

Agenda

Planning Committee Meeting

Wednesday, 23rd November 2022

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

Peter Bean
Chief Executive Officer
Kingston City Council

4. Planning and Place Reports

Planning Committee Meeting

23 November 2022

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - OCTOBER 2022

Contact Officer: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Town Planning Application Decisions – October 2022

Approved By: Jonathan Guttman - General Manager, Planning & Development

Author: Jaclyn Murdoch – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of October, 2022.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	77	72
Notice of Decision	14	13
Refusal to Grant a Permit	5	5
Other - Withdrawn (10) - Prohibited (0) - Permit not required (0) - Lapsed (1) - Failure to Determine (0)	11	10
Total	107	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions October 2022 (Ref 22/308321) 

Author/s: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Reviewed and Approved By: Heidi Heath, Senior Customer Liaison & Administration Officer

4.1

TOWN PLANNING APPLICATION DECISIONS - OCTOBER 2022

1	Town Planning Application Decisions October 2022	9
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Planning Decisions October, 2022							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2021/655	8 Pauline Avenue	DINGLEY VILLAGE	23/09/2021	30/09/2022	Extension of the 'red line' area to supply packaged liquor and alterations and additions to an existing building.	Permit	No
KP-2022/462	44 Station Road	CHELTENHAM	11/07/2022	3/10/2022	Subdivide the land into forty-one (41) lots in accordance with the endorsed plans	Permit	No
KP-2022/577	10 Foam Street	ASPENDALE	29/08/2022	3/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2022/604	38 Sixth Street	PARKDALE	7/09/2022	3/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2004/515/A	27 Fifth Street	PARKDALE	31/05/2022	3/10/2022	The construction of two (2) dwellings on this site	Notice of Decision	No
KP-2022/163	27 Axford Crescent	OAKLEIGH SOUTH	17/03/2022	3/10/2022	The construction of two (2) double storey dwellings	Notice of Decision	No
KP-2021/928	50 Cedric Street	MORDIALLOC	29/12/2021	3/10/2022	The development of two (2) dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-2021/904	2 Gavin Street	MOORABBIN	22/12/2021	3/10/2022	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2022/18	368-370 South Road	MOORABBIN	17/01/2022	3/10/2022	The construction of a five (5) storey mixed use building, containing two (2) shops, an office and ten (10) dwellings, and a reduction in the car parking requirements	Permit	No
KP-2022/634	13 Birdwood Street	PARKDALE	19/09/2022	3/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2021/790	318 Station Street	CHELSEA	11/11/2021	4/10/2022	The development of alterations and additions to an existing building within a Heritage Overlay Schedule 32 and a Design Development Overlay Schedule 8.	Permit	No

KP-2022/610	Warehouse 8 17 Sugar Gum Court	BRAESIDE	9/09/2022	4/10/2022	Extension to existing mezzanine level	Withdrawn	No
KP-2021/919	41 Baxter Avenue	CHELSEA	10/01/2022	4/10/2022	Development of four (4) double storey dwellings and a front fence exceeding exceed 1.2 metres in height, in a Special Building Overlay	Notice of Decision	No
KP-2022/248	23-41 Simpson Road	CLAYTON SOUTH	12/04/2022	5/10/2022	Alterations and additions to the existing pistol club.	Permit	No
KP- 2015/533/A	Unit 1 6 Patterson Street	BONBEACH	12/07/2022	5/10/2022	Develop the land for the construction of three (3) double storey dwellings	Permit	No
KP-2020/594	38 Munro Avenue	EDITHVALE	5/10/2020	5/10/2022	Use of the land as a food and drink premises (café), a waiver of the car parking requirements and the display of business identification signage.	Permit	No
KP- 2003/269/A	Unit 3 13 Peace Street	HIGHETT	23/12/2020	5/10/2022	The construction of three (3) two- storey dwellings on the land, in accordance with plans to be submitted pursuant to Condition 1 hereof.	Permit	No
KP-2021/508	7-11 Sheppard Street	MOORABBIN	12/08/2021	6/10/2022	Develop the land for the construction of six (6) double storey dwellings and to reduce the number of car parking spaces required under Clause 52.06-5 (no visitor car parking space)	Permit	No
KP- 2018/556/A	24 Parkers Road	PARKDALE	22/07/2022	6/10/2022	The construction of a building and works within a specified tree protection zone of a significant tree	Withdrawn	No
KP-2022/203	Office Ground 1001 Nepean Highway	MOORABBIN	25/03/2022	6/10/2022	The replacement of the existing flood lit major promotion sign with an electronic major promotion sign.	Permit	No
KP- 2004/283/A	45-47 Balcombe Road	MENTONE	16/06/2022	6/10/2022	To develop and use the site for a medical centre for four (4) practitioners, with reduced car	Permit	No

					parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and the erection of an internally illuminated business identification sign, in accordance with plans to be submitted pursuant to		
KP-2022/443	22 Stayner Grove	MOORABBIN	5/07/2022	7/10/2022	Subdivide the land into three (3) lots in accordance with the endorsed plans	Permit	No
KP-2021/921	198 Warrigal Road	CHELTENHAM	24/12/2021	7/10/2022	The development of two (2) dwellings and to create or alter access on land adjacent to a Principal Road Network	Permit	No
KP-2022/648	20 Swansea Road	CHELSEA	28/09/2022	7/10/2022	For our proposed dwelling, we now wish to apply for a planning permit under Design and Development Overlay 01 for the following reasons: Under DDO1, the maximum building height should not exceed 6 metres. The proposed height of the building is 8006 approximately from natural ground level.	Withdrawn	No
KP-2021/863	10 Christensen Street	CHELTENHAM	9/12/2021	10/10/2022	Use and develop the land for the construction of warehouses, self-storage facility, an office building and a reduction in the car parking requirements	Permit	No
KP-2021/518	45 Matthieson Street	HIGHETT	10/08/2021	10/10/2022	The development of three (3) dwellings	Permit	No
KP-2022/363	10 Booth Street	PARKDALE	27/05/2022	10/10/2022	Two (2) lot subdivision	Permit	No
KP-2022/412	84 Field Avenue	EDITHVALE	20/06/2022	10/10/2022	The development of two (2) dwellings	Permit	No
KP-2022/594	246 Boundary Road	BRAESIDE	2/09/2022	10/10/2022	Use of the land as a retail premises and to erect and display one (1)	Permit	No

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					business identification sign and one (1) internally illuminated sign		
KP-2022/567	36 Barkly Street	MORDIALLOC	24/08/2022	10/10/2022	Subdivide the land into three (3) lots	Permit	No
KP-2022/364	28 Grandview Grove	MOORABBIN	31/05/2022	10/10/2022	Development of the land for two (2) double storey dwellings	Permit	No
KP-2010/448/C	1035 Nepean Highway	MOORABBIN	11/07/2022	10/10/2022	Develop the land for the construction of a three (3) storey (not including basement) building for multiple dwellings and an access to a road in Transport Zone 2	Permit	No
KP-2022/182	1 71-73 White Street	MORDIALLOC	22/03/2022	10/10/2022	The construction of an extension to the existing dwelling including a first floor addition	Permit	No
KP-2021/160	64 Pier One Drive	PATTERSON LAKES	31/03/2021	11/10/2022	A reduction in the number of car spaces required for the use of the land for the purpose of a dwelling pursuant to clause 4 of Schedule 1 to the Comprehensive Development Zone and use of the land for the purpose of a dwelling, and buildings and works within the Land Subject to Inundation Overlay.	Refused	Yes
KP-2022/283	23 Mernda Avenue	BONBEACH	3/05/2022	11/10/2022	The construction of two (2) double storey dwellings	Permit	No
KP-2022/514	1 Gwenda Avenue	MOORABBIN	3/08/2022	11/10/2022	Development of the land to construct two (2) dwellings and a front fence exceeding 1.2m	Permit	No
KP-2012/703/A	964 Centre Road	OAKLEIGH SOUTH	20/04/2022	11/10/2022	Develop the land for the construction of an extension to an existing Place of Worship and to develop and use the land for the purpose of a car park.	Permit	No
KP-2022/582	14 Chute Street	MORDIALLOC	30/08/2022	12/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-1999/53/B	51A Kalimna Street	CARRUM	22/07/2022	12/10/2022	Section 72 amendment to extend the existing deck to the fence line	Permit	No

KP-2010/525/B	66 Whatley Street	CARRUM	27/06/2022	12/10/2022	The development of this site for two (2) dwellings, in accordance with the plans to be submitted pursuant to Condition 1 hereof	Permit	No
KP-2022/166	34 Camp Street	CHELSEA	17/03/2022	13/10/2022	Develop the land for two (2) dwellings	Permit	No
KP-2022/361	2 Grandview Grove	MOORABBIN	30/05/2022	13/10/2022	Development of the land for two (2) double storey dwellings	Permit	No
KP-2022/458	Warehouse 6 82 Levanswell Road	MOORABBIN	10/07/2022	13/10/2022	Proposed mezzanine extension for storage purposes to the existing warehouse.	Withdrawn	No
KP-2022/234	41 Brentwood Close	CLAYTON SOUTH	9/04/2022	13/10/2022	The construction of a ground floor extension and a first floor addition to the existing shop and a reduction in the car parking requirement	Notice of Decision	No
KP-2022/436	16 Clay Street	MOORABBIN	30/06/2022	13/10/2022	Development of two (2) dwellings	Notice of Decision	No
KP-2022/555	69 Plummer Road	MENTONE	18/08/2022	13/10/2022	Two (2) lot subdivision	Permit	No
KP-2021/848	34 McLeod Road	CARRUM	2/12/2021	14/10/2022	Develop the land for the construction of four (4) dwellings and alter access to a Transport Zone 2 road	Permit	No
KP-2022/198/A	5-11 Japaddy Street	MORDIALLOC	3/10/2022	17/10/2022	Building and works for canopy to car parking area	Withdrawn	No
KP-2021/14/A	42-46 Cochrane's Road	MOORABBIN	1/07/2022	17/10/2022	Use of the land for office and building and works to an existing building	Permit	No
KP-2022/517	Factory 1 9 Beach Avenue	MORDIALLOC	4/08/2022	17/10/2022	The use of the land as a restricted recreation facility (gym)	Permit	No
KP-2022/575	Factory 5 26-28 Christensen Street	CHELTENHAM	28/08/2022	17/10/2022	To Use the land for a Restricted Recreation Facility (HIIT)	Permit	No
KP-2017/974/C	196 Old Dandenong Road	HEATHERTON	14/06/2022	17/10/2022	Alterations and additions to a building associated with an existing plant nursery and an ancillary cafe	Permit	No

					and alteration of access to a road zone, category 1		
KP-2022/547	84 Embankment Grove	CHELSEA	16/08/2022	17/10/2022	Subdivide the Land into Two (2) Lots	Permit	No
KP-2022/612	12 Fourth Avenue	ASPENDALE	7/10/2022	17/10/2022	The construction of one (1) double storey dwelling on land within the Special Building Overlay	Permit	No
KP-2022/79	1-3 Libbett Avenue	CLAYTON SOUTH	28/03/2022	17/10/2022	The use of the land as an education centre (motor mechanics) and a place of assembly	Notice of Decision	No
KP-2022/352	51 Riviera Street	MENTONE	26/05/2022	17/10/2022	Development of four (4) double storey dwellings	Notice of Decision	No
KP-2022/58	1018 Nepean Highway	MOORABBIN	7/02/2022	17/10/2022	The development of two (2) dwellings and to create and alter access to a road in a Transport Zone 2.	Permit	No
KP-2018/752/A	45 Tennyson Avenue	CLAYTON SOUTH	5/09/2022	17/10/2022	In accordance with the endorsed plans Develop the Land for the Construction of four (4) double storey dwellings	Permit	No
KP-2022/639	360 Nepean Highway	CHELSEA	23/09/2022	18/10/2022	demolish existing garage and replace with a garage with storage and terrace over.	Withdrawn	No
KP-2022/660	24 Joan Street	MOORABBIN	5/10/2022	18/10/2022	The construction of a deck and verandah in the Special Building Overlay	Permit	No
KP-2022/56	33 28-36 Japaddy Street	MORDIALLOC	25/03/2022	18/10/2022	Use of the land for a retail premises (computer repairs)	Permit	No
KP-2019/569/A	260-280 Chesterville Road	MOORABBIN	6/04/2022	18/10/2022	Use and Development of the land for a staged mixed-use development comprising Offices, Medical Centre, Food and Drink Premises (excluding Bar and Hotel), Child Care Centre, create/alter access to a road in a Road Zone Category 1 and	Permit	No

