

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

A Planning Committee Meeting of Kingston City Council was held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 18 May 2011.

1. Apologies

2. Confirmation of Minutes of Previous Meeting

Minutes of Planning Committee Meeting of 20 April 2011.

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

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

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

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5. Environmental Sustainability Reports

PC 22	Town Planning application Decisions – April 2011	Page 2
PC 23	KP97/289/A – Extension of Time – Putrescible and Inert Sanitary Landfill	Page 10
PC 24	KP492/10 513 – 514 Nepean Hwy, Bonbeach	Page 16
PC 25	KP931/10 – 167 Beach Road, Parkdale	Page 33
PC 26	KP589/10 – 28 Rennison Street, Parkdale.....	Page 57
PC 27	KP279/10 – 12 Mascot Avenue, Bonbeach.....	Page 82
PC 28	KP748/10 – 198 Old Dandenong Road, Heatherton.....	Page 105
PC 29	Adoption of the Moorabbin Structure Plan	Page 112
PC 30	Adoption of the Mentone Structure Plan.....	Page 125

**City of Kingston
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Minutes of the Planning Committee Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 18 May 2011 which commenced at 7.08pm.

Present: Cr Ron Brownlees (Mayor)
Cr Arthur Athanasopoulos
Cr Lewis Dundas
Cr Dan Moloney
Cr John Ronke
Cr Trevor Shewan
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Tony Rijs – General Manager Environmental Sustainability
Ian Nice – Manager Statutory Planning
Sarah Bishop – Program Leader Communications & Public Affairs
Phil De Losa – Program Leader Governance
Nicola Wright – Governance Officer

1. Apologies

Cr Paul Peulich

Crs Staikos/Ronke

That the apology be noted.

Carried

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 20 April 2011

Crs Staikos/Shewan

That the minutes of the Planning Committee Meeting 20 April 2011 be confirmed

Carried

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

Cr Ronke declared a conflicting personal interest in Item PC 24 – KP492/10 – 513-514 Nepean Highway, Bonbeach.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

PC 22 Town Planning Application Decisions – April, 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 April, 2011.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	48	70
Notice of Decision	8	11
Refusal to Grant a Permit	2	3
Other - Withdrawn (2) - Prohibited (0) - Permit not required (15) - Lapsed (5)	11	16
Total	69	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Crs Staikos/Athanasopoulos

That the recommendation be adopted

Carried

**City of Kingston
Planning Committee Meeting
18 May 2011**

Minutes

Planning Decisions April, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-621/2010	8 Krone Street	MORDIALLOC	6/09/2010	1/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-855/2010	31 York Street	BONBEACH	29/11/2010	1/04/2011	FIVE (5) LOT SUBDIVISION	Permit Issued	NO
KP-897/2010	33 Munro Avenue	EDITHVALE	15/12/2010	1/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-59/2011	11 Reuben Street	CHELTENHAM	3/02/2011	4/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-773/2009	321 Charman Road	CHELTENHAM	23/11/2009	4/04/2011	OFFICE & DWELLINGS	Permit Issued	NO
KP-840/2010	7 Dallas Street	MENTONE	22/11/2010	5/04/2011	TWO (2) DWELLINGS	Lapsed	NO
KP-744/2010	19 Arunta Crescent	CLARINDA	19/10/2010	5/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-906/2010	4 62-63 Beach Road	MENTONE	17/12/2010	5/04/2011	CONSTRUCT AN EXTENSION (DECK) TO A DWELLING ON A LOT LESS THAN 300SQM	Permit Issued	NO
KP-39/2011	6 Barilla Road	MOORABBIN	24/01/2011	5/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-122/2011	31 Myola Street	CARRUM	2/03/2011	5/04/2011	SEVEN (7) LOT SUBDIVISION	Permit Issued	NO
KP-22/2011	10 Silver Street	CHELTENHAM	17/01/2011	5/04/2011	VARIATION OF EASEMENT	Permit Issued	NO
KP-130/2011	18 Wedd Street	CHELTENHAM	7/03/2011	5/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-86/2011	57 McLeod Road	CARRUM	11/02/2011	5/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
18 May 2011**

Minutes

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-372/2010	53 Marriott Street	PARKDALE	16/06/2010	5/04/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-163/2011	8 Mount View Street	ASPENDALE	11/03/2011	5/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-41/2011	8 Dahmen Street	CARRUM	25/01/2011	5/04/2011	FIVE (5) LOT SUBDIVISION	Permit Issued	NO
KP-85/2011	49 Bernard Street	CHELTENHAM	11/02/2011	6/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-498/2010	98-116 Cavanagh Street	CHELTENHAM	26/07/2010	6/04/2011	TWO-HUNDRED & EIGHT (208) DWELLINGS	Notice of Decision	NO
KP-104/2011	1 Maxwell Court	MOORABBIN	18/02/2011	6/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-792/2010	69 Rennison Street	PARKDALE	8/11/2010	6/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-44/2011	38 Kardinian Avenue	CHELTENHAM	24/01/2011	6/04/2011	TO CONSTRUCT BUILDINGS & WORKS (DWELLING) WHICH EXCEEDS 25M IN HEIGHT (ABOVE SEA LEVEL)	Permit Issued	NO
KP-716/2010	35 Hinkler Road	MORDIALLOC	11/10/2010	6/04/2011	WAREHOUSE	Permit Issued	NO
KP-681/2010	48 Elsie Grove	CHELSEA	21/09/2010	6/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-19/2011	90 Fairbank Road	CLAYTON SOUTH	13/01/2011	12/04/2011	MATERIALS RECYCLING	Permit Issued	NO

**City of Kingston
Planning Committee Meeting
18 May 2011**

Minutes

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-651/2010	14 Church Road	CARRUM	17/09/2010	12/04/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-179/2011	45 Curlew Point Drive	PATTERSON LAKES	24/03/2011	12/04/2011	REPLACE JETTY NO. 110	Permit Issued	NO
KP-180/2011	36 Curlew Point Drive	PATTERSON LAKES	24/03/2011	13/04/2011	REPLACE JETTY - 110	Permit Issued	NO
KP-182/2011	56-58 Curlew Point Drive	PATTERSON LAKES	24/03/2011	13/04/2011	REPLACE JETTY NO. 111	Permit Issued	NO
KP-74/2011	9 Cocos Court	PATTERSON LAKES	7/02/2011	13/04/2011	REPLACE JETTY 191	Permit Issued	NO
KP-17/2011	2 49 Glenola Road	CHELSEA	10/01/2011	13/04/2011	DWELLING EXTENSION ON LOT < 300	Permit Issued	NO
KP-8/2011	1 5 Wesley Court	HIGHETT	7/01/2011	13/04/2011	SEVEN (7) LOT SUBDIVISION	Permit Issued	NO
KP-119/2011	37-39 Station Road	CHELTENHAM	25/02/2011	13/04/2011	ADVERTISING SIGN	Permit Issued	NO
KP-685/2009/A	530 Main Street	MORDIALLOC	18/03/2010	13/04/2011	SUBDIVIDE LAND INTO 49 LOTS WITH COMMON PROPERTY	Permit Issued	NO
KP-598/2010	17 Matilda Road	MOORABBIN	31/08/2010	13/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-374/2010	2 Jean Street	CHELTENHAM	16/06/2010	13/04/2011	THREE (3) DWELLINGS	Permit Issued	NO
KP-450/2010	422 Station Street	BONBEACH	7/07/2010	13/04/2011	TWELVE (12) DWELLINGS	Permit Issued	NO
KP-	7 Wyman	BRAESIDE	2/07/2010	13/04/2011	SELF STORAGE FACILITY	Withdrawn	NO

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Planning Decisions April, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
992/2008/A	Place						
KP-302/2010	15 Balcombe Road	MENTONE	18/05/2010	13/04/2011	FOUR (4) STOREY MIXED USE DEVELOPMENT COMPRISING AN OFFICE & TWENTY SIX (26) APARTMENTS (AS AMENDED)	Permit Issued	NO
KP-408/2010	42 Marriott Street	PARKDALE	28/06/2010	13/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-648/2010	27 Stanley Street	CARRUM	16/09/2010	13/04/2011	THREE (3) DWELLINGS	Notice of Decision	NO
KP-923/2010	8 Rings Road	MOORABBIN	24/12/2010	14/04/2011	CHANGE OF USE - MOTOR VEHICLE SALES	Permit Issued	NO
KP-757/2010	73 Barkly Street	MORDIALLOC	21/10/2010	14/04/2011	THREE (3) LOT SUBDIVISION	Permit Issued	NO
KP-850/2010	12 616-617 Nepean Highway	CARRUM	24/11/2010	14/04/2011	EXTENSION TO A DWELLING ON A LOT LESS THAN 300SQM	Permit Issued	NO
KP-718/2010	26 26-28 Roberna Street	MOORABBIN	11/10/2010	15/04/2011	TAKE AWAY FOOD PREMISES	Lapsed	NO
KP-789/2010	1 6 Harding Avenue	BONBEACH	5/11/2010	15/04/2011	SIX (6) DWELLINGS	Lapsed	NO
KP-1001/2003/A	15 Chapel Road	MOORABBIN	15/03/2011	15/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-417/2010	1161 Nepean Highway	HIGHETT	29/06/2010	15/04/2011	NINETEEN (19) DWELLINGS WITHIN A THREE (3) STOREY BUILDING WITH A BASEMENT CAR PARK (APARTMENT	Permit Issued	Yes

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Planning Decisions April, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
					STYLE)		
KP-559/2010	1 Hermitage Street	CHELTENHAM	19/08/2010	19/04/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	Notice of Decision	NO
KP-588/2010	47 Valetta Street	CARRUM	26/08/2010	19/04/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-449/2010	39 Frank Avenue	CLAYTON SOUTH	7/07/2010	19/04/2011	TWO (2) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-705/2010	236-246 Governor Road	BRAESIDE	4/10/2010	19/04/2011	FACTORY/WAREHOUSE/OFFICE & CARPARKING	Permit Issued	NO
KP-231/2011	2 Buchan Street	MOORABBIN	13/04/2011	20/04/2011	BUILDINGS AND WORKS - EXTENSION TO PLACE OF WORSHIP ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-629/2010	23 Dennis Street	HIGHETT	8/09/2010	20/04/2011	THREE (3) DWELLINGS	Notice of Decision	NO
KP-121/2010	93 Station Street	ASPENDALE	9/03/2010	21/04/2011	THREE (3) DWELLINGS	Notice of Decision	NO
KP-9/2011	23 Lewellin Grove	CARRUM	10/01/2011	22/04/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO

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Planning Committee Meeting
18 May 2011**

Minutes

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APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-16/2011	27-29 Tarnard Drive	BRAESIDE	7/01/2011	22/04/2011	CHANGE OF USE - DANCE STUDIO	Permit Issued	NO
KP-724/2010	17 Smith Street	CARRUM	13/10/2010	22/04/2011	FOUR (4) DWELLINGS	Notice of Decision	NO
KP-352/2010	578 South Road	MOORABBIN	7/06/2010	27/04/2011	TWENTY (20) DWELLINGS - 3 STOREY	Permit Issued	Yes
KP-842/2009	325 Nepean Highway	EDITHVALE	21/12/2009	27/04/2011	EIGHT (8) DWELLINGS	Refused	NO
KP-81/2011	110-118 Cochranes Road	MOORABBIN	10/02/2011	28/04/2011	CHANGE OF USE - RETAIL SALES	Lapsed	NO
KP-641/2010	30 Fifth Street	PARKDALE	14/09/2010	28/04/2011	EXTENSION TO A DWELLING ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY (SBO)	Withdrawn	NO
KP-690/2009	2 Plane Tree Avenue	DINGLEY VILLAGE	19/10/2009	28/04/2011	CHANGE OF USE	Lapsed	NO
KP-224/2011	407-408 Nepean Highway	CHELSEA	5/04/2011	28/04/2011	INSTALLATION OF AUTOMATIC TELLER MACHINE (ATM)	Permit Not Required	NO
KP-47/2011	242 Nepean Highway	EDITHVALE	25/01/2011	28/04/2011	INSTALLATION OF ATM	Permit Not Required	NO
KP-869/2009	232-238 Kingston Road	HEATHERTON	30/12/2009	28/04/2011	EXTENSION TO EXISTING RETAIL PLANT NURSERY	Withdrawn	NO

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Planning Decisions April, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-915/2000/A	12 Station Road	CHELTENHAM	8/02/2011	28/04/2011	MEDICAL CENTRE - AMENDMENT TO HOURS OF OPERATION	Withdrawn	NO
KP-141/2011	28 Tiffany Avenue	CHELTENHAM	9/03/2011	28/04/2011	DWELLING EXT. ON LAND WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued	NO
KP-856/2010	195 Station Street	EDITHVALE	26/11/2010	29/04/2011	DEVELOP FORTY-NINE (49) DWELLINGS WITHIN A THREE (3) STOREY BUILDING (AS AMENDED)	Refused	NO
KP-672/2010	18 Second Street	PARKDALE	29/09/2010	29/04/2011	TWO (2) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued	NO

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Minutes

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PC 23

KP97/289/A – Extension of Time – Putrescible and Inert Sanitary Landfill

APPLICANT:	Transpacific Industries
ADDRESS OF LAND:	Fraser Road, Clayton South
MELWAY REF:	
PROPOSAL	EXTENSION OF TIME – PRERESCIBLE AND INERT SANITARY LANDFILL
CONTACT OFFICER:	Tony Rijs
FILE NO:	KP-97/289/A
ZONING:	INDUSTRIAL ZONE 1

Background

- On 22 September 1993 the former City of Oakleigh, at the direction of the predecessor to VCAT, the Administrative Appeals Tribunal (AAT), issued a permit to allow the site to be used and developed as a major utility utilisation (disposal of putrescible and inert waste by sanitary landfill) and to construct buildings and works for such use.

The 1993 permit included 54 conditions including a condition that states:

“The permit expires if tipping operators [operations?] are not started within 3 years of the permit being issued; or not completed within 15 years of the permit being issued, in each case without the further consent in writing of the Responsible Authority.”

- In 1997 the operator of the facility requested that the conditions of the permit relating to operating hours be varied to allow private contractors to access the site from 3:00am.

This application was refused by Council. The applicant appealed to the AAT. The AAT supported the request for revised operating hours and directed that a new permit be issued.

That “new” Permit dated 24 February 1998 was subsequently issued including a condition that states:

“This permit will expire if tipping operations are not completed within eleven (11) years of the date of this permit. The Responsible Authority may extend this period if a request is made in writing before the permit expires or within three months afterwards.”

- In June 2003 Council consented to amend the surface levels on the endorsed plans on the basis that the revised contours:
 - Resulted in overall reduction in the height of fill;
 - Resulted in an improved drainage layout; and
 - The adjoining land owner, the Spring Valley Golf Club had provided its written consent to the modified proposal.

The revised plans were endorsed on 17 July 2003.

- Around 2003, the site was sold by Pioneer Australia Waste Management Pty Ltd (“**Pioneer**”) to the Baxter Group Ltd (“**Baxter**”). Baxter approached Council with a request to revise final capping contour levels and drainage systems on the basis that the extent of settlement predicated for the site would compromise the effective long term drainage of the site.

Following the evaluation of a number of revised proposals Council officers indicated support for revised contour levels providing that:

- The owner enter into a Section 173 agreement that would require the Landfill owner to monitor and maintain drainage systems and overland flow paths; and
- Provide a modified plan to be endorsed by Council.

This was communicated to the Baxter Group in a letter dated 5 January 2007.

- In late 2006, early 2007 the site was purchased by the Transpacific Industries Group Ltd (“**TPI**”) from Baxter. Around that time tipping at Fraser Road ceased and all waste was directed to the nearby Deals Road site which was also purchased from Baxter by TPI.
- The revised plans and draft section 173 requested by Council in 2006/07 were not provided and on this basis the Permit, issued on the 24 February 1998 and plans endorsed on 17 July 2003, continued to govern the finished levels of the site.
- On 18 December 2008 TPI wrote to Council and requested that the Permit that was due to expire on 24 February 2009 be extended for a 10 year period.
- Council officers subsequently replied to TPI indicating that:

“before further consideration to extend the planning permit can be given, you are requested to submit a report to the planning department which provides a review of the conditions of the permit and whether they are relevant to current best practice for landfills.

Where appropriate you may be of the view that some of the conditions should be deleted from the permit.
An application to amend the permit would be required in this instance.

This review should address any areas of non compliance with the conditions of the permit and the steps proposed to rectify the areas of non compliance.”

- On 24 February 2009 the Permit expired.
- In July 2009 TPI lodged an application to amend the Permit, the purpose of the application was, in part, to extend the life of the landfill for a ten year period and included:
 - A table suggesting changes to the existing Permit conditions; and
 - A site plan detailing current and future staging.
- A copy of the application was referred to the Environment Protection Authority (“**EPA**”). The EPA subsequently advised that they had no objection to an extension of time.
- In February 2010 Council officers wrote to the applicant commenting on the draft conditions proposed by TPI and requested:

“...an update on the preparation of the draft referred to in your documentation and a detailed timeline with regard to the overall filling of the land and anticipated landfill completion date.”

- In September 2010 TPI advised Council that:

“...we will engage Golder Associates to prepare an amended pre settlement top of waste final contour plan which will also address the stormwater management requirements imposed on the site (catering for the sites own stormwater as well as stormwater that will flow through the site).

These issues are yet to be resolved

Factors to be considered

Previous VCAT appeals relating to applications for extensions of planning permits have established a number of factors that should be taken into consideration by the Responsible Authority when determining a request to extend a planning permit;

- **Supporting Material should be provided**

Transpacific Industries Group Ltd (TPI) have indicated that the basis for the application to extend the permit is that tipping operations on the site have yet to be completed.

This is evidenced by plans submitted to Council which indicate that cells located on the northern portion of the site are yet to be filled. This has been confirmed by on site inspections.

- **Have planning scheme policies changed since the last permit extension?**

The current permit was issued at the direction of VCAT in February 1998.

At the time the Permit was granted the *State Environment Protection Policy (Siting and Management of Landfills Receiving Municipal Wastes)* 5 July 1991 required (clause 15, table 3) a minimum buffer distance of:

1. 50m to a residential area for a solid inert landfill, or less where the landfill is a former extractive industry site and approval is granted for a reduction in the buffer distance; and
 2. 200m to a residential area for a municipal waste landfill, or less where the landfill is a former extractive industry site and approval is granted for a reduction in the buffer distance.
- (Note: buffer distance measured from the landfill cell to the residential dwelling)

Clause 19.03-5 of the *Kingston Planning Scheme* now requires the siting and management of landfills in accordance with the *Waste Management Policy (Siting, Design and Management of Landfills)* 2004 and the *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)* 2001.

The 2001 BPEM requires a minimum buffer distance of:

1. 200m from a solid inert landfill to a residential area; and
 2. 500m from a putrescible landfill to a residential area.
- (Note: buffer distance measured from the subject land to the residential zone)

The BPEM was amended in 2010 requiring the buffer distance to be measured from the subject land to any underground structures (e.g. stormwater drains). The 2010 BPEM is adopted by the 2004 Policy and

accordingly is caught by clause 19.03-5 of the Scheme regardless that the State provisions have not yet been amended to expressly refer to the 2010 BPEM.

EPA licence EM288818 restricts the placement waste in an area 70m (latitudinal) and 130m (longitudinal) from the north east corner of the subject land to solid inert waste. Putrescible waste is deposited to the west and south of the rectangular exclusion area.

The distance to the nearest residential dwelling on Osborne Avenue is:

- approximately 140m to the solid inert waste; and
- approximately 200m to the putrescible waste.

The distance to the nearest underground structure is likely to be less than the distances set out above.

- **Intervening circumstances bearing upon the grant or refusal of an extension**

The applicant has recently commenced filling of the northern cells of the subject site.

Over the last months both Council and the EPA have detected odours beyond the site boundary. The odours from the site have been a source of complaint from residential communities in proximity to the landfill.

As a result of the complaints the EPA have issued a notice of contravention on the 24 February 2011 which states:

“WHEREAS Licence Number EM28818 was issued to you on 4 April 1996 in respect of premises occupied by you and situated at Fraser Road, Clayton South, for the discharge of waste to the environment

AND WHEREAS you have failed to comply with the requirements of that licence listed on the reverse side of this notice contrary to section 27(2) of the Act.

