

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**23 March 2011**

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A Planning Committee Meeting of Kingston City Council was held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 23 March 2011.

**1. Apologies**

**2. Confirmation of Minutes of Previous Meeting**

Minutes of Planning Committee Meeting of 7 February 2011.

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

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

**4. Environmental Sustainability Reports**

PC10	Town Planning Application Decisions – February 2011	Page 2
PC11	KP753/10 – No 221 – 223 Thames Promenade Chelsea	Page 12
PC12	KP423/10 – Unit 13/1 – 3 James Street, Mordialloc	Page 33
PC13	KP763/10 – Unit 14/1 – 3 James Street, Mordialloc	Page 50
PC14	KP624/10 – 146-148 Centre Dandenong Road, Dingley Village	Page 66

**City of Kingston  
Planning Committee Meeting**

**Minutes**

**23 March 2011**

Minutes of the Planning Committee Meeting of Kingston City Council held at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 28 February 2011 which commenced at 7.04pm.

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

**In Attendance:** John Nevins – Chief Executive Officer  
Ian Nice – Manager Statutory Planning  
Phil De Losa – Program Leader Governance

**1. Apologies**

Cr. Paul Peulich  
Cr. Rosemary West OAM

**Crs Staikos/Dundas**

That the apologies be noted.

**Carried**

**2. Confirmation of Minutes of Previous Meetings**

Minutes of Planning Committee Meeting 7 February 2011

**Crs Athanasopoulos/Staikos**

That the minutes of the Planning Committee Meeting 7 February 2011 be adopted

**Carried**

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

Nil

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**4. Environmental Sustainability Reports**

**PC 10 Town Planning Application Decisions – February 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 February 2011.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	66	63
Notice of Decision	9	8
Refusal to Grant a Permit	7	8
Other - Withdrawn (2) - Prohibited (0) - Permit not required (15) - Lapsed (5)	22	21
<b>Total</b>	<b>104</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

**Crs Ronke/Staikos**

That the recommendation be adopted

**Carried**

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<b>Planning Decisions February 2011</b>							
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP-823/2010	10 YORK STREET	BONBEACH	15/11/2010	2/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-865/2010	5 SERPENTINE COURT	WATERWAYS	29/11/2010	2/02/2011	SINGLE DWELLING	PERMIT ISSUED	NO
KP-275/2010	56-62 COCHRANES ROAD	MOORABBIN	11/05/2010	2/02/2011	USE AND DEVELOPMENT LAND FOR INK MANUFACTURING & DISTRIBUTION	PERMIT ISSUED	NO
KP-696/2010	5 CHANDLER STREET	PARKDALE	1/10/2010	2/02/2011	CHANGE OF USE - YOGA FITNESS STUDIO	PERMIT ISSUED	NO
KP-721/2010	1144 NEPEAN HIGHWAY	HIGHETT	22/10/2010	2/02/2011	BUILDINGS AND WORKS	PERMIT ISSUED	NO
KP-889/2010	15 WESTBRIDGE COURT	WATERWAYS	9/12/2010	2/02/2011	SINGLE DWELLING ON LAND SUBJECT TO INUNDATION OVERLAY	PERMIT ISSUED	NO
KP-776/2010	38 DAHMEN STREET	CARRUM	28/10/2010	2/02/2011	DWELL EXT ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-720/2010	52 SECOND STREET	PARKDALE	12/10/2010	3/02/2011	DWELLING EXT.	PERMIT ISSUED	NO
KP-389/2010	17-21 KILPA ROAD	MOORABBIN	22/06/2010	3/02/2011	OFFICE/WAREHOUSE & ASS. CARPARKING	PERMIT ISSUED	NO
KP-878/2010	1 38 MERNDA AVENUE	BONBEACH	6/12/2010	3/02/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-918/2010	25 NORTH SHORE DRIVE	PATTERSON LAKES	23/12/2010	3/02/2011	FOUR (4) LOT SUBDIVISION - VARY EASEMENT - STAGE 30	PERMIT ISSUED	NO

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<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP-773/2010	1 87 VALETTA STREET	CARRUM	13/11/2010	7/02/2011	DWELLING EXTENSION ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-836/2010	43 SPRINGS ROAD	CLAYTON SOUTH	23/11/2010	8/02/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-62/2010	12 FIFTH AVENUE	ASPENDALE	9/02/2010	8/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	YES
KP-265/2010	45 GOLF VIEW ROAD	HEATHERTON	5/05/2010	8/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-742/2010	10 BLACK SWAN LANE	WATERWAYS	18/10/2010	8/02/2011	SINGLE DWELLING	PERMIT ISSUED	NO
KP-371/2010	333 NEPEAN HIGHWAY	PARKDALE	11/06/2010	8/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-669/2010	27 LUNTAR ROAD	OAKLEIGH SOUTH	24/09/2010	8/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-788/2010	35-37 CANTERBURY ROAD	BRAESIDE	1/11/2010	8/02/2011	EIGHTEEN (18) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-331/2010	2 POULSON STREET	CARRUM	31/05/2010	9/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-208/2010	4 182 NEPEAN HIGHWAY	ASPENDALE	15/04/2010	9/02/2011	DWELLING EXTENSION	PERMIT ISSUED	NO
KP-642/2010	120-124 WOODLANDS DRIVE	BRAESIDE	14/09/2010	9/02/2011	FACTORY/OFFICE/WAREHOUSE DEVELOPMENT WITH REDUCTION IN CARPARKING	PERMIT ISSUED	NO

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<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP-877/2010	49-55 WOODLANDS DRIVE	BRAESIDE	3/12/2010	10/02/2011	BUILDINGS & WORKS	PERMIT ISSUED	NO
KP-49/2010/A	WOODLANDS DRIVE	BRAESIDE	29/07/2010	10/02/2011	ALTERATIONS TO EXISTING EASEMENT AND TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-14/2011	5 WARATAH AVENUE	MORDIALLOC	7/01/2011	10/02/2011	DWELLING EXTENSION ON LAND SUBJECT TO SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-715/2010	5-6 598-618 MAIN STREET	MORDIALLOC	11/10/2010	10/02/2011	BUILDINGS & WORKS	PERMIT NOT REQUIRED	NO
KP-508/2010	4 AVON STREET	MOORABBIN	29/07/2010	10/02/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-766/2010	10 FLINDERS STREET	MENTONE	27/10/2010	10/02/2011	FOUR (4) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-650/2010	2 EWAR STREET	MOORABBIN	17/09/2010	10/02/2011	USE LAND FOR TEMPORARY STORAGE	PERMIT NOT REQUIRED	NO
KP-756/2010	365 LOWER DANDENONG ROAD	MOORABBIN AIRPORT	21/10/2010	10/02/2011	BUILDINGS & WORKS	PERMIT NOT REQUIRED	NO
KP-683/2010	1 483 NEPEAN HIGHWAY	CHELSEA	21/09/2010	10/02/2011	REDUCTION IN CARPARKING	PERMIT NOT REQUIRED	NO
KP-734/2010	33-35 WARRIGAL ROAD	MENTONE	14/10/2010	10/02/2011	PLEASE REFER TO KP640/10	PERMIT NOT REQUIRED	NO

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KP-673/2010	6 14 YORK STREET	BONBEACH	29/09/2010	10/02/2011	CONSTRUCT AN EXTENSION TO A DWELLING (VERANDAH) ON A LOT LESS THAN 300M2	PERMIT NOT REQUIRED	NO
KP-793/2010	1 24 ROBERT STREET	PARKDALE	9/11/2010	10/02/2011	DWELLING EXTENSION	PERMIT NOT REQUIRED	NO
KP-117/2010	116-118 WHITE STREET	MORDIALLOC	5/03/2010	10/02/2011	NINETEEN (19) DWELLINGS	PERMIT ISSUED	YES
KP-818/2010	7A COLLINS STREET	MENTONE	12/11/2010	11/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-757/2009	20 BARKER STREET	CHELTENHAM	19/11/2009	11/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-221/2010	13 AONACH STREET	CLAYTON SOUTH	14/04/2010	14/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-632/2010	198 OLD DANDENONG ROAD	HEATHERTON	9/09/2010	14/02/2011	ONE NEW BUILDING (FARM SHED)	PERMIT ISSUED	NO
KP-674/2009	27 JOHNSTON STREET	MENTONE	13/10/2009	14/02/2011	2 LOT SUBDIVISION	PERMIT ISSUED	NO
KP-280/2010	49 KALIMNA STREET	CARRUM	12/05/2010	14/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-350/2010	10 THE PARADE	CLARINDA	7/06/2010	14/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-499/2010	23 MOUNT VIEW STREET	ASPENDALE	27/07/2010	14/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-821/2009	31-33 ARGUS STREET	CHELTENHAM	11/12/2009	15/02/2011	FOUR (4) DWELLINGS	PERMIT ISSUED	YES

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KP-908/2010	1 57-59 GOLDEN AVENUE	CHELSEA	17/12/2010	15/02/2011	TEN (10) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-525/2010	66 WHATLEY STREET	CARRUM	6/08/2010	15/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-465/2010	27 HEALEY STREET	MOORABBIN	13/07/2010	15/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-771/2009	4 COOMA STREET	MOORABBIN	23/11/2009	15/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-469/2010	619B NEPEAN HIGHWAY	CARRUM	16/07/2010	16/02/2011	FOUR (4) DWELLINGS	PERMIT ISSUED	NO
KP-518/2010	157 PARK ROAD	CHELTENHAM	3/08/2010	16/02/2011	FOUR (4) STOREY MIXED USE DEVELOPMENT	REFUSED	NO
KP-132/2008	23 WARRIGAL ROAD	MENTONE	25/01/2008	16/02/2011	2 DWELLINGS	PERMIT ISSUED	NO
KP-547/2010	358A SOUTH ROAD	MOORABBIN	6/08/2010	17/02/2011	ONE HUNDRED AND THREE (103) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-839/2009	22 EDEN STREET	CHELTENHAM	21/12/2009	17/02/2011	TWO (2) DWELLINGS	LAPSED	NO
KP-467/2010	3 58 COLLINS STREET	MENTONE	14/07/2010	17/02/2011	CONSTRUCT AN EXTENSION TO A DWELLING (VERANDAH) ON A LOT LESS THAN 300SQM	LAPSED	NO
KP-273/2009	2-6 CENTREWAY	MORDIALLOC	29/04/2009	17/02/2011	ALTS & ADDS - BALCONY & DOOR	LAPSED	NO
KP-617/2010	35 HINKLER ROAD	MORDIALLOC	3/09/2010	17/02/2011	WAREHOUSE	LAPSED	NO
KP-855/2008	20A ELLA GROVE	CHELSEA	12/09/2008	17/02/2011	EXTENSION TO A DWELLING - FRONT FENCE	PERMIT NOT REQUIRED	NO



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KP-482/2010	2 LA PEROUSE BOULEVARD	BONBEACH	22/07/2010	17/02/2011	DWELLING EXTENSION (VERANDA)	PERMIT NOT REQUIRED	NO
KP-204/2010	123 MCDONALD STREET	MORDIALLOC	9/04/2010	17/02/2011	REMOVE SECTION 173 AGREEMENT	PERMIT NOT REQUIRED	NO
KP-777/2010	30 OLD DANDENONG ROAD	OAKLEIGH SOUTH	28/10/2010	17/02/2011	CHANGE OF USE - BEAUTY SALON	PERMIT NOT REQUIRED	NO
KP-573/2003/A	248-264 OSBORNE AVENUE	CLAYTON SOUTH	2/07/2010	17/02/2011	SUBDIVIDE INTO TWO LOTS	PERMIT NOT REQUIRED	NO
KP-295/2010	17 VIEW STREET	HIGHETT	18/05/2010	17/02/2011	SIX (6) DWELLINGS	REFUSED	NO
KP-315/2010	49 MCKAY STREET	MORDIALLOC	24/05/2010	17/02/2011	TWO (2) DWELLINGS	REFUSED	NO
KP-727/2010	16-18 SULLIVAN STREET	MOORABBIN	13/10/2010	17/02/2011	ADDITIONAL CAR PARKING TO FACTORY	REFUSED	NO
KP-54/2004/A	43 CAMP STREET	CHELSEA	27/09/2010	17/02/2011	ONE (1) DWELLING ON A LOT LESS THAN 300M2	REFUSED	NO
KP-899/2005/A	1 HARDING LANE	BONBEACH	26/06/2009	17/02/2011	AMENDMENT TO KP 899/05	PERMIT ISSUED	NO
KP-619/2010	51 BULLI STREET	MOORABBIN	3/09/2010	17/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-637/2010	12 CENTURY DRIVE	BRAESIDE	13/09/2010	18/02/2011	BUILDINGS & WORKS	PERMIT NOT REQUIRED	NO

