas are commensurate with the size of dwelling's proposed and will meet the reasonable recreation and service needs of residents. It is recommended that a condition be include to ensure the minimum dimension for dwelling 17 is shown to be 2 metres to ensure that the amenity of that area adequate.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>See report. The balcony of dwelling 17 which is south facing is not provided the required setback from walls to the north. The variation sought is considered acceptable, provided that the dimension is increased to 2 metres to improve the amenity achieved to that area.</p>
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Yes</p>	<p>Each dwelling is provided with storage areas in accordance with this standard. A condition is recommended to show the dimensions of storage areas.</p>
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Detailed design elements are considered appropriate in relation to the character of the area. The development will be of a contemporary design utilising a good mix of building materials and finishes to provide a visually interesting development. The proposal will also be in keeping with the precedent set on the abutting property to the south of the site which is a recent development and of a contemporary design.</p>
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Maximum: 1.2m Proposed: 1.7m</p> <p>See report. The proposed front fence height is considered acceptable in order to balance the privacy of ground floor private open spaces oriented to the street whilst still maintaining the appearance of an active frontage. The fencing proposed to the sideage on Swan Walk which also has pedestrian entries to ground floor dwellings is recommended to be reduced from 2 metres to 1.8 metres.</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>The proposed common driveway and basement area is considered satisfactory in relation to this standard.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	All required services and facilities can be provided to each dwelling.
---	-----	--

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 36

KP572/10 - 49 Como Parade East, Parkdale

APPLICANT	Peninsula Planning Consultants Pty Ltd
ADDRESS OF LAND	No.49 Como Parade East, PARKDALE VIC 3195 (Lot 1 on TP 408353E)
PROPOSAL	TWO (2) DWELLINGS
PLANNING OFFICER	Jemima Royall
REFERENCE NO.	KP-572/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Clause 32.01 – Residential 1 Zone
OVERLAYS	Not Applicable
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	23 rd October, 2010
STATUTORY DAYS	63 days at 15 th June, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	13 th January, 2011

1.0 KEY ISSUES

- 1.1 The key planning issues arising from this proposal relate to:
- Neighbourhood character
 - Amenity impact (internal and external)

2.0 PROPOSAL

- 2.1 It is proposed to relocate the existing dwelling closer to the frontage of the site by 12.34 metres and construct one (1) new, double storey dwelling at the rear of this site.

- 2.2 Development summary:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	128.25m ²	68.68m ² (including 68.68m ² of secluded private open space)	5	2
2	341.10m ²	145.29m ² (including	6	2

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
		145.29m ² of secluded private open space)		

2.3 The proposal has an overall site coverage of 46.94 percent and a permeability percentage of 39.8.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room.	Dwelling 1: complies (refer to the ResCode discussion section within this report) Dwelling 2: complies (refer to the ResCode discussion section within this report)
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover.	Dwelling 1: complies (refer to the ResCode discussion section within this report) Dwelling 2: complies (refer to the ResCode discussion section within this report)
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Dwelling 1: complies (refer to the ResCode discussion section within this report) Dwelling 2: complies (refer to the ResCode discussion section within this report)
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 49.94% and therefore complies (refer to the ResCode discussion section within this report)

2.5 The proposed building materials, colours and finishes for Dwelling 2 are summarised in the table below. Dwelling 1 is an existing dwelling with all materials to remain as existing.

Roof:	Not nominated
Walls:	Selected face brickwork and weatherboard on first floor
Garage doors	Selected panel life garage door
Windows:	Powder coated aluminium framed glazing

Driveways:	Not nominated
Front fencing:	Horizontal timber slats
Boundary fences:	Existing paling fences to remain