NOW TAKE NOTICE that should you continue to fail to comply with those requirements after service of this notice you may be liable to a daily penalty of up to \$134,340 for each day upon which the non-compliance continues,

DATED 24 FEBRUARY 2011”

The now expired planning permit allowed for waste to be filled up to 10 m above existing surface levels. Given the limited buffer distance the landfill is likely to cause detriment to the amenity of nearby residential communities if it is allowed to continue to accept putrescible waste. Operation of the landfill is resulting in the emission of odours offensive to the senses of human beings beyond the boundary of the site in contravention of condition 19 of the permit.

Given recent experiences it is difficult to conclude that the applicant will be able to comply with the existing permit conditions relating to odour.

- **The adequacy and basis for the initial time limit**

Since the initial permit was issued there have been three owners of the site. During the 17 years since the initial permit was issued there have been evidence of poor management practices including overfilling,

double handling to correct overfilling and poor works scheduling to ensure slimes were removed to enable the site to be filled in an orderly manner. Over the last years the landfill was closed and waste diverted to an adjoining site to enable new cells to be adequately prepared.

This has not necessarily led to an extension of the overall timelines for putrescible landfilling in the vicinity of the Fraser Road site but has resulted in an undesirable outcome, whereby the cells in closest proximity to residential communities have not commenced landfilling until 17 years after the initial permit was granted.

- **The probability that a new planning permit would be issued**

TPI have lodged an application proposing changes to contours, drainage and the conditions that formed part of the 1998 permit.

When Council officers initially received the request from TPI to extend the existing permit a response was forwarded to TPI proposing that the conditions of the current permit should be reviewed to ensure that they are relevant to current best practice for landfills.

Given the significant changes to best practice guidelines it is unlikely that the Responsible Authority would issue a planning permit for a putrescible landfill either at all or based on the particular conditions, for the site today.

However, a request for a solid inert or clean fill landfill, subject to revised conditions may be considered favourably.

Irrespective in these circumstances the future use of this site should not be approved by an extension of time incorporating the same planning permit and conditions but rather by the consideration of a new application.

- **The degree to which the applicant is economically committed to the permit as a consequence of actions taken to give effect to the permit**

The current operator has investigated significantly in the treatment of slimes and the establishment of the northern cell.

In terms of considering a request for an extension of the permit there is a need to reconcile the interests of the broader community with those of the applicant. It is also in the community's interest that the site be rehabilitated and not left in its current state. This could be achieved by an alternative form of landfilling which precludes the acceptance of putrescible waste.

If the request is refused it is probable that a review of the decision will be lodged in VCAT, potentially in conjunction with any applications relating to the permit amendment request or any new application. Whilst this may be an expensive and demanding matter for the Council to deal with that inconvenience should not and cannot impact upon the proper exercise of the discretion (including consideration of the relevant factors as set out in this report) in respect of the extension request.

Recommendation

The request for an extension to the planning permit KP97/289 is refused on the following grounds:

1. The planning controls applicable under the *Kingston Planning Scheme* have changed from the date planning permit KP97/289 was granted to make the use and development non conforming with the *Kingston Planning Scheme*.
2. The use and development of the subject land for the purpose of the solid inert and putrescibles landfill does not comply with:
 - a. Clause 19.03-5 of the Kingston Planning Scheme;
 - b. *Waste Management Policy (Siting, Design and Management of Landfills)* 2004; and
 - c. *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)* 2001 and as amended in 2010.
3. The use and development of the subject land for the purpose of a solid inert and putresable landfill is causing a significant amenity impact (odour) on nearby and surrounding residential areas in contravention of condition 19 of the Permit and condition 1.12 of EPA licence EM28818.
4. Prior to 2010 filling was carried out in the south west portion of the subject land with an adequate buffer distance to the residential area to the north of Osborne Avenue.
5. The initial 15 year life of the permit was sufficient to exhaust the capacity of the subject land for purpose of a landfill. An extension is requested for a further 10 years, which is excessive and is a matter that ought properly be submitted as a new planning permit application or an application for an amendment to planning permit KP97/289.
6. A new application for planning permit for a solid inert and putresable landfill on the subject land would be likely to be refused or alternatively not granted on the same conditions.
7. The conditions of planning permit KP97/289 do not provide adequate controls for the continued use and development of the subject land for the purpose of a solid inert and putrescibles landfill.
8. The subject land can be filled in an alternative manner allowing the rehabilitation of the subject land to be completed without the putresable landfill use continuing.

Crs Athanasopoulos/Staikos

That the recommendation be adopted.

Carried

A Division was called:

For

Cr Staikos

Cr Athanasopoulos

Cr Dundas

Cr West

Cr Shewan

Cr Moloney

Cr Ronke

The Mayor, Cr Brownlees

Against

The Chairperson declared that the motion was carried unanimously

PC 24

KP492/10 – 513 – 514 Nepean Highway, Bonbeach

APPLICANT:	ITN Architects
ADDRESS OF LAND:	No. 513-514 Nepean Highway (Lot 4 on PS 4702), BONBEACH
PROPOSAL	Mixed Use Development Comprising One (1) Shop and Nine (9) Dwellings with a Reduction in Car Parking Requirements and an Illuminated Sign Pursuant to Clause 52.05 and Clause 52.06 of the Kingston Planning Scheme
PLANNING OFFICER:	Emma Hilderink
REFERENCE NO:	KP-492/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK:	Clause 11: Settlement Clause 12: Environmental and Landscape Values Clause 15: Built Environment and Heritage Clause 16: Housing Clause 17: Economic Development
RELEVANT LOCAL PLANNING POLICY FRAMEWORK:	Clause 21.03: Land Use Challenges for the New Millennium Clause 21.05: Residential Land Use Clause 21.06: Retail and Commercial Land Use Clause 22.11: Residential Development Policy
ZONE:	Clause 34.01: Business 1 Zone
OVERLAYS:	Clause 43.02: Design and Development Overlay Schedule 1 (Urban Coastal Height Control Area) Schedule 7 (Urban Coastal Foreshore Setback Control Area)
PARTICULAR PROVISIONS:	Clause 52.05: Advertising Signs Clause 52.06: Car Parking Clause 52.29: Land Adjacent to a Road Zone
GENERAL PROVISIONS:	Clause 65: Decision Guidelines
DECISION BY:	8th January 2011
STATUTORY DAYS:	160 days at 18/04/2011
DATE RECEIVED:	1st November 2010

1.0 KEY ISSUES RELATING TO THIS APPLICATION

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

- Traffic considerations
- Car parking
- Neighbourhood character
- Amenity impacts

2.0 PROPOSAL

2.1 It is proposed to demolish the existing building on the land and construct a mixed use development comprising one (1) shop and nine (9) dwellings with a reduction in car parking requirements

pursuant to Clause 52.06 of the Kingston Planning Scheme and erect an illuminated sign pursuant to Clause 52.05 of the Kingston Planning Scheme.

2.2 Development summary:

Dwellin g	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	50m ²	9m ² (courtyard)	1	1
2	50m ²	9m ² (courtyard)	1	1
3	52m ²	9m ² (courtyard)	1	1
4	94m ²	5m ² (deck)	3	1
5	79m ²	5m ² (deck)	2	1
6	76m ²	5m ² (deck)	2	1
7	69m ²	5m ² (deck)	2	1
8	72m ²	5m ² (deck)	2	1
9	88m ²	7m ² (deck)	2	1

2.3 A ten (10) space car park is proposed at ground level to the rear (south-west) end of the site that is accessible via a crossover from Newberry Avenue. Each apartment would be assigned one (1) car space, and the shop tenancy would have one (1) car space.

2.4 The shop tenancy would have a floor area of 95m².

2.5 One illuminated advertising sign (0.5 by 0.3 m²) is proposed for the shop tenancy.

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

Roof:	Colorbond (woodland grey)
Walls:	Slatted pre-cast concrete, sheet cement cladding (grey), concrete panels (natural and dark grey)
Garage doors	Security door (sliding gate), perforated steel with black powdercoat finish
Windows:	Aluminium framed (black)
Driveways:	Concrete (natural grey)
Front fencing:	1.7m high along Newberry Avenue (no further details provided)

3.0 SITE & SURROUNDS

3.1 The subject site comprises a 638m² allotment on the southern corner of Nepean Highway and Newberry Avenue in Bonbeach. The site is essentially rectangular in shape with a slightly angled frontage to Nepean Highway. It currently contains a single storey brick shop with a sealed car park to the rear that is accessible from Newberry Avenue. The shop extends along Newberry Avenue presenting as a

sheer brick wall ending at the car park area which is secured by a cyclone wire fence. The building has a flat roof with a parapet that extends over the footpath along Nepean Highway. The site does not contain any significant vegetation.

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

3.3 Vehicle access to the site is currently via a crossover located towards the south-western end of the site's Newberry Avenue frontage.

3.4 The site is located at the juncture of commercial and residential development, with a double storey dwelling abutting to the south-east, a single storey shop to the south-east, a single storey dwelling to the north-west on the opposite side of Newberry Avenue and the Frankston Railway Line to the north-east on the opposite side of Nepean Highway.

3.5 Nepean Highway is within the Road Zone Category 1 and Newberry Avenue is a local traffic street that runs between Nepean Highway in the north-east and the Foreshore in the south-west.

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 Business 1 Zone and is subject to Design and Development Overlays Schedules 1 and 7.

5.2 Nepean Highway is identified in a Road Zone Category 1.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 34.01 (Business 1 Zone), a planning permit is required to construct a building or construct and carry out works.

6.2 A planning permit is required for an internally-illuminated advertising sign that is less than 30 metres from a Residential Zone or pedestrian or traffic lights pursuant to Clause 52.05 of the Kingston Planning Scheme.

6.3 A planning permit is required for a reduction in car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme.

7.0 RELEVANT HISTORY

7.1 Council records indicate 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. Seventeen (17) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood character
- Amenity
- Building bulk and mass
- Refuse/ bin storage
- Traffic congestion/ parking storage
- Overshadowing

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 1st February 2011 with the relevant Planning Officers, the Permit Applicant and sixteen (16) objectors from ten (10) properties in attendance. The above-mentioned issues were discussed at length.

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

10.0 REFERRALS

10.1 The following internal referral departments were notified:

- Council's Development Engineer
- Council's Vegetation Management Officer
- Property Services
- Roads and Drains
- Sustainable Design Officer

10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions/modifications being included 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 15: Built Environment and Heritage
Clause 16: Housing
Clause 17: Economic Development

11.2 Local Planning Policy Framework (LPPF)

Clause 21.03: (Land Use Challenges for the New Millennium)
Clause 21.05 (Residential Land Use)

Clause 21.06: (Retail and Commercial Land Use)

Clause 22.11: (Residential Development Policy)

11.3 Zoning

Clause 32.01 (Business 1 Zone)

11.4 Overlay

Clause 43.02 (Design and Development Overlay)

- Schedule 1 Urban Coastal Height Control Area
- Schedule 7 Urban Coastal Foreshore Setback Control Area

11.5 Particular Provisions

Clause 52.05 (Advertising Signage)

Clause 52.06 (Car parking)

11.6 General Provisions

Clause 65 (Decision Guidelines)

12.0 PLANNING CONSIDERATIONS:

12.1 State and Local Planning Policy Framework

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 housing, shops and higher density mixed used development in appropriate locations.

Clause 21.05 - Residential Land Use

The proposal has been assessed against the objectives and policy of the Residential Development Policy. While the Policy is silent on business zoned land that falls outside of a Designated Activity Centre, the Policy still applicable as it identifies key issues and desired outcomes sought across the City of Kingston.

Activity Centres

As highlighted in the Policy, opportunities exist for higher densities within Kingston's activity centres, particularly in the form of shop-top housing and mixed use developments.

Mixed Use Areas

As highlighted in the Policy, a number of mixed use areas within Kingston offer potential for innovative infill development. Many of these areas are located on the periphery of existing activity centres, within

established residential areas or on former industrial sites. As such development on these sites will need to address existing site constraints and respond to the immediate context of the site.

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:

- *Encourage residential development within activity centres via shop-top housing and mixed use developments, and on transitional sites at the periphery of activity centres. The intensity and scale of such development will need to be in keeping with the scale of these centres.*
- *Support innovative residential infill development on former industrial sites adjacent to established residential areas, and on other mixed use or traditionally non-residential sites where appropriate.*
- *Promote a range of lot sizes and housing types, including medium density housing, on large residential opportunity sites, particularly where such sites have good access to public transport and other facilities.*
- *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 urban character.*
- *Ensure the siting and design of new residential development does not encroach on strategic infrastructure or create potential conflict with established uses which have potential to erode residential amenity including:*
 - *Industrial areas, extractive industries and rural land uses.*
 - *The Moorabbin Airport environs which are subject to aircraft noise.*
 - *The interface between urban and non urban areas.*
- *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 is considered to be an appropriate development for the site, and would present well to the existing streetscape and would be consistent with the neighbourhood character.

Clause 21.06 – Retail and Commercial Land Use

The relevant objectives to this proposal are:

§ **Objective 4:** To reinforce the character and identity of local centres in a manner appropriate to their function.

Strategies to achieve this objective include:

§ Facilitate the development of strategy plans where required for local and neighbourhood centres which address the need for:

- Enhancement of the character and physical image of the centre.
- Improvements to car parking and traffic management.
- Upgrading and beautification of streetscapes through urban design works.
- Opportunities to enhance retail mix, diversification (including medium density development opportunities) and development of specialist niche markets.
- Identification of desired mix and location of land use activity.

- Improvements to public and civic spaces, with emphasis on promoting high levels of pedestrian and street activity.
- Tree planting and landscaping to enhance visual and aesthetic appeal.
- Guidelines on the scale and design of all new buildings and advertising signage.
- Establish gateways to local centres through the use of landscaping and/or urban design features which demarcate the boundaries of the centre.

§ Objective 6: To encourage smaller local centres which are not identified in the Kingston Activity Centre Hierarchy to provide for a limited mix of uses which are complementary to local function of that centre.

Strategies to achieve this objective include:

- Promote the retention of local centres by providing for a limited mix of uses and limited development where it can be demonstrated that the additional development will not impact on the surrounding residential amenity.
- Encourage activities (e.g. café) which provide for community interaction at a local level.
- Providing opportunities when appropriate to facilitate home office activities to foster greater land use mix and sustain the small local centres.

For reasons discussed in the “Comments” section of this report, the proposal is considered to be consistent with the above objective and strategies.

12.2 Zoning Provisions

The purpose of the Business 1 Zone is:

§ To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

§ To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The proposal is consistent with the purpose of the Zone.

12.3 Overlay Provisions

The subject site falls under the Urban Coastal Height Control Overlay (Clause 43.02 – Design & Development Overlay Schedule 1) which requires a planning permit to be issued where the internal floor to ceiling height exceeds 3.5 metres. The proposed internal floor to ceiling heights are less than 3.5 metres and therefore do not trigger the need for a Planning Permit.

Schedule 1 also specifies that a building must not be greater than 2 storeys in height. While this development is no more than two storeys in height; the rooftop ‘service’ area is unnecessarily large and does not meet the intention of applying the Design and Development overlay, which is to restrict the height of residential development adjacent to the foreshore reserve.

The service area on the roof of the building is considered to be inappropriate given that it significantly adds to the overall height and mass of the proposed building. Therefore it is considered that the proposed development fails to satisfy the overlay provision. It is suggested that the rooftop service area be substantially reduced in size, and this should be included as a Condition of any approval issued.

The subject site falls under the Urban Coastal Foreshore Setback Control Area Overlay (Clause 43.02 – Design & Development Overlay Schedule 7) which states that a permit must not be granted to construct a building or construct or carry out works within 4.5 metres of the foreshore reserve boundary. The subject site is more than 140 metres from the foreshore reserve boundary and therefore do not trigger the need for a Planning Permit.

13.0 ASSESSMENT

The provisions of ResCode are not relevant to this application, as the site is located within a Business 1 Zone and therefore, ResCode does not apply. The following provides a discussion of the issues associated with the proposal:

13.1 Neighbourhood Character

The building form would be two (2) storeys in height and contemporary in its overall design and built form. The shop tenancy would be at ground floor facing Nepean Highway with three (3) apartments to its rear, and six (6) apartments at first floor level essentially fronting Newberry Avenue.

It is noted that there are a number of double storey dwellings in the surrounding area, and given the site's proximity to the Foreshore, there are a number of more recently constructed developments and renovated dwellings that have a contemporary built form, incorporating flat roofs, rendering and balconies. The site also benefits from a main road frontage. Car parking has been located at the rear of the site, and should not dominate street frontage. At present there is a car park in this area. Overall, the built form that is proposed is considered to be appropriate within the surrounding area and broader neighbourhood.

It is noted that the roof would have a relatively large service area. This could potentially encourage residents to use this area as a roof deck, and as such, it should be substantially reduced in size to avoid this occurring. This can be required via a Condition of any approval issued.

Some of the building features proposed will protrude over the footpath, which is not considered appropriate. Council's Property Services do not consent to this, and as such, a Condition of any approval issued will require that the building form be entirely within the Title boundaries (including any signage showing the location of the apartments). This can be required via a Condition of any approval issued.

13.2 Car Parking and Traffic

In accordance with the Table at Clause 52.06-5 a Shop generates a total of 8 car parking spaces per 100m² of leasable floor area, and the apartments 2 car parking spaces per dwelling. This equates to 25.6 car parking spaces for the shops and apartments combined. This application proposes each apartment being assigned one (1) space and one (1) space assigned to the shop tenancy. A total of 10 spaces are provided, which falls short of the 25.6 car spaces required.

With the exception of Dwelling 4, all dwellings would be 1-2 bedrooms, and if the proposal were assessed under the provisions of ResCode, only one (1) car parking space would be required for each. This being the case, the dwellings (with the exception of Dwelling 4) would each be provided with an adequate number of spaces. A condition of any approval issued can require that Dwelling 4 be reduced to two (2) bedrooms, which generates a lower car parking requirement. It is noted that ResCode would also generate a requirement for at least one (1) visitor car parking space, which is not provided on site. With regard to the shop tenancy, it is considered there is adequate public parking in the surrounding area or access to public transportation to compensate for this variation.

The applicant has submitted a Traffic Assessment Report prepared by TTM Consulting (Vic) Pty Ltd. With regard to car parking, the following is noted in the report:

“The existing building which occupies the site has a floor area of approximately 400 square metres. The previous use of the site was as a retail furniture outlet.

Based on the provisions of Clause 52.06, the parking requirement for the previous use on site unless reduced or waived is as follows:-

<i>Use</i>	<i>Area</i>	<i>Planning Scheme Parking Requirement Rate</i>	<i>Planning Scheme Parking Requirement</i>
<i>Retail</i>	<i>400m²</i>	<i>8 spaces per 100m²</i>	<i>32</i>

Therefore based on the provisions of the Planning Scheme and five (5) existing on-site parking spaces, the site has a parking credit of twenty-seven (27) spaces.”

The report justifies a reduction in on-site car parking as follows:

“Availability of public transport in the locality

The site is well served by public transport with rail and bus links located within walking distance.

Any car parking deficiency or surplus associated with the existing use of land

The previous use of the site generated a parking credit of 27 spaces.

An Empirical Assessment of car parking demand

The ABS Census data confirms that the proposed residential use will generate a resident parking demand in the order of 0.46 – 1.37 spaces per apartment which is significantly less than the rates required by Clause 52.06 of the Planning Scheme.

Availability of car parking in the locality

The parking demand surveys confirm that there are adequate parking spaces available on the streets about the site to satisfy the demand generated by resident visitors and retail customers.

Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces

Typically the resident visitor and retail customer parking demand will occur at different times of the day, thus generating a higher utilisation of existing kerbside parking spaces.”

The above justification is accepted, and it is concluded that the proposal adequately accommodates on site parking.

13.3 Amenity (Internal and External)

Each dwelling would have courtyard/ balcony areas of private open space which are small in area. Subject to a condition included on any permit issued requiring all balcony areas to achieve an area of 8m², the provision of private open space for each dwelling is considered adequate for future occupants and the proposed apartment style of living. Future occupants would be purchasing the apartments to be closer to the beach, and it is considered they would utilise the foreshore for recreation. Courtyards and balconies all receive access to northern sunlight, and are accessible from the main living area which also has north facing windows.