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KP-268/2010	307-308 NEPEAN HIGHWAY	EDITHVALE	7/05/2010	18/02/2011	THREE (3) DWELLINGS	PERMIT ISSUED	NO
KP-824/2010	2 MALLAWA STREET	CLAYTON SOUTH	17/11/2010	18/02/2011	TWO (2) DWELLINGS	LAPSED	NO
KP-1154/2008	57 WATERSIDE DRIVE	WATERWAYS	24/12/2008	18/02/2011	DWELLING	PERMIT NOT REQUIRED	NO
KP-817/2010	56 EULINGA AVENUE	ASPENDALE	16/11/2010	18/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-383/2007/A	32 BAY STREET	MORDIALLOC	7/10/2010	21/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-869/2010	14 TRINITY COURT	PATTERSON LAKES	1/12/2010	21/02/2011	SINGLE DWELLING ON LAND SUBJECT TO INUNDATION OVERLAY	PERMIT ISSUED	NO
KP-521/2010	44 DAVEY STREET	PARKDALE	5/08/2010	21/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-430/2010	10 CLAY STREET	MOORABBIN	2/07/2010	21/02/2011	TWO (2) DWELLINGS	NOTICE OF DECISION	NO
KP-902/2010	18 JOAN STREET	MOORABBIN	13/12/2010	21/02/2011	SINGLE DWELLING ON LAND WITHIN A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-834/2010	6 MELALEUCA DRIVE	CARRUM	19/11/2010	21/02/2011	DWELLING EXTENSION ON LAND WITHIN A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO
KP-532/2010	17 PARKIN AVENUE	CHELTENHAM	9/08/2010	22/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO

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KP-666/2010	23 NICHOLAS GROVE	HEATHERTON	22/09/2010	22/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-910/2010	6 LINDEN AVENUE	CHELTENHAM	21/12/2010	22/02/2011	TWO (2) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-713/2010	5 JELICOE STREET	CHELTENHAM	8/10/2010	22/02/2011	FIVE (5) DWELLINGS	NOTICE OF DECISION	NO
KP-557/2010	5 DAVID COURT	CHELTENHAM	18/08/2010	22/02/2011	TWO (2) DWELLINGS	PERMIT ISSUED	NO
KP-346/2010	72 STATION STREET	ASPENDALE	4/06/2010	22/02/2011	THREE (3) DWELLINGS	REFUSED	NO
KP-733/2010	7 WYMAN PLACE	BRAESIDE	15/10/2010	23/02/2011	WAREHOUSE/OFFICE & ASSOC. CARPARKING	PERMIT ISSUED	NO
KP-248/2010	2 BLAGDON STREET	CHELTENHAM	30/04/2010	23/02/2011	TEN (10) DWELLINGS	PERMIT ISSUED	YES
KP-794/2010	UNIT 1 39 MANOON ROAD	CLAYTON SOUTH	5/11/2010	23/02/2011	THREE (3) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-143/2005/A	1 28 CLARE STREET	PARKDALE	22/03/2007	24/02/2011	BOUNDARY FENCE NOTATION CORRECTION	PERMIT ISSUED	NO
KP-355/2009/A	78-86 WHITE STREET	MORDIALLOC	29/12/2010	24/02/2011	SEVENTY ONE (71) DWELLINGS - SBO	PERMIT ISSUED	NO
KP-862/2010	29-39 MILLS ROAD	BRAESIDE	30/11/2010	24/02/2011	BUILDINGS & WORKS	WITHDRAWN	NO
KP-863/2010	1 22 EVAN STREET	PARKDALE	29/11/2010	24/02/2011	EXTEND A DWELLING ON A LOT LESS THAN 300SQM	PERMIT NOT REQUIRED	NO
KP-787/2010	1156 NEPEAN HIGHWAY	CHELTENHAM	5/11/2010	24/02/2011	BUILDINGS & WORKS	PERMIT ISSUED	NO

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KP-615/2008/A	1422 CENTRE ROAD	CLAYTON SOUTH	17/08/2010	24/02/2011	EIGHT 8 DWELLINGS	PERMIT ISSUED	NO
KP-495/2010	105-111 BALCOMBE ROAD	MENTONE	26/07/2010	24/02/2011	BUILDINGS & WORKS TO SUPERMARKET	WITHDRAWN	NO
KP-445/2010	21 THE BOULEVARD	PATTERSON LAKES	7/07/2010	24/02/2011	CARPORT TO DWELLING	PERMIT ISSUED	NO
KP-773/2007/A	91-185 KINGSTON ROAD	HEATHERTON	11/02/2009	24/02/2011	CLEAN FILL	PERMIT ISSUED	NO
KP-455/2010/A	UNIT 1 LEVEL 1 13 BAKER STREET	MOORABBIN	8/02/2011	24/02/2011	SIX (6) LOT SUBDIVISION	PERMIT ISSUED	NO
KP-690/2005/B	397 NEPEAN HIGHWAY	CHELSEA	14/12/2010	25/02/2011	THREE (3) DWELLINGS	PERMIT NOT REQUIRED	NO
KP-574/2010	83 WHITE STREET	MORDIALLOC	23/08/2010	25/02/2011	TWO (2) DWELLINGS ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	PERMIT ISSUED	NO

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PC 11

**KP735/10 – 221-223 Thames Promenade, Chelsea**

<b>APPLICANT:</b>	<b>Rizkez Design</b>
<b>ADDRESS OF LAND:</b>	<b>No. 221-223 Thames Promenade, Chelsea (Lots 1-2 on LP201446D)</b>
<b>PROPOSAL:</b>	<b>Ten (10) Dwellings</b>
<b>PLANNING OFFICER:</b>	<b>Tess Johnson (author Cameron Gentle)</b>
<b>REFERENCE NO:</b>	<b>KP753/10</b>
<b>ZONE:</b>	<b>Residential 3</b>
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<p><b><u>State Planning Policy Framework</u></b>  <b>Clause 11.04: Metropolitan Development</b>  <b>Clause 11: Settlement</b>  <b>Clause 15: Built Environment and Heritage</b>  <b>Clause 16: Housing</b></p> <p><b><u>Local Planning Policy Framework</u></b>  <b>Clause 21.05 MSS – Residential Land Use</b>  <b>Clause 22.11: Residential Development Policy</b></p> <p><b><u>Particular Provisions</u></b>  <b>Clause 55: Two or More Dwellings on a Lot</b>  <b>Clause 65: Decision Guidelines</b></p>
<b>RESIDENTIAL POLICY AREA:</b>	<b>Incremental Change Area</b>
<b>DECISION DATE BY:</b>	<b>20 December 2011</b>
<b>STATUTORY DAYS:</b>	<b>129 Days as of 28 February 2011</b>
<b>CONSIDERED PLAN REFERENCES / DATE RECEIVED</b>	<b>Plans received by Council on 21 October, 2010</b>

**1.0 KEY ISSUES**

1.1 The key planning issue arising from this proposal relates to:

- Incremental housing change area policy

**2.0 PROPOSAL**

- 2.1 It is proposed to construct ten (10) dwellings on this site, comprising six (6) double storey dwellings and four (4) single storey dwellings.
- 2.2 Of the ten (10) dwellings proposed, eight (8) would contain three bedrooms and two (2) would contain two bedrooms.
- 2.3 Each dwelling would be provided with a single garage and a tandem car parking space. Two visitor car parking spaces would also be provided at the front of the site. Vehicle access to all garages and car parking spaces on the site would be provided via proposed, centrally positioned crossover and common driveway.

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2.4 Development summary:

Dwelling	Floor Area (excluding garage & porch)		Private Open Space		No. of Bedrooms	No. of Car Parking Spaces
	Ground (m2)	First (m2)	Secluded (m2)	Total (m2)		
1	83.5	67.4	40.8	79.8	3	2
2	84.2	67.3	40	84	3	2
3	54.7	68.7	60.3	60.3	3	2
4	58	70.1	61.6	61.6	3	2
5	54.7	68.7	60.3	60.3	3	2
6	58	70.1	61.6	61.6	3	2
7	74.7	-	40.4	40.4	2	2
8	79.6	-	40.78	40.4	2	2
9	122.5	-	61.2	60.2	3	2
10	124.6	-	61.4	60.2	3	2

2.5 The proposal has an overall site coverage of 42.5 percent and a permeability percentage of 34.2 percent.

2.6 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m <sup>2</sup> , 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 <sup>2</sup> is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	All dwellings comply
<b>Car Parking</b>	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply
<b>Front Setback</b>	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.	Variation proposed. Required: 9 metres Proposed: 6.69 metres

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<b>Site Coverage</b>	Maximum 50% - as per Schedule to the Residential 3 Zone	Complies (42.5 percent)
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2.7 The proposed building materials, colours and finishes are summarised in the table below:

<b>Roof:</b>	Charcoal coloured concrete roof tiles
<b>Walls:</b>	Beige face brick at ground level and a combination of Dulux “Paper Bark” and Leather” render at first floor level
<b>Garage doors</b>	Silver grey timber panel
<b>Windows:</b>	Dulux “Dune”
<b>Driveways:</b>	Not nominated
<b>Front fencing:</b>	1.2 metre high rendered brick piers with timber infill
<b>Boundary fences:</b>	1.8 metre high timber paling fences along side and rear boundaries.

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site is a vacant parcel of land located on the north side of Thames Promenade, Chelsea Heights. The site is rectangular in shape, with a frontage width of 30.5 metres, a maximum depth of 80.48 metres, and an overall area of 2454m<sup>2</sup>.
- 3.2 The site rises gradually to the rear, up to 1.23 metres between the south-west corner and north-west corner of the site.
- 3.3 Vehicle access to the site is currently obtained via a single width crossover located on the western side of the property frontage.
- 3.4 The site contains scattered vegetation, all of which has been assessed as having low retention value in the arboricultural report submitted with the application.
- 3.5 The site is not encumbered by any easements.
- 3.6 Immediately to the east of the site is a detached, single storey, weatherboard dwelling set back 42.6 metres from the street and within 1 metre of the subject site.
- 3.7 Immediately to the west of the site is a detached, single storey, brick dwelling set back 23.8 metres from the street. A garage on this site is constructed to the boundary with the subject site, and a bungalow is constructed 2.6 metres from the subject site.
- 3.8 Land immediately to the north of the site is currently vacant.
- 3.9 The surrounding area is characterised by residential dwellings and multi unit developments of varying heights, densities and scales. Of particular note is a medium density housing development constructed at No. 227 Thames Promenade, to the east of the site, which contains a number of double storey dwellings extending to the rear of the site.

### **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 not subject to any overlay provisions.

**6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.06 – Residential 3 Zone of the Kingston Planning Scheme, a Planning Permit is required to construct two (2) or more dwellings on a lot.

**7.0 RELEVANT HISTORY**

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

**8.0 ADVERTISING**

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 application were received.

**9.0 REFERRALS**

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

- Council’s Development Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued;
- Council’s Vegetation Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued;
- Council’s Roads and Drains Department which advised of no objection, subject to the inclusion of a number of conditions on any permit issued;
- Council’s Co-ordinator Tree Services consented to the removal of the street tree, subject to payment of an appropriate fee.

- 9.2 The application was also referred to the Country Fire Authority which specified a number of conditions to be included on any permit issued.

**10.0 RELEVANT POLICIES**

10.1 State Planning Policy Framework (SPPF)

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



10.2 Local Planning Policy Framework (LPPF)

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

10.3 Zoning

The site is located in the following Zone:

Clause 32.06 (Residential 3 Zone)

10.4 Overlays

None applicable.

10.5 Particular Provisions

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

10.6 General Provisions

Clause 65 (Decision Guidelines)

10.7 Other

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

The land is located within Area 72 of the Neighbourhood Character Guidelines where characteristics identified as making a major contribution to the area are:

- Building placement – front setback of 5-10 metres; narrow side setback of 1-2 metres; and wider side setback of 3-4 metres.
- Materials – tiled rooves with various colours; white weatherboard or red brick walls.
- Front boundary and garden – landscaped.

The proposal is generally in accordance with and is considered appropriate in relation to the applicable character profile of Area 72.

10.9 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.

## **11.0 PLANNING CONSIDERATIONS:**

### **11.1 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 considered 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 adjoining properties, whilst enjoying reasonable access to a range of physical and social infrastructure.

It is considered that the proposed development is therefore consistent with State planning policy objectives in relation to housing and urban consolidation.

#### 11.2 Local Planning Policy Framework

The Local Planning Policy Framework sets out residential land use objectives at **Clause 21.05**, pursuant to which the subject land is identified within an *Incremental Housing Change* area.

Within the *Incremental Housing Change* area, housing change is anticipated ‘to take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots’.