					associated works in accordance with the endorsed plans		
KP-2022/212	2 406-407 Station Street	BONBEACH	3/05/2022	18/10/2022	The construction of a front fence	Permit	No
KP-2022/434	81 Field Avenue	EDITHVALE	4/07/2022	18/10/2022	Construction of two (2) double storey (side by side) dwellings	Permit	No
KP-2022/52	110 Patty Street	MENTONE	11/02/2022	18/10/2022	The development of two (2) dwellings and subdivide the land into two (2) lots	Permit	No
KP-2022/659	8 Showers Avenue	CHELSEA	5/10/2022	18/10/2022	Subdivide the land into two (2) lots (boundary realignment)	Permit	No
KP-2022/592	34B Mernda Avenue	BONBEACH	2/09/2022	18/10/2022	Develop the land for the construction of alterations and additions to an existing dwelling	Withdrawn	No
KP-2022/250	20 Swanpool Avenue	CHELSEA	19/04/2022	19/10/2022	The construction of two (2) double storey dwellings	Notice of Decision	No
KP-2022/294	24 Bridges Avenue	EDITHVALE	4/05/2022	20/10/2022	The development of two (2) dwellings and associated works in accordance with the endorsed plans	Notice of Decision	No
KP-2022/670	11 Tennyson Street	CARRUM	11/10/2022	20/10/2022	Subdivide the Land into Two (2) Lots	Permit	No
KP-2022/569	4 Kalimna Street	CARRUM	24/08/2022	20/10/2022	Subdivide the Land into Three (3) Lots	Permit	No
KP-2022/584	8 Barilla Road	MOORABBIN	31/08/2022	20/10/2022	Subdivide the Land into Two (2) Lots	Permit	No
KP-2022/534	27-29 Tarnard Drive	BRAESIDE	9/08/2022	20/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2022/618	65 Nepean Highway	MENTONE	13/09/2022	20/10/2022	Subdivide the Land into Two (2) Lots	Permit	No
KP-2022/459	8 Railway Parade	HIGHETT	8/07/2022	20/10/2022	To use the land and adjoining footpath for sale and consumption of liquor (General License) and to construct alterations to an existing building	Permit	No
KP-2021/429	70-72 Blantyre Avenue	CHELSEA	12/07/2021	24/10/2022	The development of three (3) double storey dwellings and associated	Refused	No

					works generally in accordance with the submitted plans		
KP-2022/691	1 2 King Street	MENTONE	20/10/2022	24/10/2022	Proposed front fence exceed the zone prescribed maximum height. The proposal given its nature will have no noise, traffic or amenity impact implications on adjoining properties.	Withdrawn	No
KP-2022/645	45 Kalimna Street	CARRUM	27/09/2022	24/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2022/680	35 St Georges Crescent	HEATHERTON	14/10/2022	24/10/2022	The construction of a veranda to the rear of the existing dwelling	Permit	No
KP-2022/647	630 Heatherton Road	CLAYTON SOUTH	28/09/2022	24/10/2022	buildings and works and waiver of carparking (less than 10 spaces)	Withdrawn	No
KP-2022/280	14 Jacks Avenue	DINGLEY VILLAGE	3/05/2022	25/10/2022	Section 32 Plan - Removal of Easement E-1	Withdrawn	No
KP-2022/358	12 Tonbridge Street	CARRUM	27/05/2022	25/10/2022	The construction of four (4) double storey dwellings	Notice of Decision	No
KP-2022/199	95 Valetta Street	CARRUM	29/03/2022	25/10/2022	The construction of three (3) double storey dwellings	Notice of Decision	No
KP-2017/131/A	7 Deals Road	CLAYTON SOUTH	30/04/2021	25/10/2022	Use and development of the land as a Transfer Station	Permit	No
KP-1994/2358/A	24A Camp Street	CHELSEA	12/08/2021	25/10/2022	The construction and use of a pair of two-storey townhouses (dual occupancy).	Permit	Yes
KP-2022/277	10 Isabella Street	PARKDALE	29/04/2022	25/10/2022	To construct alterations and additions to an existing dwelling, to construct a new dwelling to the rear of an existing dwelling and a two (2) lot subdivision	Permit	No
KP-2022/523	36 The Corso	PARKDALE	8/08/2022	25/10/2022	Construction of two (2) dwellings	Permit	No
KP-2022/457	19 Berry Avenue	EDITHVALE	8/07/2022	25/10/2022	Development of four (4) dwellings	Permit	No

KP-2019/537/A	12 Seaview Court	CHELSEA HEIGHTS	24/08/2022	25/10/2022	Develop one (1) dwelling on land within a Land Subject to Inundation Overlay	Permit	No
KP-2022/678	10 16-18 Turakina Avenue	EDITHVALE	13/10/2022	26/10/2022	The construction of a ground floor extension to an existing dwelling	Permit	No
KP-2022/329	1 59 Wilson Street	CHELTENHAM	26/08/2022	26/10/2022	The construction of a front fence	Permit	No
KP-2022/37	1076-1078 Centre Road	OAKLEIGH SOUTH	20/01/2022	26/10/2022	Use and develop the land for the construction of a three-storey building containing a self-storage facility and to create and alter access to a road in a Transport Zone 2	Permit	No
KP-2022/414	57 Keys Road	MOORABBIN	20/06/2022	26/10/2022	The construction of building and works for seven (7) warehouses and to construct and alter access to a road in a Transport Zone 2	Permit	No
KP-2022/682	187 Warrigal Road	CHELTENHAM	17/10/2022	26/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2022/241	8 Second Avenue	CHELSEA HEIGHTS	12/04/2022	27/10/2022	The construction of two (2) double storey dwellings	Notice of Decision	No
KP-2014/114/B	43 Mentone Parade	MENTONE	1/07/2022	27/10/2022	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2022/152	66 Golden Avenue	BONBEACH	16/03/2022	27/10/2022	The construction of five (5) dwellings, consisting of four (4) double storey dwellings and one (1) single storey dwelling	Permit	No
KP-2021/425	220-222 Old Dandenong Road	HEATHERTON	28/07/2021	27/10/2022	Use of the land as a transfer station and a (vehicle) store and associated building and works	Refused	No
KP-2022/315	17 Turner Road	HIGHETT	11/05/2022	27/10/2022	Develop the land for three (3) dwellings	Permit	No
KP-2021/920	13 Barilla Road	MOORABBIN	24/12/2021	27/10/2022	The development of three (3) dwellings	Permit	No

KP-2022/490	Kiosk 105E 1239 Nepean Highway	CHELTENHAM	22/07/2022	28/10/2022	Display of business identification signs and buildings and works (associated with click and collect facility)	Permit	No
KP-2022/686	2 Ilma Court	PARKDALE	18/10/2022	28/10/2022	Subdivide the land into two (2) lots	Permit	No
KP-2022/229	2 126-128 Lower Dandenong Road	PARKDALE	7/04/2022	31/10/2022	Alterations and additions to the existing dwelling	Lapsed	No
KP-2022/226	62 Railway Parade	HIGHETT	10/05/2022	31/10/2022	The construction of four (4) double storey dwellings and a basement car park	Refused	No
KP-2022/253	75 Glenola Road	CHELSEA	20/04/2022	31/10/2022	The construction of two (2) double storey dwellings	Refused	No
KP-2022/498	15 Lochiel Avenue	EDITHVALE	25/07/2022	31/10/2022	The construction of two (2) double storey dwellings	Permit	No
KP-2022/524	193 Chesterville Road	MOORABBIN	8/08/2022	31/10/2022	The use of the land as a place of assembly (art class)	Permit	No

Planning Committee Meeting

23 November 2022

Agenda Item No: 4.2

KP-2022/173 - 35 SIXTH AVENUE, ASPENDALE

Contact Officer: James Leonard, Principal Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2022/173 - 35 Sixth Avenue, Aspendale.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the development of nine (9) dwellings, reduction of the visitor car parking requirement of one (1) space and associated works in accordance with the endorsed plans at 35 Sixth Avenue, Aspendale, subject to the conditions contained within this report.

This application requires a decision by the, following a call in by Councillor Bearsley.

**City of Kingston
Planning Committee Meeting**

Agenda

23 November 2022

EXECUTIVE SUMMARY				
Address	35 Sixth Avenue, ASPENDALE VIC 3195			
Legal Description	Lot 2 on PS813722C			
Applicant	Tav Keysborough Pty Ltd			
Planning Officer	James Leonard			
PLANNING REQUIREMENTS				
Planning Scheme	Kingston			
Zoning	Clause 32.08 – General Residential 3 Zone			
Overlays	Clause 45.03 – Environmental Audit Overlay			
Particular Provisions	Clause 55 – Two or more dwellings on a Lot			
Permit Trigger/s	Clause 52.06 – Car Parking			
	Clause 32.08-6 – Construct two or more dwellings on a lot			
	Clause 52.06-5 – Variation to the car parking requirement.			
APPLICATION / PROCESS				
Proposal	Development of nine (9) dwellings, reduction of the visitor car parking requirement of one (1) space and associated works in accordance with the endorsed plans			
Reference No.	KP-2022/173	RFI Received	06 June 2022	
App. Received	21 March 2022	App. Amended	N/A	
Site inspection	Yes			
S.52 Advertising Commenced	13 June 2022	Advertising Completed	11 July 2022 (Extended due to administrative error)	
S.55 Referrals	N/A			
Internal referrals	Vegetation, DAE, Traffic, Roads and Drains, CMP, ESD			
Objection(s)	Forty (40) (TRIM checked on 11 November 2022)			
Lot Size	2420m ²	Mandatory Building Height requirement	Complies	
Mandatory Garden area requirement	Required: 35% (874m ²) Proposed: 45% (1083.3m ²)			
Vegetation	Trees > 8m	No	No. of Trees to be removed (110cm circumference)	N/A
LEGISLATIVE				
Covenant/other Restriction	No	Complies: N/A		
Aboriginal Cultural Sensitivity Area CHMP	Yes – Cultural Heritage Management Plan 18875 approved on 7 September 2022.			
Considered Plans	<ul style="list-style-type: none">Development Plans, prepared by Arcadia Studios, comprising TP0001 to TP4100, Revision B, dated 31 May 2022.Architectural Planning Report, prepared by Arcadia Studios, comprising Sheet 1 – 38, Revision A, dated 30 May 2022.Arboricultural Impact Assessment, prepared by Tree Radar Australia, dated 18 May 2022.Sustainable Design Assessment, prepared by Frater Consulting Services. Version 0, dated 28 April 2022.			

1.0 RELEVANT LAND HISTORY

- 1.1 The subject site previously formed part of the Rossdale Golf Course. In 2015, Planning Scheme Amendment C147 and Planning Permit KP-2015/480 were applied for, seeking to create a separate allotment, subdivide it off the balance of the Rossdale Golf Course and rezone it to a residential zone.
- 1.2 On 2 February 2017 Planning Scheme Amendment C147 was gazetted. It approved the following:
- *Rezone the land from a Special Use Zone (Schedule 1) to a General Residential Zone (Schedule 3), apply and Environmental Audit Overlay (EAO) to the subject land and make consequential changes to Clause 21.04 and 21.05 to facilitate the subdivision of land into two (2) lots and removal of native vegetation (Planning Permit KP15/480)*

2.0 SUBJECT LAND

- 2.1 The photograph below illustrates the subject site from a streetscape perspective.