Windows along the south-eastern elevation would look towards the abutting commercial properties, and windows on the south-western elevation towards the on-site car park. All other views are able to be directed towards Newberry Avenue and Nepean Highway.

13.4 Advertising Signage

The 0.5 x 0.3 m² internally-illuminated sign would be located approximately 25 metres from the Residential Zone to the north of the subject site. The sign would face onto Nepean Highway and would not be visible from the residential property to the north. For this reason it is considered the small internally-illuminated sign would have no detrimental effect on nearby residential properties.

13.5 Waste Management

The applicant has submitted a Waste Management Plan for the development. The plan notes that residential waste collection shall be provided by Council, and commercial waste shall be collected by a private contractor. Bin storage is towards the rear (south-eastern end) of the car park area.

14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS

14.1 Neighbourhood character

As outlined above, the development is considered appropriate in terms of neighbourhood character. The building form is appropriate within the Nepean Highway and Newberry Avenue streetscapes. The building has been adequate detailed and articulated.

14.2 Amenity

As outlined above, it is considered that the proposal provides an adequate level of internal amenity for future occupants, and would have no impact on the amenity of surrounding properties.

14.3 Building bulk and mass

It is considered that the building has been well designed and articulated so that it will not appear bulky and out of character in the area.

14.4 Refuse/ bin storage

As discussed, the applicant has submitted a draft Waste Management Plan. It would appear that the rear of the car park is an appropriate place for the bins to be stored. A Condition of any permit issued will require that 400mm of trellis be applied length of the south-western property boundary which will help screen the car park and bin area from the south-eastern abutting property.

14.5 Traffic congestion/ parking storage

As discussed at length previously in this report, it is considered that the proposal adequately accommodates on-site parking. Furthermore, it is considered that the surrounding road network would be able to accommodate any additional vehicle movements that are generated by the new dwellings. It is noted that surrounding streets are particularly busy during summer months with people parking and using the foreshore. Whilst the development will not improve this situation, it is considered that it will not have any detrimental impact on street parking either. Overall, it is considered that the proposal does not raise any traffic concerns.

14.6 Overshadowing

Any overshadowing created by the dwellings is within that allowed by Rescode, and should not cause any detriment to any of the abutting properties.

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, Clause 21.05 - Residential Development Policy, Clause 34.01 - Business 1 Zoning and the Schedule to the Zone, Clause 43.02 - Design and Development Overlay Schedule 1 (Urban Coastal Height Control Area) and Schedule 7 (Urban Coastal Foreshore Setback Control Area), Clause 52.05 (Advertising Signage), Clause 52.06 – (Car Parking), 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 one (1) shop and nine (9) dwellings with a reduction in car parking requirements and an illuminated sign pursuant to Clause 52.05 and Clause 52.06 of the Kingston Planning Scheme be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 1st November 2010 but modified to show:
 - a. an elevation plan of the fencing fronting Newberry Avenue, which provides details of its height, materials and colours;
 - b. the provision of a new 1.8 metre high timber paling fence along the site's south-western property boundary, with a 400mm high boxed lattice fence extension attached securely to the top of this fence;
 - c. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - d. the size of the roof top service area decreased substantially in size that enables services of equipment and no further use;
 - e. the size of the balcony areas for all first floor dwellings increased to least 8m² in accordance with Standard B28 of Clause 55.05 of the Kingston Planning Scheme;
 - f. the gates to the car park area clearly nominated as not opening over the footpath (outside the Title boundaries);
 - g. the gates to access each individual ground level apartment clearly nominated as not opening over the footpath (outside the Title boundaries);
 - h. a notation on the plans specifying that footpath and property boundary levels are not to be altered;
 - i. all proposed ramps clearly nominated as being inside the title boundaries;
 - j. all elements of the built form clearly nominated as within the Title boundaries and not overhanging outside the Title boundaries. This includes advertising signage which must be flush mount;
 - k. deletion of one (1) bedroom from Dwelling 4;
 - l. the surface material of the car park area clearly nominated;
 - m. all car parking spaces clearly dimensioned, with dimensions to Council's satisfaction;
 - n. the provision of pedestrian sight triangles measuring 2.5m (along the proposed driveway) × 2.0m (along the site boundary) provided on both sides of the entrance to the car park area in accordance with AS/NZS 2890.1:2004. The sight triangle areas are not to contain any objects or vegetation greater than 600mm in height (including the retaining wall);
 - o. an increase in width of 300mm to the two (2) northern most car parking spaces adjacent to the wall in accordance with the requirement of AS/NZS2890.1:2004;
 - p. columns adjacent car spaces are to be set back at least 0.4m and not more than 1.4m from the entry end of the car space; and
 - q. a minimum height clearance of 2.25 metres provided above the access driveway and on the path/s to bicycle storage areas within the ground floor car park in accordance with AS2890.3. The available height clearance is to be clear of any overhead obstruction including pipes, lights, ducts, garage door mechanisms etc, in accordance with AS2890.3.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Prior to the occupation of the dwellings hereby permitted, the new fence required under Condition 1 b of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owners.
4. Prior to the occupation of the dwellings and shop 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. Prior to the occupation of the dwellings and shop 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.
9. Prior to commencement of the development hereby permitted, a Site Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.
10. Before the commencement of any building or 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 deal with the parking of vehicles during construction, delivery of materials and containment of waste on site.
11. Construction on the site must be restricted to the following times:
 - a. Monday to Friday 7:00am to 7:00pm; and
 - b. Saturday 9:00am to 6:00pm.

Or otherwise as approved by the Responsible Authority in writing.

12. 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.

13. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an improved Ecologically Sustainable Development (ESD) report to be prepared by a suitably qualified professional must 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 shall thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, daylighting, 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.

14. 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.

15. Footpath and property boundary levels are not to be altered.

16. Prior to the occupation of the dwellings and shop 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.

17. Prior to the occupation of the dwellings and shop 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.

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. No goods or packaging materials must be stored or left exposed outside the building so as to be visible to the public from a road or other public spaces.

20. The appearance of the front of the shop premises must be maintained in a manner to the satisfaction of the Responsible Authority at all times, and in this regard the shop front windows therein

must carry displays or sign writing to indicate the use of the premises and to as far as possible create and maintain the appearance in the street of an occupied shop.

21. The amenity of the area must not be detrimentally affected by the development, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
 - e) In any other way.
22. Each dwelling must be provided with a minimum of one car parking space and one car parking space must be provided to the shop tenancy.
23. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
24. The maintenance of the buildings, service areas and the surrounds within the site shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the service areas and the surrounds to be neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development and/or use are not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

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

Or

In the event that the Council wishes to oppose the Officer's recommendation to support the application, it can do so on the following grounds:

1. The proposal fails to achieve the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 and Retail and Commercial Land Use contained at Clause 21.06 of the Kingston Planning Scheme.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

2. The proposal fails to achieve the objectives of the Residential Development Policy contained at Clause 22.11 of the Kingston Planning Scheme.
3. The proposal does not satisfy the objectives and standards of Clause 32.01 (Business 1 Zone); Clause 52.05 (Advertising Signage); Clauses 52.06 (Car Parking), 55.02-1 (Neighbourhood Character); 55.05-4 (Private Open Space); 55.05-5 (Solar Access to Open Space); Clause 55.06-1 (Design Detail) of the Kingston Planning Scheme.
4. The proposal constitutes an overdevelopment of the site.
5. The proposal is inconsistent with the primary purpose for which the land is zoned.
6. Inadequate provision has been made for off-street parking to cope with the demands of the proposal.

Cr Ronke declared a conflicting personal interest in Item PC 24 by virtue of a close personal friend owning a property in an adjoining street and left the Chamber at 7.12pm before the discussion and the vote on the matter.

Alex Jamieson addressed the meeting on behalf of the objectors

Zvi Belling addressed the meeting on behalf of the applicant

Crs Shewan/Moloney

That Council issue a Notice of Refusal to Grant a Permit on the following grounds:

1. The proposal fails to achieve the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 and Retail and Commercial Land Use contained at Clause 21.06 of the Kingston Planning Scheme.
2. The proposal fails to achieve the objectives of the Residential Development Policy contained at Clause 22.11 of the Kingston Planning Scheme.
3. The proposal does not satisfy the objectives and standards of Clause 32.01 (Business 1 Zone); Clause 52.05 (Advertising Signage); Clauses 52.06 (Car Parking), 55.02-1 (Neighbourhood Character); 55.05-4 (Private Open Space); 55.05-5 (Solar Access to Open Space); Clause 55.06-1 (Design Detail) of the Kingston Planning Scheme.
4. The proposal constitutes an overdevelopment of the site.
5. The proposal is inconsistent with the primary purpose for which the land is zoned.
6. Inadequate provision has been made for off-street parking to cope with the demands of the proposal.

Carried

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Councillor Ronke returned to the Chamber at 7.26pm

PC 25

KP931/10 – 167 Beach Road, Parkdale

APPLICANT	Taylors Development Strategists Pty Ltd
ADDRESS OF LAND	167 Beach Road, PARKDALE VIC 3195 (Lot 1 on TP640800H)
PROPOSAL	SEVENTEEN (17) DWELLINGS
PLANNING OFFICER	Tanya Sokolowski
REFERENCE NO.	KP-931/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	Design and Development Overlay No. 1
PARTICULAR PROVISIONS	Clause 52.29 – Land Adjacent to a Road Zone Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	2 April, 2011
STATUTORY DAYS	84 days at 27 April, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans received on 3 February, 2011 ‘Revision A’, TP03 ‘Revision B’ received on 20 March, 2011 and TP05-TP07 ‘Revision B’ received on 21 April, 2011.

1.0 KEY ISSUES

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

- Neighbourhood character
- Traffic considerations
- Amenity impact (internal and external)
- Vegetation/landscaping considerations

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwelling on the land and construct a double storey building containing seventeen (17) dwellings with basement car parking, on this site. The existing pool located to the rear of the site is proposed to be retained.

2.2 The building would be attached throughout the length of the site, with two (2) dwellings oriented to Beach Road and the remainder oriented to the eastern side boundary. A security gate would

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

allow entry to a shared pedestrian path located along the eastern side boundary, providing access to all seventeen (17) dwellings. Private entries to dwelling's 1 and 2 would also be provided from the street.

2.3 It is proposed to widen the existing crossover located towards the western side boundary, to 5.7 metres, providing access to a basement parking area. Storage areas for each dwelling, along shared waste facilities and a bicycle storage area with capacity to accommodate four (4) bicycles would be located within the basement. Two (2) stairwells towards either end of the basement (north and south) would provide access to the ground floor. A 10,000 litre underground storm water collection tank is proposed towards the southern end of the basement for irrigation purposes.

2.4 Development summary:

Dwelling	Floor Area	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
Ground Floor				
1	116m ²	53.5m ²	2	2
2	98.4m ²	37.9m ²	2	2
3	76.6m ²	23.2m ²	2	1
4	76.4m ²	23.2m ²	2	1
5	76.4m ²	23.2m ²	2	1
6	76.4m ²	23.2m ²	2	1
7	76.4m ²	23.2m ²	2	1
8	79.5m ²	53.3m ²	2	1
9	56.2m ²	18.3m ²	2	1
First Floor				
10	116.2m ²	13.3m ²	2	2
11	98.4m ²	8.9m ²	2	2
12	76.6m ²	8.9m ²	2	1
13	76.4m ²	8.9m ²	2	1
14	76.4m ²	8.9m ²	2	1
15	76.4m ²	8.9m ²	2	1
16	76.4m ²	8.9m ²	2	1
17	83.9m ²	26.3m ²	2	1

2.5 The proposal has an overall site coverage of 51.4 percent and a permeability percentage of

2.6 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room; OR A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.	The proposed development provides private open space areas for each dwelling which vary from the standard requirements of ResCode. The appropriateness of these areas is discussed later in this report.
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	With twenty-seven (27) on-site car parking spaces provided, the requirements of this standard have been exceeded. Several of the larger dwellings will therefore be provided with two car parking spaces. Three (3) on-site visitor spaces are also provided.
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	With adjoining front setbacks of approximately 3.4 metres and 4.5 metres, the required front setback is 3.95 metres. The minimum proposed front setback is 4 metres and therefore complies with this standard.
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 51.4 % and therefore complies with this standard. .

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

Roof:	Colorbond
Walls:	Combination of render and cladding
Garage doors	N/A
Windows:	Aluminium frames
Driveways:	Concrete
Front fencing:	1.7m -1.8 metre high rendered masonry
Boundary fences:	2m high fences to be retained

3.0 SITE & SURROUNDS

3.1 The subject site is located on the northern side of Beach Road, between McIndoe Parade and Rennison Street, Parkdale. It has a frontage width of 29.41 metres, a maximum depth of 84.04 metres, and an overall area of 1575 m². The rear of the site narrows to a width of 10.67 metres for a distance of 10.97 metres.

3.2 Currently on the site is a detached, double storey dwelling, a tennis court and swimming pool. A 4 metre high hedge screening the tennis court and swimming pool runs along the site's eastern, northern and western property boundaries.

3.3 Vehicle access to the site is currently via a single width crossover located towards the western side boundary.

3.4 To the west of the site, at No.166 Beach Road, is a detached, double storey brick dwelling set back 3 metres from Beach Road and between 0 metres and 2.4 metres from the subject site.

3.5 Also to the west of the site, at No's 2 McIndoe Parade, are two attached, double storey dwellings set back a minimum of 650mm from the subject site's western property boundary and with walls constructed on part of the subject site's northern property boundary.

3.6 To the east of the subject site, at No. 168 Beach Road, is a recently constructed development of five (5) double storey dwellings.

3.7 Also to the east of the site, at No's.7 and 9 Rennison Street, are a detached, double storey dwelling and a detached, single storey dwelling. Each dwelling is set back in excess of 15 metres from the subject site.

3.8 To the north of the site, at No. 2A McIndoe Parade, is a detached, double storey, brick dwelling with a garden shed constructed along most of the northern boundary of the subject site.

3.9 Other development in the surrounding area is highly varied in relation to architectural style, construction era, building materials and finishes, and density.

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 the Design and Development Overlay – Schedule 1 (Urban Coast Height Control Area).

5.2 Beach Road is located within a Road Zone Category 1.

6.0 PLANNING PERMIT REQUIREMENTS

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

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

6.3 A planning permit is not required under the applicable Design and Development Overlay given that the proposed development does not incorporate floor to ceiling heights exceeding 3.5 metres.

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 Prior to advertising, the Permit Applicant submitted revised plans on 3 February, 2011 that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation 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. Twelve (12) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy
- Overshadowing
- Parking and traffic concerns
- Drainage
- Neighbourhood character

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 29 March, 2011 with the relevant Planning Officer, Ward Councillors, the Permit Applicant and objectors in attendance. The above-mentioned issues were discussed at length.

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

10.0 REFERRALS

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

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

- Traffic

10.2 VicRoads initially objected to the proposal on the basis that the proposed basement ramp grade was too steep and not in accordance with Australian Standards. The applicant subsequently amended the basement plan to satisfy VicRoads concerns, with VicRoads withdrawing its objection in correspondence to Council dated 6 April 2011.

10.3 Council's Development Engineer and Vegetation Management Officer 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 52.29 (Land adjacent to a Road Zone)

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

11.4 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 19 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 abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

12.2 Local Planning Policy Framework

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

The subject land is identified within an *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.

Subsequent to discussions with Council officers regarding the overall design detail and massing throughout the length of the site, plans were amended to improve the eastern elevation and the perception of breaks within the building mass. Increased breaks have been provided at the first floor between dwellings, along with an increase to glazed areas and greater mix of finished wall materials which will aid in softening the built form and providing articulation to the eastern façade.

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 maximum height of the proposed front fence is 1.8 m high and therefore accords with the Schedule requirements.

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

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

Standard B3 – Dwelling diversity

Standard B3 requires developments of 10 or more dwellings to provide a range of dwelling types and sizes. All of the dwellings within the proposed development, however, contain two (2) bedrooms.

Whilst dwelling diversity is not provided within the development itself, it is considered that the size and apartment style of the proposed dwellings will contribute to housing diversity in the area and that the proposed development is therefore satisfactory in relation to this standard.

Standard B28 – Private Open Space

Each of the proposed first floor dwellings are provided with an area of at least 8sqm, and therefore satisfy the requirements of Standard B28.

At ground level, it is proposed to provide Dwellings 3-7 and 9 with areas less than that specified in Clause 55, and to locate the private open space areas for Dwellings 1 and 2 at the front of the site, rather than to the side and rear.

Whilst the private open space areas provided for the abovementioned dwellings does not satisfy the standard requirements of B28, it is considered that the areas provided are satisfactory and that the objective of the standard has been met for the following reasons:

- The provision of smaller areas of private open spaces is considered appropriate given the relatively small size of the apartments, and is consistent with the approach and principles applied to first floor dwellings.
- Each of the areas provided for Dwellings 3-7 and 9 is well proportioned, provided with good solar access is well integrated with internal living areas, providing for a high degree of accessibility and usability.
- Whilst the private open space areas for Dwellings 1 and 2 are located at the front of the site, each of these areas is oriented towards the Bay, making appropriate use of the site's location and assisting to integrate the development with the street.

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Neighbourhood Character

It is not considered that the proposed development is inappropriate in relation to the character of the surrounding area. Whilst the apartment style proposed is not common in the immediate area, the form of the development, including its height, setbacks, and building materials and finishes are considered to be respectful of and responsive to the character of the area.

14.2 Overdevelopment

It is not considered that the proposed development is an overdevelopment of the site. This is demonstrated by the fact that site coverage is well below the maximum of 60 percent; permeability exceeds 20 percent; all side, rear and frontage setbacks comply with the requirements of Clause 55; overshadowing of adjoining properties is well within acceptable limits under Clause 55. Further, the proposed development also satisfies car parking and private open space requirements under Clause 55.

14.3 Overlooking

Upper level balconies and windows will be appropriately screened in accordance with the requirements of Clause 55. It is therefore considered that this issue has been satisfactorily addressed.

14.4 Overshadowing

Shadow diagrams submitted with the application demonstrate that the extent of shadow cast on adjoining properties complies with the requirements of Clause 55.

14.5 Traffic and parking

The proposed development provides ample on site car parking facilities for residents and visitors. The number of additional vehicle movements generated by the proposed development can be accommodated within the surrounding road network.

14.6 Noise

It is not considered that the proposed development raises any particular issues in relation to the generation of unreasonable noise. Concern has been raised in relation to the use of the pool at the rear of the site, however the location of the pool is not considered inappropriate.

15.0 CONCLUSION:

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

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 Zone and the Schedule to the zone, Clause 52.29 – Land Adjacent to a Road Zone; Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for seventeen (17) dwellings and to alter access to a Road Zone Category 1 be issued, 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 3 February, 2011, and TP03 and TP05 – TP07 marked 'Revision B' 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, species must comprise a minimum of 80% indigenous coastal species;

v. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);

vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback (private open space of Dwellings 1 and 2) and one (1) small (at maturity) tree within the private open space area of Dwellings 3, 4, 5, 6, 7, 8 and 9, 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 high at time of planting;

ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;

x. the provision of a notation on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

b. Amended ramp grades to the ground floor and elevation plans in accordance with the grades shown on the Basement Plan TP03 'Revision B'.