In conjunction with the strategies outlined in Clause 21.05 of the MSS, and the *Kingston Neighbourhood Character Guidelines – August 2007*, the Residential Development Policy at **Clause 22.11** sets out objectives and policy relating to the increased diversity, incremental change, residential renewal and minimal change areas.

Within the incremental change area, the policy aims to ensure that new housing development is responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas. The policy also sets out the following guidelines in relation to development:

##### *Neighbourhood Character*

- *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.*

##### *Built form, siting and scale of development*

- *Encourage the two storey component of new medium density housing to be located towards the front of a site.*
- *Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.*

- *Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.*
- *Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable 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.*

#### Site Landscaping

- *Encourage the retention of existing semi-mature and mature canopy trees wherever possible.*
- *Unless significant existing vegetation is to be incorporated as part of a redevelopment, encourage the planting of semi-mature canopy trees with spreading crowns in front setbacks and open space areas, with at least one semi-mature tree with a spreading canopy provided in the front setback area.*

#### Car Parking

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

#### *Stormwater run-off mitigation and quality management.*

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

Whilst the proposed development of the subject site for ten (10) dwellings may initially appear to be inconsistent with maintaining the existing and preferred single dwelling/lower density nature of the incremental change areas, it is considered, that a number of factors provide strong justification for approval of the submitted application, as follows:

- The average lot size for this area is 289.85 square metres and the density of the proposed development is only marginally higher than this, at 1 dwelling per 245 square metres.
- The proposed development is almost fully compliant with the requirements of ResCode, with the only variation proposed relating to the street setback, and with this variation considered reasonable given setbacks of other development along this section of Thames Promenade and the incorporation of detailed design elements appropriate for the streetscape.
- Double storey elements have been minimised, and their location has been generally limited to the front three fifths of the site, thereby limiting any impact on adjoining properties.
- The proposal provides opportunities for the planting of semi-mature canopy trees with spreading crowns in front setbacks and open space areas.

- On site car parking is provided which will adequately meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.
- Stormwater runoff from the site can be adequately managed through the implementation of a stormwater management plan.

On balance, it is therefore considered that the proposed development is consistent with local planning policy objectives, and is suitable for approval from this perspective.

### 11.3 Residential 3 Zone

**Clause 32.06: Residential 3 Zone:** The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

**Standard B8 – Site Coverage:** The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 42.5% and is therefore consistent with the Schedule requirements.

**Standard B28 – Private Open Space:** The local variation requires an area of 40m<sup>2</sup>, 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 40m<sup>2</sup>, 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 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling.

The area and dimensions of private open space to each dwelling are in accordance with the requirements of the Schedule.

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

The proposed fence along the site frontage is 1.2 metres high and therefore complies with this standard.

## 12.0 **CLAUSE 55 (RESCODE ASSESSMENT)**

- 12.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A).
- 12.2 As detailed in Attachment A, a variation to the street setback requirement of Standard B6 is proposed but is considered reasonable and consistent with the objective of this standard.
- 12.3 There is also some potential overlooking from some first floor windows of the double storey dwellings. To address this matter, even though there are no objections to the proposal, it is

considered appropriate to require these particular windows to be screened. Conditions on any permit issued can address this matter.

### **13.0 CONCLUSION**

13.1 The proposed development subject to the inclusion of suitable conditions on any permit issued is considered appropriate for the site as evidenced by:

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

### **14. RECOMMENDATION:**

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

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 21 October 2010, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and

- labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees;
  - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property, the provision of two (2) suitable medium sized (at maturity) canopy trees outside dwellings 1 and 2 along the side of the driveway, and one (1) small (at maturity) tree outside the front of dwellings 3-10;
  - vii. the provision of one (1) small (at maturity) tree within the rear private open space area of dwellings 3-10, with species chosen to be approved by the Responsible Authority.
  - viii. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - ix. all trees provided at a minimum of two (2) metres in height at time of planting;
  - x. medium to large shrubs to be provided at a minimum pot size of 200mm;
  - xi. replacement of the street tree in Thames Promenade, with such tree to be provided at the owner's cost and to be of an appropriate species, planted in an appropriate location, to the satisfaction of the Responsible Authority; and
  - xii. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
  - c. the guttering pertaining to the garages / walls on boundary on the site's eastern and western property boundaries nominated as being contained wholly within the title property boundaries of the subject land;
  - d. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - e. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development; and
  - f. the first floor stairwell and hall windows of Dwelling 3 and Dwelling 5, and the stairwell windows of Dwelling 1 provided with obscure glazing, restricted opening, awning – type windows with the maximum outward opening of each window being 10 centimetres;
  - g. the first floor bedroom 2 and bedroom 3 windows of Dwelling 2, Dwelling 4 and Dwelling 6 provided with suitable fixed screening devices such as angled louvers in

accordance with Standard B22 of Clause 55;

- h. the provision of 450mm wide eaves to the roof form of Dwellings 7, 8, 9 and 10, except where they are built to an existing or proposed property boundary;
  - i. all tandem car parking spaces nominated with dimensions of 4.9 metres in length by 2.6 metres in width; and
  - j. modifications required to satisfy the Country Fire Authority requirements at Condition 5 of this permit, with no reduction in setbacks from property boundaries or reduction in areas of private open space.
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 permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

**5. Conditions required by the Country Fire Authority:**

**Access Requirements**

- a. The accessway must provide a minimum trafficable width of 3.5 metres and be clear of encroachments 0.5 metres horizontally and 4.0 metres vertically
- b. Designated Work Areas must be provided throughout the accessway and be located as follows:
  - i. a maximum distance of 60 metres from the Work Area to any portion of any building. The distance from the designated Work Area to all portions of a building shall be taken as the most direct laid on ground or floor route and must allow for stairways, internal walls, doorways or other obstructions; and
  - ii. a maximum distance of 60 metres from the Work Area to the site entrance; and
  - iii. distances shall be measured from the edge of the Work Area closest to the site entrance.
- c. Designated Work Areas must have minimum dimensions of 5.5 metres wide by 10 metres long by 4 metres high and be clear of any obstructions.
- d. If the distance from the site entrance to the closest edge of any designated Work Area exceeds 60 metres then a turning area for fire fighting vehicles must be provided within 60 metres of the furthestmost designated Work Area by either:
  - i. A turning circle with a minimum radius of 8 metres; or
  - ii. A T head or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width.



- e. Curves in the accessway leading to a designated Work Area must have a minimum radius of 10 metres;
- f. The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres;
- g. Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- h. Must be designed, constructed and maintained for a load limit of at least 15 tonnes and be all weather construction.

#### Water Requirements

- i. Operable below ground hydrants meeting the requirements of Australian Standard 3952 Water supply – Spring hydrant valve for waterworks purposes, must be provided to the satisfaction of CFA.
  - j. The fire hydrants must be installed to the satisfaction of CFA and should be located within 120 metres of the furthest edge of every building envelope.
  - k. Three copies of water reticulation drawings must be provided to CFA for approval.
  - l. Fire hydrants must be clearly identified as specified in the Fire Services Guideline “Identification of Street Hydrants for Fire-fighting Purposes”.
6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.
7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
10. Prior to the occupation of the dwellings permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any

proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

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

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

14. 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.
15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. External clothes drying facilities must be provided for each dwelling.
18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
19. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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

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**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.

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

**Note:** Vehicle crossings should be constructed as per Council's standards and specifications to the satisfaction of Council.

**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 affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular: Clause 55.02-1 Neighbourhood Character Objectives; Clause 55.02-2 Residential Policy Objective; Clause 55.02-5 Integration with the Street Objective; Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives; and Clause 55.06-1 Design Detail Objective.

**Crs Ronke/Moloney**

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)

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B1 Neighbourhood Character</b> 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><b>B2 Residential Policy</b> 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><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	Both two and three bedroom dwellings are proposed within the development.
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	Yes	<p>The proposed development incorporates a number of measures which assist to integrate the layout with the street. These include:</p> <ul style="list-style-type: none"> <li>• Orienting Dwellings 1 and 2 towards the street.</li> <li>• Providing low front fencing along the frontage.</li> <li>• Providing clearly identifiable pedestrian and vehicle access to the site.</li> <li>•</li> </ul>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<p>A 9 metre setback is required under this standard and minimum a front setback of 6.69 metres is proposed.</p> <p>Whilst existing dwellings either side of the subject site are set back significant distances from the street, it is noted that development further to the east and west of the site has setbacks similar to that proposed. The proposed setback will therefore not be inconsistent with surrounding development, and will not have a detrimental impact on streetscape.</p> <p>It is therefore considered that the proposed variation is justified and that the proposal meets the objective of this standard.</p>
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 9 metres <b>Proposed:</b> 7.1 metres</p>
<p><b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p><b>Maximum:</b> 50% <b>Proposed:</b> 42.5%</p>
<p><b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p><b>At least:</b> 20% <b>Proposed:</b> 34.2%</p>
<p><b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	<p>It is considered that the orientation and layout of each dwelling provides for appropriate solar access and energy efficiency in accordance with the requirements of this standard.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	No communal open space is proposed and no public open space adjoins the site.
<p><b>B12 Safety</b> Layout to provide safety and security for residents and property.</p>	Yes	It is considered that the layout of the proposed development will provide a satisfactory level of safety and security in accordance with the requirements of this standard. The proposed common driveway can be appropriately lit; the entrance to all dwellings will be clearly identifiable; good opportunities exist for passive surveillance; and landscaping is not expected to create unsafe places.
<p><b>B13 Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	Yes	<p>The proposed development provides satisfactory opportunities for landscaping throughout the site, including along the proposed common driveway and within private open space areas.</p> <p>Permit conditions should require the preparation of a landscape plan.</p>
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	It is considered that the proposed vehicle access and car parking layout provides a safe, manageable and convenient arrangement for each dwelling in accordance with this standard.
<p><b>B15 Parking Location</b> 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	Each dwelling is provided with appropriate car parking facilities, in accordance with the requirements of this standard.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors.</p>	Yes	<p>Each dwelling is provided with two car parking spaces, exceeding the requirement under this standard.</p> <p>A further two visitor spaces are provided at the front of the site, in accordance with the requirements of this standard.</p>
<p><b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	All proposed side and rear setbacks comply with the requirements of this standard.
<p><b>B18 Walls on Boundaries</b> 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>Several sections of wall throughout the development are proposed on boundaries.</p> <p>The total length of the proposed walls along each boundary, and the height of wall complies with the requirements of this standard.</p>
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	The siting of the proposed dwellings ensures there will be minimal impact on access to daylight of existing habitable room windows
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	The proposed dwellings will not impact on any existing north facing habitable room windows.
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	Shadow diagrams submitted with the application demonstrate that the cast by the proposed dwellings will not have a significant impact on the secluded private open space areas of adjoining properties.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	Yes	Upper level windows can be screened, where required, in accordance with the requirements of this standard.
<p><b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	No issues are raised in relation to internal views within the proposed development. Internal views have been limited by the location of upper level windows.
<p><b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	It is considered that the layout of the development is appropriate in relation to the requirements of this standard.
<p><b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.</p>	Yes	Each dwelling provides an appropriate layout for people with limited mobility in accordance with the requirements of this standard.
<p><b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	Yes	It is considered that the design of the proposed dwellings provides a satisfactory sense of identity in accordance with this standard. The entrance to each dwelling is clearly identifiable, provides a sheltered area, and an appropriate transitional space.
<p><b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	Yes	All proposed habitable rooms will be provided with adequate daylight, in accordance with the requirements of this standard.
<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Yes	See report. Each dwelling is provided with the required area of private open space, in accordance with the requirements of the Schedule to the Residential 3 Zone.



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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	All secluded private open space areas on the site will be provided with good solar access in accordance with this standard.
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	Yes	Each dwelling is provided with 6m <sup>3</sup> of externally accessible, secure storage space.
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	The design detail of the proposed dwellings is considered satisfactory in relation to the requirements of this standard, including the roof form and materials, and window and door proportions.
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Yes	A 1.2 metre high front fence is proposed, in accordance with the requirements of this standard.
<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  Avoid future management difficulties in common ownership areas.</p>	Yes	It is considered that the proposed common driveway will be functional, and can be managed and maintained in accordance with the requirements of this standard.
<p><b>B34 Site Services</b> 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	The proposed layout allows for each dwelling to be provided with site services and facilities in accordance with this standard.