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises a 908m² allotment on the north-east side Como Parade East, Parkdale. It currently contains a double storey, weatherboard dwelling. The site does contain established vegetation. There appears to be no restrictions listed on the Certificate of Title.
- 3.2 Vehicle access to the site is currently via a single width crossover located at the northern side of the site's Como Parade East frontage.
- 3.3 The site is bordered on the south-east by ten (10) single storey units, accessed via a single common driveway in the centre of the property. The north-west boundary of the site is occupied by five (5) single storey units, all of which have separate access' via Third Street. The property to the north is occupied by a double storey dwelling, whilst the land to the south, across Como Parade East, is reserved for railway purposes.
- 3.4 The site contains two (2) large established trees. One (1) tree, a *Schinus areira* (Peppercorn Tree) is located within the front setback, to the immediate west of the existing vehicle crossing. The second tree, a *Corymbi citrodora* (Lemon Scented Gum), is located on the site's north boundary, to the rear of the property.
- 3.5 The surrounding area typically comprises of semi-detached, single storey, brick and weatherboard dwellings, with pitched roofs. The predominant fencing style in the neighbourhood is low timber fences.

4.0 TITLE DETAILS

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

5.0 PLANNING CONTROLS

- 5.1 The subject site is located within a Residential 1 Zone and is subject to no Overlays.

6.0 PLANNING PERMIT REQUIREMENTS

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

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 Prior to advertising, the Permit Applicant submitted revised plans to Council on 13th January, 2011, that essentially addressed the initial concerns outlined within the Planning Officer's request for further information letter. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

8.2 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Three (3) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy
- Overshadowing
- Noise
- Overdevelopment

8.3 The following objections raised are not considered to be valid planning considerations:

- Disruption during construction

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 19th April, 2011, with the relevant Planning Officer, the Permit Applicant and four (4) objectors in attendance. The above-mentioned issues were discussed at length.

9.2 One of the above concerns was resolved at the conference, specifically, the concern regarding the potential for noise generated by the media room of the proposed dwelling, located on the boundary. However, no objections have been withdrawn.

10.0 REFERRALS

10.1 The following internal and referral departments were notified:

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

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

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

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

11.2 Local Planning Policy Framework (LPPF)

- Clause 21.05 (Residential Land Use)

Clause 22.11 (Residential Development Policy)

11.3 Particular Provisions

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

11.4 General Provisions

Clause 65 (Decision Guidelines)

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

The land is located within Area 20 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile.

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

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

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

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

12.2 Local Planning Policy Framework

The City of Kingston’s MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land,

mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *Increased Housing Diversity* area.

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

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

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

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

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

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

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

12.3 Clause 22.11 – Residential Development Policy

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

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

- § Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- § In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

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

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

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

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

Performance measures

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

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

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

Performance measures

On-site infiltration should be maximised by:

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

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium

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

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

12.4 Zoning Provisions

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

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

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

Clause 55.03 - Site Layout and Building Massing

Standard B5 – Integration with the street

Dwelling 1 which is located at the front of the site contains an entrance which is located to the side of the dwelling. This is contrary to Standard B5, however, given the fact that the dwelling is an existing dwelling the variation is considered to be acceptable.

Standard B13 – Landscaping

The concept landscape plan was referred to Council's Vegetation Management Officer who recommended that amended plans be requested via Condition 1 of any approval.

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

Standard B15 – Parking Location

It is considered that the proposal does not provide for safe and efficient movements within the site. Specifically, the turning area for Dwellings 1 and 2 does not provide an appropriate turning area for vehicular movements to and from the site and does not allow vehicles to exit the site in a forwards direction. As such, a condition should be included on any permit issued to address this matter.

Standard B21 – Overshadowing Open Space

Council considers that the extent of shadow cast onto the adjoining properties to the south east, Units 3, 4 and 5 of No.51-53 Como Parade East is not considered to meet the objective, or standard of this Clause. These dwellings have their principle secluded private open space areas orientated north-west, abutting the common boundary fence with the subject site.

From the shadow diagrams submitted, Drawing No. 091105 TP5, it is not considered that 75% of these areas of open space receive a minimum of five (5) hours of sunlight between 9:00am and 3:00pm at the September equinox. It is considered that the amenity of these areas would be significantly reduced as a result of a loss of sunlight to their principle open space area and habitable rooms. Therefore, a condition should be placed on any permit issued requiring the first floor building envelope and setbacks of Dwelling 2 be reduced to demonstrate compliance with Clause 55.04-5 Standard B21 of ResCode. Conditions of any permit issued can require this.