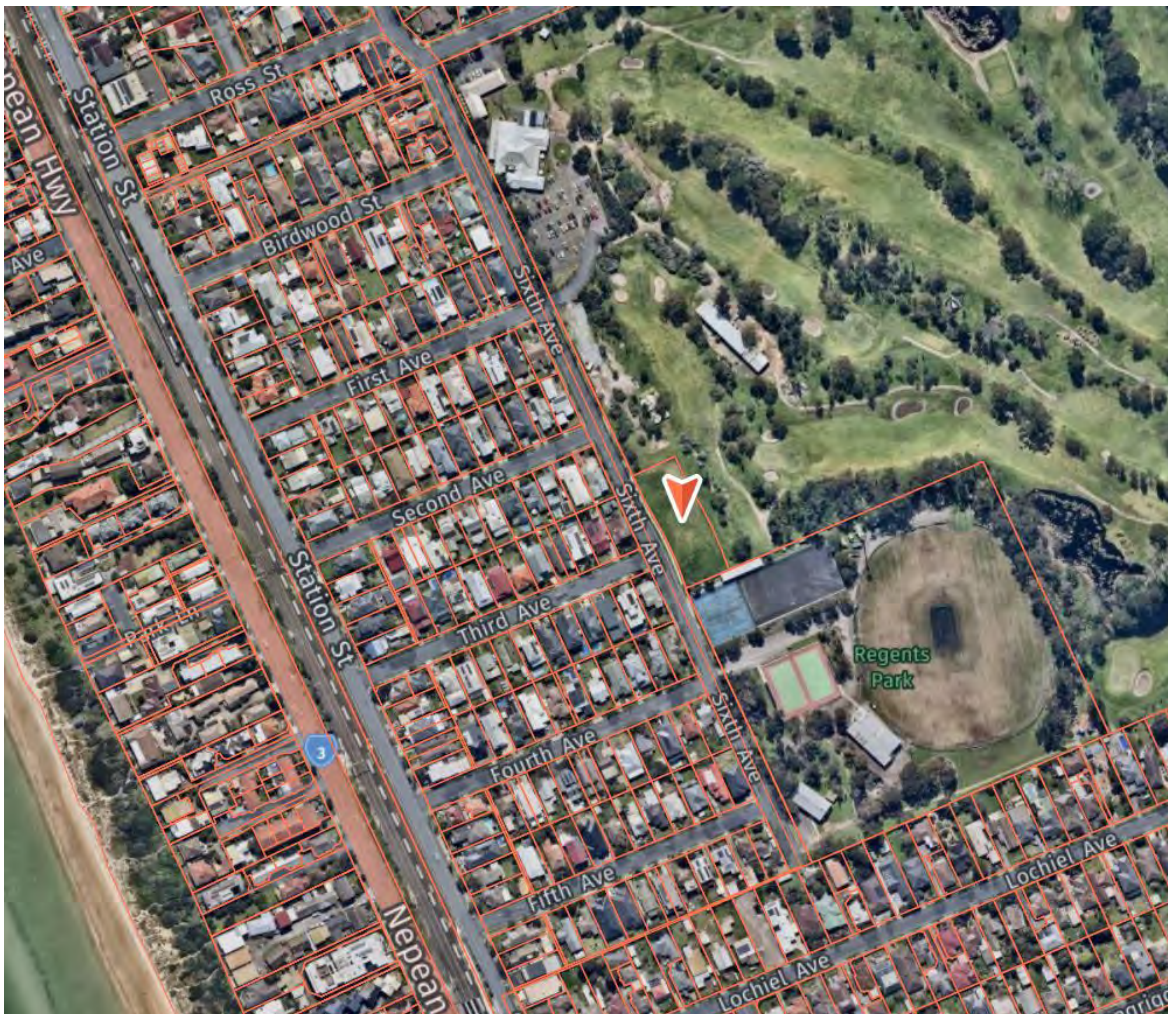


Built form	Vacant Residential Land		
Lot Size (m²)	2420m ²	Dimensions	Frontage: 80.1m (approx.) Depth: 30.12m
Topography	The land is undulated, with 4 general mounds located across the site. The mounds extend approximately 1 metre above the level of the site found at the frontage. There is a general slope of approximately 1-1.5 metres from the south to the north of the site.		

Fencing	The Sixth Avenue frontage is unfenced, whilst the three other boundaries are delineated by high woven wire fencing.
Vegetation	The site itself is void of any significant vegetation. Three (3) street trees are located towards the north-western frontage, and two (2) large trees are located on the adjoining allotment, adjacent to the southern side boundary.
Easement(s)	None.
Footpath assets access	No crossovers provide vehicle access to the site. A concrete footpath is located along the Sixth Street frontage, ending towards the southern side of the frontage. Several parking signs are located within the road reservation.

3.0 SURROUNDING LAND

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



NearMap – dated 14 September 2022



NearMap – dated 14 September 2022

North-East	1 Sixth Avenue – Land zoned Special Use Zone Schedule 1, operated as Rosedale Golf Club
North-West	1 Sixth Avenue – Land zoned Special Use Zone Schedule 1, operated as Rosedale Golf Club
South-East	Regents Park – Land zoned Public Park and Recreation Zone. A City of Kingston owned parcel used for leisure and recreation. Directly adjacent to the southern side boundary is the tennis courts and a brick building of the Aspendale Tennis Club. The courts are significantly setback from the title boundary, whilst the brick building is within proximity to the south-eastern rear corner.
West	22 Second Avenue – A single storey weatherboard house, oriented to Second Avenue, with a side road frontage to Sixth Avenue. The dwelling is setback approximately 3m from the Sixth Avenue frontage, delineated with a high paling fence.



21 Third Avenue – A double storey brick and weatherboard dwelling, oriented to Third Avenue, with a side road frontage to Sixth Avenue. The dwelling is setback approximately 2m from the Sixth Avenue frontage, with an additional pergola built to the side boundary. The site is delineated with a high paling and metal fence. A wide concrete crossover is located towards the rear of the site, providing vehicle access from Sixth Street to a detached metal garage.



Third Avenue – A constructed road, providing access to Station Street. Third Avenue narrows to a single lane width at the intersection with Sixth Avenue. On-street parking within Third Avenue is delineated with white painted lines.



22 Third Avenue – A double storey brick and weatherboard dwelling, oriented to Third Avenue, with a side road frontage to Sixth Avenue. The dwelling is setback approximately 1.5m from the Sixth Avenue frontage, delineated with a high paling fence.



**Describe
Neighbourhood
Character**

The subject site is not located within a defined Neighbourhood Character Area, however the properties to the west (Third Ave, Second Ave etc) are within the Character Area Profile 64. This area is bound by Station street to the west, Birdwood Street to the north, Fifth Avenue to the south and Sixth Avenue to the east.


4.0 PROPOSAL

Description	<p>Develop the land for the construction of nine (9) dwellings.</p> <p>The dwellings consist of three different types, being EE (dwelling 1), FF (dwellings 2, 3, 6 and 7) and GG (dwellings 4, 5, 8 and 9).</p>		
Storeys	Double storey	Maximum building height	8.9m

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Bedrooms (including study)	4 bedrooms per dwelling	Car parking	18 spaces in total, 2 per dwelling
Site Coverage	46% (1125m ²)	Permeability	33% (805m ²)
Private Space Open	Dwelling 1 POS: 114.6m ² SPOS: 90.1m ²	Dwelling 2 POS: 93.7m ² SPOS: 69.5m ²	Dwelling 3 POS: 93m ² SPOS: 73.2m ²
	Dwelling 4 POS: 90.3m ² SPOS: 73m ²	Dwelling 5 POS: 94.9m ² SPOS: 78.3m ²	Dwelling 6 POS: 95.7m ² SPOS: 73.7m ²
	Dwelling 7 POS: 95.4m ² SPOS: 73.9m ²	Dwelling 8 POS: 94.6m ² SPOS: 78.7m ²	Dwelling 9 POS: 185.3m ² SPOS: 160.7m ²
	Front setback		
	Minimum: 4.4m (Dwelling 7) Average: 5.14m		
	Access		
	Nine (9) 3 metre wide crossovers (with 1m separation to meet Kingston standard requirements)		
	Vegetation removal/retention		
	Two (2) street trees to be removed to allow vehicle access. Two (2) trees on adjoining property to be appropriately protected.		
Building materials	Render, timber look cladding, light and dark vertical cladding, timber battens, dark , dark ColorBond roofing.		
<div><div><p>RENDER FINISH</p></div><div><p>CLADDING TIMBER / TIMBER LOOK</p></div><div><div><p>PAINT / METAL CLADDING LIGHT COLOUR</p></div><div><p>CLADDING LIGHT COLOUR</p></div></div><div><div><p>BATTENS TIMBER / TIMBER LOOK</p></div><div><p>CLADDING DARK COLOUR</p></div></div><div><div><p>PAINT / METAL CLADDING DARK COLOUR</p></div><div><p>GLASS BALUSTRADE</p></div></div></div>			

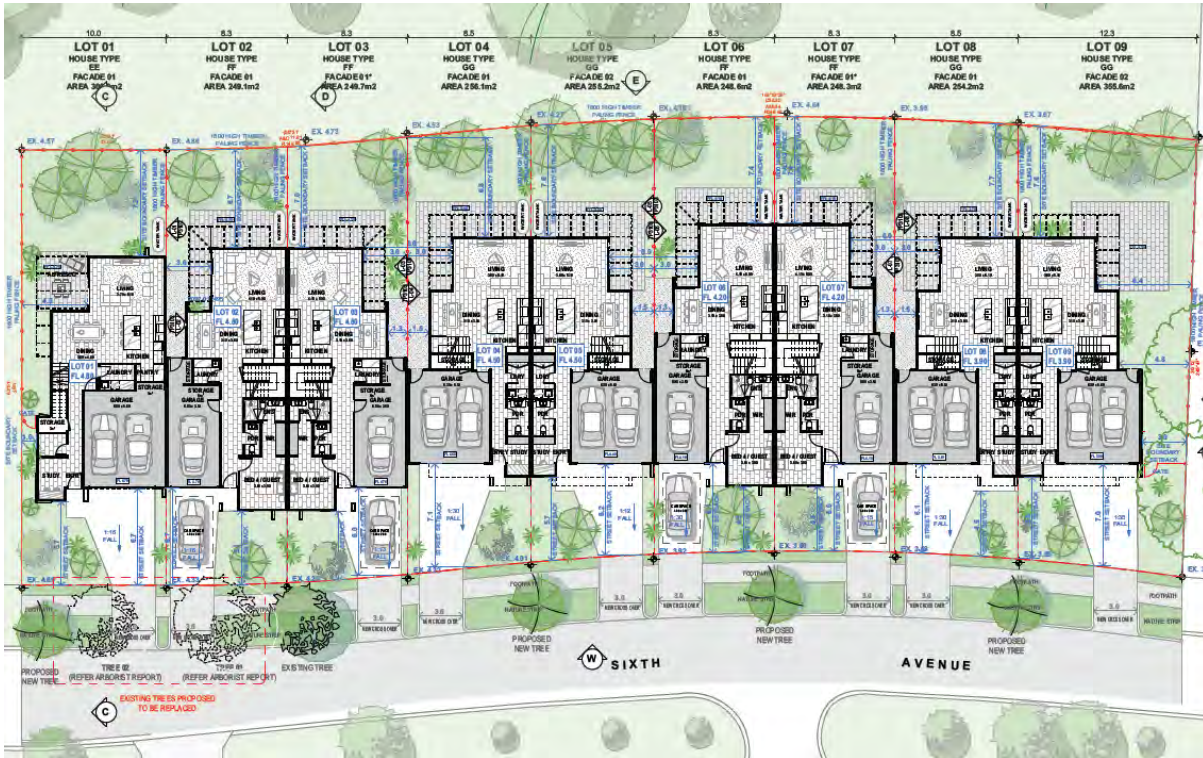
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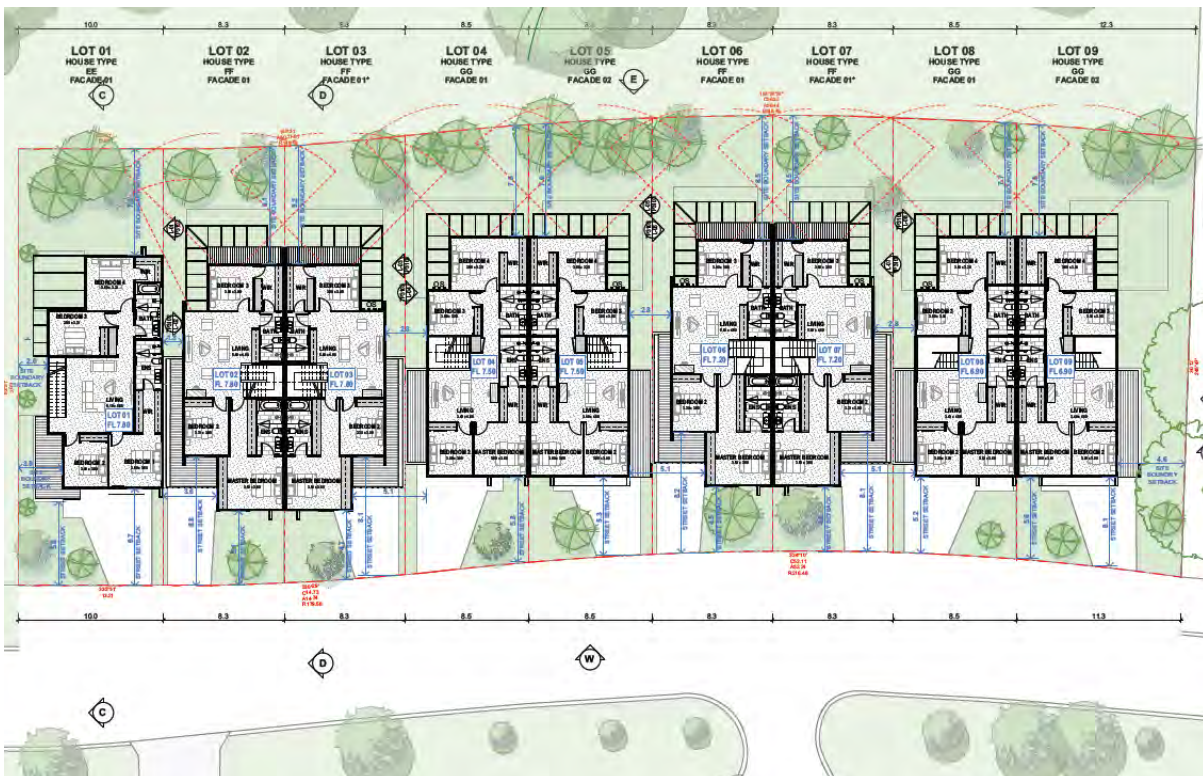
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4.1 The proposal is generally as follows:

Ground Floor Plan



First Floor Plan



Street Elevation



5.0 POLICY CONSIDERATIONS

General Provisions

- 5.1 **Clause 65.01** of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

Municipal Planning Strategy

- 5.2 **Clause 02.03** (Strategic Direction) sets out the strategic directions for the Kingston municipality in regard to settlement, environmental and landscape values, environmental risks and amenity, natural resource management, built environment and heritage, housing, economic development, transport, and infrastructure.
- 5.3 **Clause 02.03** and the applicable framework plans found in **Clause 02.04** (Strategic Framework Plans) provide the context at a municipal level to the policies contained within clause 10 to 19 of the Kingston Planning Scheme.
- 5.4 **Clause 02.03-5** (Built environment and heritage) looks at strategies for improved urban design, ensures neighbourhood character is maintained and all new development contributes to creating an environmentally sustainable city. **Clause 02.03-6** (Housing) identifies the preferred residential development outcomes specific to the different areas found within the municipality, including increased housing diversity areas, incremental housing change areas and minimal housing change areas. The strategic directions expressed here ensure parts of the municipality are developed appropriately, in context with the policy direction and the preferred neighbourhood character.