**PC 12**

**KP423/10 – Unit 13/1-3 St James Street, Mordialloc**

<b>APPLICANT</b>	<b>Finley Roberts Design Pty Ltd</b>
<b>ADDRESS OF LAND</b>	<b>Unit 13 / 1-3 (Lot 13 and Common property on SP003330) James Street Mordialloc</b>
<b>PROPOSAL</b>	<b>Constructions of extensions to an existing dwelling and on common property</b>
<b>PLANNING OFFICER</b>	<b>Tara Bryce</b>
<b>REFERENCE NO.</b>	<b>KP423/10</b>
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	<b>Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)</b>
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	<b>Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy</b>
<b>ZONE</b>	<b>Clause 32.01: Residential 1 Zone</b>
<b>OVERLAYS</b>	<b>Clause 43.02: Design and Development Overlay Sch. 1</b>
<b>PARTICULAR PROVISIONS</b>	<b>Clause 54: One dwelling on a lot less than 300m<sup>2</sup></b>
<b>GENERAL PROVISIONS</b>	<b>Clause 65: Decision Guidelines</b>
<b>RESIDENTIAL POLICY AREA</b>	<b>Increased Housing Diversity</b>
<b>DECISION DATE BY</b>	<b>27/12/2010</b>
<b>STATUTORY DAYS</b>	<b>117 Days @ 21/2/2010</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>28/10/2010</b>

## **1.0 KEY ISSUES**

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

- Neighbourhood character
- Amenity impact (internal and external)
- Any areas of non-compliance with ResCode

## **2.0 PROPOSAL**

2.1 It is proposed to construct extensions to Unit 13 / 1-3 James Street Mordialloc. The extensions to the dwelling comprise the following:

- The extension of the front landing of the dwelling in a south-westerly direction, into the common property area of the parent site;
- The internal rearrangement of the dwelling, with bedroom 1 deleted at ground floor level to provide for an internal stairwell and existing bedroom 2 increased in size and noted as a 'sitting room'.

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- The first floor addition of the dwelling comprising a sitting room, with balcony access to the south-west, two (2) bedrooms and bathroom.

2.2 A portion of the development is proposed to be constructed within common property as the lot boundaries of the subject site lie along the outside face of the building except as to the common boundaries between units. The upper boundary of each unit is 20 feet below the lower boundary, which is that part of the site which lies within the vertical or near vertical boundaries of the relevant unit.

2.3 The extension into **common property** comprises the following:

- The roof form and approximately 0.6m of internal floor to ceiling height.
- The extension of the porch area, which constitutes the only footprint increase within common property.

2.4 Development summary:

*Please note the application has been assessed under the provisions of Clause 54 (ResCode – Single Dwelling on a Lot) of the Kingston Planning Scheme.*

Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
78.70m <sup>2</sup> (ground) 73.90 m <sup>2</sup> (first)	48.0m <sup>2</sup> (including m <sup>2</sup> of secluded private open space)	3 (including downstairs sitting area)	1 (existing carport)

2.5 The proposal has an overall site coverage of 100%

2.6 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
<b>Private Open Space (A17)</b>	An area of 80m <sup>2</sup> or 20 per cent of the lot area, whichever is lesser, but not less than 40 square metres. At least one part of the private open space should consist of a secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres to the side or rear with access off a living area.	Does not comply  The dwelling is provided with balconies at first floor, however is not provided with secluded private open space within its own title boundaries.  The dwelling is reliant on the land to the rear, which appears to be currently used as secluded private open space (however is technically common property).
<b>Car Parking (A9)</b>	To (2) car parking spaces for each dwelling including one (1) undercover.	N/A – This standard does not apply to dwelling extensions

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<b>Front Setback (A3)</b>	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.	N/A – The dwelling is located to the rear of a unit development.
<b>Site Coverage (A5)</b>	Maximum 60% - as per ResCode	Does not comply – Site coverage is 100% as the building constitutes the entire site (Lot 13)

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

Roof:	Concrete Tiles
Walls:	Ground Floor – Rendered Brickwork First Floor – James Hardy Linea Weatherboarding
Garage doors	N/A
Windows:	Aluminium
Driveways:	As existing – no works proposed
Front fencing:	N/A
Boundary fences:	As existing

**3.0 SITE & SURROUNDS**

- 3.1 The subject site is located on an individual lot within a sixteen (16) unit complex on the north-east side of James Street, Mordialloc. As discussed previously, each unit is separately titled.
- 3.2 Unit 13 (subject site) is single storey in height and is slightly elevated from the natural ground level due to the 2.5m slope of the site (from the north-east to north-west corner). Six (6) steps provide access to its porch (approximately 1.14 m above ground level).
- 3.3 The dwelling is located to the rear of the complex and shares a common wall and roof line with Unit 14. Vehicle access is via a central driveway, which forks at the rear of the site leading to two (2) separate covered parking areas which are allocated to specific units.
- 3.4 Unit 13 has one (1) allocated car parking space (carport).
- 3.5 The units within the complex are single storey, built in parallel rows either side of the common driveway. The north-west property boundary of the multi-unit complex abuts James Lane.
- 3.6 The common property area to the rear of Unit 13 appears to be encumbered by a drainage easement which runs parallel to the rear property boundary.
- 3.7 No's 4 to 8 John Street abut the rear property boundary of the complex. Each of these lots contains a single dwelling, generally single storey in nature. No. 8 John Street has a double storey component to the rear, however, from the John Street frontage, appears to be single storey.

- 3.8 No. 10 John Street extends approximately one third of the length of the unit complex. The area that abuts the unit complex appears to be heavily vegetated.
- 3.9 The broader surrounding area is developed for a mixture of single dwellings and both recently constructed and older multi unit developments. Heights vary between one and two storeys and predominantly incorporate hipped and gabled roof forms.
- 3.10 James Street is located one (1) street back from 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.

#### **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 and Schedule 1 of the Overlay.

#### **6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.01, a planning permit is required to construct or extend a dwelling on a lot less than 300m<sup>2</sup>.
- 6.2 Pursuant to Clause 32.01, a planning permit is required to construct or extend a dwelling within common property.

#### **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 28<sup>th</sup> October, 2010 that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. The applicant also made minor modifications to the shadow diagrams on the 15<sup>th</sup> February, 2010. 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 both proposals were advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Objections from three (3) different parties were received.
- 8.3 Three (3) objections were lodged against the application.
- 8.4 The valid grounds of objection raised are summarised as follows:
- Loss of privacy (overlooking)
  - Side and rear setbacks
  - Overshadowing

- Visual Bulk
- Visual Presentation

8.5 The following objections raised are not valid planning considerations:

- Devaluation of property
- Loss of views

## **9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on the 27<sup>th</sup> January, 2011 with the relevant Planning Officer, Ward Councillor, the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.

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

## **10.0 REFERRALS**

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

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

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

## **11.0 RELEVANT POLICIES**

### **11.1 State Planning Policy Framework (SPPF)**

Clause 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**

As the units on the parent site are located on individually titled lots, it is considered that Clause 54 (Dwelling on a lot less than 300m<sup>2</sup>) is applicable – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

Whilst a portion of the dwelling (any section above 6.096m above the lower boundary and a small section of the porch) is to be constructed within common property, and Clause 55 may be applicable, Council is assessing the application under Clause 54 for the following reasons:

1. The bulk of the proposal is to be contained within the individual lot and, therefore, Clause 54 is applicable.

2. The portion of the development to be constructed within common property is limited to the roof form and approximately 0.6m of internal floor to ceiling height.
3. The extensions of each of the porch area constitute the only *footprint* increase that encroaches within the common property area
4. Clause 32.01-4 - Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings states that a planning permit is required to construct or extend a **dwelling if it is on** common property. Clause 55 is applicable to the assessment of this permission. It is noted that the Clause does not state that a permit is required to extend a dwelling **onto** common property, rather can be interpreted that this is applicable if a dwelling is already on common property.

#### 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. The only areas of variation from the guidelines (lot pattern and building placement) are due to the existing conditions of the site, which will not be altered.

#### 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. As discussed above variations from the guidelines are due to the existing circumstances of the site.

### **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 proposal is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposed extensions should improve the standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area, subject to conditions on any approval issued. It is considered that the development will have minimal impact on the existing streetscape character given its siting to the rear of an existing complex, 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.

The proposal does not seek to develop the site for **new** medium density housing, however seek to extend an existing dwelling. It is therefore considered that the policy regarding the location of ‘new medium density housing’ to the front of the site is not applicable to either application.

It is considered that the proposal, whilst provided with some elements of articulation (specifically varied building materials), should incorporate further changes to ensure that the design does not present excessive bulk to adjoining dwellings, particularly to the rear of the site (rear yards of John Street dwellings). These changes are discussed within the Clause 54 Assessment (Section 13 of this report).

With regard to car parking, it is noted that the dwelling is allocated one (1) car parking space. It is not proposed to increase car parking. Whilst increased parking for new medium density housing would generally be triggered under Clause 55, the application must be considered under Clause 54, which does not require additional parking spaces for dwelling extensions.

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

#### 12.4 Zoning Provisions

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

#### 12.5 Overlay Provisions

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

§ DDO1 – Neither proposal seeks to exceed the allowable height limits or internal storey heights as allowed under Schedule 1 of the Design and Development Overlay.

### **13.0 CLAUSE 54 (RESCODE ASSESSMENT)**

The proposal has been assessed against the objectives and standards of Clause 54 (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. Details of the assessment are discussed below:

#### 13.1 **Standard A1 – Neighbourhood Character**

It is considered that the design response is generally consistent with the existing and evolving neighbourhood character of beachside Mordialloc. Similar styles of dwelling extensions with an existing unit complex are evident along Beach Road, particularly Units 1 and 7/188-190 Beach Road.

Two (2) storey sheer walls and bulkier features are also evident within close proximity of the site, particularly multi unit developments at No. 2 Bay Street, No’s 2 and 2A James Street, 8 James Street (Rear 187 Beach Road – 5 dwellings), rear of 188-190 Beach Road (fronting James Street). A number of single dwelling developments within James Street also display these features.

**13.2 Standard A2 – Integration with the Street**

As the dwelling is located to the rear of the multi-unit complex it is considered that this provision is generally not applicable. The dwelling does front the common property area of the complex, with habitable windows and balconies facing this area providing opportunities for passive surveillance.

**13.3 Standard A3 – Street Setback**

Not Applicable

**13.4 Standard A4 – Building Height**

The dwelling complies with the requirement, with the proposed dwelling having the a maximum height of 8.29m above natural ground level

**13.5 Standard A5 – Site Coverage**

As discussed within section 2.5 of this report, the proposal has a site coverage of 100% due to the title boundaries. If the practical boundaries were to be considered (including area to the rear utilised for secluded private open space), site coverage would not exceed 60%.

**13.6 Standard A6 – Permeability**

As discussed above, the lot boundaries constrain the ability to provide permeable surfaces on the subject lot. Permeable areas to the front and rear of the site (within the common property area) are to be maintained.

**13.7 Standard A7 - Energy Efficiency**

The proposed extensions to Unit 13 provide north facing windows for the first floor bedrooms and north-west facing windows to the first floor sitting area. This should maximise access to natural light to these areas.

No changes to the habitable room windows are proposed at ground floor.

The subject site has secluded private open space to the north of the dwelling.

The orientation of the site minimises the negative impacts on energy efficiency with regard to surrounding properties.

**13.8 Standard A8 – Significant Trees**

Not applicable

**13.9 Standard A9 – Parking Objective**

As the proposal constitutes a dwelling extension, the provisions of this objective are not applicable.

**13.10 Standard A10 – Side and Rear Setbacks**

As the unit boundaries fall along the outside face of the buildings, the upper floor extension does not comply with this standard. It is considered that the proposed setbacks are generally acceptable in this instance for the following reasons:

- The location of the sheer wall along the north-west (side) property boundary of Unit 13 abuts the car parking area and will generally not be viewed from habitable room windows or private open space within the complex.
- Whilst the north-east (rear) façade of the dwelling is built on the boundary, land to the rear of the dwelling appears to be utilised as the secluded private open space and provides

at least a 4 metre setback from the north-east façade of the dwelling and the south-west property boundary of No. 6 and No. 8 John Street.

- The south west (front) façade of the dwelling is provided with a balcony area and incorporates varied building materials and finishes to minimise building bulk. The semi-circular landscaped area (located within common property) appears to act as front open space and provides a suitable buffer distance between the development and the nearest dwellings. Furthermore, the existing common driveway area provides an additional area between the subject site and the remaining units within the complex.

Council planning officers, however, have concerns regarding the south-east (side) façade of Unit 13 as the first floor setback is limited to 1.5m from the north-west (side) property boundary of No. 8 John Street. It is recommended that this setback be increased by reducing the width of bedroom from 3.35m to 3m, with the exception of the doorway area, to provide a 1.85m setback from the property boundary of the unit complex.

This setback would comply with the ResCode standard if the property boundary of the unit complex (common property area) formed the property boundary of Unit 13.

**13.11 Standard A11 – Walls on Boundaries**

As the outer walls of the unit form the property boundaries of the lot, the proposal is non-compliant. Given the constraints of the site, it is considered that the proposed form is reasonable, and the proposed walls on boundaries should not detrimentally impact the surrounding properties, subject to the inclusion of suitable conditions.