Clause 55.05 – On-site Amenity & Facilities

Standard B32 – Front Fences

The proposal seeks to demolish the existing 1.2 metre front paling fence along the site frontage and replace it with a timber slat fence to a height of 1.5 metres. This is inconsistent with Standard B32. A condition should be placed on any permit issued to reduce the height of the fence to 1.2 metres to bring the proposal in line with the Standard and the surrounding character of the area.

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Loss of privacy

Concern is raised from the owner of Unit 4/ No.51-53 Como Parade East with regard to the potential loss of privacy regarding Dwelling 2. The proposal for Dwelling 2 includes three (3) bedrooms and an ensuite on the first floor of its south-east elevation. All windows are shown to have been treated and screened in accordance with Standard B22 of ResCode. As such, it is considered that the proposal is acceptable in its current form with regard to meeting this standard, and accordingly, the objection concerns cannot be substantiated in this instance.

14.2 Overshadowing

As discussed previously, Council has concerns with regard to the amount of overshadowing to the south-east properties, specifically the shadows cast by Dwelling 2. Bedrooms 4, 5 and the ensuite of this dwelling should have the existing setback increased by a minimum of 1 metre, should any permit be issued for this proposal.

14.3 Noise

Concern was raised by the owner of Unit 4/ No.51-53 Como parade East with regard to the potential noise emitted from the media room located on the common boundary. As such, it is recommended that a condition requiring the room to be soundproofed to an acceptable standard be included on any permit issued. It is also recommended that the media room be

set back from the common boundary by at least 1 metre, to aid in reducing the potential impact of the room.

14.4 Overdevelopment

It is felt by the objectors, that the size of Dwelling 2 is more suited as a single dwelling on a lot as opposed to the two (2) dwellings proposed. A number of conditions are recommended to be placed on any permit issued so as to reduce the impacts of Dwelling 2. These include the outdoor room and all associated screening be removed, the pitch of the roof reduced so as to bring it in line with the roof of Dwelling 1 and the proposed additional roof height on the garage removed so as to bring the roof of the garage in line with that of the carport for Dwelling 1.

It is felt that the above measures should assist in ensuring the development is in keeping with the existing character of the area and that it should have minimal impact on the surrounding properties.

15.0 CONCLUSION:

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

15.2 The proposed development, as required to be amended, is considered appropriate for the site as evidenced by:

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

15.3 It is considered that the objector's concerns have been addressed where appropriate, and on balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for two (2) 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 13th January, 2011, but modified to show:

- a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - ii. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - iii. 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;
 - iv. 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;
 - v. a range of plant types from ground covers to large shrubs and trees;
 - vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vii. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority.
 - viii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - ix. all trees provided at a minimum of two (2) metres in height at time of planting;
 - x. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - xii. the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3, 4 and 5 of this permit.
- b. the sitting room of Dwelling 2 relocated 1 metre to the north-east and the driveway lengthened, with associated landscaping relocated so as to ensure a fully workable turning circle for Dwelling 2 is provided;
- c. the media room of Dwelling 2 appropriately soundproofed so as to eliminate the risk of noise being heard from the outside the boundaries of the site;
- d. the media room of Dwelling 2 to be setback a minimum of 1 metre off the boundary;
- e. the outdoor room and all its associated screening on Dwelling 2 removed. The access door to the outdoor room is to be replaced with a window which is to be screeded to a height of 1.7 metres as measured from the finished first floor below';
- f. bedrooms 4 and 5 and the first floor ensuite of Dwelling 2 set back a further minimum of 1 metre from the current setback so as to increase articulation of the first floor of this dwelling;
- g. the doors located on the north-west elevation of Dwelling 2, accessing the Master Bedroom of the dwelling, converted into doors, with fixed obscure glazing to a height of 1.7 metres above the first floor finished first floor directly below;