- c. All property boundaries and the swimming pool.
 - d. A convex mirror to the ramp at the north-west corner of the intersection point of the western wall and the wall south of car space No. 1.
 - e. Wheel stops to the front of each car parking space designed to meet *Australian Standards AS2890.1 – 2004, Parking facilities, Part 1: Off-street car parking*.
 - f. Columns 700mm from the back of car spaces.
 - g. Car space No's 1, 12 and 23 with a minimum width of 2.9 metres.
 - h. The location of security lighting.
 - i. Dimensions of storage areas.
 - j. A minimum of eight (8) bicycle parking spaces, which may be accommodated within a vertical bicycle storage space.
 - k. 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.
 - l. External louvre screen details to windows, with those having no more than 25% transparency and projecting approximately 400mm off the wall, preventing downward views.
 - m. The location of windows to bedroom's 1 and 2 of Dwelling 10.
 - n. The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown, with these ideally not located on the balcony areas. Any facilities located on a balcony must be suitably screened and must have minimal interruptions to the useability of that area.
 - o. The provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings and driveway;
 - p. Measures identified by the ESD Management Plan, required under Condition 2.
 - q. Adequate area for storage of waste bins with regard to the Waste Management Plan required under Condition 3.
2. Prior to the endorsement of plans under Condition 1, two (2) copies of an Environmentally Sustainable Development Management Plan (ESD Management Plan) prepared by a suitably qualified environmental engineer or equivalent must be submitted to the Responsible Authority for approval. Once approved the Plan will be endorsed and form part of the Permit.
- a. The ESD Management Plan must address, but is not limited to, the following:
 - ii) Energy Management;
 - iii) Water Conservation and Re-use;
 - iv) Demolition and Construction Waste Management, including that of the vegetation to be removed.
 - v) Methods for the continual monitoring and implementation of the Plan
 - b. Where appropriate the ESD Management Plan should:

- ii) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards;
- iii) Document the means by which the appropriate target or performance will be achieved;
- iv) Identify responsibilities and a schedule for implementation and ongoing management, maintenance and monitoring;
- v) Demonstrate that the design elements, technologies and operational practices that comprise the ESD Management Plan can be maintained over time.

All to the satisfaction of the Responsible Authority.

The approved ESD Management Plan must be implemented to the satisfaction of the Responsible Authority.

3. Prior to the endorsement of plans under Condition 1, two (2) copies of an independent Waste Management Plan must be prepared and submitted to the Responsible Authority for approval. When approved the report will be endorsed and will then form part of the permit. The report must address and provide for the following:

- a. The amount of waste to be generated by the approved development;
- b. The number and size of bins to be provided on the site, with consideration of the possible sharing of bins;
- c. The number of bins to be collected from the kerbside having regard to the available space for collection at the front of the site (allowing for street furniture, poles, signs and street trees and replacement trees);
- d. The storage of bins on the site with consideration given to their accessibility by residents; and,
- e. Who will be responsible for placing and removing bins to the collection points on collection days.

All to the satisfaction of the Responsible Authority.

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

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

6. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

7. Prior to the occupation of 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.

8. VicRoads Conditions

- a. The proposed new vehicular crossover on Beach Road must be constructed in accordance with the submitted plans to the satisfaction of the Responsible Authority.

- b. The basement ramp slope must not be greater than 1 vertical to 20 horizontal for at least the first 6.0 metres inside the property. This requirement will ensure that existing vehicles are substantially stationary prior to crossing the footpath and hence not a risk to pedestrians. The remainder of the basement ramp shall be designed in accordance with AS/NZS 2890.1:2004.
- c. Car parking spaces must be designed to allow vehicles to drive forwards when both entering and exiting the property, to the satisfaction of the Responsible Authority.
- d. Any redundant vehicular crossovers on Beach Road must be removed and the kerb, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
- e. The developer is to pay the full cost of all road works, drainage, service relocations, and any other associated costs i.e. all works to be completed at no cost to VicRoads.
9. 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.
10. 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.).
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
13. Before the commencement of any building or 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 deal with the parking of vehicles during construction, delivery of materials and containment of waste on site.
14. Construction on the site must be restricted to the following times:
- a. Monday to Friday 7:00am to 7:00pm; and
 - b. Saturday 9:00am to 6:00pm.
- Or otherwise as approved by the Responsible Authority in writing.
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. 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, including visitor 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.

17. A security intercom must be provided in a convenient location adjacent to where vehicles stop on site, to allow visitors access to the visitor parking provided on site.

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. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

21. External clothes drying facilities must be provided for each dwelling ensuring that they are appropriately screened if located on balcony areas.

22. All external screens marked on the endorsed plans shall be maintained by the owner of the land to the satisfaction of the Responsible Authority.

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

- The development 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 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 55.03-8 Landscaping Objectives; and Clause 55.06-1 Design Detail Objective.

Formal Motion

Crs Staikos/Ronke

That the meeting be adjourned for two (2) minutes

The motion was put and carried

The meeting was adjourned at 7.27pm

Formal Motion

Crs Staikos/Ronke

That the meeting be resumed

The motion was put and carried

The meeting resumed at 7.29pm

Alan Baird addressed the meeting on behalf of the objectors

Chris Pippo addressed the meeting on behalf of the applicant

Crs West/Dundas

That Council issue a Notice of Refusal to Grant a Permit on the following grounds:

1. The proposal would have an adverse effect on the amenity of an established residential neighbourhood and on the immediate neighbours to the east and west.
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 55.03-8 Landscaping Objectives; and Clause 55.06-1 Design Detail Objective and provisions be provided for better planned and more compliant private open space.

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	See report.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	No	Refer to report.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through permit conditions.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	It is considered that the proposed development integrates satisfactorily with the street. This is demonstrated, in particular, by the orientation of Dwellings 1 and 2 towards the street.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient</p>	Yes	Required: 3.95metres Proposed: 4.0metres

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

use of the site.		
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9 metres Proposed: 7.8 metres
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 60% Proposed: 51.4%
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 28.3%
B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	The proposed development should achieve a good level of energy efficiency given that each dwelling is provided with varied solar access, attached construction is proposed, and overhanging balconies provide shade protection for private open space areas on the western side of the site.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	
B12 Safety Layout to provide safety and security for residents and property.	Yes	The proposed layout of the development is considered satisfactory in relation to this standard.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of 	Yes	The proposed development provides adequate opportunities for landscaping throughout the site and particularly within the site frontage.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

<p>habitat importance.</p> <ul style="list-style-type: none"> • The retention of mature vegetation on the site. 		
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>The proposed access arrangement is considered satisfactory in relation to this standard. The basement ramp was amended by the applicant to provide for a 1:20 ramp grade for the first 6 metres, satisfying VicRoads requirements for safe entry and exit to/from the site.</p>
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>The location of car parking facilities within the basement is considered to be convenient and appropriately located, in accordance with the requirements of this standard.</p>
<p>B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 17 Proposed: 27</p> <p>Parking provision on the site is considered to be satisfactory in relation to the requirements of this standard.</p> <p>Dimensions of some car spaces, namely No's 1, 12 and 23 where they abut a wall are required to be increased in width to allow safe movements of vehicles. A condition on any permit could rectify this.</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</p>	<p>Yes</p>	<p>All proposed side and rear setbacks are in accordance with the requirements of this standard.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

<p> dwellings.</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>	N/A	No boundary walls are proposed within the development.
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	The proposed development complies with the requirements of this standard.
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	The proposed development will not have an unreasonable impact on north facing windows on adjoining properties.
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	The proposed development complies with this standard and will not have an unreasonable impact on adjoining properties as a result of overshadowing.
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Yes	All upper level windows and balconies will be screened, as required under this standard.
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Internal views have been appropriately considered and limited, in accordance with the requirements of this standard.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

<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>Bedrooms within Dwellings 1 and 2 have been located away from the site frontage, and associated noise from Beach Road. In relation to impacts on adjoining properties, it is not considered that the proposed development raises any significant issues.</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 proposed development is considered satisfactory in relation to the requirements of this standard, with a clearly identifiable common entry area for all dwellings provided at the front of the site, and entrances along the site's eastern property boundary will also be appropriately identifiable.</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>No</p>	<p>Refer to report</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>Solar access to proposed secluded private open space areas is considered satisfactory.</p>
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Yes</p>	<p>Each dwelling is provided with storage areas within the basement, in accordance with this standard.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

<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. Breaks at the first floor between dwellings have assisted in breaking up the presentation; use of fenestrations and a mix of finished wall materials provide a good degree of articulation along the length of the eastern and western elevations.</p>
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Maximum: 2m Proposed: 1.8m</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>	<p>Yes</p>	<p>The proposed basement, and common pedestrian areas are considered satisfactory in relation to this standard. Landscaping areas enclosed by a 600mm rendered wall to the east of dwelling's 3, 4, 5, 6 and 7 would also form common property. An existing swimming pool at the rear of the site will be retained and will be managed by the Owners Corporation for the development.</p>
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>All required services and facilities can be provided to each dwelling.</p>

PC 26

KP589/10 – 28-30 Rennison Street, Parkdale

APPLICANT	Annie Lai Architects and SJB Planning Pty Ltd
ADDRESS OF LAND	28-30 Rennison Street, PARKDALE VIC 3195 (Lot 1 on TP755748Q)
PROPOSAL	Four (4) Dwellings
PLANNING OFFICER	Cameron Gentle
REFERENCE NO.	KP-589/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	Design and Development Overlay – Schedule 1
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	29 January, 2011
STATUTORY DAYS	162 days as of 11 May, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans received on 22 November, 2010

This application was deferred from the 20 April, 2011 Planning Committee Meeting on the basis that Council required the developer to provide the following:

- A revised basement and ground floor plan required under condition 1b); and
- Plans to comply with the 5.25 metre setback requirements.

The requested plans have been submitted to Council and are attached to this report.

In essence these plans show a revised basement and ground floor plan required under condition 1b) reflecting the tree protection zone and an increase in the upper level setback (of the terraces) to a minimum of 5.25 metres.

It is considered that these plans address the Council deferral of the application, and accordingly the application can be decided by Council in light of this report and the revised plans.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

1.0 KEY ISSUES

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

- Neighbourhood Character
- Privacy
- Overshadowing
- Front setbacks

2.0 PROPOSAL

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

2.2 Development summary:

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

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

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
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**City of Kingston
Planning Committee Meeting**

Minutes

18 May 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.	All dwellings comply
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling OR Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply
Front Setback	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	A minimum front setback of 5.25 metres is required and is provided at ground level. At first floor level, the proposed dwellings are set back a minimum of 4.1 metres from the site frontage.
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 58% and therefore complies

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

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

3.0 SITE & SURROUNDS

3.1 The subject site is located on the eastern side of Rennison Street, Parkdale, between Beach Road and Royal Parade and consists of two allotments with an overall frontage width of 30.48 metres, a depth of 30.48 metres and a total area of 929.03m².

3.2 Currently on the site are two detached, double storey dwellings, with vehicle access to both dwellings obtained via a centrally located crossover.

3.3 Existing vegetation is noted along the subject site's eastern (rear) property boundary, and between the two allotments. Two trees within the frontage of the site have been removed within the past 12 months. One street tree is located adjacent to No. 28 Rennison Street.

3.4 The subject site contains no easements and there appears to be no restrictive covenants or Section 173 Agreements registered on the Certificate of Title.

3.5 To the north of the subject site, at No. 32 Rennison Street, is a detached, single storey weatherboard dwelling set back 5 metres from the street and a minimum of 4.5 metres from the subject site. This property contains three trees along the boundary with the subject site.

3.6 To the south of the subject site, at No. 26 Rennison Street, is a detached, double storey brick dwelling set back 5.5 metres from the street and 1.6 metres from the subject site.

3.7 To the east (rear) of the subject site, at No. 2 Thompson Rise, is a development of double storey units set back 3.1 metres from the subject site.

3.8 The surrounding area contains both single and double storey dwellings constructed in a range of architectural styles and using varied building materials. Recent medium density housing development has occurred nearby in both Royal Parade and Beach Road.

4.0 TITLE DETAILS

4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title. A review of the certificate of title submitted with the application

5.0 PLANNING CONTROLS

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

6.0 PLANNING PERMIT REQUIREMENTS

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

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

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 Prior to advertising, the Permit Applicant submitted revised plans on 22 November, 2010, that addressed some of the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

8.2 As discussed, the proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Ten (10) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

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

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 16 February 2011 with the relevant Planning Officer, Ward Councillors, the Permit Applicant and objectors in attendance. The above-mentioned issues were discussed at length.

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

10.0 REFERRALS

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

- Council's Development Engineer
- Council's Vegetation Management Officer
- Council's Street Tree Coordinator

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

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

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

11.2 Local Planning Policy Framework (LPPF)

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

11.3 Particular Provisions

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

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

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

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

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

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

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

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

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

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

12.2 Local Planning Policy Framework

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

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

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are

already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

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

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

Objective 2: To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.

Objective 3: To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.

Objective 4: To promote more environmentally sustainable forms of residential development.

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes

to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.

- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

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

12.3 Clause 22.11 – Residential Development Policy

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

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

§ Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.

§ In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

§ Design duplex and side-by-side development to have a visual interconnection with the street rather than presenting merely as garages and front doors only. Staggered front building lines and variation in designs and materials should be used to avoid poor urban design impacts upon streetscapes.

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

§ Encourage the two storey component of new medium density housing to be located towards the front of a site.

§ Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.

§ Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.

§ Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.

§ Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.

§ Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.

§ Address potential overlooking through site layout planning as well as individual dwelling planning.

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

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

Performance measures

§ Locating garages or carports at the rear of dwellings fronting a street wherever possible.

§ Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.

§ Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.

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

Stormwater run-off mitigation and quality management, it is policy, where relevant, to 'ensure that new residential development limits the impact of increased stormwater run-off on drainage systems'.

Performance measures

On-site infiltration should be maximised by:

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

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

§ Designing to limit the impervious area.

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

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions which promote higher-density development around activity centres and locations close to public transport.

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

12.4 Zoning Provisions

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

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

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

No front fence is proposed.

12.5 Overlay Provisions

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

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

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

To relate building heights, building bulk and setbacks to adjoining sites so that they are compatible with and enhance the appearance and character of the immediate locality.

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

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

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 B6 – Street Setback

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

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

- The projecting elements consist of narrow sections of rendered banding rather than solid sections of wall and, as such, would not be expected to have a negative impact on the streetscape of Rennison Street.
- The proposed variation is not significant and is considered unlikely to interrupt the streetscape rhythm along this section of Rennison Street, particularly given that the main building form is set back the required distance.
- It is not considered that increasing the setback of the balcony sections would achieve a better outcome in terms of integration with the streetscape or provision of amenity for future residents.
- The proposed setbacks are considered to meet the objective of this standard to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Clause 55.04 – Amenity Impacts

Standard B20 – North facing windows

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

Clause 55.05 – On-site Amenity & Facilities

Standard B26 – Dwelling Entry

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

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Neighbourhood Character

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

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

particularly in the area bounded by Rennison Street, Royal Parade, Rosella Road and Thompson Road, where the subject site is located.

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

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

14.2 Privacy

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

14.3 Overshadowing

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

14.4 Front setbacks

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

14.5 Vegetation removal

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

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

14.6 Traffic and parking

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

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

accommodated within the surrounding road network. From a traffic and parking perspective, the proposed development is therefore considered satisfactory.

15.0 CONCLUSION:

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

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

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

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

16.0 RECOMMENDATION:

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

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 22 November, 2010 and 10 May, 2011 but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;

- iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of each dwelling and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority.
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of 2 metres in height at time of planting and all shrubs to be advanced planting stock at the time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - iv. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - v. the provision of a notation of the Tree Protection Details as provided in Conditions 3 and 4 of this permit.
- b) provision of a revised basement and ground floor layout plan reflecting the tree protection zone required under Conditions 1a, 3 and 4 of this permit;
 - c) provision of shelter/weather protection around the entrance to each dwelling;
 - d) provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
 - e) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - f) a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
 - g) protection of the basement from floodwater up to the apex level entering via all the basement entrances (stair accesses, entry/exit driveway etc);
 - h) a notation to the effect that all redundant vehicle crossings are to be removed and Council's assets are to be reinstated to the satisfaction of the Council;
 - i) provision of longitudinal sections of the basement ramps, with grades including the apexes;

- j) a notation to the effect that vehicle crossings are to be constructed as per Council standards and specifications and to the satisfaction of the Council; and
- k) a reduction in the length of the basement 1 so that it aligns with the rear of basement 2.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 4 metres radius around the *Araucaria heterophylla* (Norfolk Island Pine), Melaleuca and the *Lagunaria patersonii* (Norfolk Island Hibiscus) growing along the boundary in the adjoining property at 32 Rennison Street. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 4m of the trees:
- a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d. no storage of equipment, machinery or material is to occur;
- open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- e. tree roots must not be severed or injured;
 - f. machinery must not be used to remove any existing concrete, bricks or other materials;
 - g. without the further consent in writing of Council's Vegetation Management Officer.
4. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 4m in a radius from the *Araucaria heterophylla* (Norfolk Island Pine), Melaleuca and the *Lagunaria patersonii* (Norfolk Island Hibiscus). The above requirements in condition 2 must be observed within this area.
5. Prior to the removal of the tree from the site's Rennison Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$1450 including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
6. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
7. Prior to the occupation of 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.
8. Prior to commencement of the development hereby permitted, a Site Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but not limited to, measures to control the emission of dust/sand, rubbish on site,

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Saturday 9:00am to 6:00pm; and

Sunday and Public Holidays No Construction Permitted.

Or otherwise as approved by the Responsible Authority in writing.

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

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

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

- The development is not started within two (2) years from the date of permit issue.
- The development is not completed within four (4) years from the date of permit issue.

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

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

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

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

OR

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

1. The proposal would have an adverse effect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-2 Residential Policy Objectives; Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives; 55.04-4 North-facing windows objective; On-site Amenity & Facilities; 55.05-2 Dwelling entry objective; and Clause 55.06-1 Design Detail Objective.

David Hickey addressed the meeting on behalf of the applicant

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Crs West/Dundas

That the recommendation be adopted with Condition 3g being amended to read as follows
“without the further consent of Council’s Planning Committee”

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	See report
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through permit conditions.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	It is considered that the proposed development integrates satisfactorily with the street. This is demonstrated by the orientation of all dwellings towards the street, the absence of high front fences, and the provision of adequate pedestrian and vehicle links.
<p>B6 Street Setback</p>	No	Required: 5.25metres

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

<p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>		<p>Proposed: 5.25 metres at ground level; 4.1metres at first floor level.</p> <p>Refer to report. Proposed variation is considered reasonable.</p>
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p>Maximum: 9 metres Proposed: 9 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>	<p>Yes</p>	<p>Maximum: 60% Proposed: 58%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	<p>Yes</p>	<p>At least: 20% Proposed: 22.7%</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>	<p>Yes</p>	<p>The proposed development provides a satisfactory layout considering the east –west orientation of the site. Each dwelling will be provided with generous eastern and western facing private open space and/or living areas which will allow for appropriate use of daylight and solar energy.</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p>	
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	<p>Yes</p>	<p>The proposed layout of the development is considered satisfactory in relation to this standard.</p>
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape 	<p>Yes</p>	<p>The proposed development provides adequate opportunities for landscaping throughout the</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 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>It is not considered that the proposed development raises any particular issues in relation to noise, or is subject to any significant external noise sources.</p>
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	<p>Yes</p>	<p>The proposed development is considered satisfactory in relation to the requirements of this standard.</p>
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	<p>No</p>	<p>Refer to report. Subject to conditions, each dwelling entry can be made to be satisfactory in relation to the requirements of this standard.</p>
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>	<p>All proposed windows are considered satisfactory.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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

PC 27

KP279/10 – 12 Mascot Avenue, Bonbeach

APPLICANT	Taylor's Development Strategists Pty Ltd
ADDRESS OF LAND	Lot 1 PS522216 12 Mascot Avenue, BONBEACH VIC 3196 (Lot 1 on PS522216Q)
PROPOSAL	FOUR (4) DWELLINGS
PLANNING OFFICER	Tess Johnson
REFERENCE NO.	KP-279/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 3 Zone
OVERLAYS	DDO1 (Urban Coastal Height Control Area) DDO7 (Urban Coastal Foreshore Setback Control Area)
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Incremental Housing Change
STATUTORY DAYS	208 as of 29 March, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Drawing Nos. TP00-TP05, prepared by Shelton Finnis, dated 5 August, 2010

1.0 KEY ISSUES

- 1.1 The key planning issues arising from this proposal relate to:
- Residential 3 Zone policy

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct four (4) dwellings contained within a double storey building. Key details of each dwelling are as follows:

Dwelling	Floor Area	Private Open Space	No. of bedrooms proposed	No. of car parking spaces provided
1 (Ground Floor)	76m ²	51m ²	2	1
2 (Ground Floor)	118m ²	66m ²	3	2
3 (First Floor)	114m ²	60m ² (including	3	2

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

		42m2 on roof)		
4 (First Floor)	114m2	59m2 (including 41m2 on roof)	3	2

2.2 The proposal has an overall site coverage of 50.5 percent and 33.4 percent site permeability

2.3 The proposed building would be set back a minimum of 7.82 metres from the site frontage, a minimum of 1.1 metres from its eastern (side) property boundary, and 9.44 metres from its south (rear) property boundary. Two sections of wall would be constructed on the site's west (side) property boundary.