**13.12 Standard A12 – Daylight to existing windows**

The proposal provides adequate setbacks from habitable room windows facing the subject site.

**13.13 Standard A13 – North Facing Windows**

The proposal should not impact any north facing windows given the setbacks from surrounding properties.

**13.14 Standard A14 – Overshadowing Private Open Space**

The property most affected by shadowing appears to be No. 8 John Street; however between the hours of 9am and 3pm, the shadowing appears to be limited to a small rectangular parcel of land to the north-west of the south-west corner of the pool. As this area constitutes a small portion of their secluded private open space, it is considered that the level of overshadowing is acceptable.

**13.15 Standard A15 – Overlooking**

The applicant has provided screening measures for the proposal; however it appears that views to a habitable window of Unit 7 (within the complex) may be able to be obtained from the front balcony. Given that the window currently faces the common property area and views are can be obtained from the front of this unit, it is considered reasonable to accept a variation to the standard and not require the balcony of Unit 13 to be further screened.

It is considered that a condition should be included on any approval issued for the development of the dwelling to provide details of the screening measures proposed.

**13.16 Standard A16 – Daylight to new windows**

All proposed windows have adequate access to daylight.

**13.17 Standard A17 – Private open space**

The dwelling is provided with a balcony at first floor level, however, this does not comply with the standard. The dwellings appears to benefit from parcel of common land to the rear, each enclosed, which appears to serve the function of secluded private open space. It is considered that this land, in conjunction with the upper floor balcony, should provide adequate outdoor space for the occupiers of the site. It should be noted that the parcel of land to the rear complies with the minimum dimensions (at least 3m) and area.

Unit 13 does not provide access to the rear open space from a living area, however given that this is an existing condition and the first floor balcony is accessed via a living space, it is considered reasonable in this instance.

**13.18 Standard A18 – Solar access to private open space**

Not applicable.

**13.19 Standard A19 – Design Detail**

The proposal provides a pitched roof form and incorporates render and weatherboard finish which is consistent with the character of the area. Other character details typical of the area, including eaves and front porches, also feature in the design of this dwelling.

**13.20 Standard A20 – Front Fences**

Not applicable.

**14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS**

It is noted that no objections were received from owners / occupiers within the unit complex at No. 1-3 James Street.

**14.1 Loss of Privacy (Overlooking)**

Concerns were raised from residents to the rear of the site (John Street) with overlooking from the first floor windows. The applicant has provided screening measures, however, has not stipulated the height of the screens, nor defined the type of screen. A condition requiring these details should be included on any approval issued, which should minimise overlooking opportunities.

**14.2 Side and Rear Setbacks**

As discussed within Section 13.10 of this report, it is considered that the setbacks from the rear property boundaries of the complex should provide adequate separation from the rear property boundaries of dwellings within John Street. It is considered that the north-east wall of bedroom 2 should be inset a further 0.35m, which would provide a setback more consistent with ResCode standards.

**14.3 Overshadowing**

As discussed within section 13.5 of this report, the overshadowing resulting from the development is consistent with the standard and should not unreasonably shadow adjoining secluded private open space area. Specifically, the pool area within No. 8 John Street should remain in full sun between the hours of 9:00 am and 3:00 pm.

**14.4 Visual Bulk**

Whilst the proposal does propose sheer walls, it is considered that their location should not adversely impact adjoining properties to the rear given the setbacks from the complex property boundaries and variety of materials used. The exception of this is the north east wall of bedroom 2, as discussed within Section 14.2.

Furthermore the slope of the site to the rear places the John Street properties higher up than the subject site. This should assist in reducing the dominance of a two storey built for on the proposal.

**14.5 Visual Presentation**

Concerns were raised with the presentation of plumbing and services at first floor. A condition could be included to ensure that the location of services is appropriate and plumbing is concealed.

**14.6 Roof Form.**

Concerns were raised regarding the pitched roof form. It is considered that the proposed hipped roof form is preferable given the existing pitched roof forms within the complex and local area. Whilst a mixture of roof forms, including flat roofs, is evident within the area, it is considered that the pitched roof form complements the proposed design of the dwelling. It is considered that a flat roof form would result in a 'box' style of development, which would be unsympathetic to the immediate surrounds.

**15.0 CONCLUSION:**

15.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the inclusion 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, Overlays, Clause 54 – One dwelling on a lot, 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 construction of extensions to the existing dwelling on this site, on a lot less than 300m<sup>2</sup> and over common property, 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 28th October, 2010, and 15<sup>th</sup> February, 2011, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii) the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv) a range of plant types from ground covers to large shrubs and trees;
    - v) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi) the provision of one (1) suitable small sized (at maturity) canopy tree within the front garden area of unit, with species chosen to be approved by the Responsible Authority.
    - vii) sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii) all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b. the north-east bedroom 2 wall of the dwelling set in a further 0.35m, reducing the width of the bedroom to 3.0m, with the exception of the doorway area, and providing a 1.85m setback of the first floor of this dwelling to the site's east (side) property boundary;
  - c. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - d. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;



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- e. the provision of full details of the first floor screening devices nominated to 1.7m above the finished floor level directly below of the first floor window of bedroom 1 and bedroom 2 of the dwelling, which may include a cross section;
  - f. the minimum sill height of any highlight windows nominated as 1.7m above the finished floor level directly below; and
  - g. the opaque glazed privacy screen nominated as being a “fixed obscure glazed privacy screen”.
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 dwelling extension hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Prior to the occupation of the dwelling extension 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. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.
  6. Prior to the occupation of the dwelling extension 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.
  7. 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.
  8. The proposed building addition must be constructed and thereafter maintained in materials, styles and colours compatible with the existing building to the satisfaction of the Responsible Authority.
  9. All new or altered piping and ducting (other than rainwater guttering and downpipes) above the ground floor storey must be concealed and any existing external piping and ducting (other than rainwater guttering and downpipes) above the ground floor level must be concealed or painted to match the existing colours of the walls of the building to the satisfaction of the Responsible Authority.
  10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  11. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
    - The development is not started within two (2) years from the date of permit issue.
    - The development is not completed within one (1) year from the commencement of works.

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

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**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 choose not to support the application, it can do so on the following grounds:

1. The proposal constitutes an overdevelopment of the site.
2. The proposal exhibits excessive bulk and mass.
3. The proposal would have an adverse impact on the established neighbourhood character of the area.
4. The proposal does not satisfy all of the requirements of Clause 54 of the Kingston Planning Scheme, in particular Clause 54.02-1 – Neighbourhood Character, Clause 54.04-1 – Side and Rear Setbacks and Clause 54.04-2 – Walls on Boundaries.

Paul Zahra addressed the meeting on behalf of the objectors

Michael Myer addressed the meeting on behalf of the applicant

**Crs Dundas/Ronke**

That the recommendation be adopted

**Carried**

**PC 13**

**KP763/10 – Unit 14/1-3 St James Street, Mordialloc**

<b>APPLICANT</b>	<b>Finley Roberts Design Pty Ltd</b>
<b>ADDRESS OF LAND</b>	<b>Unit 14 / 1–3 (Lot 14 and Common Property on SP003330) James Street Mordialloc</b>
<b>PROPOSAL</b>	<b>Constructions of extensions to existing dwellings and on common property</b>
<b>PLANNING OFFICER</b>	<b>Tara Bryce</b>
<b>REFERENCE NO.</b>	<b>KP763/10</b>
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	<b>Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)</b>
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	<b>Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy</b>
<b>ZONE</b>	<b>Clause 32.01: Residential 1 Zone</b>
<b>OVERLAYS</b>	<b>Clause 43.02: Design and Development Overlay Sch. 1</b>
<b>PARTICULAR PROVISIONS</b>	<b>Clause 54: One dwelling on a lot less than 300m<sup>2</sup></b>
<b>GENERAL PROVISIONS</b>	<b>Clause 65: Decision Guidelines</b>
<b>RESIDENTIAL POLICY AREA</b>	<b>Increased Housing Diversity</b>
<b>DECISION DATE BY</b>	<b>27/12/2010</b>
<b>STATUTORY DAYS</b>	<b>117 Days @ 21/2/2010</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>28/10/2010</b>

## **1.0 KEY ISSUES**

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

- Neighbourhood character
- Amenity impact (internal and external)
- Any areas of non-compliance with ResCode

## **2.0 PROPOSAL**

2.1 It is proposed to construct extensions to Unit 14 / 1-3 James Street Mordialloc. The extensions to the dwelling comprises the following:

- Alterations to front porch of dwelling;
- Internal alterations at ground floor, opening up kitchen and living dining area, deletion of bedroom and laundry to be incorporated within the bathroom.
- Upper floor extensions comprising large sitting area with access to balcony to the south-west of the dwelling, small bathroom and second bedroom.

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2.2 A portion of the development is proposed to be constructed within common property as the lot boundaries of the subject site lie along the outside face of the building except as to the common boundaries between units. The upper boundary of each unit is 20 feet below the lower boundary, which is that part of the site which lies within the vertical or near vertical boundaries of the relevant unit.

2.3 The extension into **common property** comprises the following:

- The roof form and approximately 0.6m of internal floor to ceiling height.
- Extensions to the porch area which constitute the only footprint increase within common property.

2.4 Development summary:

*Please note the application has been assessed under the provisions of Clause 54 (ResCode – Single Dwelling on a Lot) of the Kingston Planning Scheme.*

Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
75.90m <sup>2</sup> (ground) 71.38m <sup>2</sup> (first)	40.9m <sup>2</sup> (including m <sup>2</sup> of secluded private open space)	3 (including upstairs sitting area)	1 (existing carport)

2.5 The proposal has an overall site coverage of 100%

2.6 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
<b>Private Open Space (A17)</b>	An area of 80m <sup>2</sup> or 20 per cent of the lot area, whichever is lesser, but not less than 40 square metres. At least one part of the private open space should consist of a secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres to the side or rear with access off a living area.	Does not comply  The dwelling is provided with balconies at first floor, however is not provided with secluded private open space within its own title boundaries.  The dwelling is reliant on the land to the rear, which appears to be currently used as secluded private open space (however is technically common property).
<b>Car Parking (A9)</b>	To (2) car parking spaces for each dwelling including one (1) undercover.	N/A – This standard does not apply to dwelling extensions
<b>Front Setback (A3)</b>	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.	N/A – The dwelling is located to the rear of a unit development.

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<b>Site Coverage (A5)</b>	Maximum 60% - as per ResCode	Does not comply – Site coverage is 100% as the building constitutes the entire site (Lot 14)
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2.7 The proposed building materials, colours and finishes for both dwellings are summarised in the table below:

Roof:	Concrete Tiles
Walls:	Ground Floor – Rendered Brickwork First Floor – James Hardy Linea Weatherboarding
Garage doors	N/A
Windows:	Aluminium
Driveways:	As existing – no works proposed
Front fencing:	N/A
Boundary fences:	As existing

**3.0 SITE & SURROUNDS**

- 3.1 The subject site is located within a sixteen (16) unit complex on the north-east side of James Street, Mordialloc. As discussed previously, each unit is separately titled.
- 3.2 Unit 14 is single storey in height and is slightly elevated from the natural ground level due to the slope of the site. Four (4) steps provide access to the porch of Unit 14 (approximately 0.76m above ground level).
- 3.3 The Unit 14 is located to the rear of the unit complex and shares a common wall and roof line with Unit 13. The complex has a 2.5m slope from the north-east corner to the south west (front) of the site. Vehicle access is via a central driveway, which forks at the rear of the site leading to two (2) separate covered parking areas which are allocated to specific units.
- 3.4 Unit 14 has one (1) allocated car parking space (carport).
- 3.5 The units within the complex are single storey, built in parallel rows either side of the common driveway. The north-west property boundary of the complex abuts James Lane.
- 3.6 No's 4 to 8 John Street abut the rear property boundary of the complex. Each of these lots contains a single dwelling, generally single storey in nature. No. 8 John street has a double storey component to the rear, however from John Street, appears to be single storey.
- 3.7 No. 10 John Street extends approximately one third of the length of the unit complex. The area that abuts the unit complex appears to be heavily vegetated.
- 3.8 The broader surrounding area is developed for a mixture of single dwellings and both recent and older multi unit developments. Heights vary between one and two storeys and predominantly incorporate hipped and gabled roof forms.
- 3.9 James Street is located one (1) street back from 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.

**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 and Schedule 1 of the Overlay.

**6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.01, a planning permit is required to construct or extend a dwelling on a lot less than 300m<sup>2</sup>.
- 6.2 Pursuant to Clause 32.01, a planning permit is required to construct or extend a dwelling within common property.