- h. the roof pitch of Dwelling 2 reduced to bring the height of the roof of this dwelling in line with that of Dwelling 1;
 - i. the roof of Dwelling 2's garage reduced to bring it in line with that of the carport for Dwelling 1;
 - j. the proposed air conditioner/compressor located on the site's south east elevation relocated to either the north-east or north-west elevations of the dwelling;
 - k. a notation on the plans stating that all first floor windows be screened using fixed obscure glazing to a height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
 - l. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - m. the door of each garage nominated as a panel lift door, or similar;
 - n. the proposed 1.5 metre high timber fence reduced to a height of 1.2 metres;
 - o. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling, with water re-use for toilet flushing;
 - p. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
 - q. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 - 3. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 - 4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 - 5. A Tree Protection Zone (TPZ) must be installed at a distance of 5 metres from the *Schinus areira* (Peppercorn Tree) located in the front setback of the property and at a distance of 5 metres from the *Corymbia citriodora* (Lemon Scented Gum) located in. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within the TPZ of the trees:
 - a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d. no storage of equipment, machinery or material is to occur;
 - e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f. tree roots must not be severed or injured;

- g. machinery must not be used to remove any existing concrete, bricks or other materials; without the further consent in writing of Council's Vegetation Management Officer
6. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 5m in a radius from the *Schinus areira* (Peppercorn Tree) and 5 m in a radius from the *Corymbia citriodora* (Lemon Scented Gum). The above requirements in condition 2 must be observed within this area.
7. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
8. When access for machinery and vehicles is required within the TPZ, ground protection measures are required. A permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards must be used. The rumble boards are to be supplied at a length of 3 meters.
9. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
10. Construction on the site shall be restricted to the following times:
- | | |
|----------------------------|----------------------------|
| Monday to Friday | 7:00am to 7:00pm; |
| Saturday | 9:00am to 6:00pm; and |
| Sunday and Public Holidays | No Construction Permitted. |
- Or otherwise as approved by the Responsible Authority in writing.
11. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. 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.
13. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system.
14. 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.).

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

15. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
16. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
17. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
18. 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.
19. 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.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
21. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

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

OR

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

1. The proposal would have an adverse effect on the amenity of the established residential neighbourhood.
2. The proposal exhibits excessive bulk and mass.
3. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular: Clause 55.02-1 Neighbourhood Character Objectives; Clause 55.02-2 Residential Policy Objective; Clause 55.02-5 Integration with

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

the Street Objective; Clause 55.03-8 Landscaping Objectives; Clause 55.03-9 Access Objectives; Clause 55.04-5 Overshadowing Open Space Objective; Clause 55.06-1 Design Detail Objective and Clause 55.06-2 Front Fences Objective.

Brian Hanlon addressed the meeting on behalf of the objectors

Richard Umbers addressed the meeting on behalf of the applicant

Crs West/Peulich

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for two (2) dwellings, subject to twenty-one (21) conditions as detailed in the report.

Carried

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme

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

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	N/A
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	No	See report.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	<p>Required: 4.04 metres Proposed: 5.7 metres</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 7.7 metres</p>
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 60% Proposed: 46.9%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 39.8%</p>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	See report.	
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	See report.	
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	See report.	
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	Require a landscape plan as condition of permit	
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	See report.	
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	No	See report.	
<p>B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.</p>	Yes	Required: 4 Proposed: 4	
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on</p>	Yes	Dwelling 1 Required: <u>Ground</u> <u>Floor</u>	Dwelling 1 Proposed: <u>Ground</u> <u>Floor</u>

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>existing dwellings.</p>		<p>North: N/A East: N/A South: N/A West: N/A <u>First Floor</u> North: 1m East: 1m South: N/A West: 1m</p> <p>Dwelling 2 Required: <u>Ground Floor</u> North: N/A East: N/A South: N/A West: N/A <u>First Floor</u> North: 2.2m East: 2.2m South: N/A West: 2.2m</p>	<p>North: N/A East: N/A South: N/A West: N/A <u>First Floor</u> North: 8.0m East: 1.6m South: N/A West: 6.3m</p> <p>Dwelling 2 Proposed: <u>Ground Floor</u> North: N/A East: N/A South: N/A West: N/A <u>First Floor</u> North: 6.5m East: 3.8m South: N/A West: 3.4m</p>
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Yes</p>	<p>Maximum: 10m on boundaries (length) Proposed: 8.07m on south east boundary (length)</p>	
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>See report.</p>	
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>See report.</p>	
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>See report.</p>	
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>See report.</p>	
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Yes</p>	<p>See report..</p>	