2.4 Vehicle access would be obtained via a proposed crossover on the eastern side of the site, with car parking facilities located within an at-grade, under cover area between Dwellings 1 and 2.

2.5 The maximum height of the proposed building would be 8.352 metres above natural ground level.

2.6 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
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**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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: is provided with the required area and dimensions of private open space but does not technically comply with the standard given the location of this area within the front setback (refer to the ResCode discussion section within this report). Dwelling 2: the private open space provided does not satisfy the dimensional requirements of the standard (refer to the ResCode discussion section within this report). Dwelling 3: does not technically comply with the standard given the provision of private open space in the form of balconies and a roof top deck (refer to the ResCode discussion section within this report) Dwelling 4: does not technically comply with the standard given the provision of private open space in the form of balconies and a roof top deck (refer to the ResCode discussion section within this report)
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling OR Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply with the requirements of this standard.
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 proposed development meets the requirements of this standard. A 6.7 metre front setback is required and a 7.82 metre setback is provided.
Site Coverage	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 50.5% and is therefore marginally over the maximum specified in the standard (refer to the ResCode discussion section within this report)

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

Roof:	Not specified
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Walls:	Zinc, cement sheet weatherboards, acrylic render and face brick
Garage doors	N/A
Windows:	Powder-coated aluminium frames
Driveways:	Charcoal exposed white aggregate concrete
Front fencing:	2 metre high fence set back 2.62 metres from frontage
Boundary fences:	Existing to be retained

3.0 SITE & SURROUNDS

3.1 The subject site is located on the south side of Mascot Avenue, Bonbeach, and runs through to the reserve adjacent to the Patterson River. It has a frontage width of 15.24 metres, a maximum depth of 54.31 metres and an overall area of 816m².

3.2 The site currently contains a detached, single storey dwelling and associated outbuildings. Existing vegetation consists of scattered trees, none of which are considered significant or make a notable contribution to the area. There appears to be no restrictions listed on the Certificate of Title.

3.3 To the east of the site is a detached, single storey dwelling with a garage set back 3.36 metres from the street and the main dwelling set back 18.87 metres from the street. The garage is constructed to the side boundary common with the subject site, and the dwelling is set back 2.31 metres from the subject site. Private open space is located at the rear of the dwelling.

3.4 To the west of the site is a two dwelling development consisting of an older, weatherboard dwelling at the front of the site, and a newer, attic style, double storey dwelling at the rear of the site. The front dwelling is set back 10.04 metres from the street and a minimum of 1.1 metres from the subject site. The rear dwelling is set back approximately 1 metre from the subject site.

3.5 Other development in the surrounding area is characterised by a mix of single and double storey dwellings, constructed using a range of materials and finishes, and architectural styles.

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 Design and Development Overlay Schedules 1 (Urban Coastal Height Control Area) and 7 (Urban Coastal Foreshore Setback Control Area).

6.0 PLANNING PERMIT REQUIREMENTS

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

6.2 No permit required under Design and Development Overlay No. 1 given that the proposed building does not exceed two storeys in height, and internal storey heights do not exceed 3.5 metres.

6.3 A permit is required to construct buildings and works under Design and Development Overlay No. 7. Given that the proposed development is set back more than 4.5 metres from the foreshore reserve boundary, however, the requirements of this overlay are satisfied.

7.0 RELEVANT HISTORY

7.1 Planning Permit No. KP942/03 was issued by Council on 2 January, 2004, and allowed the subdivision of the site into two allotments. The subdivision facilitated the sale of a 14m² area of land at the rear of the site to Council.

8.0 ADVERTISING

8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Six (6) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Overdevelopment
- Overlooking
- Traffic and car parking
- Neighbourhood Character

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held on 11 November, 2010, with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and three objectors in attendance. The above-mentioned issues were discussed at length.

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

10.0 REFERRALS

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

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

- Strategic Planning

10.2 Some concern was raised by Council's Strategic Planning Department in relation to whether the proposed development is consistent with the applicable provisions of the Local Planning Policy Framework (LPPF). An assessment against the LPPF is detailed in Section 12 of this report.

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 a 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 78 of the Neighbourhood Character Guidelines. Major contributory characteristics within this area are as follows:

- Building Placement – narrower side setback at 1 metre; front setback at 5-7 metres; wider side setback at 2-4 metres.
- Roof Shape – most rooves are hipped, gables or combination, with a pitch of 15-20 degrees.
- Materials – roof tiles with various colours and mainly white weatherboard walls

The proposed building is considered satisfactory in relation to the elements of building placement and materials. It incorporates front and side setbacks consistent with the streetscape of Mascot Avenue, and a

range of materials and finishes which would integrate satisfactorily with the white weatherboard walls of established dwellings in the area.

In relation to roof shape, however, the proposed flat roof form of the building is inconsistent with the guidelines. As discussed later in this report, however, it is considered that the proposed flat roof form is respectful of neighbourhood character and that, considering the overall design response, the development would integrate successfully with the streetscape.

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

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

The Guidelines suggest that the roof shape of new development should respect prevailing neighbourhood characteristics in terms of materials, roof form, and pitch. Whilst the proposed flat roof form of the development differs from the prevailing pitched roof form in the area, it is considered that the proposed design is respectful of neighbourhood character and therefore consistent with the intent of these guidelines.

With a single dwelling fronting the street at ground level, it is considered that the proposed building also provides an appropriately respectful response to perceived lot pattern and building footprint. This is further enhanced by the provision of side and front setbacks generally consistent with those prevalent in the area.

Whilst a 2 metre high front fence is proposed within the front setback (at 2.62 metres), the proposed combination of a lower fence on the site frontage, and provision of landscaping in this area are considered to provide an appropriate balance between integrating the development with the streetscape and providing north facing, secluded private open for Dwelling 1.

In relation to suggestions in the Guidelines relating to driveways, garages and carports, storage facilities, and materials and finishes, the proposed building is considered satisfactory.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

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

The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of

opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

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

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

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

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

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

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

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to a range of social and physical infrastructure.

Of particular note in relation to the site's location is that Carrum Station, and the Carrum Major Activity Centre, are located approximately 400 metres from the site, with a dedicated pedestrian/cycle bridge providing a connection over the Patterson River. It is considered that these locational attributes provide added justification for supporting medium density housing development on the subject site.

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.

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

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

- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*

- *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
- *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
- *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
- *To ensure residential development does not exceed known physical infrastructure capacities.*
- *To recognise and respond to special housing needs within the community.*
- *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.*

The following comments are made in relation to the above objectives and the proposed development:

- The proposed development will increase housing choice in the area, on a site located only 400 metres from Carrum Station and other facilities and services within the Carrum Major Activity Centre.

- The design of the proposed development is considered to be of a high quality, appropriately responsive to the constraints of the site, and respectful of the character of the surrounding area.

- The proposed development is considered to provide an appropriate and sensitive interface with adjoining properties. This is demonstrated by the provision of setbacks in accordance with Clause 55,

limited overshadowing impacts, and an appropriate combination of materials, finishes and setbacks which minimise any perception of visual bulk and provide a good level of visual interest.

- It is understood that the proposed development will not exceed known infrastructure capacity in the area.
- Whilst the site is located within an Incremental Change area, and the intensity of development will not result in a 'single dwelling character' or 'dual occupancy equivalent', it is considered that this represents only one inconsistency with the objectives of Clause 21.05-3 and, in considering the overall outcomes envisaged by the MSS in relation to matters such as housing, design and activity centres, the application is consistent and is appropriate for approval.

The Residential Development Policy at **Clause 22.11** encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. This policy is applied in conjunction with the Designing Contextual Housing Guidelines, and the Kingston Neighbourhood Character Guidelines.

As discussed in Section 10.5 of this report, it is considered that the proposal is generally in accordance with the elements identified in the Neighbourhood Character Guidelines as making a major contribution, other than the provision of a flat rather than pitched roof form. Given the setbacks, proportions, height high level of presentation achieved by the proposed development, however, it is not considered that the flat roof form would be inappropriate for the site.

Within Incremental Housing Change Areas the policy states:

In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots.

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

As noted above, with four dwellings proposed on the subject site, the density of the development exceeds that of a dual occupancy development and represents a more intensive form of development than the policy envisages. It is considered, however, that this inconsistency is substantially outweighed by the merits of the application, including the location of the site, and that refusal of the application on this basis alone cannot be substantiated.

12.3 Zoning Provisions

It is considered that the proposed development satisfies the purpose of the Residential 3 Zone, which includes providing for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and encouraging residential development that respects the neighbourhood character.

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

Standard B8 – Site Coverage: The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 50.5% and is, therefore, marginally above the Schedule requirement. Should a permit to be granted, conditions should require this to be reduced to 50%.

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 2, 3 and 4 are not provided with the private open space area required under the local variation.

Dwelling 2 is provided with a secluded private open space area at the rear of the dwelling with an area of 55 m², supplemented by an 11 m² service yard to the side of this dwelling. The width of the areas provided, however, does not satisfy the above requirements, with the rear area less than 5 metres in width, and 20 m² /3 metre wide parcel is not provided. It is noted, however, that the extent of private open space at the rear of the site is only limited by a bluestone battered wall which still sits within the site boundary. With a minor increase in the width of the open space area, the required areas could therefore be provided.

Dwellings 3 and 4 are provided with two balconies each (totalling 18 square metres) and roof top decks each with an area of more than 40 m² (41 m² and 42 m²). A total of 60m² is not provided, however, and the roof top decks have a maximum width of only 3.255 metres. It is considered, however, that the three areas of private open space provided for each of these dwellings should adequately provide for the recreation and service needs of residents and are considered appropriate for first floor dwellings.

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.

Whilst a 2 metre high front fence is proposed within the front setback (at 2.62 metres), the proposed combination of a lower fence on the site frontage, and provision of landscaping in this area are considered to provide an appropriate balance between integrating the development with the streetscape and providing north facing, secluded private open for Dwelling 1. Whilst generally acceptable, a condition should be placed on any permit issued requiring the front fence be set back 3.0 metres (increase of 380mm) from the front property boundary and the dwelling reduced in size so as to allow the increase in setback whilst not compromising the private open space dimension of 5 metres. This shall also assist in reducing the site coverage as discussed above.

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 meets all the objectives and that satisfactory justification is provided for variations to standards, as detailed in Section 12.3.

Areas of non-compliance with the requirements of Clause 55 are:

B28 Private Open Space

B19 Daylight to Existing Windows (addressed via permit conditions)

B8 Site Coverage (addressed via permit conditions)

B32 Front Fences (addressed via permit conditions)

Private open space, front fences and site coverage are discussed in Section 12.3 of this report, and are not considered to be inconsistent with the relevant objectives of each standard. Further, as discussed above, the front fence and site coverage non compliance can be addressed via permit conditions to allow full compliance with the standard and objective.

In relation to Standard B19, this is discussed in Attachment A and can be addressed by way of conditions placed on any permit issued .

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 Overdevelopment

It is not considered that the proposed development is an overdevelopment of the site. This is demonstrated by the proposed site coverage (which is slightly over 50% but should be conditioned to comply with the 50% requirement of Standard B6 of ResCode), compliant setbacks, minimal increase in overshadowing and permeability.

14.2 Overlooking

Plans submitted with the application show that upper level windows would be screened in accordance with the requirements of Standard B22 of Clause 55 (ResCode) of the Kingston Planning Scheme.

14.3 Traffic and car parking

Sufficient on site car parking is provided for the proposal, and it is not considered that the proposed development should generate an unreasonable increase of traffic which is unable to be accommodated within the surrounding road network.

14.4 Neighbourhood Character

This issue is addressed throughout other sections of this report, however, it is considered that the proposed development is appropriate in relation to the character of the neighbourhood, and should make a positive contribution to the area.

15.0 CONCLUSION:

15.1 For reasons discussed within this report, it is submitted that the proposal, as required to be amended, should be supported, subject to the adoption of the recommended permit conditions, as detailed below.

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

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for four (4) dwellings, 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 4 August, 2010 but modified to show:

- a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi. the provision of 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 2 metres in height at time of planting and all shrubs to be advanced plant stock 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 regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;

- b) the roof top deck for Dwelling 3 and Dwelling 4 reduced in size so that the north side of the proposed planter boxes generally aligns with the north facing wall of the dining room of each of these dwellings at ground floor level;
 - c) the south facing balcony of Dwelling 3 and Dwelling 4 increased in width by 1 metre, with such width provided by reducing the internal living area of each of these dwellings;
 - d) the primary area of private open space provided for Dwelling 2 increased in width in accordance with the requirements of the Schedule to the Residential 3 Zone;
 - e) the site coverage of the proposed development reduced to a maximum of 50%;
 - f) provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations of the development;
 - g) the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - h) the east elevation plan to include a notations clearly indicating that the kitchen window in Dwelling 4 along this elevation be fitted with fixed obscure glazing, to prevent overlooking of the property to the east;
 - i) a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design treatments;
 - j) the master bedroom wall of Dwelling 1 modified to comply with Standard B19 of Clause 55;
 - k) the front fence for Dwelling 1 set back a minimum of 3 metres from the sites front (north) property boundary with the floor area of the dwelling reduced according so as to not compromise the private open space area; and
 - l) the provision of full details of the materials to be utilised for the pedestrian entry and walkway through the site.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
4. 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.
5. 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.).
6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

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 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 55.03-8 Landscaping Objectives; Clause 55.04-3 Daylight to Existing Windows Objective; Clause 55.05-4 Private Open Space Objective; Clause 55.06-1 Design Detail Objective; and Clause 55.03-2 Front Fence Objective.
4. The proposal fails to satisfy the requirements of the Schedule to the Residential 3 Zone (Private Open Space).

Chris Pippo addressed the meeting on behalf of the applicant.

Cr Staikos left the Chamber at 8.05 pm.

Cr Staikos returned to the Chamber at 8.07pm

Crs Ronke/Athanasopoulos

That the recommendation be adopted

Carried

APPENDIX A – RESCODE ASSESSMENT CLAUSE 55

Standard of the Kingston Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 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>	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	
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	No concerns have been raised by Council's engineers in relation to the capacity of existing infrastructure to accommodate the proposed development. Permit conditions can ensure the installation of any necessary on site measures.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	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	Required: 6.7 metres Proposed: 7.82 metres

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 9 metres Proposed: 8.352 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>	No	<p>Maximum: 50% Proposed: 50.5% Were a permit to be granted, conditions should require site coverage to be 50% or less.</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: 33.4%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	<p>It is considered that the proposed development would achieve a reasonable level of energy efficiency for each dwelling, despite the north-south orientation of the site. Dwellings 1, 3 and 4 are provided with north facing private open space areas and well oriented internal living areas.</p> <p>Dwelling 3 is provided with essentially south facing private open space, however the area provided has an adequate width to ensure reasonable solar access and energy efficiency for this dwelling.</p>
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	<p>It is considered that the interface of the development with the open space reserve to the rear of the site is appropriate in</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
		relation to the objectives of this standard.
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	It is considered that the proposed development provides for the safety and security of residents in accordance with the requirements of 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	See report.
<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	It is considered that a safe, manageable and convenient access arrangement is proposed, with the number of crossovers limited to one, and car parking facilities located away from the site frontage.
<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 proposed car parking area is located centrally on the site and can be conveniently accessed from each dwelling. Were a permit to be issued, conditions should ensure that the car parking spaces adjacent to the bedroom wall of Dwelling 2 are allocated to this dwelling to minimise noise impacts.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<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: 7 Proposed: 7</p> <p>The proposed accessway is considered suitably practical and should be easily maintainable. Landscaping along the length of the accessway will ensure an appropriate level of presentation.</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>All proposed setbacks comply 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>	Yes	<p>Two relatively short sections of wall are proposed along the site's western property boundary and have a combined length of 13.1 metres, which complies with this standard.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	No	<p>A short section of wall forming part of Dwelling 1 is located adjacent to a habitable room window on the property to the east of the site and does not appear to provide the window with the light court required under this standard. Were a permit to be granted, it is therefore considered that conditions should require compliance with this standard.</p>
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	N/A	<p>The proposed development is not located adjacent to any north facing habitable room windows within 3 metres of the boundary.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>The extent of shadow cast by the proposed development is considered reasonable and within the requirements of this standard.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	Yes	<p>All upper level windows are proposed to be screened in accordance with the requirements of this standard.</p>
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	<p>Internal views will be limited by the provision of screens to upper level balconies.</p>

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 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	No major issues are raised in relation to noise impacts on or adjacent to the site.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	The proposed development is considered to be consistent with the requirements of this standard.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	It is considered that each dwelling is provided with an appropriate sense of address given the apartment style format of the building.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	All new habitable room windows will be provided with adequate daylight, in accordance with the requirements of this standard.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	See report
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	Solar access to private open space areas is considered to be satisfactory and in accordance with the requirements of this standard.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Each dwelling is provided with a storage area in accordance with the requirements of this standard.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Title and Objective	Complies with Standard?	Requirement and Proposed
<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	See report
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	All common property areas can be clearly delineated and managed in accordance with the requirements of this standard.
<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	All site services can be provided. Plans submitted with the application show the location of bins and meters.

PC 28

KP748/10 – 198 Old Dandenong Road, Heatherton

APPLICANT:	Don Moore & Associates
ADDRESS OF LAND:	No. 198 Old Dandenong Road, HEATHERTON VIC 3202 (Lot 1 of TP 161796P)
MELWAY REF:	78 K11
PROPOSAL	BUILDINGS & WORKS ON LAND DESIGNATED AS SUBJECT TO INNUNDATION
CONTACT OFFICER:	Jemima Royall
FILE NO:	KP-748/2010
ZONING:	Clause 35.04 – Green Wedge Zone (Schedule 2)
OVERLAY(S):	Clause 43.01 – Heritage Overlay (Schedule 56) Clause 43.02 – Design and Development Overlay (Schedule 5) Clause 44.04 – Land Subject to Inundation
KINGSTON PLANNING SCHEME CONTROLS:	<u>State Planning Policy Framework</u> Clause 14: Natural Resource Management <u>Local Planning Policy Framework</u> Clause 21.10 (Non Urban Areas) Clause 22.04 (South East Non Urban Area Policy) Clause 22.05 (Moorabbin Airport Environs Policy) <u>Particular Provisions</u> Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to a Road Zone
DECISION BY:	20 th January, 2011
NET DAYS:	71 days @ 19 th April, 2011
CONSIDERED PLAN REFERENCES/DATE RECEIVED	17 th January, 2011

1. MAIN ISSUES RELATING TO THIS APPLICATION:

- Neighbourhood character

2. EXISTING CONDITIONS

2.1. The subject site comprises of a 72 663m² allotment on the eastern side of Old Dandenong Road, Heatherton. It currently contains a warehouse and associated building for the use as a market garden. The site does not contain any significant vegetation. There appears to be no restrictions listed on the Certificate of Title.

2.2. The site is located within a non-urban area. The surrounding area typically comprises of low density residential properties amongst market gardens and open space.

3. PROPOSAL IN DETAIL

- 3.1. It is proposed to construct building and works in the form on an extension to the existing warehouse.
- 3.2. The extension will include an expansion to the existing chiller room, work room and storage room. This will result in an overall increase in building footprint of 1938m².
- 3.3. The proposed extension will be constructed with Colourbond Sheeting in the colour of 'Surfmist' in keeping with the external façade of the existing building.
- 3.4. The proposed extension will result in an increase to the volume of the business.
- 3.5. Neither additional staff nor any variations to the existing car parking are proposed.

4. HISTORY

- 4.1. A Property Permit was issued by the City of Moorabbin on 30th October, 1986 for the use of the land as a market garden with associated buildings.
- 4.2. Planning Permit KP-442/2008 was issued by the City of Kingston on 4th December, 2008 for the demolition of the heritage listed dwelling on the site.