Planning Policy Framework

- 5.5 The 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). The provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 5.6 **Clause 11** seeks to ensure planning anticipates and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

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- 5.7 Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.
- 5.8 Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- 5.9 **Clause 13 (Environmental Risks and Amenity)** aims to ensure that planning strengthens the resilience and safety of communities by adopting a best practice environmental management and risk management approach which aims to identify, prevent, and minimise the risk of harm to the environment, human health and amenity. 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.
- 5.10 **Clause 15 (Built Environment and Heritage)** aims to ensure the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. Furthermore, it aims that all new land use and development appropriately responds to its landscape and character, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value. Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.
- 5.11 **Clause 15.01-1S (Urban Design)** aims to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The objectives of **Clause 15.01-2S (Building design)** seek to achieve building design outcomes that contribute positively to the local context and enhance the public realm. The provisions of **Clause 15.02-1S** encourage land use and development that is energy and resource efficient through improved building design, urban consolidation and promotion of sustainable transport.
- 5.12 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 5.13 Importantly, the Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 5.14 In this instance, as the proposed activity **is not exempt** under the Regulations of the *Aboriginal Heritage Regulations 2018*, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council.
- 5.15 Accordingly, a CHMP has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. Importantly, the Plan has been approved by the Acting Heritage Manager of the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (RAP).
- 5.16 **Clause 15.01-2S (Building Design)** provides design guidance on how building design outcomes should achieve architectural and urban design outcomes that positively respond to neighbourhood character within a local context, enhance the public realm and support environmentally sustainable development.
- 5.17 **Clause 15.01-5S (Neighbourhood Character)** sets out the State direction to recognise, support and protect neighbourhood character, cultural identity, and a sense of place. The strategies provided seek to ensure that development respects the existing neighbourhood character or contributes to a preferred neighbourhood character. It seeks to ensure that the preferred neighbourhood character is consistent with medium and high-density housing outcomes in areas identified for increased housing. This is further reinforced at a local level in **Clause 15.01-5L (Neighbourhood Character- Kingston)** which set outs strategies to support an overall positive contribution of neighbourhood character from developments. This Clause includes policy guidelines to further support the strategies.
- 5.18 **Clause 15.01-2L (Environmentally Sustainable Development)** policy applies to the consideration of residential development of 3 or more dwellings (refer to policy guidelines). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS/STORM).

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- 5.19 It is considered that the commitments expressed in the SDA report coupled with the proposed development plans and dwelling layouts did not meet the expectations of the Kingston City Council. Subject to minor amendments it is considered the proposal can achieve an appropriate best practice ESD standard, thus meeting the objectives of this policy. Condition 1h and 10 have been included in the permit.
- 5.20 Housing objectives are further advanced at **Clause 16** (Housing) which seek to encourage housing diversity, ensuring the long term sustainability of new housing, including access to services, walkability to activity centres public transport, schools and open space and including the provision of land for affordable housing.
- 5.21 **Clause 16.01-1S** (Housing Supply) seeks to facilitates a well located, integrated and diverse housing that meets community needs. Higher density housing development is encouraged on sites that are well located in relation to jobs, services and transport. The consideration of ensuring that an appropriate quantity, quality and type of housing is provided to support everyone in the community. Housing should offer diverse choices to meet changing household needs by widening housing diversity though a mix of housing types while encouraging that development is well designed to provide a high level of internal and external amenity.
- 5.22 **Clause 16.01-1L** (Housing Supply) seeks to promote housing change subject to the capacity of the local area within Kingston, from the Incremental Housing Change, Increased Housing Diversity, Residential Renewal or Minimal Housing Change. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 5.23 These reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases. This includes a strategy to support Increased Housing Diversity areas within convenient walking distance of public transport
- 5.24 It is noted that the site is within convenient walking distance of public transport and activity centres, being approximately 750m from Aspendale Train Station and activity centre The site is also within proximity to community services, parkland and sporting grounds.
- 5.25 The proposal includes 9 lots ranging from 250m² to 355m², resulting in an average of approximately 270m². Whilst it is acknowledged this is smaller than the prevailing single dwelling post-war era lot size in the immediate area (approx. 500m²), it is consistent with recent development found within the area, including the following:
- 1/5 First Avenue: 265m²
 - 2/5 First Avenue: 262m²
 - 4A Second Avenue: 258m²
 - 4B Second Avenue: 258m²
 - 2A Third Avenue: 224m²
 - 1/15 Third Avenue: 252m²
 - 2/15 Third Avenue: 260m²
 - 4A Fourth Avenue: 260m²
 - 4B Fourth Avenue: 260m²
 - 10A Fourth Avenue: 256m²
 - 10B Fourth Avenue: 256m²
 - 12A Fifth Avenue: 260m²
 - 12B Fifth Avenue: 260m²
- 5.26 It is further seen that villa style development within the immediate area (Lochiel Avenue and Birdwood Street both within 250m of the subject site) have lots from 168m², which is significantly smaller than the 250m² proposed.
- 5.27 It is considered the development of 9 dwellings on the allotment of 2420m² is an appropriate density response to the surrounding area and does not result in a development outcome that is at odds with recent development found within the surrounding area.

- 5.28 **Clause 14.02-2S (Water Quality)** seeks to protect water quality. This is further advanced through **Clause 19.03-3S (Integrated Water Management)** which seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach, and Kingston's local content at **Clause 19.03-3L (Stormwater Management)**. **Clause 19.03-3L** is applicable to the consideration of medium and large scale developments as specified within the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.
- 5.29 It is considered that the proposed development generally complies with the above guidelines and policies. It provides for an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off. Council's Drainage Engineer is satisfied with the proposal subject to condition 8-9 being included on any permit issued.
- 5.30 It is considered that the proposed development generally complies and satisfies the Planning Policy Framework guidelines, which aim to encourage well-designed medium density housing in appropriate locations. A further assessment of the proposal's measure against stormwater management is found within the Clause 55 assessment, later within this report.

Zone

Clause 32.08 General Residential Zone Schedule 3

- 5.31 The applicable purpose of the General Residential Zone is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

- 5.32 Schedule 3 of the General Residential Zone applies to the subject site. The schedule varies the maximum building height of dwellings and residential buildings, outlining that a building must not exceed a height of 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres, and varies Standard B8 and B28 of Clause 55.
- 5.33 Standard B8 is varied by requiring no more than 50 per cent site coverage, whilst standard B28 is varied by requiring a higher amount of POS / SPOS dependent on the number of bedrooms proposed in each dwelling.
- 5.34 The development meets the standard B8 by proposing a site coverage less than 50% and meets standard B28 by providing POS and SPOS areas which exceed this amount required (see Section 4 above).
- 5.35 The proposal accords with the purpose of the Zone by providing residential development that will meet the needs of future occupants while being sympathetic to the neighbourhood character.
- 5.36 Whilst the subject site is not within any particular Neighbourhood Character Area, properties to the west (Third Ave, Second Ave etc) are within the Character Area Profile 64. It is acknowledged the Character Area profiles are relatively dated and do not necessarily reflect the as built conditions found within the immediate area, therefore they have limited weight when considering appropriate built form.
- 5.37 On review of the surrounding area there is a predominant feature of hipped and gable roof forms, however several newer developments and several examples of older style fibro dwellings feature flat or skillion roof forms. It is considered the architectural elements and proposed roof forms are a departure from the primarily hipped roof form, however, are sympathetic with other roof forms found within the immediate area.

- 5.38 Similarly, the strong architectural elements of the proposed dwellings are an appropriate response to elements found within the surrounding area and provides a development that has considered design features. The dwellings are unique and not a replication of each other, therefore it creates visual interest within the neighbourhood, without being a significant departure from the immediate area.
- 5.39 The site given its an island, opposite dwellings that are oriented away from the development provides a strong response with large areas of open space, architecturally designed facades and breaks in built form at the upper levels that provide relief. The development has considered the recent side by side duplex developments found within the immediate area when considering siting and layout. Open front setbacks and large rear areas of SPOS allow for canopy planting and landscaping that is responsive to the open backyard realm found within the avenues to the west.
- 5.40 The development provides appropriate setback to Sixth Avenue so as not to appear intrusive in either streetscape. Whilst there is a reduction to the setback required, it is noted the dwellings to the west have side frontages to Sixth Avenue, therefore are relatively small setbacks between side boundary fencing and built form.
- 5.41 The layout generally achieves a setback of at least 4.5 metres, which is entirely appropriate for this island site. The stepped nature of the building placement further enhances the presentation to the street providing a sense of recession and movement to the built form. No walls are proposed on the side boundaries and generally reflect the 0-2m side setback character typical of the area.
- 5.42 Weatherboard type cladding and timber finishes to the ground and first floor typical of the area, as well as the inclusion of a porch to each dwelling which is typical of the area. The development also includes a varied stepped footprint which graduates the built form across the site reducing amenity impacts on the streetscape and providing articulation to the built form.
- 5.43 In summary it is considered the development is an appropriate response to prevailing neighbourhood character and the GRZ3.

Overlays

Clause 45.03 Environmental Audit Overlay

- 5.44 Before the residential use commences or before the construction or carrying out of buildings and works in association with this use commences, one of the following must be obtained:
- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.
- 5.45 Condition 20 is recommended to be included on the permit requiring one of the above to be obtained.

Particular Provisions

Clause 52.06 Car Parking

- 5.46 Table 1 of Clause 52.06-5 requires 1 car space per 1-2 bedrooms; 2 spaces per 3 plus bedrooms and 1 visitor space per 5 dwellings.

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- 5.47 The proposal seeks to construct nine (9) dwellings, each containing four (4) bedrooms. This generates a statutory parking requirement of eighteen (18) resident car spaces (2 to each dwelling) and one (1) visitor car parking space.
- 5.48 A variation to the car parking requirement is sought as no visitor space is provided on site. It is reiterated only one (1) visitor space is required for the development of 9 dwellings.
- 5.49 The development has been designed to provide 5 dwellings with a double garage, setback a minimum of 6.1 metres, therefore the driveway is a sufficient depth to accommodate a third car parking space (minimum depth 5.4m required). The remaining 4 dwellings have a single car garage and tandem space.
- 5.50 The surrounding streets, and sixth avenue does provide on-street parking however this appears to be restricted by time in some instances or has limited availability at times due to the proximity to Regents Park. Sixth Avenue is also relatively narrow adjacent to the subject site so on-street parking within the carriageway could be limited, however parking along Sixth Avenue adjacent to the proposal is not prohibited.
- 5.51 On review of the proposal, Councils Traffic department raised no concern with the traffic generated by the development, and considered traffic generated by the development will be within an acceptable level and will have a less than minor impact to the local road networks. The road network can facilitate the development.
- 5.52 There were however concerns that on-street parking is limited due to the narrow construction of Sixth Avenue, and the development could result in an impact to the safe operation of the streets. The following images have been taken from NearMap which show on-street parking at varies times across 2021 and 2022.



Monday 11 January 2021



Wednesday 10 March 2021



Thursday 29 April 2021

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Sunday 31 October 2021



Monday 22 November 2021



Thursday 23 December 2021



Friday 4 February 2022

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Monday 25 April 2022



Wednesday 20 July 2022



Wednesday 14 September 2022

- 5.53 Aerial imagery observed over 2021 and 2022 show there is ample on-street parking available within the immediate area, however Traffic hold concern that the addition of 9 dwellings could be detrimental to on-street parking given the limitations of Sixth Street.
- 5.54 To respond to this matter, it is considered reasonable for a section of the road reserve (nature strip) to be modified to allow for a vehicle to park between the kerb and footpath. This will be accommodated between two crossovers, allowing a vehicle to be parked outside of the carriageway as per condition 1a, this limiting any impact to the safe operation of the road network. This will reduce the availability for planting within the road reserve however not significantly enough that the addition of the car space would be detrimental to street planting. (See the Traffic referral below for further information on the vehicle parking bay).
- 5.55 It is considered with the addition of the off-street parking, and five (5) informal visitor spaces is an appropriate response and provides sufficient opportunity for visitors to the development to par appropriately. The informal parking opportunities respond appropriately to the loss of 1 visitor space as required.
- 5.56 Clause 52.06-9 Design standards including swept paths, splays, and garaging dimensions are considered compliant, or where necessary have been included as permit conditions. Refer to condition 1b.
- 5.57 Whilst no formalised visitor space is provided on site, it is considered the development is appropriate and a variation is supported.