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	See report.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	See report.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	See report.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	See report.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Yes	<p>Required: 40m² for each dwelling Proposed: 68.68m² for Dwelling 1 and 145.29m² for Dwelling 2</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	See report.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	6m ³
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	See report.
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	No	<p>Maximum: 1.2m Proposed: 1.5m See report.</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	See report.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	See report.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 37

KP606/10 - 21 Dahmen Street, Carrum

APPLICANT:	Peninsula Planning Consultants
ADDRESS OF LAND:	No. 21 Dahmen Street, Carrum (Lot 11 on PS 050600)
Melway Ref:	97 F6
PROPOSAL	Two (2) dwellings
CONTACT OFFICER:	Jemima Royall
FILE NO:	KP-606/2010
ZONING:	Clause 32.06 – Residential 3 Zone
OVERLAY(S):	Clause 44.05 – Special Building Overlay
KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:	<p><u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing</p> <p><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</p> <p><u>Particular Provisions</u> Clause 55: Two or More Dwellings on a Lot & Residential Buildings</p> <p><u>General Provisions</u> Clause 65: Decision Guidelines</p>
RESIDENTIAL POLICY AREA:	Incremental Change
NEIGHBOURHOOD CHARACTER AREA:	Area 81
DECISION BY:	12 th May 2011
STATUTORY DAYS:	66 days at 18 th May 2011

1.0 KEY ISSUES RELATING TO THIS APPLICATION

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

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct two (2) double storey dwellings on this site.

2.2 Development summary:

Dwelling	Floor Area	Private Open Space	No. of	No. of Car
----------	------------	--------------------	--------	------------

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

	(excluding garage / verandah)		Bedrooms proposed	Parking Spaces provided
1	175.06m ²	90.28m ² of secluded private open space	3	Double garage
2	154.83m ²	53.45m ² of secluded private open space	2	Single garage

2.3 The proposal has an overall site coverage of 43.92 percent and a permeability percentage of 38.4.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 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: complies Dwelling 2: complies
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling <i>and</i> Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	Dwelling 1: complies Dwelling 2: complies
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Dwelling 1: complies
Site Coverage	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 43.92% and therefore complies

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

Roof:	Pitched colorbond
Walls:	Hebel wall cladding, horizontal timber cladding
Garage doors	Unspecified
Windows:	Aluminium
Driveways:	Coloured concrete

Front fencing:	1.8m high treated pine
Boundary fences:	Timber palings

A detailed colour/ materials schedule will be required via Condition 1 of any permit issued.

3.0 SITE & SURROUNDS

3.1 The subject site comprises of a 585.29m² allotment on the north-eastern side of Dahmen Street, Carrum. It currently contains a single storey, weatherboard dwelling and set back 7.59m from the front (Dahmen Street) frontage. The site is encumbered by a 2.44 metre wide easement along its rear (north-eastern) property boundary. There appear to be no restrictions listed on the Certificate of Title.

3.2 Vehicle access to the site is currently via a single width crossover located on the south-eastern side of the site's Dahmen Street frontage.

3.3 There is one (1) established tree midway along the Dahmen Street naturestrip.

3.4 The surrounding area typically comprises:

- South-east: single storey brick dwelling
- North-west: single storey brick dwelling
- North-east (rear): double storey brick and weatherboard multi-dwelling
- South-west (opp): single and double storey brick and weatherboard dwellings, including a double storey multi-dwelling development

4.0 TITLE DETAILS

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

5.0 PLANNING CONTROLS

5.1 The subject site is located within a Residential 3 Zone and is subject to Special Building Overlay.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.06- Residential 3 Zone a planning permit is required to construct two (2) or more dwellings on a lot.

6.2 Pursuant to Clause 44.05- Special Building Overlay, a planning permit is required to construct a building or construct and carry out works.

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Three (3) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Parking and traffic safety
- Safety during demolition (asbestos removal)
- Loss of privacy through second storey

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 7th April, 2011, with the relevant Planning Officer, the Permit Applicant and five (5) objectors from four (4) properties in attendance. The above-mentioned issues were discussed at length.