5. ADVERTISING

- 5.1. 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. No objections to the proposal were received.

6. PLANNING SCHEME PROVISIONS

- 6.1. The site is located within the Green Wedge Zone and is subject to three (3) Overlays; Clause 43.01 – Heritage Overlay (Schedule 56), Clause 43.02 – Design and Development Overlay (Schedule 5) and Clause 44.04 – Land Subject to Inundation.
- 6.2. Pursuant to Clause 35.04-1 of the Green Wedge Zone, a planning permit is required to construct or carry out works for the use associated with agriculture.
- 6.3. Pursuant to Clause 43.01-1 of the Heritage Overlay (Schedule 56), a planning permit is required to construct or carry out works.
- 6.4. Pursuant to Clause 44.04, of the Land Subject to Inundation Overlay, a planning permit is required to construct a building or construct and carry out works.

7. REFERRALS

- 7.1. The application was referred to:
 - Council's Development Engineer

- Council's Road's and Drains Department
- Melbourne Water

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

8. DISCUSSION

8.1. State Planning Policy Framework (SPPF)

8.2. Clause 14 Natural Resource Management

The State Planning Policy Framework sets out the relevant state-wide policies to protect productive farmland which is of strategic significance in the local or regional context and to encourage sustainable agricultural land use. Some of the strategies to achieve these objectives are:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.
- Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction.

8.3. Local Planning Policy Framework (LPPF)

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

8.5. The proposal is considered to support the relevant strategies at **Clause 21.10** by:

- Maintaining the environmental, scenic and landscape values of the area;
- Providing a development that will be unobtrusive and consistent with the streetscape; and
- Ensuring the continued use of the site as a commercial enterprise.

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

8.7. The proposal is considered to support the relevant strategies at Clause 21.04 by:

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

- Providing an urban form which is of a high design standard and low visual impact.

8.8. **Clause 22.05** Moorabbin Airport Environs Policy seeks to limit the impacts felt on the surrounding area of aircraft noise generated through the use of the Moorabbin Airport. It is considered that the proposal is consistent with the objectives of **Clause 22.05** as no residential development is proposed and the proposal will not result in an increase to any sensitive use within the area.

8.9. Zoning Provisions

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

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

8.11. The proposal seeks to retain the use of the site as an agricultural use which will result in a lesser impact felt through the ever expansion of the residential land uses.

8.12. Overlays

8.13. The following Overlay Controls apply to this site:

8.14. Clause 43.01 (Heritage Overlay- Schedule 56)

- The heritage listed dwelling has been demolished in accordance with Planning Permit KP-442/2008.

8.15. Clause 43.02 (Design and Development Overlay – Aviation Obstacle Referral Height Area No.2)

- The subject extension will have no increase in the overall height of the existing warehouse. The building will have a maximum height of 6.6 metres which is below the maximum height of 25 metres as per the requirements within Clause 43.02.

8.16. Clause 44.04 (Land Subject to Inundation Overlay)

- The proposal has been externally referred to Melbourne Water for comment and no objection has been raised subject to the inclusion of conditions should a permit be issued.

8.17. Particular Provisions

8.18. The following Clauses are applicable to this application:

8.19. Clause 52.06 (Car Parking)

The proposed extension will result in an increased floor area of 1938m². In accordance with Clause 52.06-1 the car parking is assessed as per Council's satisfaction as the use of the site as a market garden (agriculture) is not specified.

The site currently contains thirty-five (35) car parking spaces located on the site's western boundary with access via a double vehicle-crossing off Old Dandenong Road. The proposal includes no additional staff and there is no public access to the site. It is considered that the existing car parking on the site is adequate to service the market garden.

8.20. Clause 52.29 (Road Adjacent to the Road Zone)

The proposal involves no new access to Old Dandenong road nor is it anticipated that the extension will result in a notable increase of traffic to the road. It is considered that the proposal is in keeping with the objectives of Clause 52.29.

8.21. General Provisions

8.22. Clause 65: Decision Guidelines

The proposal is considered to be consistent with the objectives of Clause 65.

8.23. Land Use

8.24. The proposed use is defined as horticulture - market garden under the Kingston Planning Scheme. This use comprises of Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.

8.25. It is considered that the principle of the use is acceptable having regard to the zoning of the land at the existing development and use in the surrounding area.

8.26. Development

8.27. The proposed extension is consistent with the existing buildings within the site with regards to material visual bulk and height. It is considered that the proposed extension is acceptable having regard to the surrounding buildings and uses.

8.28. Amenity Issues

8.29. The proposal involves no alterations to the existing hours of operation. There is anticipated to be minimal to no negative impacts on the amenity of the surrounding area.

8.30. Traffic Issues

8.31. The proposal includes a small increase to the production capacity of the business. As such, there is the potential for a small increase in the number of vehicle movements to and from the site. Having regard to the surrounding non-residential uses and the existing traffic load along Old Dandenong Road, the increase is anticipated to be negligible and will result in minimal material detriment to the surrounding area.

CONCLUSION

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning / Overlay controls and Particular Provisions.

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

RECOMMENDATION

That a Planning Permit for buildings and works be issued subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2. Conditions Required by Melbourne Water:**
 - a) No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
 - b) The extension to be no lower than the existing floor level.
3. 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.
4. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
5. All reinstatement in the road reserve are to be provided to the satisfaction of the Responsible Authority.
6. All boundary and road reserve levels are not to be altered prior to the written consent of the Responsible Authority.
7. The loading and unloading of goods to and from vehicles must only be carried out on the land.

8. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
9. 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.
10. 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.).
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
13. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
14. 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 before two (2) years from date of this permit.
 - The development is not completed before two (2) years from the commencement of works.

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

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

Note: The applicable flood level for the property is 23.4 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 189575.

Crs Staikos/Athanasopoulos

That the recommendation be adopted

Carried

2.2 Interim Structure Planning Controls

Following the adoption of PLAN, Council sought interim planning controls via Amendment C100 in the form of new Schedules to the Design and Development Overlay. The controls seek to manage design and built form outcomes for the Cheltenham, Moorabbin, Parkdale and Mentone Activity Centres. After some negotiation and re-drafting, interim planning controls were approved by the Minister for Planning on 21 January 2010. The interim structure planning controls are due to expire on 31 October 2011.

3. Summary and Conclusion

The development of the Draft Moorabbin Activity Centre Structure Plan has been a significant planning task for Council which has involved community consultation and detailed background analysis. The public consultation undertaken has provided an opportunity for the community to review and test the visions and objectives that have been developed through the consultation processes over recent years. The community has provided valuable input to the development of the plan and will continue to have input through the future planning scheme amendment process and the implementation of the ideas identified in the Structure Plan.

Council officers believe that the Draft Structure Plan presented to Council for adoption seeks to achieve a reasoned balance when reviewing the surveys and submissions and matters of relevant policy.

Council's adoption of the Draft Moorabbin Activity Centre Structure Plan will enable exciting implementation actions to be progressed and will in turn allow Council to give consideration to the objectives and design guidelines contained within the Draft Structure Plan in assessing development proposals in the study area to ensure an integrated approach.

4. Consultation

The Draft Moorabbin Activity Centre Structure Plan was made available for public comment for a period of 6 weeks between 27 April and 18 June 2010. Community consultation included:

- § Making the Structure Plan available at the Moorabbin and Highett Libraries, Cheltenham and Mentone Customer Service Offices and Council's website.
- § An information morning held on 8 May 2010 on Taylor Street, Moorabbin.
- § An information session held on 5 May 2010 at Council's Moorabbin Arts Centre.
- § Direct notification to seven hundred and fifteen (715) landowners and occupiers within the study area (including the Cities of Bayside and Glen Eira), community groups, developers and authorities.
- § Articles in local media.
- § An article in Kingston Your City.
- § Presentations carried out with the Moorabbin Village Committee.
- § Presentations to and consultation with key stakeholders including Victrack, VicRoads, Department of Transport, Bayside City Council, Glen Eira City Council, Department of Planning and Community Development and key landowners.

5. Issues

5.1 Submissions

Consultation of the Draft Structure Plan generated a total of fifty one (51) submissions either through survey form (on line and hard copies) or written responses. A copy of the submissions received have been previously circulated to Councillors and a copy is available to view in the Councillors lounge.

An analysis of surveys and submissions received the following reflects the key themes that emerged.

5.2 Discussion of Submissions Received

§ Horscroft Place – Rezoning

The Draft Moorabbin Activity Centre Structure Plan identifies the redevelopment of a small pocket of industrial and commercial land on the edge of the activity centre into future parkside contemporary residential living. The initiative seeks to create a new residential precinct within walking distance of public transport, retail and on the doorstep of major recreational space. The precinct was proposed to be connected to the centre and station through the extension of Central Avenue noting it is within convenient walking distance.

In order to facilitate the gradual shift from Industrial and Commercial to Residential, a Planning Scheme Amendment involving a land rezoning will be required. The draft structure plan seeks to rezone this land to resolve issues of amenity with adjoining residential areas, and alleviate any potential for an intensification of industrial activities in this area.

Kingston has a substantial supply of strategically located industrial land within the municipality, which provides significant employment opportunities. Horscroft Place is not deemed to be 'strategic' industrial land in the sense of providing significant industrial land and employment opportunities for the municipality. The rezoning of the Precinct would therefore not compromise Kingston's industrial objectives.

Mixed responses were received in relation to the proposed rezoning and redevelopment of this precinct to future residential development. Those concerned raised issues associated with future uncertainty for industrial businesses and viability, and investment loss. Whilst an amendment would be progressed in the short term which would include the rezoning of land in the activity centre, businesses will not be forced out of the area and may continue to operate in accordance with the provisions of the Kingston Planning Scheme that provides them with existing use rights. As with other strategic sites in the municipality this initiative may take up an extended period to transition from Industrial to Residential.

Recommendation: That Council proceed with the initiative to rezone and promote the redevelopment of this precinct through the initiation of a detailed amendment to the Kingston Planning Scheme.

§ Inappropriate densities proposed in established residential areas

Another key initiative of the Draft Structure Plan which has received mixed support is the extent and nature of redevelopment for residential purposes throughout the activity centre. The draft structure plan seeks to capitalize on the under developed nature of the heart of the activity centre and identifies projects to create a significant accommodation role within and on the edge of the activity centre.

Key projects identified to achieve the accommodation role in the centre include the redevelopment of the railway airspace (Axispace Project) for a number of new mixed use buildings of approximately 7 storey's,

the Avenue Place Project (redevelopment of 'The Link' building), for new mixed use buildings up to 5 storeys in height, redevelopment of existing retail properties to accommodate a mix of uses in upper levels up to 4 storeys in height, a new contemporary residential precinct on the above mentioned industrial land of up to 4-5 storeys transitioning down to a lower scale at the interface with established residential areas, in height, and development of up to 3 storeys in height in established residential areas where consolidation of land is achieved.

Some residents have raised concerns in regards to the proposed scale of development, and others with regard to the increased densities in the residential areas at the edge of the centre. The draft structure plan proposed building heights in established residential areas of maximum three storeys or 11 metres only where site consolidation is able to be achieved. It is therefore considered that the concerns of residents have been addressed.

Some concern with regard to high density development in the heart of the activity centre stem from recent planning permit approvals including the redevelopment of 358 South Road Moorabbin. Concerns identified include social problems, lowering of living standards, and increased traffic. The socio-economic work undertaken to date identifies significant growth in the 34-49 year and 70-84 year age brackets with younger people in the 25-34 age bracket finding it more difficult to purchase suitable housing in Moorabbin. As with many of Kingston's established areas, Moorabbin has experienced some incremental growth in its existing residential areas through 2-3 dwelling developments, but is yet to experience any substantial growth due to cost of land and development costs. Officers believe that the under developed nature of the Moorabbin activity centre offers the potential for new and varied housing forms to be introduced into the centre that cannot be accommodated elsewhere thus providing for those in younger and older age groups seeking alternate housing forms.

Varying scale of development in Activity Centres has proven successful in nearby suburbs and allows for passive surveillance of adjoining open spaces and streets, provides a living population and activation of predominantly static and potentially unsafe spaces (particularly at night) and given the proximity and likely future occupants, residential living on the doorstep of public transport delivering reduced car journeys. Officers are therefore of the view that the benefits to the Moorabbin Activity Centre in providing for new forms of development and investment are necessary and deliver significant community benefit.

A proposal to amend the concept plan for the Axispace project to remove building bulk near the proposed new station entry is considered by Officers to have merit. Such a proposal would reduce the number of proposed new buildings over the railway airspace to provide for greater open space and exhibition areas within this precinct of the Moorabbin Activity Centre. This would reduce the extent of building bulk, remove the sense of enclosure and allow greater flexibility and variety in the design of the open space as part of this project.

Recommendation: That the draft Structure Plan be amended at figure 7 to show an increased open space surrounding the station entry, and at figure 14 to reduce the number of new building footprints as part of the Axispace Project.

§ *Central Avenue extension*

As previously identified, the Parkside Contemporary Living Precinct encouraged by the draft Structure Plan will benefit from a new link from the Moorabbin Reserve along Central Avenue to Moorabbin Railway Station. This will 'open up' the reserve and potentially provide a direct visual link between these

two key features of Moorabbin. This initiative would result in the potential loss of existing residential properties to achieve a direct visual connection.

The submissions received identify significant concern from those owners of residential properties fronting Healey Street, and industrial properties where illustrations depict the extension of Central Avenue to occur. The illustrations included in the draft Moorabbin Structure Plan are indicative at this stage to illustrate the initiative rather than clarify the design details and alignment.

The future extension of Central Avenue clearly requires substantial detailed design work to be undertaken by Officers and appropriately qualified engineers prior to the implementation of the extension of the road.

It is recommended that in order to achieve the objectives of this initiative, that further work be undertaken by Council following adoption of the structure plan to determine the ultimate road alignment and design and future development options for the precinct. Accordingly, it is appropriate that Council proceed to adopt the initiative to extend Central Avenue but that all references to acquisition or alignments through private property be removed from the adopted structure plan.

Recommendation:

That

Council support the proposal to extend Central Avenue, and that an ultimate road alignment for Central Avenue to provide a vehicular link through to the Moorabbin Reserve be master planned, following adoption of the structure plan. That the Structure Plan be amended to remove reference to acquisition and conceptual alignments for the extension of Central Avenue, until such time as the master plan is completed.

§ *Car parking*

The submissions received highlight parking as another perceived constraint for the Moorabbin Activity Centre. Submissions received raised concern that the Structure Plan does not provide for a substantial increase in car parking within the Centre. Commuter car parking at Moorabbin Railway Station is currently under serviced with many commuters parking in surrounding streets (in all three municipalities).

The Draft Structure Plan indicates the potential for the provision of new car park utilising the airspace above the railway station or the ability to utilise one of the building cells to provide for a multi deck car park. A car park in this location could be designed to cater for growth in commuter parking demand. The draft structure plan identifies the ability for such a car park to cater for approximately 230 vehicles. The anticipated demand for car parking in the centre would cater for not only commuter parking but provide increased car parking during other periods arising from the nearby arts and culture precinct outside the commuter demand during weekdays. The State Government Department of Transport did not highlight any concerns with the redevelopment of the railway airspace but did note that any development would be required to have minimal impact to rail services and will need to be designed to cater for railway infrastructure.

Comments received in relation to the provision of car parking in new private development are considered to be best assessed as part of new development proposals which are advanced in the Activity Centre. Generally speaking, Council Officers give consideration to the amount of car parking required as part of the assessment of development proposals.

Officers have sought to investigate the short to medium term existing car parking situation with particular reference to the arts and culture precinct, that occasionally creates greater short term car parking demand within the centre. A review of the events calendar, patronage and parking demand provided by the

Kingston Arts Centre indicates that the majority of the major events (a major event is classified as an event that has 200 plus patrons), provided at the Kingston Arts Centre occur after business hours. It is understood that approximately 40 car spaces are generally available at the arts centre/ town hall in addition, the commuter car parking at the station, the public parking areas at the rear of the Bayside shopping centre, and within the Moorabbin activity centre within Kingston is utilised for significant events. Furthermore, officers have been advised that many of the major events occur seasonally with a large number of patrons travelling to the Arts Centre by private bus thereby eliminating the pressures on short term car parking for such events. Officers of the Kingston Arts Centre have advised that the availability of short term car parking whilst not fully catering for the number of patrons particularly during the seasonal major events, is a historically existing condition, and that should additional car parking be dedicated for the arts centre that this would not be utilised at capacity in the majority of instances.

Officers have also examined the likely number of car parking spaces that would be lost through the new intersection at Jasper and South Roads. In considering the loss of car parking in this location an examination has been undertaken as to the potential for additional car parking spaces along Station Street when changed to one way. The one way design of Station Street would provide for an approximate additional forty three spaces which when added to the existing spaces available would result in an approximate increase of seventeen spaces following the loss of spaces through the design of the new intersection to the supermarket precinct.

Recommendation: That the Concept Strategy and Section 3.3.1 & Section 3.4.1 of the Structure Plan be amended to include consideration of how car parking is best provided as part of the future axispace development including options which involve both a multi level car park and the option as exhibited in the draft structure plan.

That Section 3.3.1 of the structure plan be amended to include the potential for additional parallel short term car parking along Station Street once it is changed to one way northbound.

§ *Traffic changes*

A number of submissions received whilst supportive of the vision of the Draft Structure Plan consider that Council have not appropriately explored the impacts of the proposed traffic changes envisaged by the draft Structure Plan.

The Draft Moorabbin Activity Centre Structure Plan considers a number of road changes as appropriate traffic and urban design interventions to manage the tension between the needs of the vehicular traffic passing through the centre and those wishing to use and visit the centre. Projections indicate that without a strategic response which seeks to further concentrate traffic on the peripheral arterial road network congestion will increase further during peak periods in the Moorabbin Activity Centre and create a tension between vehicles trying to move through the centre versus those trying to access its facilities.

In its initial study, ARUP, traffic consultants identified changes to the existing road network to manage the tension, eliminate rat runs, slow the traffic down and return key roads to those wishing to visit and use the centre other than a 'cut through'. Key initiatives included:

- § Closing the median at South Road/Taylor St to stop the existing rat run to Jasper Road and providing greater storage capacity on South Road.
- § Making Station Street one way north bound with a priority bus lane at the intersection of Station St and South Road
- § Making Central Avenue oneway eastbound between Station St and Redholme St
- § Providing traffic calming in Redholme St

§ Direct future access from the Safeway site into the intersection of Jasper and South Roads

In its analysis of the centre, and establishing the proposed changes to the existing road network, ARUP assessed a number of different proposals to identify the most appropriate, this included consideration of a dedicated right turn from Nepean Hwy into South Road to eliminate rat run through Station and Taylor Streets, making Station Street one-way in part, creating a new road to extend Jasper Road through the heart of the centre to link directly to Nepean Hwy thereby reducing demand on Station and Taylor Streets and a number of other such measures. These are outlined in detail in the background report prepared by ARUP and are measured against the preferred option, favoured for its ability to achieve the desired urban design treatments, reduce or eliminate rat runs, eliminate the need for new roads and thus acquisition and improve vehicle congestion during peak periods.

Concerns raised during the consultation period predominantly arose from residents in Redholme and Healey Streets, Moorabbin. Changing Central Avenue to one way eastbound between Station Street and Redholme Street creates egress problems for these residents wishing to turn right onto South Road. Current traffic levels on South Road necessitate residents of these streets to enter the centre via Central Avenue and turn right or head north along Jasper Road through the Taylor Street and South Road signalised intersection.

The submission from VicRoads highlighted the need to undertake further work to justify to their satisfaction the proposed road network changes particularly their impact to arterial roads before their acceptance of the draft Structure Plan for Moorabbin.

Since the consultation period, ARUP have undertaken further detailed traffic modelling of the activity centre to justify to VicRoads the proposed changes to the road network. The further work has also sought to consider the issues raised by residents of Moorabbin, and seek to identify solutions with access onto South Road particularly during peak periods where traffic volumes are at their greatest. ARUP's further work has reconfirmed the initiatives originally identified to improve traffic movement in the activity centre. Their work has sought to establish a clear way at the intersection of Healey St and South Road across both eastbound and westbound lanes providing clear vehicular access. Furthermore, their work has identified the need for the future detailed design of the Jasper and South Roads intersection to require a new local road within the redevelopment of the Woolworths site to allow vehicles to turn right onto South Road or head northbound on Jasper Road using Redholme St and the new local road and intersection at this location thereby catering for any difficulties that may arise particularly with projected traffic volume growth on South Road arising from future arterial network connections.