**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 28<sup>th</sup> October, 2010 that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. Updated shadow plans were substituted on the 15<sup>th</sup> February, 2011. 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 both proposals were advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Objections from two (2) different parties were received.
- 8.3 Two (2) objections were lodged against the application.
- 8.4 The valid grounds of objection raised are summarised as follows:
- Loss of privacy (overlooking)
  - Side and rear setbacks
  - Overshadowing
  - Visual Bulk
- 8.5 The following objections raised are not valid planning considerations:
- Devaluation of property
  - Loss of views

**9.0 PRELIMINARY CONFERENCE**

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- 9.1 A preliminary conference was held on the 27<sup>th</sup> January, 2011, with the relevant Planning Officer, Ward Councillor, the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.
- 9.2 The above concerns were unable to be resolved at the preliminary conference, and the objections still stand.

**10.0 REFERRALS**

- 10.1 The following internal and/or external referral departments were notified:
- Council's Development Engineer
  - Council's Vegetation Management Officer
- 10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

**11.0 RELEVANT POLICIES**

11.1 State Planning Policy Framework (SPPF)

Clause 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

As the units are constructed on individually titled lots, it is considered that Clause 54 (Dwelling on a lot less than 300m<sup>2</sup>) is applicable – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

Whilst a portion of the dwelling (any section above 6.096m above the lower boundary and a small section of the porch) is to be constructed within common property, and Clause 55 may be applicable, Council is assessing the application under Clause 54 for the following reasons:

1. The bulk of each proposal is to be contained within the individual lots and therefore Clause 54 would be applicable.
2. The portion of the development to be constructed within common property is limited to the roof form.
3. The extensions of the porch area constitutes the only *footprint* increase that encroaches within the common property area
4. Clause 32.01-4 - Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings states that a planning permit is required to construct or extend a **dwelling if it is on** common property. Clause 55 is applicable to the assessment of this permission. It is noted that the Clause does not

state that a permit is required to extend a dwelling **onto** common property, rather can be interpreted that this is applicable if a dwelling is already on common property.

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. The only areas of variation from the guidelines (lot pattern and building placement) are due to the existing conditions of the site, which will not be altered.

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. As discussed above variations from the guidelines are due to the existing circumstances of the site.

**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 proposals are consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposed extensions should improve the standard of amenity for the future occupants of the dwelling, as well as for occupants of existing dwellings in the immediate area, subject to conditions on any approval issued. It is considered that the development will have minimal impact on the existing streetscape character given its siting to the rear of an existing complex, 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.

The proposal does not seek to develop the site for **new** medium density housing, however seek to extend an existing dwelling. It is therefore considered that the policy regarding the location of 'new medium density housing' to the front of the site is not applicable to this application.

With regard to car parking, it is noted that the dwelling is allocated one (1) car parking space. It is not proposed to increase the car parking on site. Whilst increased parking for new medium density housing would generally be triggered under Clause 55, the application must be considered under Clause 54, which does not require additional parking spaces for dwelling extensions.

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

12.4 Zoning Provisions

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

12.5 Overlay Provisions

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

§ DDO1 – Neither proposal seeks to exceed the allowable height limits or internal storey heights as allowed under Schedule 1 of the Design and Development Overlay.

§

**13.0 CLAUSE 54 (RESCODE ASSESSMENT)**

The proposal has been assessed against the objectives and standards of Clause 54 (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:

13.1 **Standard A1 – Neighbourhood Character**

It is considered that the design response is generally consistent with the existing and evolving neighbourhood character of the beachside Mordialloc. Similar styles of dwelling extensions with an existing unit complex are evident along Beach Road, particularly Units 1 and 7/188-190 Beach Road.

Two (2) storey sheer walls and bulkier features are also evident within close proximity of the site, particularly multi unit developments at No. 2 Bay Street, No's 2 and 2A James Street, 8 James Street (Rear 187 Beach Road – 5 dwellings), rear of 188-190 Beach Road (fronting James Street). A number of single dwelling developments within James Street also display these features.

13.2 **Standard A2 – Integration with the Street**

As the dwelling is located to the rear of the multi-unit complex it is considered that this provision is generally not applicable. The dwelling fronts the common property area within the complex, with habitable windows and balconies facing this area providing opportunities for passive surveillance.

13.3 **Standard A3 – Street Setback**

Not Applicable

13.4 **Standard A4 – Building Height**

The dwelling complies with the requirement, with the proposed dwelling extension have a maximum height of 7.73m above natural ground level.

13.5 **Standard A5 – Site Coverage**

As discussed within section 2.5 of this report, the proposal has a site coverage of 100% due to the title boundaries. If the practical boundaries are considered (including area to the rear utilised for secluded private open space) site coverage does not exceed 60%.

**13.6 Standard A6 – Permeability**

As discussed above, the lot boundaries constrain the ability to provide permeable surfaces on the site. Permeable areas to the front and rear of the site (within the common property area) are to be maintained.

**13.7 Standard A7 - Energy Efficiency**

The first floor sitting area and bedroom 2 are to be provided with north facing windows.

No changes to the habitable room windows are proposed at ground floor.

A parcel of secluded private open space is located to the north of the dwelling.

The orientation of the site minimises the impacts on energy efficiency with regard to surrounding properties.

**13.8 Standard A8 – Significant Trees**

Not applicable

**13.9 Standard A9 – Parking Objective**

As the proposal constitutes a dwelling extension, the provisions of this objective are not applicable to this proposal.

**13.10 Standard A10 – Side and Rear Setbacks**

As the unit boundaries fall along the outside face of the building, the upper floor extension does not comply with this standard. It is considered that the proposed setbacks are generally acceptable in this instance for the following reasons:

- The south-east east façade of Unit 14 faces the eastern car parking area and should not generally be viewed from windows of private open space within the complex. This wall is located in excess of 14m from the property boundary of the complex.
- Whilst the north-east (rear) façade of the dwelling is built on the boundary, land to the rear of the dwelling appears to be utilised as the secluded private open space for each dwelling and provides at least a 4 metre setback from the north-east façade of each dwelling and the south-west property boundary of No. 6 and No. 8 John Street.
- The south west (front) façade of the dwelling is provided with a balcony area and incorporates varied building materials and finishes to minimise building bulk. The semi-circular landscaped area (located within common property) appears to act as front open space and provides a suitable buffer distance between the development and the nearest dwellings. Furthermore, the existing common driveway area provides an additional area between the subject site and the remaining units within the complex.

**13.11 Standard A11 – Walls on Boundaries**

As the outer walls of the unit form the property boundaries of the lot, the proposal is non-compliant. Given the constraints of the site, it is considered that the proposed form is reasonable, and the proposed walls on boundaries should not detrimentally impact the surrounding properties.

**13.12 Standard A12 – Daylight to existing windows**

The proposal provides adequate setbacks from habitable room windows facing the subject site.

**13.13 Standard A13 – North Facing Windows**

The proposal should not impact any north facing windows given the setbacks from surrounding properties.

**13.14 Standard A14 – Overshadowing Private Open Space**

The property most affected by shadowing appears to be No. 8 John Street; however, between the hours of 9:00 am and 3:00 pm, the shadowing appears to be limited to a small rectangular parcel of land to the north-west of the south-west corner of the pool. As this area constitutes a small portion of their secluded private open space, it is considered that the level of overshadowing is acceptable in this instance.

**13.15 Standard A15 – Overlooking**

The application is considered to be compliant, with minimum distances to habitable windows and secluded private open space provide where screening is not provided.

**13.16 Standard A16 – Daylight to new windows**

All proposed windows have adequate access to daylight.

**13.17 Standard A17 – Private open space**

The dwelling is provided with a balcony at first floor level; however this does not comply with the standard. The subject site appears to benefit from parcel of common land to the rear, which is enclosed, and appears to serve the function of secluded private open space. It is considered that this land, in conjunction with the upper floor balcony, should provide adequate out door space for the occupiers of the site. It should be noted that the parcel of land to the rear complies with the minimum dimensions (at least 3m) and area.

**13.18 Standard A18 – Solar access to private open space**

Not applicable.

**13.19 Standard A19 – Design Detail**

The proposal provides a pitched roof form and incorporates render and weatherboard finish which is consistent with the character of the area. Other character details typical of the area, including eaves and front porches, also feature in the design of the dwelling.

**13.20 Standard A20 – Front Fences**

Not applicable.

**14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS**

It is noted that no objections were received from owners / occupiers within the unit complex at No. 1-3 James Street.

**14.1 Loss of Privacy (Overlooking)**

Concerns were raised from residents to the rear of the site (John Street) with overlooking from the first floor windows. The applicant has provided screening measures, however, has not stipulated the height of the screens, nor defined the type of screen. A condition requiring these details should be included on any approval issued, which should minimise overlooking opportunities.

**14.2 Side and Rear Setbacks**

As discussed within Section 13.10 of this report, it is considered that the setbacks from the rear property boundaries of the complex should provide adequate separation from the rear property boundaries of dwellings within John Street.

**14.3 Overshadowing**

As discussed within section 13.5 of this report, the overshadowing resulting from the development is consistent with the standard and should not unreasonably shadow adjoining secluded private open space areas. Specifically, the pool area within No. 8 John Street should remain in full sun between the hours of 9:00 am and 3:00 pm.

**14.4 Visual Bulk**

Whilst the proposal does propose sheer walls, it is considered that their location should not adversely impact adjoining properties to the rear given the setbacks from the complex property boundaries and variety of materials used.

Furthermore the slope of the site to the rear places the John Street properties higher up than the subject site. This should assist in reducing the dominance of the two storey built form of the proposal.

**14.5 Roof Form.**

Concerns were raised regarding the pitched roof form. It is considered that the proposed hipped roof form is preferable given the existing pitched roof forms within the complex and local area. Whilst a mixture of roof forms, including flat rooves, is evident within the area, it is considered that the pitched roof form complements the proposed design of the dwelling. It is considered that a flat roof form would result in a 'box' style of development, which would be unsympathetic to the immediate surrounds.

**15.0 CONCLUSION:**

15.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the inclusion 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, Overlays, Clause 54 – One dwelling on a lot, 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 construction of extensions to the existing dwelling on this site, on a lot less than 300m<sup>2</sup> and over common property, 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 28th October, 2010, and 15<sup>th</sup> February, 2011, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii) the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv) a range of plant types from ground covers to large shrubs and trees;
    - v) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi) the provision of one (1) suitable small sized (at maturity) canopy tree within the front garden area of unit, with species chosen to be approved by the Responsible Authority.
    - vii) sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii) all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b. the 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;
  - c. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;



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- d. the provision of full details of the first floor screening devices nominated to 1.7m above the finished floor level directly below of the first floor window of bedroom 2 of the dwelling, which may include a cross section; and
  - e. the minimum sill height of any highlight windows nominated as being 1.7m above the first floor finished floor level, directly below.
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 dwelling extension hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Prior to the occupation of the dwelling extension 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. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.
  6. Prior to the occupation of the dwelling extension 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.
  7. 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.
  8. The proposed building addition must be constructed and thereafter maintained in materials, styles and colours compatible with the existing building to the satisfaction of the Responsible Authority.
  9. All new or altered piping and ducting (other than rainwater guttering and downpipes) above the ground floor storey must be concealed and any existing external piping and ducting (other than rainwater guttering and downpipes) above the ground floor level must be concealed or painted to match the existing colours of the walls of the building to the satisfaction of the Responsible Authority.
  10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  11. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
    - The development is not started within two (2) years from the date of permit issue.
    - The development is not completed within one (1) year from the commencement of works.

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

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**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 choose not to support the application, it can do so on the following grounds:

1. The proposal constitutes an overdevelopment of the site.
2. The proposal exhibits excessive bulk and mass.
3. The proposal would have an adverse impact on the established neighbourhood character of the area.
4. The proposal does not satisfy all of the requirements of Clause 54 of the Kingston Planning Scheme, in particular Clause 54.02-1 – Neighbourhood Character, Clause 54.04-1 – Side and Rear Setbacks and Clause 54.04-2 – Walls on Boundaries.