Clause 55 Multi Dwelling Development

- 5.58 Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 3.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 55.02-1 Neighbourhood Character objectives <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	Standard B1 <ul style="list-style-type: none"> The design response must be appropriate to the neighbourhood and site. The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	Complies with standard & meets objective

Assessment: The subject site is in the GRZ3 which the Planning Scheme categorises as land where the preferred direction is incremental housing change. The surrounding area has seen some re-development, predominately in the side-by-side duplex style or the older post-war villa unit development. Older housing stock comprises both single and double storey dwellings, with combinations of extensions to single dwellings and knock-down rebuilds on some sites.

The site is located within approximately 750m of the Aspendale Activity Centre and railway station. The larger allotment size, pattern of old and new medium density development in the area and relatively advantageous location to services supports medium density development on the site.

It is acknowledged the proposed development of 9 dwellings is greater than that seen in average developments within the area, however no land holdings have been of this size. The average lot size is consistent with that found on newer side by side developments and greatly exceeds that on older villa style developments.

Each of the proposed nine dwellings contain four bedrooms and a double garage or single car garage + tandem space. Within the GRZ3, a four bedroom dwelling requires additional areas of private open space, all of which significantly reduce the minimum requirements in both areas and dimensions. It is considered the development of nine dwellings is an efficient use of the site and does not detract from the neighbourhood character.

In regard to the siting of the dwellings, no built form is proposed on the side or rear boundaries. Dwelling 1 has a minimum setback of 1 metre to the northern boundary and dwelling 9 is setback a minimum 3 metres to the southern boundary on the ground floor. There is continuous built form through the ground floor however given this site is an island with no adjoining residential properties, it is not considered to alter the rhythm of development. The ground floors, whilst attached include variation in design elements, combination of single and double garage doors, highly visible dwelling entries, habitable rooms at ground floor and recession and staggering of the built form. It is considered that the inclusion improves the streetscape. The ground floor does not present only as dwelling

entries and garage doors which is discouraged, therefore the development as proposed is considered to be acceptable within the context of the site and surrounding area.

The upper floors are further recessed from the ground floor (2 metres for dwelling 1 and 4.6 metres for dwelling 9) on the northern and southern sides. These setbacks are significant and are an appropriate response to setback patterns in the broader neighbourhood, however it is also acknowledged there is no sensitive interfaces on any side or rear boundary on this site. It is considered the development could be pushing the envelope further on this allotment but has opted not to.

The development incorporates several breaks in the built form (up to 2.8 metres wide) which assists in reducing the upper floor bulk and provides acceptable relief to continuous built form. The dwellings have been designed to incorporate staggered setbacks, articulation from ground floor footprints, and cantilevered elements which respond to elements found within the neighbourhood. There are several examples of sheer double storey walls found within existing housing stock on surrounding properties.

The architectural response of the proposal offers a mix of contemporary and traditional styles, consistent with that found within the surrounding neighbourhood. The dwellings incorporate traditional features such as 'weatherboard' style cladding, whilst more contemporary features include the use of render on the upper floor and ColorBond roofing.

In regard to the roof form, Dwellings 1, 2, 3, 4, 6 and 7 feature a skillion style roof, incorporating a flat roof design in the rear, whilst dwellings 4, 5, 8 and 9 include a modern take of the hipped / gable roof. This is considered to provide a break in the built form and visual interest, that is consistent with both older style dwellings and more recent architecturally designed dwellings. The architectural mix is considered to be an appropriate response to the mixed character of the area.

Landscaping will be provided throughout the site including meaningful gardens in the front setback and large areas of SPOS at the side and rear.

The garages are sited behind the front dwelling to ensure garages do not dominate the streetscape as directed under local policy. First floor cantilevering provides visual interest, whilst also incorporating covered porches and the like into the façade design.

Whilst the upper floors are large, there is no impact to adjoining properties, nor is it offensive to the streetscape given there are no properties oriented to the site. Properties opposite are oriented to the north or south (second / third avenue etc) with side boundaries oriented to Sixth Avenue, behind high fencing.

With consideration of this, the development is an acceptable response to the characters of the site and surrounding context. Overall, the proposal responds to the existing and emerging character of the area and will have a positive contribution to the streetscape and broader neighbourhood.

**Clause 55.02-2
Residential Policy
objectives**

Standard B2

- An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS

Complies with standard & meets objective

<ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 		
<p>Assessment: The development offers an acceptable response to Council's Housing and Residential Development policies. The site is identified within an 'incremental change area' where modest amount of change is directed under the local housing policies.</p> <p>The proposal is consistent with the development pattern of the immediate and broader area. It is considered that the proposal warrants support in light of the broader contextual nature of the area and high level of compliance against Clause 55 and other aspects of the Planning Scheme.</p> <p>The proposed development includes a development ratio of 1: 270m², which is consistent with other development within the area.</p> <p>In terms of built form outcomes, the upper levels of each dwelling have been designed to limit their visual impact to adjoining properties by providing generous side and rear setbacks, first floor separation up to 2.8 metres, well-articulated walls, varying materials/finishes and a visually interesting architectural style.</p> <p>The proposed development meets the ResCode objectives pertaining to side and rear setbacks, no wall on boundaries, overlooking, overshadowing and daylight to existing windows (among other things). The proposed development will adequately protect the amenity of surrounding properties without compromising the internal amenity of the proposed dwellings.</p> <p>Stormwater will be appropriately managed through conditions 8-9 on any Permit issued as recommended by Council's Development Engineer.</p> <p>It is considered that the proposed development generally complies and satisfies the Scheme's Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>

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Assessment: The proposal is for less than 10 dwellings.		
Clause 55.02-4 Infrastructure objectives <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	Standard B4 <ul style="list-style-type: none"> Connection to reticulated services/sewerage, electricity, gas and drainage services Capacity of infrastructure and utility services should not be exceeded unreasonably Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	Complies with standard & meets objective (subject to conditions on any permit issued)
Assessment: The site is in an established area that is well serviced by existing infrastructure. Additionally, it is recommended that suitable condition be included in any permit issued to address infrastructure considerations. Refer to conditions 8-9 and 13-19.		
Clause 55.02-5 Integration with the street objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Standard B5 <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	Complies with standard & meets objective
	<ul style="list-style-type: none"> Development oriented to front existing/proposed streets 	Complies with standard & meets objective
	<ul style="list-style-type: none"> High fencing in front of dwellings should be avoided if practicable. 	Complies with standard & meets objective
	<ul style="list-style-type: none"> Development next to existing public open space should be laid out to complement the open space. 	Complies with standard & meets objective
Assessment: The development provides for safe and functional connectivity with vehicles access provided exclusive access/egress points from Sixth Avenue. No front fencing is proposed on the development, with open front yards and landscaping. The development provides outlook to the adjoining Regent Park and also to Rosedale Gold Course.		
Clause 55.03-1 Street setback objective <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	Standard B6 Walls of buildings should be set back from streets: <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 Required: 6 metres	Variation sought to standard & meets objective
Assessment: The minimum approx. 4.4m to Sixth Avenue. While this is less than the required 6m, the design response responds to the usual frontage of the site and is setback to Sixth Avenue so as not to appear intrusive in either streetscape. The layout generally achieves a setback of at least 5 metres, which is entirely appropriate for this island site. The stepped nature of the building placement further enhances the		

presentation to the street providing a sense of recession and movement to the built form, along with adequate areas for planting and landscaping.

It is also noted dwellings opposite have a side street frontage to Sixth Avenue. These dwellings are oriented to their respective street. It is not considered reasonable to adopt a setback pattern of Second or Third Avenue for example for this subject site given the difference in context.

The variation has no impact to adjoining properties and is supported.

Clause 55.03-2 Building height objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7

Maximum: 9 metres and no more than 3 storeys under GRZ3

Complies with standard & meets objective

Assessment: The maximum building height proposed is 8.9m. As such, the proposal meets the height parameters specified in this Standard.

Clause 55.03-3 Site Coverage objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8

Maximum: GRZ3 – 50%

Complies with standard & meets objective

Assessment: The proposal achieves a site coverage statistic of 46%, which meets this Standard.

Clause 55.03-4 Permeability & stormwater management objectives

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.
- To encourage stormwater management that maximises the retention & reuse of stormwater

Standard B9

At least: 20%

Complies with standard & meets objective

Assessment: The permeability figure proposed (i.e. 33%) exceeds that specified in the Standard.

Clause 55.03-5 Energy Efficiency objectives

Standard B10

Complies with standard & meets objective

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<ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and residential buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.</p> <p>Living areas & private open space should be located on the north side of the development, if practicable.</p> <p>Solar access to north-facing windows is maximised.</p>	
<p>Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles. Living areas and open spaces are designed to be at the rear of the houses with a northern aspect, allowing adequate daylight to penetrate into habitable rooms.</p>		
<p>Due to the orientation of the subject site, living spaces and windows have been located to achieve maximum solar access throughout the day. The siting and design of the new dwellings will not unreasonably reduce the energy efficiency of buildings on adjoining lots.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11</p> <p>Public or communal open space should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	<p>N/A</p>
<p>Assessment: There is no communal private open space adjoining the site.</p>		
<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> ▪ To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways</p> <p>Good lighting, visibility and surveillance of car parks and internal accessways should be achieved.</p> <p>Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. In part, this is evidenced by the highly visibly, identifiable & attainable dwelling entries. Landscaping does not limit visibility to dwelling entries and private open space in the side and rear of the dwellings is secure.</p>		
<p>Clause 55.03-8 Landscaping objectives</p>	<p>Standard B13</p> <p>In summary, landscape layout & design should:</p>	<p>Complies with standard &</p>

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<ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	<ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> ▪ Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. ▪ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ▪ Specify landscape themes, vegetation (location and species), paving and lighting. 	meets objective (subject to conditions on any permit issued)
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Assessment: The application provides adequate space for the planting of various species, including canopy trees. Condition 1i requires a the provision of a detailed landscape plan will.

<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Variation sought to standard & meets objective
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies with standard & meets objective
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies with standard & meets objective
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies with standard & meets objective

Assessment: The proposed accessways will occupy 33.7% of the street frontage. While this is marginally higher than the 33% contemplated by the standard, the design response logically responds to the opportunities and constraints of the site, including the curvature of the road and has been designed to meet Kingston standards for crossover construction, including the minimum 3 metre width and separation for pedestrian refuge. The variation by 0.7% is acceptable.

Each dwelling is provided with its own access.

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The conditional requirement for an 'off-street' parking bay under condition 1a is appropriate to ensure no loss of on street parking. It is considered the narrow Sixth Avenue is already heavily restricted for on-street parking.

Clause 55.03-10 Parking location objectives

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
 - Be secure.
 - Be well ventilated if enclosed.
- Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Complies with standard & meets objective

Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking. 5 additional informal spaces are provided within the driveway of double garage dwellings.

Clause 55.04-1 Side and rear setbacks objective

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Complies with standard & meets objective

Assessment: The proposal satisfies and in some cases exceeds the formula to Standard B17.

Clause 55.04-2 Walls on boundaries objective

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

Complies with standard & meets objective

Assessment: No walls on boundaries are proposed.

Clause 55.04-3 Daylight to existing windows objective

Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.