Officers believe that the abovementioned detailed traffic modelling work undertaken by ARUP to substantially justify the proposed changes to the arterial and local road network be incorporated in the background documentation of the adopted Structure Plan and any key initiatives be included in the Concept Strategy, and implementation sections of the adopted Structure Plan

Recommendation: That the Concept Strategy and Section 3.3.1 of the Structure Plan be amended to include the keep clear at the Healey St and South Road intersection, and that Section 4 of the Structure Plan be amended to include key non statutory implementation measures as per ARUP's further traffic study to reinforce to VicRoads suggest improvements to the road network in Moorabbin and for Council to undertake local road upgrades as appropriate.

That the

Concept Strategy be modified to illustrate a road through land at 382-384 South Road to provide for the new signalised intersection at Jasper and South Roads.

That 382-

384 South Road be identified as a key acquisition site in the implementation section of the adopted Structure Plan to provide for the new intersection at Jasper and South Roads, Moorabbin.

§ Moorabbin reserve

The redevelopment of Moorabbin reserve was a key issue for the residents of Moorabbin. Concerns raised during the consultation period include, the need to redevelop the reserve, oval, facilities and improve its visual aesthetic appearance, particularly given the identified projects of the draft structure plan to substantially increase the number of residents in the future.

The study boundary of the draft Moorabbin Structure Plan extends to Linton Street but did not include the east side of Linton Street. Whilst the reserve is not included in the study area of the structure plan, the Plan does identify the need to expand the opportunities for people to meet and relax in new and improved places within and on the edge of the centre. Accordingly a key initiative of the structure plan is the extension of Central Avenue to Linton Street thereby ‘opening up’ and linking the reserve to the activity centre, persons accessing and living in the centre.

Recommendation:

That the

community’s comments in relation to the Moorabbin Reserve be forwarded to Council’s Leisure and Culture Department for consideration as part of its future master planning work.

§ Other Issues

Both Bayside City Council and the Department of Planning and Community Development provided comment in relation to study area defined by the Draft Structure Plan and the need to take into account the adjoining areas of Bayside and Glen Eira. The Draft Moorabbin Activity Centre Structure Plan has been devised considering the adjoining Bayside and Glen Eira areas, however, is it considered that given the adjoining land uses the structure plan will work in a complimentary way to any future planning undertaken by the neighbouring Councils.

Bayside City Council submission also raises concern with the Draft Structure Plan initiatives proposing one way changes to the road network citing unclear and inefficient access to the Bayside part of Moorabbin as a key issue. Further traffic concerns raised the need for Kingston City Council to further investigate and lobby VicRoads for a lane changes to South Road to alleviate traffic build up from cars queuing to turn left onto Nepean Hwy. There are a number of existing vehicular routes available for persons wishing to access the Bayside portion of Moorabbin including right hand turns from the service lane on Nepean Hwy, and direct access to the public car parking and Keiller Street via South Road and Katoomba Street at the rear of the Nepean Hwy fronting retail premises within the City of Bayside. Accordingly, Officers do not believe any further work by Kingston is necessary.

The Department of Planning and Community Development’s submission raises concern with the vision of the Draft Structure Plan lacking clarity and requiring it to be more consistent with State Policy and promote mixed use development including residential throughout the Activity Centre. It is considered that the vision contained in the Draft Structure Plan is appropriate for the Moorabbin Activity Centre. The objectives contained in the Draft Structure Plan identify future aspirations for housing, office, business mix, retail, entertainment etc which is considered consistent with Government Policy.

The Department has also stated that some precincts need to be enlarged, that it needs to mention and cater for existing and proposed community facilities and that the implementation section requires more detail. It is considered that the Draft Structure Plan is clear in terms of its maps and study boundary, in addition the background report provides more information with regard to the established study boundary and thus precincts. Many of the community facilities established in the Moorabbin activity centre are located along Nepean Hwy and west of Nepean Hwy. The draft Structure Plan acknowledges their presence and long term role albeit in some instances with the potential to incorporate them within mixed use developments. It is appropriate that the concept strategy of the adopted Structure Plan be amended to highlight key community facilities. Further work will also be done on refining the implementation plan to outline more clearly the key initiatives coming from the structure plan particularly as they relate to the role of VicRoads and Department of Transport.

Officers in reviewing the draft Structure Plan have identified the need to further clarify the heights envisaged for Precinct B south of Central Avenue between Station Street and Tuck Street. It appears that the provisions of Precinct B clarify maximum heights for three of the four sub precincts but remains ambiguous with regard to the aforementioned sub precinct. A review of the adopted provisions of PLAN, the existing Design and Development provisions and the background research undertaken for the Structure Plan, indicates that this subprecinct was proposed to accommodate a sliding scale of heights from 7 storeys where the current building at 1001 Nepean Highway exists to 5 storeys on the corner of Station Street and Nepean Hwy and a maximum of 4 storeys to those properties located on the corner of Station Street and Central Avenue due to their property dimensions and to provide for consistency with adjoining sub precincts north of Central Avenue. Accordingly, it is proposed to amend the draft structure plan to further clarify heights in this sub precinct of Precinct B in Section 3.3.5, as detailed above.

Recommendation: That the concept strategy of the adopted Structure Plan be amended to highlight key community facilities.

That Council amend the Structure Plan at Section 3.3.5 to clarify maximum building heights of 7 storeys transitioning down to 5 and 4 storeys respectively for those properties south of Central Avenue between Station Street and Tuck Street and north of Redholme Street, Moorabbin.

5.3 Next Steps

The existing interim structure planning controls for the Moorabbin Activity Centre were based on the work undertaken by PLAN and were sought to provide immediate protection to the Moorabbin Activity Centre while a more detailed structure plan was being undertaken for the Centre. As highlighted previously, the interim structure planning controls are due to expire on 31 October 2011.

It is now recommended that Council adopt the Moorabbin Activity Centre Structure Plan and seek authorisation from the Minister of Planning to commence a Planning Scheme Amendment. The Amendment should:

§ Modify relevant Clauses of the Municipal Strategic Statement (MSS) to give recognition to the objectives for the future of the Moorabbin Activity Centre.

§ Review as appropriate zoning controls which apply to land within the study area.

§ Introduce planning provisions via the Activity Centre Zone to tackle issues relating to building heights, setbacks, public realm enhancements and key site development facilitation.

Council Officers are also presently giving consideration to what role development contributions mechanisms may play in supporting some of the initiatives identified in the structure plan. As further work is undertaken in this area additional advice will be provided to Council as to whether a future Planning Scheme Amendment would include modifications to the Kingston Planning Scheme to make provision for contributions.

6. Triple Bottom Line Checklist

§ **Environmental** – The vision and key projects identified in the Draft Moorabbin Activity Centre Structure Plan seek to encourage the development of alternate transport travel modes and encourage energy efficient building design and layout through appropriate planning guidelines for redevelopment. These guidelines are proposed to be translated into permanent planning controls.

§ **Social** – The vision for Moorabbin will improve the liveability of the area, increase opportunities for social interaction and improve transport choice. The introduction of permanent planning controls provides a mechanism to assure residents that matters of building scale, amenity, character and design will be considered and that new activity developments will not unduly impact on the liveability of the peripheral established residential neighbourhoods.

§ **Financial** – The Draft Moorabbin Activity Centre Structure Plan identifies the direction of the centre which will in turn improve the competitiveness of the centre by stimulating business and employment opportunities.

7. Recommendation

That Council resolve to:

1. Adopt the Moorabbin Activity Centre Structure Plan with the following changes as outlined in this report:
 - (a) That Council support the proposal to extend Central Avenue, and that an ultimate road alignment for Central Avenue to provide a vehicular link through to the Moorabbin Reserve be master planned, following adoption of the structure plan. That the Structure Plan be amended to remove reference to acquisition and conceptual alignments for the extension of Central Avenue, until such time as the master plan is completed.
 - (b) That Council proceed with the initiative to rezone and promote the redevelopment of Horscroft Place and adjoining commercial land fronting South Road through the initiation of a detailed amendment to the Kingston Planning Scheme.
 - (c) That the Concept Strategy and Section 3.3.1 of the Structure Plan be amended to include the “keep clear” at the Healey St and South Road intersection, and that Section 4 of the Structure Plan be amended to include key non statutory implementation measures as per ARUP’s further traffic study to reinforce to VicRoads suggested improvements to the road network in Moorabbin and for Council to undertake local road upgrades as appropriate.
 - (d) That the Concept Strategy be modified to illustrate a road through part of land at 382-384 South Road to provide for the new signalised intersection at Jasper and South Roads.
 - (e) That part of 382-384 South Road (lot between 374-378 and 390-392 South Road extending to the Right of Way and part of the car park immediately south of the Right of Way to extend the width of the Right of Way) be identified as a key acquisition sites in the implementation section of the adopted Structure Plan to provide for the new intersection at Jasper and South Roads, Moorabbin
 - (f) That the concept strategy of the adopted Structure Plan be amended to highlight key community facilities.

- (g) That the draft Structure Plan be amended at figure 7 to show an increased open space surrounding the station entry, and at figure 14 to reduce the number of new building footprints as part of the Axispace Project.
 - (h) That Section 4 of the Structure Plan be amended to introduce section 4.4 project implementation and timeframes to group projects into short, medium and long term projects and to identify indicative costs and funding sources which will enable co-ordination with Council's capital works budget and programme in accordance with the attached document to this report.
 - (i) That the Concept Strategy and Section 3.3.1 & 3.4.1 of the Structure Plan be amended to include consideration of how car parking is best provided as part of the future axispace development including options which involve both a multi level car park and the option as exhibited in the draft Structure Plan.
 - (j) That Section 3.3.1 of the structure plan be amended to include the potential for additional of parallel short term car parking along Station Street once it is changed to one way northbound
 - (k) That Council amend the Structure Plan at Section 3.3.5 to clarify maximum building heights of 7 storeys transitioning down to 5 and 4 storeys respectively for those properties south of Central Avenue between Station Street and Tuck Street and north of Redholme Street, Moorabbin.
2. That the community's comments in relation to Moorabbin Reserve relevant to the development of a masterplan, be forwarded to Council's Leisure and Culture Department for consideration.
 3. Support the initiation of a Planning Scheme Amendment and authorisation from the Minister for permanent planning controls for the Moorabbin Activity Centre based on the Moorabbin Activity

Crs Staikos/Athanasopoulos

That the matter be deferred to the Ordinary Council meeting on Monday 23 May 2011.

Carried

ATTACHMENT

Moorabbin

4.4 PROJECT IMPLEMENTATION & TIMEFRAMES

Co-ordinate Council's capital works budget and programme based on the list of priority projects:

Short Term Projects (2011-2015)

1. Bus Interchange
2. Central Avenue
3. Cycle Paths
4. Station to Park Connection

Potential Additional Funding

- (DoT)
- (DoT)
- (Adjacent developers)

Medium Term Projects (2016-2020)

5. Moorabbin Reserve
6. Station Street
7. Taylor Street
8. South Road

Potential Additional Funding

- (VicRoads)
- (VicRoads)
- (VicRoads)

Long Term Projects (2021-2030)

9. Station Square & Axispace
10. Avenue Place Plaza

Potential Additional Funding

- (State Government)
- (Adjacent developers)

Ongoing Projects (2011-2030)

11. Streetscape beautification & maintenance
12. Park beautification & maintenance
13. Building & maintenance

Potential Additional Funding

The total cost for Council to implement the capital works projects identified in the Moorabbin Activity Centre Structure Plan is assumed to be in the vicinity of \$10m - \$20m over a 20 year timeframe. A key catalyst action in the structure plan will be to priorities the detailed costing of short and medium term projects to then allow them to be incorporated into the Capital Works Program.

3. Summary and Conclusion

The development of the Draft Mentone Activity Centre Structure Plan has been a significant planning task for Council which has involved community consultation and detailed background analysis. The public consultation undertaken has provided an opportunity for the community to review and test the visions and objectives that have been developed through the consultation processes over recent years. The community has provided valuable input to the development of the plan and will continue to have input through the future planning scheme amendment process and the implementation of the ideas identified in the Structure Plan.

Council officers believe that the Draft Structure Plan presented to Council for adoption seeks to achieve a reasoned balance when reviewing the surveys and submissions and matters of relevant policy.

Council's adoption of the Draft Mentone Activity Centre Structure Plan will enable implementation actions to be progressed and will in turn allow Council to give consideration to the objectives and design guidelines contained within the Draft Structure Plan in assessing development proposals in the study area.

4. Consultation

The Draft Mentone Activity Centre Structure Plan was made available for public comment for a period of 6 weeks between 24 May until 9 July 2010. Community consultation included:

- § Making the Structure Plan available at the Highett, Cheltenham and Mentone Libraries, Cheltenham and Mentone Customer Service Offices and Council's website.
- § An information morning held on 9 June 2010 on Florence Street, Mentone.
- § An information session held on 5 June 2010 at Council's Offices in Mentone.
- § Direct notification to seven hundred and fifteen (715) landowners and occupiers within the study area, community groups, developers and authorities.
- § Articles in local media.
- § An article in Kingston Your City.
- § Presentations carried out with the Mentone Village Committee.
- § Presentations to and consultation with key stakeholders including Victrack, VicRoads, Department of Transport, Bayside City Council, Glen Eira City Council, Department of Planning and Community Development and key landowners.

5. Issues

5.1 Submissions

Consultation of the Draft Structure Plan generated a total of one hundred and one (101) submissions either through survey form (on line and hard copies) or written responses. A petition was also received in relation to open space in Mentone. A copy of the submissions received have been previously circulated to Councillors on 12 July 2010 and a copy is available for viewing in the Councillors Lounge.

An analysis of surveys and submissions received the following reflects the key themes that emerged.

5.3 Discussion of Submissions Received

§ *Traffic congestion*

Traffic congestion was overwhelmingly identified as a major issue in the Mentone Activity Centre, with Balcombe Road, Como Parade and the railway crossing area and the intersection of Florence Street, Mentone Parade and Como Parade West being the two major concerns. Council engaged traffic

consultants ARUP to undertake a detailed review of the existing traffic conditions to identify initiatives to address perceived constraints for pedestrians and vehicles seeking to access the Mentone Major Activity Centre. Two significant traffic interventions were presented in the draft Structure Plan for the community and key stakeholders to provide comment upon. These were to:

§ Create a new peripheral road network from Brindisi Street to Balcombe road providing direct vehicle connection into the reformatted car parks located to the rear of Como Parade West and Mentone Parade retail premises

§ Transforming the intersection of Mentone Parade, Como Parade West and Florence Street to provide for pedestrian oriented slow points

In its analysis of the centre, and establishing the proposed changes to the existing road network, ARUP assessed a number of different proposals to identify the most appropriate, traffic operational arrangements, this included consideration of a clearway to Balcombe Road during peak periods to provide for an additional lane to cater for the increased demands, different alignment options for the peripheral road including the consideration of the greater use of existing local roads (eg Davies Street), the creation of a new at grade level crossing south of the railway station with a new local road extending Swanston Street through the railway car park directly into the island intersection, and a number of other such measures. These are outlined in detail in the background report prepared by ARUP and are measured against the preferred option, favoured for its ability to achieve the desired urban design outcomes, reduce pedestrian and vehicle conflict, reduce the need for new roads and thus acquisition costs and improve vehicle congestion during peak periods.

The two options for transforming the intersection were identified as part of the Recreating Mentone project based on the proposed peripheral road connection proceeding. They are summarised as follows:

§ Option 1 – Shared Space – converts the area in front of the Kilbreda Tower and around the heritage island into a shared space (a roundabout with reduced car lane widths around the island building) to better manage pedestrian and vehicular demands and safety in this area.

§ Option 2 – Bus Lane – changes the existing road space between Florence Street and Mentone Parade on Como Parade West becomes a pedestrian zone and is blocked to vehicles. Mentone Parade from Balcombe Road to the island building becomes a no through for vehicles except for buses running along Como Parade West that will use the bus only lane along Mentone Parade.

The development of either option as outlined above is a significant initiative of the Draft Mentone Activity Centre Structure Plan. The initiative seeks to create enhanced pedestrian space for people to meet and relax and safely walk through the centre. The initiative will allow people to interact with the historic station and buildings in the centre and allow pedestrians to safely access the island building, retail premises on Como Parade West, Mentone Parade and Florence Street in an enhanced urban environment with significant upgrades to the public realm. Officers see this as a critical intervention in order to try and create amenity improvements for Mentone and to strongly differentiate its role from that of a car based retail centre such as the nearby recently developed Thrift Park Centre.

There is apparent strong support for Council to improve traffic circulation through Mentone, however, mixed responses were however received in relation to the options put forward. Those concerned with the shared space raised issues associated with safety and those concerned with the bus lane option raised issues associated with no vehicular through access. Officers consider that issues associated with safety are addressed through the detailed design process and the significantly lower speeds and eventually lower traffic volumes through this space substantially improve the safety and amenity for pedestrians. With the changes sought at this intersection it is anticipated that many through vehicles will seek to maximise use of the peripheral road which will be the preferred route for those not wishing to slow down, visit retail

premises or seek to navigate their way through significant pedestrian traffic generated by the high number of schools and visitors to the centre alike.

With regard to the identified concerns raised by submissions at the Balcombe Road, Como Parade and railway intersection, further analysis was undertaken by ARUP. This work has identified the need for changes at this intersection and further along Balcombe Road at the intersection of the new peripheral road in order to reduce traffic congestion (queue lengths) both along Balcombe Road and Como Parade. The initiatives proposed include removing the existing roundabout and replacing it with a signalised intersection that is coordinated with the boom gates at the level crossing, removing the existing pedestrian lights on Balcombe Road and signalling the intersection of the new peripheral road with Balcombe Road. These changes will allow through traffic to use the peripheral road even during peak periods when traffic volumes are at their greatest through a dedicated right hand turn lane onto the new peripheral road. The changes will also allow traffic volumes along Balcombe Road and Como Parade to be more easily cleared particularly following the departure of trains during peak periods. These initiatives have been presented to VicRoads who have indicated their support provided that the Shared Space option is pursued allowing through traffic on Como Parade West to be maintained.

Recommendation: That Council amend the Structure Plan at section 3.3.3 and delete figure 12 to provide for the Shared Space Option only as Council's preferred option for the Recreating Mentone initiative.

That

Council amend the Structure Plan at section 3.3.1 to delete figures 5 and 6 and replace them with a new figure that provides for the signalisation of the intersections of Balcombe Road with Como Parade and the new peripheral road and Balcombe Road.

That

Council amend the concept strategy at figure 4 to account for the above two recommendations.

That

Council amend section 4 of the Structure Plan to include detailed implementation on the delivery of the Recreating Mentone initiative and proposed traffic initiatives to deliver improved traffic conditions to Mentone.

§ Parking

The submissions received highlight parking as another issue for the Mentone Activity Centre. Many of the submissions received raised concern regarding the loss parking car and that the Structure Plan does not provide for the provision for additional car parking within the Centre.

In relation to the proposed redevelopment of the at grade car parks at Granary Lane and Old Bakery Lane, the Draft Structure Plan clearly stipulates the retention of the existing public parking and providing for future parking demands through its redevelopment in basement levels. The provision of additional car parking clearly needs also to be considered against the environmental cost both in construction and use of providing extra parking that discourages other forms of accessing the activity centre. Further analysis is also required as to quantifying the implications in relation to car visitation into Mentone from the catchment contained on the inland side of the Nepean Highway based on the now completed Thrift Park development.

With regard to identified concerns about the loss of car parking in the centre due to identified initiatives of the draft Structure Plan, Council has undertaken parking studies to determine current weekday and

weekend occupancy rates, which have identified capacity within the centre and thus the ability to deliver key projects arising from the structure plan. The draft Structure Plan indicates that on street car parking in the centre is under utilised with average occupancy rates of 40-70% on both weekdays and weekends, and the Old Bakery Lane car park south of Florence Street peaks at 60% -70% capacity at comparable times and days.