Paul Zahra addressed the meeting on behalf of the objectors

Michael Myer addressed the meeting on behalf of the applicant

**Crs Dundas/Athanasopoulos**

That the recommendation be adopted

**Carried**

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PC 14

**KP624/10 – 146-148 Centre Dandenong Road, Dingley Village**

<b>APPLICANT:</b>	Taylors Development Strategists	
<b>LOCATION:</b>	No. 146-148 (Lot 1 on PS056752) Centre Dandenong Road, Dingley Village	
<b>MELWAYS REF:</b>	88 E6	
<b>PROPOSAL:</b>	Four (4) double storey dwellings	
<b>FILE NUMBER:</b>	KP624/10	
<b>PLANNING OFFICER:</b>	Sebastian Lorenzo Author: Kate O’Hara	
<b>OBJECTIONS:</b>	One (1)	
<b>ZONING:</b>	Residential 3	
<b>OVERLAYS</b>	None	
<b>KINGSTON PLANNING SCHEME ORDINANCE</b>	Clause 11: Settlement Clause 13: Environmental Risks Clause 15: Built Environment and Heritage Clause 16: Housing Clause 21.05: Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone Clause 55: Two or More Dwellings on a Lot (ResCode) Clause 65: Decision Guidelines Clause 66: Referrals	
<b>RESIDENTIAL POLICY AREA</b>	Incremental Change Area	
<b>DECISION BY:</b>		
<b>NETT DAYS</b>		
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	11 <sup>th</sup> November, 2010	

**KEY ISSUES:**

The key issue arising from this proposal relates to:

- Neighbourhood Character; and
- Non compliance with ResCode.

**EXISTING CONDITIONS:**

The subject site is situated on the southern side of Centre Dandenong Road, Dingley Village, between Forest Park Road to the west and Pauline Avenue to the east. The land is slightly irregular in shape with a frontage of 32.09 metres to Centre Dandenong Road, a maximum depth of 51.07 metres and an overall area of 1399.1m<sup>2</sup>. A section of land also extends through to Forest Park Road with dimensions of 21.76m and 3.66m to Forest Park Road. The topography of the land is relatively flat. Several established trees exist within the front and rear setbacks of the property. A 2.44m wide drainage and sewerage easement traverses the rear of the site.

The land is currently occupied by a single-storey, cream brick veneer dwelling with a high gable end tiled roof and associated out buildings. Vehicle access to the site is via a crossover on the north-west corner of the site from Centre Dandenong Road. Land to the north, south, east and west is developed for residential purposes and comprises a mix of single and double-storey dwellings. There are examples of medium density housing in the immediate locality.

The site is located within reasonable proximity to local shops, schools, public transport and public reserves. Bus services can be accessed on Centre Dandenong Road. Dingle Village Shopping Centre is approximately 300m to the east of the site.

**RESTRICTIVE COVENANTS:**

The current Certificate of Title for the subject site appears to contain no restrictions.

**SITE HISTORY:**

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

**PROPOSAL IN DETAIL:**

The plans for consideration are those received by Council on 11<sup>th</sup> November, 2010.

It is proposed to demolish the existing dwelling and outbuildings and construct four (4) double-storey dwellings.

<b>SITE AREA</b>	1399.1m <sup>2</sup>
<b>FRONTAGE/S</b>	32.09m to Centre Dandenong Road.
<b>DEPTH</b>	51.07 metres
<b>SITE COVERAGE</b>	35.2%
<b>NO. OF DWELLINGS</b>	4
<b>NO. OF STOREYS</b>	2
<b>NO. OF BASEMENT LEVELS</b>	0
<b>FRONT SETBACK</b>	7.4 metres to Centre Dandenong Road
<b>MINIMUM SIDE SETBACK</b>	0 metres to the eastern (side) property boundary. 1.2 metres to the western (side) property boundary.
<b>REAR SETBACK</b>	2.5 metres

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (Excluding Garage / Carport Areas)</b>	<b>Private Open Space Area (Total)</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	177.1m <sup>2</sup>	76.9m <sup>2</sup>	4	2
2	159.7m <sup>2</sup>	74.3m <sup>2</sup>	4	2
3	159.7m <sup>2</sup>	74.3m <sup>2</sup>	4	2
4	169.8m <sup>2</sup>	230.3m <sup>2</sup>	4	2

Building materials and colours have been nominated as:

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Roof:	Tiled slate look
Walls:	Combination: acrylic rendered finish over FC sheet at first floor, face brickwork at ground floor (colours not provided).
Garage door/s:	Colourbond Panel lift (colour not provided).
Windows:	Details not provided.
Driveways:	Details not provided
Front fencing:	No front fence, although a 1.8m high brick fence is proposed to the front of Dwelling 1.
Boundary fences:	Existing fencing along the site's east and west (side) property boundaries would be retained as a part of the development (where appropriate). A new 1.8m high timber paling fence is proposed along the sites southern (rear) boundary and the western (side) boundary abutting Forest Park Road.

Each dwelling is to be provided with a double lock-up garage with a new crossover proposed on the eastern boundary gaining access from the service road. The majority of vegetation on the site is proposed to be removed, with the exception of a large Evergreen located to the rear of the property.

**DEVELOPMENT ASSESSMENT TABLE:**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	An area of 40 m <sup>2</sup> , with a minimum dimension of 5 metres and convenient access from a living room. Plus an additional 20m <sup>2</sup> at ground floor level with minimum dimensions of 3 metres for any additional bedroom over two bedrooms.	Dwellings 1, 2 and 3 do not achieve the required 80m <sup>2</sup> for a four bedroom dwelling. Additionally Dwelling 1 has the secluded private open space within the front setback. (refer to ResCode discussion section within this report) Dwelling 4: complies
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling, and two (2) car parking spaces for each three (3) or more bedroom dwelling.	Dwelling 1: complies (2 spaces provided in double garage). Dwelling 2: complies (2 spaces provided in double garage). Dwelling 3: complies (2 spaces provided in double garage). Dwelling 4: complies (2 spaces provided in double garage).
<b>Front Setback</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	A setback of 8.55m is required. The application proposes 7.4m. Does not comply (refer to ResCode discussion section within this report).
<b>Site Coverage</b>	Maximum 50% - as per ResCode	Site coverage is 35.2% and therefore complies.

**AMENDMENTS PRIOR TO NOTIFICATION OF APPLICATION:**

There were no amendments made prior to advertising.

**ADVERTISING:**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a public notice on site for fourteen (14) days. One (1) objection was received. The valid grounds of objection raised are summarised as follows:

- Overshadowing;
- Traffic concerns; and
- Drainage.

**PRELIMINARY CONFERENCE:**

A preliminary conference meeting was held on Tuesday 1<sup>st</sup> February 2011 with the relevant Planning Officer, the Permit Applicant and one (1) objector in attendance. The above-mentioned issues were discussed at length.

Some of the above concerns were resolved at the conference, namely overlooking with conditions to be included on any issued permit. Consequently, one (1) objection has since been withdrawn.

Traffic and drainage matters have been assessed by Council departments and referred to VicRoads, no concerns have been raised. Suitable drainage conditions will be placed on any issued permit.

**PLANNING SCHEME PROVISIONS:**

A Planning Permit is required to develop land for two (2) or more dwellings on a lot and also to extend a dwelling on a lot with more than one (1) dwelling, pursuant to Clause 32.06 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

**OTHER:**

The subject land is zoned Residential 3. The site is located in an “Incremental Housing Area”, as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

No overlay controls affect the subject site.

**REFERRALS:**

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

- Development Approvals Engineer;
- Vegetation Management Officer; and,
- VicRoads.

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

**DISCUSSION:**

**Kingston Planning Scheme Provisions:**

State Planning Policy Framework (SPPF)

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

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

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

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

It is considered that the application responds well to the SPPF proposing three additional dwellings in an area that is well serviced by schools, community facilities and access to public transport and shops.

Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use) – The subject site is located in an ‘Incremental Housing Change Area’ as identified in the MSS. These areas encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. Within these areas, new housing development should be responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas. Average lot sizes in this area have been calculated to be 297.5m<sup>2</sup>.

It is considered that this application meets the objectives of this Clause proposing four (4) new dwellings on an allotment of 1399.1m<sup>2</sup>.

Clause 22.11 (Residential Development Policy) – The objective of this policy is to promote a managed approach to residential development through identifying areas most suited to increased housing diversity, incremental change, residential renewal and minimal change. The policy also seeks to ensure appropriate design outcomes are achieved which will result in a reasonable level of amenity for future dwelling occupants, neighbouring properties and the environment.

The proposal has been assessed against the objectives and policy of the Residential Development Policy, areas of non-compliance are discussed below:

*Built form, siting and scale of development*

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

The application proposes four large double storey dwellings extending through the length of the site. Dwelling 4 at the rear has provided reasonable setbacks from side and rear boundaries to limit the impact on adjoining properties. Dwellings 2 and 3 are located centrally within the site and present as large dwellings, however the first floor of these dwellings are setback from the west (side) boundary by up to 8m and up to 7m (balcony) from the east (side) boundary, with varied materials used to break up the mass. For these reasons it is considered that the proposed development is acceptable.

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

The adjoining property to the south is vacant and as such Dwelling 4 should little, if any, impact on this property. Additionally, the first floor has been recessed from the ground floor to reduce visual bulk, west facing windows are setback in excess of 9 metres from adjoining property boundary and east facing first floor windows are limited to small square windows which could easily be turned into highlight windows. The balcony for Dwelling 4 will include an obscure glass screen to prevent overlooking to the east.

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

All Dwellings incorporate varied colours and materials at first floor level to reduce the impact of visual bulk along with recessed first floor areas. Balconies and feature “turrets” also break up the visual bulk.

Further, the Policy aims to ensure that new development is responsive to the character elements identified in the *Kingston Neighbourhood Character Guidelines – May 2000, revised February 2003*, particularly those identified as making a *major* or *critical* contribution to neighbourhood character.

The land is located within Area No. 53 of the Neighbourhood Character Guidelines, which identifies one (1) built form characteristic that make a “major contribution” to the profile area, being:

- Materials

The study identifies tiled roofs and red or light brown brick as having a major contribution to the character of the area. The application proposes Tiled rooves in a slate colour, details of the brickwork have not been provided and this shall be required as a condition of any issued permit.

**Clause 32.06: Residential 3 Zone**



The purpose of the Residential 3 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A Planning Permit is required to construct a new dwelling or extend an existing dwelling on a lot less than 300m<sup>2</sup>.

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

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

**Standard B8 – Site Coverage:** The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 35.2% and is consistent with the Schedule requirements.

**Standard B28 – Private Open Space:** The local variation requires an area of 40m<sup>2</sup>, 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 40m<sup>2</sup>, 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 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling.

Dwelling 1 proposes a total of 76.9m<sup>2</sup> for a four (4) bedroom dwelling and is located within the front setback and as such does not comply. While the location of the open space does not comply with the Standard it is considered acceptable in this instance as it allows for north facing secluded private open space, the fence is setback a minimum of 1.8m from the frontage allowing for landscaping to the front, and direct access is achieved from a north facing habitable room. It is considered that the dimensions of the open space provided allow for functional and useable areas and that a shortfall of 3.1m<sup>2</sup> is not significant enough to compromise the useability of the space.

Dwellings 2 and 3 propose a total of 74.3m<sup>2</sup> secluded private open space for four (4) bedroom dwellings and as such do not comply with the schedule. It is considered however, that the shortfall of 5.7m<sup>2</sup> to each of these dwellings is acceptable and will still allow for the recreational needs of the dwelling.

While three of the four dwellings are not able to meet the open space standards of the schedule (being max. 80m<sup>2</sup>) it is noted that Dwelling 4 has in excess of 200m<sup>2</sup> secluded private open space, with capacity to retain a significant Evergreen in the rear yard. Additionally, a number of other mature trees will be retained as part of the development and there are good areas for landscaping around the dwellings. Overall it is considered that the proposal provides functional and useable areas of private open space with good northerly orientation and excellent access from main habitable rooms.

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

The application proposes a 1.8m high brick fence, setback a minimum of 1.8m from the northern (front) boundary to provide privacy to Dwelling 1. Centre Dandenong Road is a Category 1 Road and as such this complies.

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

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal would satisfy the relevant objectives and standards of ResCode, with the only areas of non-compliance being identified as follows:

**Clause 55.03-1 Street setback:** The objective of this Clause is *“to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site”*.

The application proposes a minimum setback of 7.4 metres to the frontage, where the average of the two adjoining properties suggests a setback of 8.55 metres. Given the angled frontages of properties facing Centre Dandenong Road, dwelling setbacks are varied, with the neighbourhood character study finding setbacks range from 5 – 10 metres. In this section of Centre Dandenong Road the average setback seems to be around 7.4 metres. As the site will be predominantly open to the street with plenty of landscaping opportunities and presents a staggered setback to the street, Council officers consider it appropriate to allow a variation to the front setback in this instance.

**Clause 55.03-9 – Access Objective:** The objective of this Clause is *“to ensure vehicle access to and from a development is safe, manageable and convenient”*.

The application has not successfully demonstrated that vehicles can enter and exit the site in a forwards direction from Dwelling 4, in fact the applicant has requested Council to consider a variation from this requirement. Given that the site has access off a service Road which terminates at the boundary of the site it is considered that there are very limited traffic concerns related to vehicles reversing out of the site. Accordingly, in this instance it is considered that there will be no detriment caused by the lack of a turning circle to Dwelling 4.