N/A

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<ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	N/A
Assessment: There are no adjoining habitable room windows.		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	N/A
Assessment: There are no adjoining north facing windows.		
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	N/A
Assessment: There is no adjoining areas of SPOS.		
<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> Offset a minimum of 1.5m from the edge of one window to the edge of the other. Have sill heights of at least 1.7m above floor level. Have fixed, obscure glazing in any part of the window below 1.7m above floor level. Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	N/A
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	N/A
	Screens used to obscure a view should be:	N/A

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	<ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. 	
Assessment: There are no areas of SPOS or habitable room windows on adjoining allotments. Dwellings to the west are beyond 9 metres.		
Clause 55.04-7 Internal views objective <ul style="list-style-type: none"> ▪ To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.	Complies with standard & meets objective
Assessment: No unreasonable internal overlooking will occur.		
Clause 55.04-8 Noise impacts objectives <ul style="list-style-type: none"> ▪ To contain noise sources in developments that may affect existing dwellings. ▪ To protect residents from external noise. 	Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	Complies with standard & meets objective
Assessment: The proposal has considered any relevant surrounding noise sources and that proposed. Noise generated by the development would be standard residential noise, subject to noise restrictions as defined by the EPA.		
Clause 55.05-1 Accessibility objective <ul style="list-style-type: none"> ▪ To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies with standard & meets objective
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. Dwelling designs vary with some including ground floor master bedrooms (or equivalent), along with the ability to modify dwellings for accessibility requirements.		
Clause 55.05-2 Dwelling entry objective <ul style="list-style-type: none"> ▪ To provide each dwelling or residential building with its own sense of identity. 	Standard B26 Entries to dwellings and residential buildings should:	Complies with standard & meets objective

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	<ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	
Assessment: The proposed entries to all dwellings are clearly visible from the public realm. The dwelling entries provide shelter, and a sense of personal address and transition in accordance with the requirements of this standard.		
Clause 55.05-3 Daylight to new windows objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Standard B27 HRW should be located to face: <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	Complies with standard & meets objective
Assessment: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.		
Clause 55.05-4 Private open space objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Standard B28 GRZ3 – A dwelling or residential building should have POS consisting of: <ul style="list-style-type: none"> An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 40m², a min. dimension of 5m and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level POS area of 20m² with a minimum width of 3m is required to be provided for each additional bedroom, with a max. of 80m² of POS required for the dwelling. 	Complies with standard & meets objective
Assessment: Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and will service the social, recreational, and passive needs of future residents. A breakdown of the amounts has been provided earlier within the report.		
Clause 55.05-5 Solar Access to Open Space <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.	Complies with standard & meets objective
	The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	Complies with standard & meets objective
Assessment: No south facing POS is proposed as part of this development, with all SPOS oriented to the north-east.		
Clause 55.05-6 Storage objective	Standard B30	Complies with standard &

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<ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	meets objective subject to conditions.
Assessment: Secure storage areas have been provided for each dwelling with accessible from an external door, or within garages, however whilst areas have been provided, it is not clear if all dwellings have the minimum six cubic metres. A condition will be included requiring dimensions to be included demonstrating a minimum of 6 cubic metres if provided.		
Clause 55.06-1 Design Detail objective <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	Standard B31 The design of buildings, including: <ul style="list-style-type: none"> Facade articulation and detailing Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies with standard & meets objective
Assessment: The design detail has been discussed within the body of the report; however the design detailing of the dwellings is consistent with emerging built form character of the area. The car parking facilities are sited and designed to ensure that they are visually compatible with the development and neighbourhood character.		
Clause 55.06-2 Front fences objective <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	N/A
	Schedule to GRZ2/3: A front fence within 3m of a street should not exceed: 2m for streets in a RDZ1 or 1.2m for other streets	N/A
Assessment: No front fencing is proposed as part of this development application.		
Clause 55.06-3 Common property objectives <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Standard B33 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	N/A
Assessment: No common property is proposed as part of this development.		
Clause 55.06-4 Site services objectives	Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size,	Complies with standard & meets objective subject to conditions.

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<ul style="list-style-type: none"> ▪ To ensure that site services can be installed and easily maintained. ▪ To ensure that site facilities are accessible, adequate and attractive. 	<p>lasting, durable, waterproof and blend in with the development.</p>	
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Assessment: It is understood that all the facilities required for the development can be accommodated within the development. Site services such as bin/recycling enclosures have been nominated on the respective plans and located appropriately, however mailboxes have not been shown. A condition will be included requiring the ground floor plan be amended to show the location of such.

6.0 INTERNAL REFERRALS

Department / Area	Comments / Rationale / Recommended Conditions
Council's Vegetation Management Officer	<p>No objection raised, subject to conditions (1i, 1j, 4-7) included on any permit issued. The following comments have been provided:</p> <ul style="list-style-type: none"> There is minimal vegetation at this address, aside from grass and weeds and Vegetation supports the removal of all vegetation at this address to allow for the proposed works. Based on the site's proximity to the environmentally sensitive Aspendale Foreshore and Edithvale-Seafood Wetland areas which contain predominantly indigenous coastal and wetland plant species, and the proximity to Rosedale Golf Club, Regents Park, Edithvale Recreation Reserve and Yammerbook Nature Reserve which contain predominantly indigenous and native plant species, combined with the native and exotic mix of the surrounding neighbourhood, Vegetation expects that landscaping with predominantly indigenous species will provide the greatest environmental outcome and contribution to neighbourhood amenity and landscaping of 80% coastal indigenous species with 100% indigenous canopy trees is conditioned below. It should be noted that the proposed increase of impervious surfaces within the subject site, will significantly increase the production of urban heat and stormwater run-off which will have a direct negative impact on the environment, human health and amenity within the subject site and surrounding neighbourhood. The following points have been conditioned below to mitigate the creation of urban heat and stormwater run-off within this proposal, as per the Kingston Planning Scheme (Clause 15.02-1S & 55.03-4) and the City of Kingston's Urban Cooling Strategy (Clause 6.2.1 & 6.2.3). <ul style="list-style-type: none"> All driveways to be constructed with permeable materials. Permeable ground surfaces in the Secluded Private Open Space of all dwellings, including sideways and service areas eg. decking, permeable paving, stepping stones with groundcovers. Green Infrastructure: <ul style="list-style-type: none"> Planted climbers on pergolas Canopy tree planting; Vertical gardens eg. climbers on wires, prefabricated vertical garden modules; Boundary hedge planting;

Neighbouring site:

- Two (2) *Melaleuca armillaris* (Honey-bracelet Myrtle) located at the neighbouring Aspendale Tennis Club are protected by Local Law due to their base circumference. These trees are in close proximity to the building footprint of Lot 9's garage which intrudes into the TPZ of these trees. A Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022) has been submitted which provides tree protection measures for these trees and provides a basic tree protection plan on page 10 of the report which it should be noted has omitted the illustration of the TPZ and SRZ of these trees.

Landscape Plan:

- The Landscape Plan prepared by Landsite Landscape Architecture (Date: 06.06.2022, Rev. B) requires amending before it is suitable to satisfy the requirements conditioned below.
- Required amendments are as follows:
 - Ensuring all plants and quantities are clearly located on the landscape plan;
 - Ensuring total plant quantities, height and width at maturity, pots sizes and tree heights at time of planting are included in the plant schedule;
 - Vegetation would prefer to see groundcovers and stepping stones in conjunction with the minimal use of gravel in the sideways of Lots 2-8;
 - The introduction of an arc/curve to the internal edge of the driveways for Lots 1, 4, 5, 8 & 9 in order to maximise the root growth area for canopy trees;
 - Locate all tree protection measures on the Landscape Plan and Ground Floor Plan for the street trees and the two (2) neighbouring *Melaleuca armillaris* (Honey-bracelet Myrtle) as per the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022).

Street Trees:

The three (3) *Angophora hispida* (Dwarf Apple) are located within the site's nature-strip. The third and southernmost street tree (Asset No. 253251) will be retained however the two (2) *Angophora hispida* (Dwarf Apple) (Asset No. 253253 & 253252) situated north of this street tree will require removal to facilitate the installation of crossovers servicing Lot 1 and Lot 2. Tree Protection Fencing has been conditioned below to ensure central *Angophora hispida* (Dwarf Apple) street tree (Asset No. 253251) remains viable.

Due to the aforementioned reasons, Vegetation supports removal and replacement of these two street trees by Council at the expense of the Owner/Developer for a fee of \$2,974.85.

Tree	H	DBH	Age	Deadwood	Crown lift	LV	Fee
<i>Angophora hispida</i>	4	20	7	n	Y	n	\$1,516.55
<i>Angophora hispida</i>	3	15	7	n	Y	n	\$1,458.30
Total:							\$2,974.85

Council's
Development
Engineer

No objection raised, subject to conditions included on any permit issued relating to stormwater management and water sensitive urban design.

Roads and
Drains

No objection raised, subject to standard conditions (13-19) included on any permit to be issued. The Roads and Drains Department support a concrete section within the nature strip set aside for vehicle parking.

**Traffic
Engineer**

The following comments have been provided:

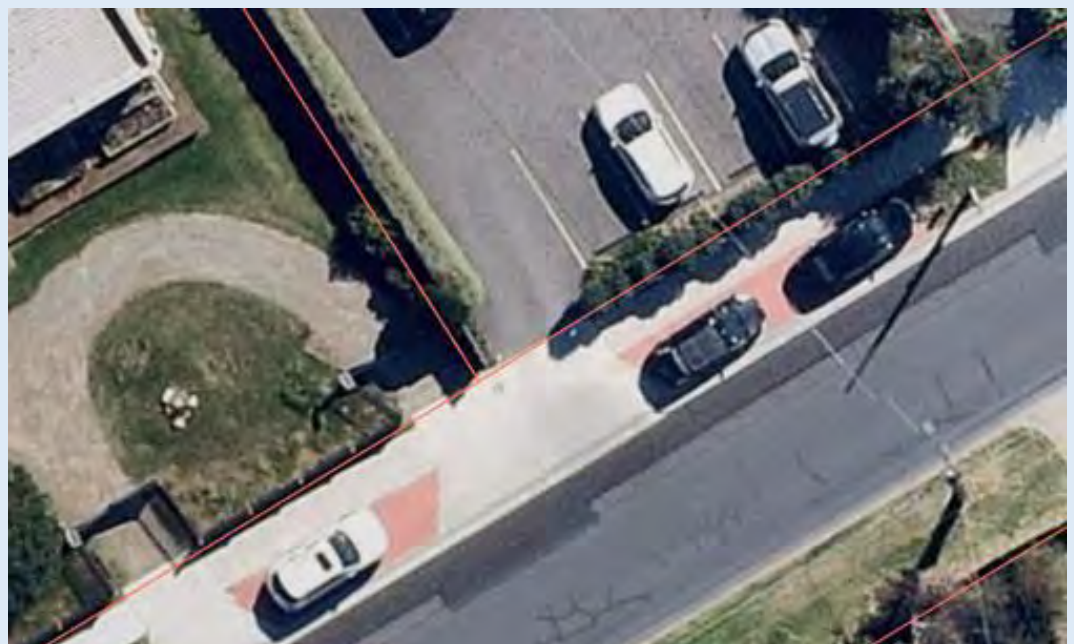
- The proposed development seeks to subdivide the existing single lot into 9 lots and constructing 9 dwellings with 2 parking spaces provided for each dwelling. Kingston Planning Scheme requires a provision of 1 visitor parking space for the subdivision and the application requires a waiver of 1 space under the Kingston Planning Scheme.
- Sixth Avenue is measured at 5.6m outside the proposed development site, and there is currently no clear parking control along the road. However, based on the previous aerial photos, vehicles do not park along this section of Sixth Avenue, due to the narrow road width as well as there is a lack of dwellings at the location.
- The proposed development will likely generate a maximum of 90 vehicle trips per day, i.e. 9 vehicle trips per hour (less than 1 trip per 6 minutes) during morning and afternoon peak based on RTA guide.
- The amount of traffic generated by the development will hence be within an acceptable level and will have a less than minor impact to the local road networks.

In regard to the road width, the following comment was provided:

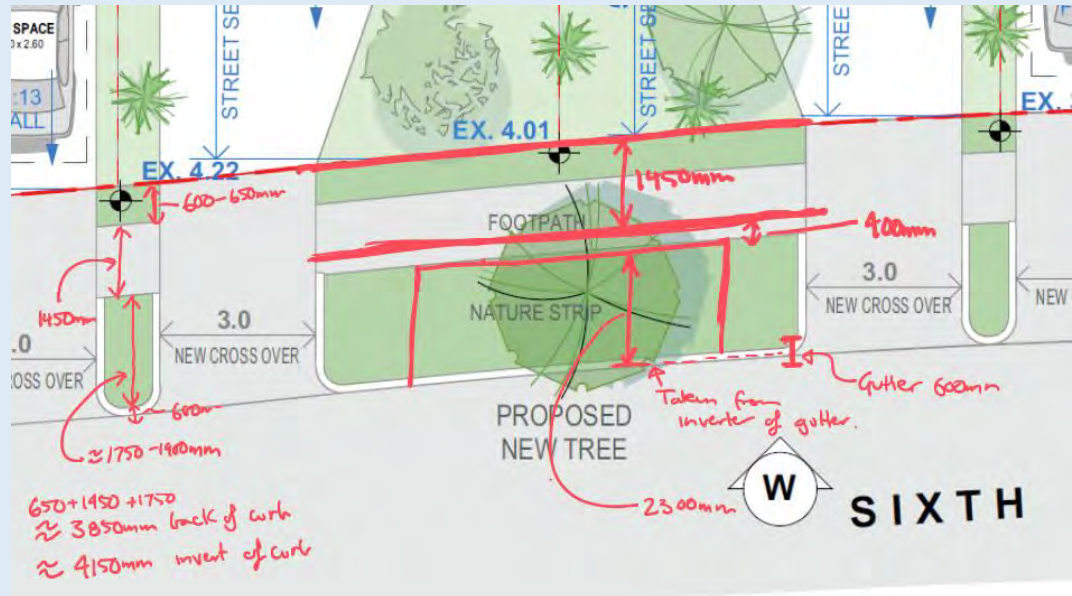
- Given the lack of available directly outside the proposed development, the proposal does not provide a balanced outcome as it seeks to waive one visitor parking and is one dwelling short to be required to provide 2 visitor parking spaces.
- The proposed tandem parking arrangement for some of the dwellings also rely on on-street parking to work properly, as when the vehicle in the garage wants to get out, the tandem space usually needs to reverse out and park on the street temporarily.
- As such, initial thoughts were that the road was required to be widened to 7m. This can be achieved by realigning the footpath and concrete part of the nature-strip. It is not required to change the kerb and channel as the existing kerb and channel is mountable.
- On review, this is not considered to be the best solution for Sixth Avenue and would not result in a significant increase to on-street parking potential, or improve traffic flow within the local road network.