9.2 One (1) of the above concerns was able to be resolved at the preliminary conference, specifically the concern surrounding the removal of asbestos from the site. That being said, due to the number of other concerns unable to be resolved, the objections still stand.

10.0 REFERRALS

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

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

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

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

Clause 12 (Metropolitan Development)
Clause 14 (Settlement)
Clause 16 (Housing)
Clause 19 (Particular Uses and Development)

11.2 Local Planning Policy Framework (LPPF)

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

11.3 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Section 13.0 of this report for the Planning Officer's full assessment against this Clause.

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

11.6 Neighbourhood Character Area Guidelines (Incorporated Document)

11.7 The land is located within Area 81 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. Any areas of non-compliance are discussed in the following sections of this report.

12.0 PLANNING CONSIDERATIONS:

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

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

The subject site is identified within Area 6 of this study. The average lot size within this area has been calculated to be 578.1m², which results in a suggested development density of one (1) dwelling per 289.05m². It is therefore considered that this proposal would meet this strategy as the subject site has an area of 585.29m².

12.2 Local Planning Policy Framework

12.2.1 Clause 21.05 - Residential Land use

Incremental Housing Change Area

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

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

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

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

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

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local

street network and the proximity of public transport and nearby on and off street car parking.

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

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

12.2.2 Clause 22.11 - Residential Development Policy

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

- § The development proposes the construction of a second double storey dwelling towards the rear of the site. This will be discussed further later in this report.

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

12.4 It is considered that the proposed development satisfies the following overlay requirements:

- § Special Building Overlay – the proposal has been referred to Council's Development Engineer who has raised no object to the proposal subject to a number of conditions imposed on any permit issued.

13.0 RESCODE ASSESSMENT

13.1 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:

13.2 Clause 55.02 - Neighbourhood Character & Infrastructure

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

The development proposes the construction of two (2) new double storey dwellings, with Dwelling 1 located towards the front of the site, and Dwelling 2 at its rear. It is noted that Council Policy generally discourages double storey dwellings to the rear of sites. However, each proposal must be considered on their merits, and in this instance it is further considered that:

- The dwelling design adequately responds to the character of the local neighbourhood which includes double storey dwellings and multi-dwelling development;
- The upper level components have been designed to avoid adverse amenity impacts on abutting properties;
- The upper level component of dwelling 2 in particular is modest in size and adequately recessed in from the ground level below;
- There is adequate space within all boundary setbacks to allow for the planting of trees with spreading crowns; and
- The dwellings have been adequately articulated and will not be excessively bulky when viewed from the street or abutting properties.

Given the above, and given the proposal's overall high level of compliance with the provisions of Rescode as a whole, it is considered that the two (2) double storey dwellings can be accommodated on the site.

Standard B2 Residential Policy – It is considered that the proposal is consistent in terms of Residential Policy. As outlined above, double storey dwellings are generally discouraged at the rear of sites, however the proposal is considered appropriate in this instance.

Standard B4 Infrastructure – Council's Development Approvals Engineer has viewed the proposal and submitted that no habitable rooms may be constructed over the easement. Council's Engineer has not dismissed the possibility of removing the easement, however, to favourably determine this application, the plans must show no habitable rooms to be constructed over the easement. A Condition of any permit issued will require that plans be modified to show this.

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

Standard B8 Walls on Boundaries – It is noted that part of the ground level north-eastern and south-eastern walls of Dwelling 2 are provided with a 50mm setback to allow the continuation of the timber paling boundary fence. In this instance, this is considered to give a more reasonable outlook for occupants of abutting properties as compared to a brick boundary wall.

13.4 **Clause 55.04 - Amenity Impacts**

Standard B10 Energy Efficiency - The main living area windows for proposed Dwelling 1 in particular do not achieve good access to northern sunlight. It is noted, that the living room has been designed to have direct and convenient access to its private open space, which itself achieves reasonable northern orientation.

13.5 Overall, the dwelling design and layout appears to be the most appropriate given the site constraints, and as such, the northern sunlight access to the main living areas within the dwelling, can be waived in this instance.