**Clause 55.05-4 – Private Open Space Objective:** The objective of this Clause is to *“provide adequate private open space for the reasonable recreation and service needs of residents”*.

As previously discussed, Dwellings 1, 2 and 3 fail to meet the schedule to the Residential 3 Zone for four bedroom dwellings, where a maximum of 80m<sup>2</sup> private open space is required. Additionally, the location of the private open space to Dwelling 1 is to the front rather than the side or rear.

Given that Dwelling 4 has in excess of 200m<sup>2</sup>, that several trees will be retained as part of the development, there are generous areas for landscaping and the spaces provided are both useable and reasonable with good access from the living room and good access to sunlight, for these reasons Council officers consider that a variation to the requirements of Clause 55.05-4 are appropriate in this case.

**Clause 65: Decision Guidelines**

This Clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application. It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

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

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character.

Council officers consider that the proposed development generally satisfies the relevant design techniques and suggestions outlined in this document.

**RESPONSE AGAINST GROUNDS OF OBJECTIONS**

**Overlooking:** Objectors have raised concern regarding overlooking from east facing first floor windows and balconies in particular into their private open space at the front and habitable windows. Following a preliminary conference the applicant has agreed to provide screening to the balconies of Dwellings 2 and 3 to 1.7 metres high and to re-orientate the balcony of Dwelling 1 to the north, these changes shall form a condition of any issued permit. There appears to also be potential for overlooking from the east facing windows of Bedroom 1, Dwelling 4, a condition of any issued permit will require these windows to have sill heights of 1.7 metres above finished floor level.

**Traffic:** The objector raised concern about the use of the service road for access to the development site, stating that this would need to be carefully managed. Council's traffic engineers have not raised concerns about the use of the service road to access the site. All vehicles exiting the site are able to do so in a forwards gear, (although vehicles from Dwelling 4 would first have to reverse the length of the site to swing around in the area to the front of the garage for Dwelling 1), preventing potential conflicts between vehicles exiting from the adjoining property at 144 Centre Dandenong Road.

**Drainage:** Concern has been raised regarding the ability of the local drainage network to support four (4) new dwellings on the site. Council's drainage engineers have not raised any objection to the development and suitable conditions will be included on any issued permit, including a Construction Management Plan, to ensure the site is properly drained.

**GENERAL COMMENT:**

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

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

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

**RECOMMENDATION:**

That Council resolve to issue a Planning Permit for the development of this site for the construction of four (4) dwellings, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans received by Council on 11<sup>th</sup> November 2010, but modified to show:
  - a) the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees;
    - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - b) all buildings (including fences / mail boxes etc) to be set back a minimum 1.8 metres from the site's Centre Dandenong Road (front) property boundary;
  - c) the balconies of Dwellings 2 and Dwelling 3 fitted with an obscure glass screen to 1.7 metres in height above the balcony floor level;
  - d) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;

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- e) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
  - f) the balcony of Dwelling 1 re-orientated to the north of bedroom 1; and,
  - g) the east facing windows of bedroom 1 of Dwelling 4 to have sill heights of 1.7 metres above finished floor level.
2. A Tree Protection Zone (TPZ) must be observed at a distance of the following:
- Eight point 4 (8.4) metres in a radius surrounding the *Quercus robur* (English Oak) within the rear of the site
3. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre (or larger) high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected around the *Quercus robur* (English Oak) at the distances specified for the TPZ.
4. The following must be observed within the TPZ area (without the further consent in writing of Council's Vegetation Management Officer):
- a) the existing soil level must not be altered either by fill excavation;
  - b) the soil must not be compacted or the soil's drainage changed;
  - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - d) no storage of equipment, machinery or material is to occur;
  - e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - f) tree roots must not be severed or injured;
  - g) machinery must not be used to remove any existing concrete, bricks or other materials;
5. During construction of the rear timber deck in dwelling 4, all posts within 8.4 meters radius of the *Quercus robur* (English Oak) must be hand dug to prevent damage to existing root system.
6. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business 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.
7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a

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- qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  9. The development of the site must be provided with stormwater mitigation works which will entail the detention of stormwater on site and/or the use water sensitive urban design principles (including re-use) to reduce stormwater run-off quantity and improve discharge quality. Discussion with Councils Development Approvals Engineer is advised prior to a design being submitted.
  10. The stormwater system must be constructed in accordance with the approved drainage plan and maintained to the satisfaction of the Responsible Authority.
  11. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on treatment.
  12. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
  13. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
  14. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
  15. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  16. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  17. Before the development hereby approved commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have an impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  18. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  19. The development of the site must be provided with stormwater works which will incorporate the use of water sensitive urban design principles to improve stormwater run-off as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an

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infiltration or bio-retention system, rainwater tanks connected for re-use and a detention system.

20. Before 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.
21. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
22. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
23. Prior to the occupation of the dwellings hereby approved, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced with an all-weather exposed aggregate, natural sand colour, 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.

24. 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.
25. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
26. 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.
27. Once the development and/or use has started it must be continued and completed to the satisfaction of the Responsible Authority.
28. In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - a) The development is not started within two (2) years of the date of issue.
  - b) The development is not completed within one (1) year from the commencement of works.

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

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**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 wish to oppose the application, it can do so on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over- development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal does not satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.03-1 Street Setback Objectives, Clause 55.03-8 Access Objectives, and Clause 55.05-4 Private Open Space Objective.

Michael Myer addressed the meeting on behalf of the applicant

**Crs Staikos/Athanasopoulos**

That the recommendation be adopted

**Carried**

There being no further business the meeting closed at 7.33 pm

**Confirmed.....His Worship, The Mayor 20 April 2011.**



**APPENDIX A – RESCODE ASSESSMENT**

**Standard of the Kingston Planning Scheme:** Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	The proposed development is generally compatible with the pattern of development in the area, providing side and rear setbacks, building form and architectural details consistent with the pattern of development in the area.
<p><b>B2 Residential Policy</b> 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	The proposed development largely satisfies State and Local Planning Policies and is located in area designated to take advantage of medium density development.
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	Yes	Dwelling 1 has an entry porch orientated to front Centre Dandenong Road, setbacks of other dwellings are staggered along the driveway to give a street presence. High fencing is setback 1.8m from the frontage.
<p><b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<p><b>Maximum:</b> 8.55 metres <b>Proposed:</b> 7.4 metres</p> <p>See Report</p>
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 9 metres <b>Proposed:</b> 7.6 metres</p>
<p><b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p><b>Maximum:</b> 50% <b>Proposed:</b> 35.2%</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>At least:</b> 20% <b>Proposed:</b> 44.1%
<b>B10 Energy Efficiency</b> 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	Each dwelling has been designed with north facing living areas and private open space.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	The layout of the development is safe and secure, providing clear and open entrances to dwellings and accessways.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	Yes	The application proposes to retain large canopy trees where possible within the development.  Require a landscape plan as condition of permit
<b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Partially	Each dwelling is provided with a covered car space that is accessed via a shared driveway along the eastern boundary of the site, however vehicles are not able to exit the site in a forwards gear from Dwelling 4.  See Report
<b>B15 Parking Location</b> 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.	Yes	Lock up double garages are provided for each dwelling with direct entry to each property.
<b>B16 Parking Provision</b> Ensure car and bicycle parking meets the	Yes	<b>Required:</b> 2 spaces per dwelling. <b>Proposed:</b> 2 spaces per dwelling

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Title and Objective	Complies with Standard?	Requirement and Proposed	
needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.			
<b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	<p><b>Dwelling 1</b>  <b>Required:</b>  <u>Ground Floor</u>  <i>North:</i> N/A (frontage)  <i>East:</i> 0-1m  <i>South:</i> 0-1m  <i>West:</i> 0-1m</p> <p><u>First Floor</u>  <i>North:</i> N/A (frontage)  <i>East:</i> 1.69m  <i>South:</i> 1.69m  <i>West:</i> 1.69m</p> <p><b>Dwelling 2</b>  <b>Required:</b>  <u>Ground Floor</u>  <i>North:</i> 0-1m  <i>East:</i> 0-1m  <i>South:</i> 0-1m  <i>West:</i> 0-1m</p> <p><u>First Floor</u>  <i>North:</i> 1.69m  <i>East:</i> 1.69  <i>South:</i> 1.69m  <i>West:</i> 1.69</p> <p><b>Dwelling 3</b>  <b>Required:</b>  <u>Ground Floor</u>  <i>North:</i> 0-1m  <i>East:</i> 0-1m  <i>South:</i> 0-1m  <i>West:</i> 0-1m</p> <p><u>First Floor</u>  <i>North:</i> 1.69m</p>	<p><b>Dwelling 1</b>  <b>Proposed:</b>  <u>Ground Floor</u>  <i>North:</i> N/A (frontage)  <i>East:</i> 10.5m  <i>South:</i> 0-1m  <i>West:</i> 1.2m</p> <p><u>First Floor</u>  <i>North:</i> N/A (frontage)  <i>East:</i> 12m  <i>South:</i> 0m  <i>West:</i> 1.8m</p> <p><b>Dwelling 2</b>  <b>Proposed:</b>  <u>Ground Floor</u>  <i>North:</i> 1m  <i>East:</i> 6.6m  <i>South:</i> 0m  <i>West:</i> 5m</p> <p><u>First Floor</u>  <i>North:</i> 1.1m  <i>East:</i> 8.8m  <i>South:</i> 1.1m  <i>West:</i> 8m</p> <p><b>Dwelling 3</b>  <b>Proposed:</b>  <u>Ground Floor</u>  <i>North:</i> 0m  <i>East:</i> 6.6m  <i>South:</i> 1m  <i>West:</i> 5m</p> <p><u>First Floor</u>  <i>North:</i> 1.1m  <i>East:</i> 8.8m  <i>South:</i> 1.1m  <i>West:</i> 8.1m</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed	
		<p><i>East:</i> 1.69 <i>South:</i> 1.69m <i>West:</i> 1.69</p> <p><b>Dwelling 4</b> <b>Required:</b> <b><u>Ground Floor</u></b> <i>North:</i> 0-1m <i>East:</i> 0-1m <i>South:</i> 0-1m <i>West:</i> 0-1m</p> <p><b><u>First Floor</u></b> <i>North:</i> 1.66 <i>East:</i> 1.72 <i>South:</i> 1.72m <i>West:</i> 1.69</p>	<p><b>Dwelling 4</b> <b>Proposed:</b> <b><u>Ground Floor</u></b> <i>North:</i> 1m <i>East:</i> 0m <i>South:</i> 2.5m <i>West:</i> 9.5m</p> <p><b><u>First Floor</u></b> <i>North:</i> 1m <i>East:</i> 2m <i>South:</i> 2.9m <i>West:</i> 13.7m</p>
<p><b>B18 Walls on Boundaries</b> 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><b>Maximum:</b> 10m + 25% of remaining boundary. <b>Proposed:</b> 6.6m on eastern boundary.</p>	
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	<p>There are no habitable room windows affected by the proposed development.</p>	
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	<p>There are no north facing habitable room windows affected by the proposed development.</p>	
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>Given the north-south orientation of the site, there will not be significant overshadowing to existing secluded private open space.</p>	
<p><b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	Yes	<p>Potential for overlooking has generally been addressed through the use of highlight windows and obscure glass. Perceived overlooking from balconies may be addressed through conditions of any issued permit.</p>	

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Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	Internal views are limited by the careful placement of first floor and ground floor windows and 2m high fencing.
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	There are no known noise sources associated with the proposed development.
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	All dwellings can be made accessible for people with limited mobility.
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Yes	All dwellings have a clear sense of identity with the inclusion of a covered entry porch.
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	All new windows to habitable rooms have clear access to daylight.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	No	<b>Required:</b> 40m <sup>2</sup> for each dwelling + 20m <sup>2</sup> for each additional bedroom where more than 2 bedrooms <b>Proposed:</b> Dwelling 1 - 77m <sup>2</sup> . Dwelling 2 – 74.3m <sup>2</sup> . Dwelling 3 – 74.3m <sup>2</sup> Dwelling 4 – 230.3m <sup>2</sup>  See Report
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	Each dwelling has access to open space with northerly orientation.
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Yes	6m <sup>3</sup> of external storage within the rear setback of each dwelling has been proposed.
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	The proposed design is generally consistent with the pattern of development in the area, incorporating window and door openings commonly used in the neighbourhood as well as roof pitch and materials.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	Yes	<b>Maximum:</b> 2m <b>Proposed:</b> 1.8m brick piers

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B33 Common Property</b> 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	Communal and private spaces are clearly defined and are unlikely to create future management difficulties
<p><b>B34 Site Services</b> 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	Provision has been made for site services that can be easily maintained.