With further discussion between the Traffic Department, the Roads and Drains Department and the Applicant, it is considered appropriate that a concrete parking area (at least one) be provided within the road reservation (nature strip) between proposed crossovers (where a minimum distance of 5.4 metres is available) to provide for a vehicle to park, without being within the carriageway.

It is an expectation that something similar to the image below be incorporated into the design:



The applicant has undertaken preliminary review of the proposal and considered a parking bay (atop the rolled kerb – no additional kerbing required) can be accommodated. It is anticipated something similar to the sketch below can be constructed:



This will need to be constructed to the satisfaction of the Responsible Authority and meet Council Standards. All costs to be borne by the applicant / owner.

By way of condition, the following will be required:

- Sight line splays of 2m x 2.5m will need to be provided for all driveways (refer to 1b).
- The provision of at least one (1) vehicle parking area (discernible from the roadway and footpath by being finished with exposed aggregate, coloured concrete, permeable material or similar) within the Sixth Avenue road reservation to be constructed to the Satisfaction of the Responsible Authority. Any alterations to the road infrastructure, or footpath must also be carried out to the satisfaction of the Responsible Authority, with all costs to be borne by the applicant / owner (refer to 1a).

The Traffic Department are satisfied the additional of a parking area within the road reservation, along with the space available within the frontage of 5 dwellings is sufficient to mitigate the loss of one dedicated visitor space within the property title.

CMP

No objection raised, subject to a standard CMP being required via condition 12 of the permit.

ESD

The application **almost meets** Council's expectations in relation to ESD for a development of this scale. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards.

While it is preferable that these issues are addressed prior to permit-issue, as there are no major issues, these can be addressed as part of their condition 1 submission. Items to be addressed are outlined below:

BESS Assessment

- The project needs to maintain the proposed 56% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Considering your response to the points below, should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.

Rainwater Tank Reuse

- Plans need to indicate rainwater tank size(3000L each) and connection to both toilet flushing and laundry as proposed in the BESS and STORM assessment.

Water 3.1 Water Efficient Landscaping

- To claim the Water 3.1 Water Efficient Landscaping BESS credit, indicate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.

Energy Heating & Cooling Systems

- 3-stars has been entered in the BESS assessment when the commitment in the report only indicates within a star of the best available. Please amend the report to indicate a commitment to specifying a reverse cycle heating and cooling systems to meet a 3-star minimum heating and 3-star minimum cooling or equivalent to reflect what has been entered into BESS assessment.

Gas-free development

- This development could be gas-free by committing to the installation of efficient electric induction cooktops and efficient electric heat pump hot water systems.

Energy 4.2 Renewable energy systems – Solar

- Indicate minimum size of each solar PV system (3kW each unit) on plans as proposed in the BESS assessment.

Daylight

- Provide daylight access to all garages via a skylight, glazed door to the POS or translucent garage door panels. Draw and label on all plans and elevations.

IEQ 2.2 Cross Flow Ventilation

- Provide operable windows or operable skylights to the stairs on the top floor to allow stack ventilation through the stairs on hot days.
- Ensure all bathrooms and ensuites have an operable window or operable skylight or exhaust fans with humidity sensors to allow daylight and ventilation.

IEQ 3.1 Thermal comfort - Double Glazing

- To claim the IEQ 3.1 Thermal comfort - Double Glazing BESS credit, there must be an annotation on plans specifying double glazing to all living areas and bedrooms.

Transport 1.1 Bicycle parking – residential

- The Transport 1.1 Bicycle parking – residential BESS credit for resident parking is not available for mounted bicycle parking above car bonnets and spaces that are exposed to the weather due to access difficulties. If a bike rack/hook on the long garage long wall of each dwelling it must allow for clear access paths and minimum car parking space requirements. Please indicate appropriate bike parking racks for each dwelling on plans.

Transport 2.1 Electric Vehicle Infrastructure

- To claim the Transport 2.1 Electric Vehicle Infrastructure BESS credit, the location of the electric vehicle charging point in the garage must be shown with a note or associated legend item saying “minimum 15A dedicated circuit from load centre to garage”.

Urban Ecology 2.1 Vegetation

- The Urban Ecology 2.1 Vegetation BESS credit must include only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/stepping stones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on landscape plan accurately and entry in BESS must be updated accordingly.

Urban Cooling

- For the non-visible flat roofs and exposed concrete driveway, specify high SRI paints and materials (SRI>50) to help mitigate the urban heat island effect. This must be reflected on plans.

Building Materials

- Concrete - A minimum of 20% of the cement must be replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- Steel - All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture.

Condition 1h and 20 will be included on any permit to be issued requiring the SDA and Plans be updated accordingly.

7.0 OBJECTIONS

7.1 Following the commencement of advertising, 40 objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Neighbourhood Character
- Density of the Development
- Proposed lot size
- Car Parking Reduction should not be supported
- Traffic and Parking concerns
- Amenity Impacts
- Built form
- Streetscape impacts
- Impact to daylight
- Noise impacts
- Should be left as Green Space
- Will set a precedence within Aspendale

7.2 The following objections raised are not planning considerations:

- Council should purchase the land
- Amendment C147 should not have been approved
- Should not be residential land
- Should be developed into a car park
- Loss of views

7.3 A planning consultation meeting was held on 3 August 2022 with the relevant Planning Officer, the Permit Applicant and five (5) objectors in attendance. The above-mentioned issues were discussed at length.

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

8.0 RESPONSE TO GROUNDS OF OBJECTION

8.1 The majority of concerns raised by objector(s) have been considered within the assessment above. Any remaining concerns are addressed as follows:

Ground of Objection	Response
Council should purchase the land	The land is privately owned and not currently for sale. Council has no obligation or intention to purchase residential land.
Amendment C147 should not have been approved	This is outside of the realm of consideration. The land is zoned GRZ for residential development.
Should not be residential land	The land is zoned GRZ3 and is assessed as such.
Should be developed into a car park	The current application is for 9 dwellings; therefore this is not a reasonable consideration. Furthermore, a car park may be prohibited on residential land.

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Loss of views	Pursuant to the <i>Planning and Environment Act 1987</i> and Kingston Planning Scheme, this concern falls outside of the scope of planning considerations. No one is entitled to a view, more so when it is across currently vacant residential land.
Should be left as Green Space	The land is zoned GRZ. It is not a Green Wedge, Special Use, or Public Use Zone; therefore, it is not reasonable to expect a residential parcel remain vacant in perpetuity.
Will set a precedence within Aspendale	Each application is assessed against the provisions of the planning scheme, and the merits of the application. The allotment size and configuration is unique within this area. Any future application is subject to the provisions of the planning scheme at the time of lodgement.
Shadowing	Any shadows cast of the Tennis Courts to the south cannot be considered as part of Clause 55. The tennis courts are not private open space.

9.0 CONCLUSION

- 9.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 9.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the Planning and Environment Act 1987 have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.
- 9.3 The proposed development is considered appropriate for the site, subject to conditions.

10.0 RECOMMENDATION

- 10.1 That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Development of nine (9) dwellings, reduction of the visitor car parking requirement of one (1) space and associated works in accordance with the endorsed plans at 35 Sixth Avenue, Aspendale (Lot 2 on PS813722C), 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. The plans must be substantially in accordance with the plans prepared by Arcadia Studios, comprising TP0001 to TP4100, Revision B and Architectural Planning Report, prepared by Arcadia Studios, comprising Sheet 1 – 38, Revision A, but modified to show:
 - a. the provision of at least one (1) vehicle parking area (discernible from the roadway and footpath by being finished with exposed aggregate, coloured concrete, permeable paving or similar) within the Sixth Avenue road reservation, including a notation that the 'vehicle parking area within the Sixth Avenue road reservation is to be constructed to the satisfaction of the Responsible Authority'.
 - b. sight line splays of 2m x 2.5m will need to be provided for all driveways.
 - c. location of mailboxes nominated.
 - d. provision of a minimum 2000L rainwater tank clearly nominated for each new dwelling and collected to toilets for flushing.

- e. dimensions included within the nomination of 6m³ of externally accessible storage facilities for each dwelling.
- f. the surface material of all driveways / accessways and car parking spaces nominated in exposed aggregate, coloured concrete, permeable paving (where applicable) or similar.
- g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown.
- h. a revised Sustainable Design Assessment in accordance with the requirements of Condition 10 of the planning permit. All relevant commitments identified within the SDA must be shown on the plans.
- i. the provision of an amended landscape plan in accordance with the submitted Landscape Plan prepared by Landsite Landscape Architecture (*Date: 06.06.2022, Rev. B*) and the Construction Impact Assessment prepared by Tree Radar Australia (*Date: 18th May, 2022*), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iii. The illustration and notation of Tree Protection Zones and Structural Root Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. Installation of permeable ground surfaces to the sideways and service areas with the use of stepping stones and groundcovers in conjunction with gravel for Lots 2, 3, 4, 5, 6, 7 and 8;
 - vi. The introduction of a curve/arc to the internal edges of driveways for Lots 1, 4, 5, 8 and 9 maximising canopy tree root growth area;
 - vii. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous plant species and 100% indigenous tree species by plant type and total quantities;
 - viii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 4 metres in width to be planted in the front setback of dwellings 1, 6, 7 and 9;
 - ix. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 5 metres in height and 3 metres in width to be planted in the front setback of dwellings 2, 3, 4, 5, 8 and 9;
 - x. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 6 metres in width to be planted in the secluded private open space of all dwellings;
 - xi. Provide 50 square meters of green infrastructure within the development eg. Green walls, vertical gardens, planted pergolas, boundary hedging, further tree canopy.

- xii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xiii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xiv. Tree protection measures including for street trees and the two (2) neighbouring *Melaleuca armillaris* (Honey-bracelet Myrtle) accurately drawn to scale and labelled as per the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022);
 - xv. A notation to refer to the tree protection measures within the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022);
- j. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022) including;
- i. The Tree Protection Zone and Structural Root Zone for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. A notation to refer to the tree protection measures within Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022) on the Ground Floor Plan.

Endorsed Plans

- 2. The development and as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Vegetation Management

- 4. All protection measures identified in the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022) must be implemented, and development works undertaken on the land must be undertaken in accordance with the Construction Impact Assessment, to the satisfaction of the Responsible Authority.
- 5. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the tree protection measures within the Construction Impact Assessment prepared by Tree Radar Australia (Date: 18th May, 2022) must be submitted to the Responsible Authority.
- 6. Tree Protection Fencing is to be established around the *Angophora hispida* (Dwarf Apple) (Asset No. 253251) street tree within the nature strip of Lot 03 of the proposed development and around the *Angophora hispida* (Dwarf Apple) (Asset No. 253254) street tree within the nature strip of the Aspendale Golf Course located north-west of the proposed crossover for Lot 01, prior to demolition and maintained until all works on site are complete.
 - a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b. The fencing is to encompass the entire nature strip with each end 2 metres from the base of the tree.

7. Prior to the construction of any crossovers as shown on the endorsed development plans, the two (2) *Angophora hispida* (Dwarf Apple) (Asset No. 253252 & 253253) tree trees located in the Sixth Avenue nature strip must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

Drainage and Water Sensitive Urban Design

8. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
- a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 8a, 8b & 8c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
9. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a. all stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 22.2L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

Construction Management

12. Prior to 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. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls
 - e. Air Quality and Dust Management
 - f. Stormwater and Sediment Control
 - g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

13. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
14. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
15. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
16. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. Any car parking areas located within the road reservation must be constructed to the satisfaction of the Responsible Authority.
18. The replacement of all footpaths, must be constructed to the satisfaction of the Responsible Authority.
19. Any alterations to the road infrastructure, or footpath by the construction of the vehicle parking area(s) within the Sixth Avenue road reservation must be carried out to the satisfaction of the Responsible Authority, with all costs to be borne by the applicant / owner.

Environmental Audit Overlay

20. Before the residential use commences or before the construction or carrying out of buildings and works in association with this use commences, one of the following must be obtained:
- a. A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - b. An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - c. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - d. A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

General amenity conditions

21. 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.
22. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
23. All piping, 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.