The initiatives stemming from key urban design and traffic treatments will require the loss of some short term car parking throughout the centre. It is envisaged that the loss of this short term car parking can be accommodated elsewhere in the centre given existing conditions as mentioned above do not indicate 100% occupancy rate for the available short term car parking the centre currently. More importantly, Officers through the further work undertaken, have sought to identify opportunities to replace car parking spaces in the centre. Increased car parking has been identified through basement car parking predominantly in the redevelopment of the strategic redevelopment site (predominantly Council owned at grade car park) between Balcombe Road and Florence Street, and opportunities exist to possibly alter the configuration of existing car parking close to the precinct to possibly provide for disabled car parking spaces should there be a need identified. Officers have further examined the shared space initiative to determine the ability to cater for short term car parking within this section of Mentone. Preliminary design options indicate that due to the road configurations, the turning circles required for larger vehicles and the basis of the project being centred around increasing the public pedestrian spaces by widening footpaths to introduce car parking would be problematic and would compromise the design integrity of the project and its safety. This option will be further explored through detailed design although officers do not recommend any changes to the draft structure plan to mandate the provision of car parking in the shared space initiative.

Comments received in relation to the provision of car parking in new private development are considered to be best assessed as part of new development proposals which are advanced in the Activity Centre.

The Draft Structure Plan also indicates the provision of a multi-deck car park to the east side of the railway line to provide for growth in commuter parking demand. Council Officers consider that the development of the car park to provide for commuter demand is a matter for the State Government based on an analysis of anticipated demand.

Recommendation: That future detailed design of the shared space concept give consideration to where it is most appropriate to replace disabled car parking spaces within the immediate precinct.

§ Patterson Lane

The draft plan identified an initiative that would make Patterson Lane a one way lane accessed via the current single width lane immediately opposite Woolworths on Balcombe Road. This initiative would require Patterson Lane to be extended to link to Baclombe Road immediately west of the railway reserve thus providing a circular movement, and easier access and egress. Further investigations have been undertaken in regard to the cost and benefit of this project and it is unlikely to be feasible. Council has indicated that should land become available in the future that it would consider options to improve connections with regard to Patterson Lane and adjoining properties. Accordingly it is recommended that the structure plan be modified to highlight that Council consider opportunities to improve traffic circulation in and out of Patterson Lane should land become available.

Recommendation:

That

Council delete initiatives pertaining to Patterson Lane from the Structure Plan at figure 4, section 3.3.1 and figures 5 & 6.

That Council amend the Concept Strategy – Figure 4, to include a notation stating that Council will explore opportunities to improve the access into and from Patterson Lane should land become available in which to assist this objective.

§ *Building Heights*

Some submissions received identify building heights as another issue for the Mentone Activity Centre. Submissions received raised concern regarding the maximum heights proposed citing a view that development of significant scale to be out of character in Mentone and its consequential impacts on the adjacent residential area.

The existing interim Design and Development Overlay (Schedule 18) for the Mentone Activity Centre provides for varying building heights throughout the centre. These heights were developed following a detailed examination of the topography of the land, the size and dimension of lots in the Centre, existing planning scheme provisions and restrictions, and view to significant Mentone landmarks. The heights proposed in the draft Structure Plan have been based on those which currently exist in Schedule 18 of the Design and Development Overlay with some changes to the setbacks to ensure more appropriate design outcomes are achieved particularly on key sites that may accommodate increased heights in locations substantially removed from adjoining established residential areas. Having further reviewed submissions it is considered that a basis exists for reviewing the suggested building heights south of Florence Street at the rear of retail properties fronting Mentone Parade and adjoining existing residential areas. Officers believe that whilst this site is identified as a key strategic redevelopment site in the draft Structure Plan and one that the Department of Planning and Community Development consider appropriate for substantial heights and mixed use outcomes, the proposal to now not be reliant on the peripheral road in this area means that appropriately managing the transition to the adjacent residential areas becomes an increasingly important consideration. This would still achieve a mixed use development thereby providing for the activation of street frontages, retaining and increasing car parking levels and providing for office or residential development in upper levels.

It is recommended therefore that the development provisions stated in precinct B of the structure plan for this strategic redevelopment site be amended to ensure that buildings be setback a sufficient distance from side and rear boundaries where abutting existing residential areas to provide for generously dimensioned disconnection to account for amenity matters. Accordingly, it is considered that setbacks should generally be in accordance with ResCode, however the fourth storey should be setback a minimum of 9 metres to provide for increased distances between existing residential areas and the highest component of the built form on this site. This would effectively provide for the equivalent of three storeys closest to established residential areas which is equal to that achievable should the strategic redevelopment site have been identified as a site within a Residential Zone.

With regard to the maximum building heights for precincts adjoining established residential areas, including existing residential areas within the centres boundary, Officers specifically sought to limit heights in accordance with expressed community views about an appropriate transition in such areas. Under the Draft Structure Plan Precinct C which provides for 3 storeys is limited to two key locations within the study area, the Council owned depot site which is residentially zoned in Collins Street and properties in Remo Street. The 3 storey heights proposed in Precinct C can only be achieved on larger consolidated land parcels. Moreover, the precinct centred around Remo Street has also been identified for

future expansion of open space but included in Precinct C to ensure that should development proceed in this area (which is not the direction recommended) development scale is appropriately controlled. Precinct D which provides for existing heights in accordance with Council's residential policy, has been applied to existing residential areas included in the study boundary. Precincts B and E both provide for maximum 4 storey development with third storey setbacks. These two precincts abut existing residential areas but are relatively limited in area, have substantial setbacks proposed in the precinct provisions, and seek to provide for increased surveillance opportunities on key sites. Through design mechanisms it is anticipated that heights can transition down to residential properties directly abutting these precincts. Lastly, as outlined above, the key strategic redevelopment site south of Florence Street and north of Brindisi Street is proposed to be altered to a maximum of four storeys with design provisions and setbacks to eliminate bulk, and to step down any future development to its adjoining residential interface given the removal of the peripheral road.

Recommendation: That the adopted Structure Plan be amended with respect to preferred maximum building heights for the key strategic redevelopment site centred around south of Florence Street and north of Brindisi Street at the rear of the retail premises fronting Mentone Parade to a maximum of four storeys. That Section 3.3.5 – be amended at Precinct B to clarify that side and rear setbacks on the strategic redevelopment site accord with ResCode provisions and that the fourth storey must be setback a minimum of 9 metres from established residential areas.

§ Open Space

A number of projects identified by the draft Structure Plan seek to increase the form, provision and location of open space within Mentone. Some submissions including a petition received identify concerns with the amount of open space north of Balcombe Road and its prayer read

We the undersigned residents of Mentone request that Council retain the Council owned Collins Street Depot site for future open space. The immediate area surrounding the Depot has less open space pro rata than anywhere else in the City of Kingston. Well under the 2.4 hectare per 1000 residents, standards as assessed in the 2005 Open Space Strategy.

The draft Structure Plan identifies a sizeable area north of Balcombe Road to provide for the recommendations of the Kingston Open Strategy to increase open space. The location of the proposed open space has been chosen on the basis of its accessibility to its intended catchment, safety (including surveillance), orientation to the north, ability to provide a relationship to planned complementary land uses and high accessibility to the majority of residents north of Balcombe Road. In relation to Collins Street Depot this site was not favoured on the basis that the connections to it are not ideal, a poor level of passive surveillance (and as such user safety) exists when compared with the preferred location and its position in the catchment it is intended to serve is not ideal.

The Collins Street depot site is still however located north of Balcombe Road where the Open Space Strategy identifies a deficiency in open space, thus it remains an option for future open space.

A key initiative stemming from the draft Structure Plan is the possible expansion of the Mentone Recreation Reserve, utilising existing Council owned land in Remo Street, and potential relocation of the Mentone lawn bowls facility from Balcombe Road to Remo Street. Preliminary discussions with representatives of the Mentone Lawn Bowls Club indicate some willingness for the club to engage in discussions with Council for the potential relocation to Remo Street and as such an ability to develop a closer relationship with other sporting clubs in Mentone thereby providing opportunities for shared club facilities and increased patronage. This will require the future acquisition of a residential property in

Remo Street located at 11 Remo Street, Mentone, for the purposes of future open space in accordance with this initiative of the structure plan. The consequence of such an outcome involving the bowling club is to also provide opportunities for new open space to be provided on the north side of Balcombe Road in a strategic location.

Further open space enhancements and the creation of new open spaces are outlined in the draft Structure Plan. In particular is the creation of an extended open space area on Florence Street to provide for increased passive recreation in the core of the activity centre.

Recommendation: That the adopted Structure Plan remain consistent with the draft Structure Plan with respect to the locations it identifies for enhancements to the open space and recreational network in Mentone.

That the

all references in the Structure Plan be amended to highlight the Collins Street Depot site as ‘Council Owned Land’.

§ Grade Separation of Railway

The survey results and submissions received identify the at-grade rail crossing within the Mentone Activity Centre as the major cause for traffic interruptions and delay. There is strong support for the provision for grade separation at the level crossing. Discussions with the Department of Transport have indicated that grade separation for the Mentone railway crossing is not a high priority. The Structure Plan does however not prevent this opportunity from being considered in the longer term should Government Policy change recognising that the station retains State significant heritage attributes.

§ Pedestrian spaces and safety

A few submission raised safety of proposed new pedestrian spaces and laneways as a concern. Whilst officers believe that such concerns can be addressed through detail design, the draft Structure Plan clearly states that new development fronting laneways must provide for active frontages and urban design treatments and facades to be inclusive of treatments that allow surveillance of pedestrian spaces to ensure safety of users both during the day and night. Many examples now exist around Melbourne where the activation of laneways has brought significant vitality to activity centres.

§ Other Issues

Community Garden

Some submissions have expressed the desire for the adopted Structure Plan to retain and support the community garden as a key facility in Mentone. Whilst not explicit in the draft Structure Plan, the community gardens are seen as an important community asset in Mentone. Opportunities exist to undertake a future master plan for the Mentone Recreation Reserve to determine how the different active and passive activities can best be accommodated in what is recommended to be an expanded reserve utilising sites acquired in Remo Street.

Recommendation:

That

submissions received in relation to the Community Garden be forwarded to Council’s Leisure and Culture Department for consideration in future master planning of the Mentone Recreation Reserve.

Preservation of heritage assets

Underpinning the development of the draft Mentone Structure Plan is the need to conserve, protect and enhance the valued heritage assets of the Mentone Activity Centre. Some submissions raised concern

that the initiatives of the draft Structure Plan with particular consideration to future development and proposed building heights, would negatively impact on the area's valued heritage assets. Council's heritage consultant was engaged during the development of the draft Structure Plan to ensure that all proposed initiatives would not negatively impact on identified heritage buildings. In fact significant thought through the structure planning work has been put into understanding how, through projects such as Recreating Mentone greater opportunities to enhance the setting and experience of these buildings could occur. Particular focus has been given to allowing pedestrians the ability to more safely interact with the heritage island building and to view adjoining heritage buildings on all corners at the intersection of Florence St, Como Parade and Mentone Parade safely. Proposed building heights suggested in the draft Structure Plan have been reviewed by Council's heritage consultant that has considered them to be acceptable and appropriate recognising the value particularly of the above mentioned cluster of buildings in Kingston.

Property acquisition

The draft Mentone Structure Plan identified a new peripheral road network from Brindisi Street to Balcombe Road providing direct vehicular access into new parking stations as a key initiative to relieve existing traffic congestion in Mentone. This initiative would have required the potential acquisition of residential property to achieve the desired outcome identified in the draft structure plan. Further work undertaken by ARUP has identified alternative vehicular options whilst still providing for the improved traffic conditions without the need to introduce the Public Acquisition Overlay to residential land.

The new peripheral road, as identified by ARUP, particularly that section north of Florence Street, would require some property acquisition to be appropriately delivered. A closer review of the properties and their boundaries between Florence Street and Balcombe Road has identified that the existing vehicular link through the car parking is in part owned by a private party and will require some acquisition in order to formalise and provide for the new peripheral road (see attachment).

A further initiative of the draft structure plan has been to create major pedestrian connections with activated frontages at Old Bakery Lane and Granary Lane behind the shops fronting Mentone Parade. This initiative will formalise an existing pedestrian route and create an enhanced urban environment for users of this space. The section at the rear of the existing Coles supermarket and north up to the museum is currently confined and has significant pedestrian and vehicular conflicts. Given the property boundaries in this part of Mentone and that Council currently owns the rear of some of the retail tenancies fronting Mentone Parade, it is proposed to acquire the rear portion of four properties to widen the laneway and create over time create safe and user friendly pedestrian connection between Brindisi Street and Florence Street (see attachment).

Recommendation:

That the

Structure Plan be amended to identify the potential acquisition of the rear of four retail premises (90, 107, 109 and 113 Mentone Parade, Mentone) between Brindisi and Florence Street to create the pedestrian connection at the rear of the shops adjoining the Old Bakery Lane car park.

That the

Structure Plan be amended to identify the potential acquisition of part of 105-111 Balcombe Road, Mentone to create the new peripheral road between Florence Street and Balcombe Road, Mentone.

Existing Community Buildings

The Mordialloc Art Group have articulated their desire to stay in their current location for a range of reasons including access proximity to shops and transport. The draft Structure Plan indicates the

relocation of the group to new premises. The building the group currently occupy is owned and managed by the City of Kingston. Recent building condition reports have identified ongoing structural concerns. Estimates received to repair and ultimately maintain the current building outweigh the benefits to its retention. Consequently the building is identified to be demolished and thus the group is required to relocate in the short to medium term.

Officers have given further consideration to the extent of well established community activities in the Mentone Activity Centre and believe that the above mentioned activities could be consolidated into a focussed 'community activity precinct' in the area bordered by Mentone Parade, Brindisi Street and Venice Street by better utilising the existing community buildings. The opportunities to enhance the provision of services to the community in a centralised location within the Activity Centre and adjacent to the Keith Styles Reserve is seen as an important initiative to come from the Structure Plan.

Recommendation: That the Structure Plan be amended to identify the development of a defined community activity precinct in the area generally bordered by Brindisi Street, Mentone Parade and Venice Street to provide for the transition over time of the consolidation of existing community and civic activities.

Pedestrian access through Kilbreda

Submissions from representatives of Kilbreda College have expressed concern with regard to the proposed pedestrian access through the school grounds on the basis that the land is privately owned, security and safety of students. Officers consider these concerns to be valid and as such recommend the deletion of the pedestrian access from the adopted Structure Plan.

Recommendation: That the Structure Plan be amended to delete references of a pedestrian access link through Kilbreda College at figure 4.

Traders concerns

A submission identified the loss of passing trade due to the Recreating Mentone initiative including delivery and loading issues for such retail premises. The Recreating Mentone initiative identifies a shared space concept around the island building at the intersection of Como Parade West, Mentone Parade and Florence Street. This initiative does not preclude or seek to draw passing trade away from established retail premises but rather allow for more significant pedestrian spaces to all retail premises fronting this intersection. Officers acknowledge that a reduction in car parking would occur though consider this needs to be carefully weighted against the urban enhancements achieved through pursuing the shared space option. Concerns regarding the loading and unloading of delivery vehicles are considered best dealt with during the detailed design stage of the delivery of the project and have been accommodated in similar instances in similar exercises around Melbourne.

Department of Planning and Community Development

The Department of Planning and Community Development provided comment in relation to study area defined by the Draft Structure Plan and suggested the need to expand the study area to provide for increased densities. The Draft Mentone Activity Centre Structure Plan has been devised considering the adjoining residential areas noting that unlike many other Activity Centres the peripheral residential areas around the centre already contain a high degree of housing variety including a substantial amount of medium density housing introduced over the past few decades.

The Department of Planning and Community Development's submission raises concern with the vision of the Draft Structure Plan lacking clarity and requiring it to be more consistent with State Policy and promote mixed use development including residential throughout the Activity Centre. It is considered that the vision contained in the Draft Structure Plan is appropriate for the Mentone Activity Centre and it has received support from the submissions received. The objectives contained in the Draft Structure Plan identify future aspirations for housing, office, business mix, retail, entertainment etc.

The Department of Planning and Community Development has also stated that the heights and setbacks proposed for buildings within the Draft Mentone Activity Centre Structure Plan should include a separate plan and objectives for each precinct or sub-precinct. It is considered that the Draft Structure Plan is clear in terms of its maps, objectives and proposed heights and setbacks, in addition the background report provides more information in this regard.

The Department of Planning and Community Development has expressed concern with the detail provided in the Implementation Section and has voiced concerns with the ability to provide for the shared space option in this centre. It is considered appropriate that further detail, now undertaken, be included in Section 4 of the Implementation component of the Structure Plan.

Recommendation: That the Structure Plan be amended to provide more detail in Section 4 in relation to the implementation initiatives relating to the traffic initiatives required in Mentone.

5.4 Next Steps

The existing interim structure planning controls for the Mentone Activity Centre were generally based on the work undertaken by PLAN and were sought to provide immediate protection to the Mentone Activity Centre while a more detailed structure plan was being undertaken for the Centre. As highlighted previously, the interim structure planning controls are due to expire on 31 October 2011.

It is now recommended that Council adopt the Mentone Activity Centre Structure Plan and seek authorisation from the Minister of Planning to commence a Planning Scheme Amendment. The Amendment should:

- § Modify relevant Clauses of the Municipal Strategic Statement (MSS) to give recognition to the objectives for the future of the Mentone Activity Centre.
- § Review as appropriate zoning controls which apply to land within the study area.
- § Introduce planning provisions via the Activity Centre Zone to tackle issues relating to building heights and setbacks.

Council Officers are also presently giving consideration to what role development contributions mechanisms may play in supporting some of the initiatives identified in the structure plan. As further work is undertaken in this area additional advice will be provided to Council as to whether a future Planning Scheme Amendment would include modifications to the Kingston Planning Scheme to make provision for contributions.

6. Triple Bottom Line Checklist

§ **Environmental** – The vision and key projects identified in the Draft Mentone Activity Centre Structure Plan seek to encourage the development of alternate transport travel modes and encourage energy efficient building design and layout through appropriate planning guidelines for redevelopment. These guidelines are proposed to be translated into permanent structure planning controls.

§ **Social** – The vision for Mentone will improve the liveability of the area, increase opportunities for social interaction and improve transport choice. The introduction of permanent structure planning controls provides a mechanism to assure residents that matters of building scale, amenity, character and design will be considered and that new activity developments will not unduly impact on the liveability of their neighbourhood.

§ **Financial** – The Draft Mentone Activity Centre Structure Plan identifies the future direction of the centre by providing for a number of initiatives that will provide investment into Mentone and seek to reinforce its role as a Major Activity Centre.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

Crs West/Dundas

That the matter be deferred to allow further consultation with the traders and property owners generally in the boundary of the draft Mentone Structure Plan.

Carried

APPENDIX

4.4 PROJECT IMPLEMENTATION & FUNDING

Co-ordinate Council's capital works budget and programme based on the list of priority projects:

Short Term Projects (2011-2015)

1. Peripheral Road
2. Recreating Mentone
3. Cycle Paths
4. Active Rear Laneways

Potential Additional Funding

- (VicRoads)
- (DoT/DCPD)
- (DoT)
- (Adjacent developers)

Medium Term Projects (2016-2020)

5. Station Entrance
6. Swanston/Collins Open Space
7. Remo Street & Buildings
8. Mentone Recreational Reserve

Potential Additional Funding

- (DoT)

Long Term Projects (2021-2030)

9. Balcombe Road Intersection
10. Florence Street Plaza & Building

Potential Additional Funding

- (VicRoads)

Ongoing Projects (2011-2030)

11. Streetscape beautification & maintenance
12. Park beautification & maintenance
13. Building & maintenance

Potential Additional Funding

The total cost for Council to implement the capital works projects identified in the Mentone Activity Centre Structure Plan is assumed to be in the vicinity of \$10m - \$20m over a 20 year timeframe. A key catalyst action in the structure plan will be to priorities the detailed costing of short and medium term projects to then allow them to be incorporated into the Capital Works Program.

**City of Kingston
Planning Committee Meeting**

Minutes

18 May 2011

There being no further business the meeting closed at 8.17pm

Confirmed..... His Worship, The Mayor 22 June 2011