13.6 **Clause 55.06 - Detailed Design**

Standard B32 Front Fences - requires *front fences to complement the design of the dwelling... and any front fences on adjoining properties.*

The front fence is proposed to be 1.8 metres. The proposed fence is to be set back at least 3 metres from the front (Dahmen Street) frontage and is intended to enclose the Secluded Private Open Space for Dwelling 1. This is not considered to be a “best outcome” rather, the fence should be located in the site’s front property boundary with its height reduced to 1.2 metres with appropriate planting provided behind it. Conditions on any permit issued can require this.

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 14.1 Parking and traffic safety – It is considered that the proposal adequately accommodates on-site parking. Furthermore, it is considered that the surrounding road network should be able to accommodate any additional vehicle movements that are generated by the new dwellings. It is considered that the proposal does not raise any traffic concerns.
- 14.2 Safety during demolition (asbestos removal) – The removal of asbestos must be considered at the Building Permit stage of any development, and is not considered as part of Planning approvals process.
- 14.3 Loss of privacy through second storey - The dwellings have been designed with upper level windows that are strategically placed, highlight and/or screened to prevent any overlooking of abutting properties. Overall, it is considered that the proposal should not result in any detrimental overlooking.

15.0 CONCLUSION:

- 15.1 The proposed development is considered appropriate for the site as evidenced by:
- The design and siting of the proposed development to be compatible with the surrounding area;
 - The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
 - The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Overlay, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 15.2 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for two (2) dwellings, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When

approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 29th November 2010 but modified to show:

- a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority.
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the door of each garage nominated as a panel lift door, or similar;
- c. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
- d. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- e. the guttering pertaining to the walls on the site's north-eastern and south-eastern property boundaries nominated as being contained wholly within the title property boundaries of the subject land;
- f. the front fence for Dwelling 1 relocated to the site's front (west) property boundary and the height reduced to 1.2m, with suitable landscaping provided behind this fence to afford the area with an appropriate level of privacy; and
- g. no habitable rooms, are to be constructed over the easement that exists along the rear (north-eastern) property boundary.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for reuse and a detention system.
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. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Construction on the site shall 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.
10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
11. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
12. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.

- c) Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
- d) Drained and maintained to the satisfaction of the Responsible Authority.

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

- 13. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
- 14. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 15. External clothes drying facilities must be provided for each dwelling.
- 16. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
- 17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 18. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within 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: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

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

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

OR

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

- 1. The proposal would have an adverse effect on the amenity of the established residential neighbourhood.

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

2. The proposal exhibits excessive bulk and mass.
3. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular: Clause 55.02-1 Neighbourhood Character Objectives; Clause 55.02-2 Residential Policy Objective; Clause 55.02-5 Integration with the Street Objective; Clause 55.03-8 Landscaping Objectives and Clause 55.06-1 Design Detail Objective.

Richard Umbers addressed the meeting on behalf of the applicant

Crs Moloney/Dundas

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for two (2) dwellings, subject to eighteen (18) conditions as detailed in the report.

Carried

**City of Kingston
Planning Committee Meeting**

Minutes

22 June 2011

PC 38

98 – 116 Cavanagh Street, Cheltenham

APPLICANT	Contour Consultants Australia Pty Ltd
ADDRESS OF LAND	No. 98-116 (Lot 1 on TP758036M and Lot 1 on TP599611M) Cavanagh Street, Cheltenham
PROPOSAL	Two-hundred and eight (208) dwellings
PLANNING OFFICER	Sebastian Lorenzo
REFERENCE NO.	KP498/2010

1. The Statement of Environmental Audit has been issued for the subject site at No. 98-116 (Lot 1 on TP758036M and Lot 1 on TP599611M) Cavanagh Street, Cheltenham.
2. A copy of the Environmental Audit Report (including Statement of Environmental Audit) prepared by Coffey Environments was received by Council on 6th June, 2011.
3. As per the motion passed below at the Ordinary Council Meeting held on 28th March, 2011, the Environmental Audit Report is required to be considered by Council for acceptance.

Crs Peulich/West

That consideration of the matter be deferred until the next Ordinary Council Meeting pending receipt of legal advice.

Carried

There being no other business the meeting closed at 8.16pm

Confirmed..... His Worship, The Mayor 20 July 2011