Completion of Works

24. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
25. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Expiry

26. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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


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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:** The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.
- 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:** Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.
- Note:** The fee for removal of the street tree(s) from the nature strip is \$2,974.85. (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.
- Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development in writing to property@kingston.vic.gov.au
- If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).
- Note:** The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.
- Note:** All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan (18875) as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.
- Note:** As part of Kingston's Social and Affordable Housing Strategy July 2020 Council encourages a permit holder and/or owner to voluntarily commit to the Homes for Homes Limited program (ACN 143 151 544, ABN 26 143 151 544)

Appendices

Appendix 1 - KP-2022/173 - 35 Sixth Avenue, ASPENDALE VIC 3195 - Considered
Plans for Council Meeting (Ref 22/301177) 

Author/s: James Leonard, Principal Planner
Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

4.2

KP-2022/173 - 35 SIXTH AVENUE, ASPENDALE

- 1 **KP-2022/173 - 35 Sixth Avenue, ASPENDALE VIC 3195 -
Considered Plans for Council Meeting 71**



Client: INTRAPAC
Title: COVER SHEET
Version: B
arc-studio.com.au



TOWNHOUSE DEVELOPMENT

35 SIXTH AVENUE ASPENDALE VIC 3195

PROJECT TEAM



AVANT TOWNHOMES
LEVEL 6 580 ST KILDA ROAD
MELBOURNE VIC 3004
TEL 03 9207 8088



INTRAPAC PROPERTY



TP APPLICATION PREPARED BY:
ARCADIA STUDIO
STUDIO 4 109-111 HAWKE STREET
WEST MELBOURNE VIC 3003
TEL 03 9988 5080
www.arc-studio.com.au

SongBowden
Planning

TOWN PLANNING CONSULTANT
LEVEL 2 700 HIGH STREET
KEW EAST VIC 3102
TEL 03 9077 4115
E: admin@songbowden.com.au

DRAWING SCHEDULE

TP0 PROJECT INFORMATION			
TP0001	B	COVER SHEET	
TP1 SITE			
TP1000	B	SURVEY PLAN	
TP1001	B	SITE PLAN	
TP1002	B	FINISHED LEVELS (CUTFIL...	
TP20 PLAN - GENERAL			
TP2001	B	GROUND	
TP2002	B	LEVEL 1	
TP2003	B	ROOF PLAN	
TP31 ELEVATION - SITE			
TP3101	B	NORTH + WEST	
TP3102	B	SOUTH + EAST	
TP3103	B	SIDE ELEVATIONS	
TP4 SECTIONS			
TP4100	B	SECTIONS A B C + D	

TP ISSUE
RESPONSE TO COUNCIL RFI
31 MAY 2022



arcade
AL701-711 Hawks Street
West Melbourne VIC 3003
03 9988 8080 arc-studio.com.au

CLICK DRAWING NO BELOW TO
RETURN TO DRAWING LIST



SITE PLAN (SETBACKS)
Scale 1:200

Client INTRAPAC

Project TOWNHOUSE DEVELOPMENT
35 SIXTH AVENUE
ASCENDALE VIC 3195





Site SITE PLAN


Drawing No. TP1001 Rev. B

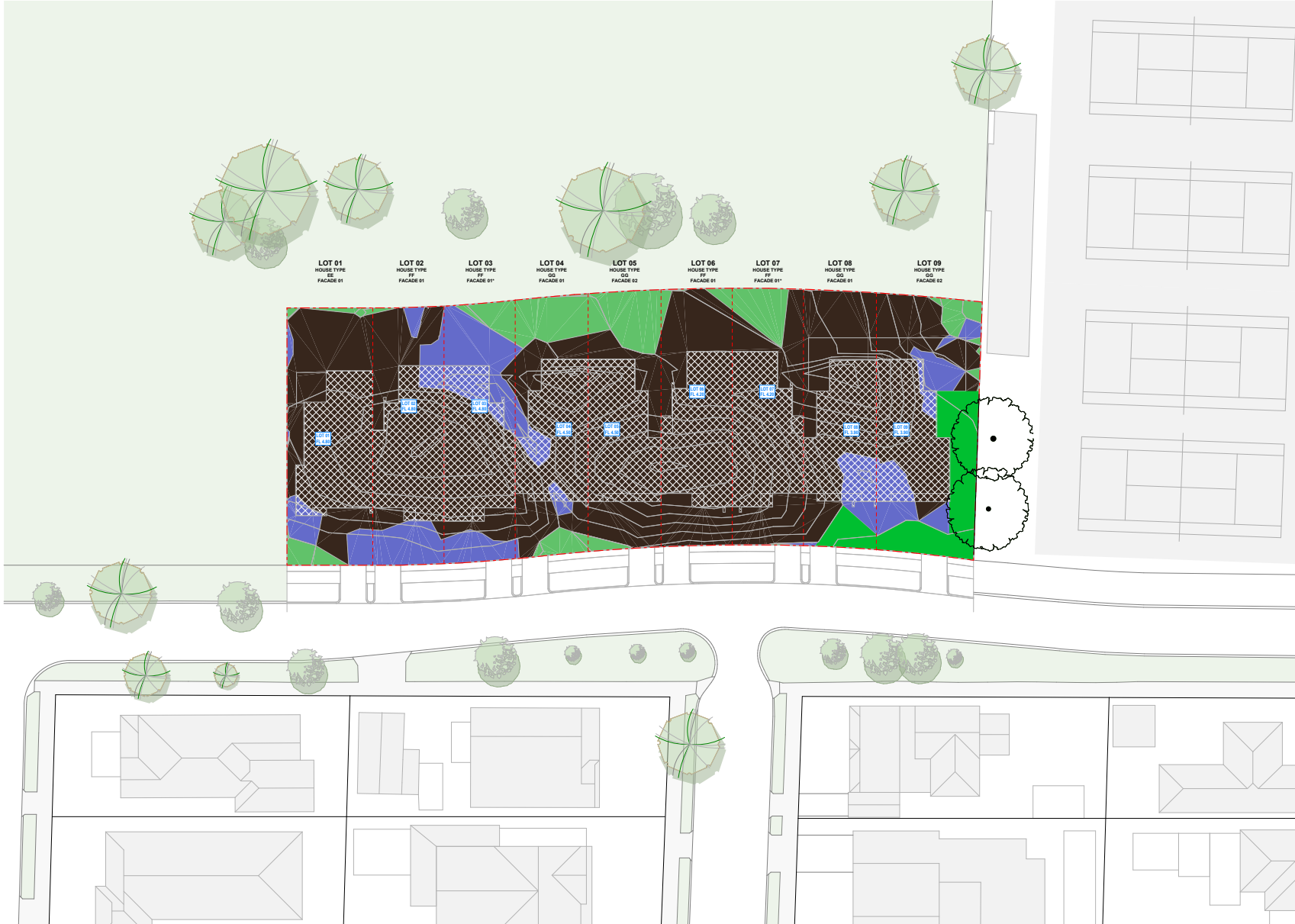
Preliminary
NOT FOR CONSTRUCTION


A/TON - 77 Hawke Street
West Melbourne VIC 3003
03 9588 8280 arc-studio.com.au

CLICK DRAWING No BELOW TO
RETURN TO DRAWING LIST

LEGEND:
 PROPOSED BUILDING FOOTPRINT
 EXISTING LEVELS
 PROPOSED LEVELS LOWER THAN EXISTING
 PROPOSED LEVELS HIGHER THAN EXISTING


client INTRAPAC
project TOWNHOUSE DEVELOPMENT
35 SIXTH AVENUE
ASCENDALE VIC 3195
SITE FINISHED LEVELS (CUT/FILL)
Drawing No. TP1002
PRELIMINARY
NOT FOR CONSTRUCTION



CLICK DRAWING No BELOW TO
RETURN TO DRAWING LIST

DRAWING NOTES:

ALL RAINWATER TO TANKS
TO BE CONNECTION TO
TOILETS

NO FRONT FENCING TO BE
INSTALLED ; SIDE AND REAR
FENCING ONLY

kō





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West Melbourne VIC 3003
03 9588 8280 arc-studio.com.au

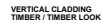
CLICK DRAWING NO BELOW TO
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LEGEND
OVERLOOKING SCREEN
TO PREVENT OVERLOOKING
AS PER
RESCUE STANDARD B22



Client	INTRAPAC
Project	TOWNHOUSE DEVELOPMENT 35 SIXTH AVENUE ASCENDALE VIC 3195
Plan - General	LEVEL 1
Drawing No.	TP2002
File Name	TP2002



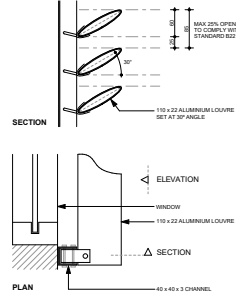




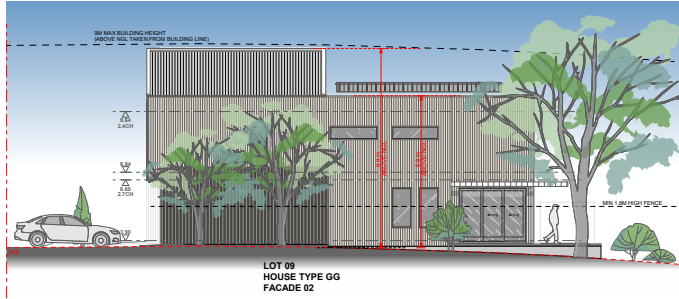
ALTON - 77 Hawks Street
West Melbourne VIC 3003
03 9588 8280 arc-studio.com.au

CLICK DRAWING NO BELOW TO
RETURN TO DRAWING LIST

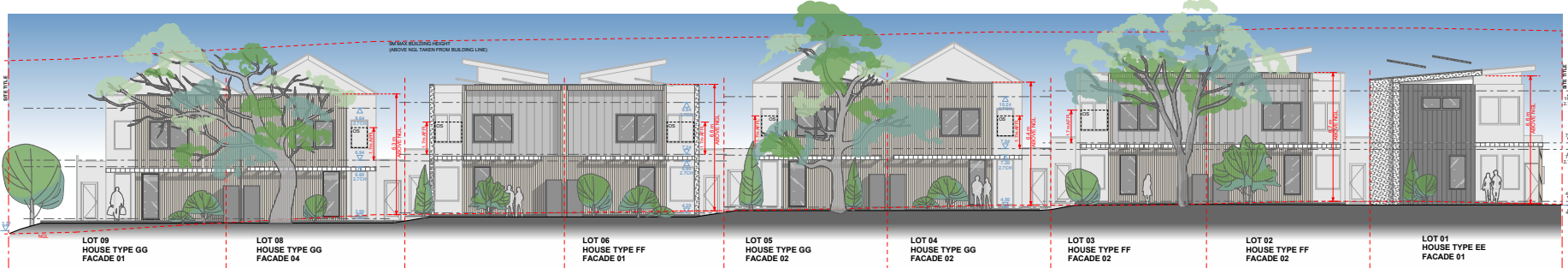
LEGEND
OVERLOOKING SCREEN
TO PREVENT OVERLOOKING
AS PER
RESCUE STANDARD B22



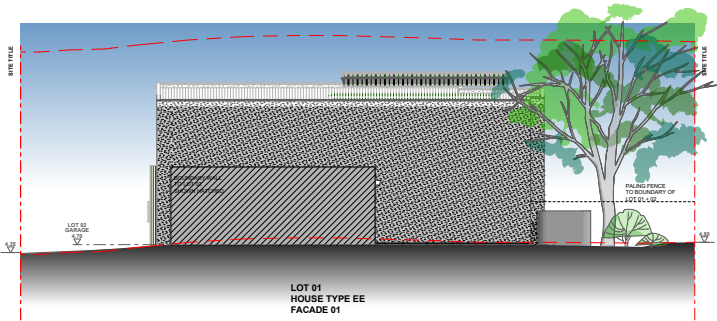
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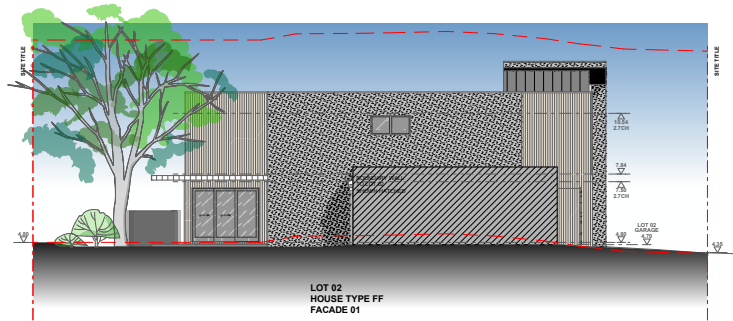
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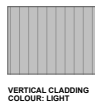
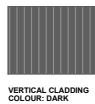
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Scale 1:100



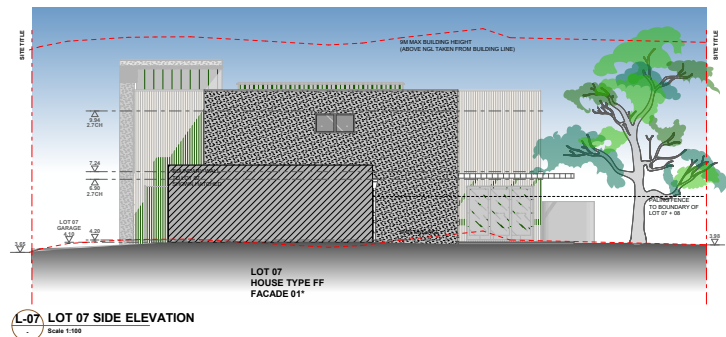
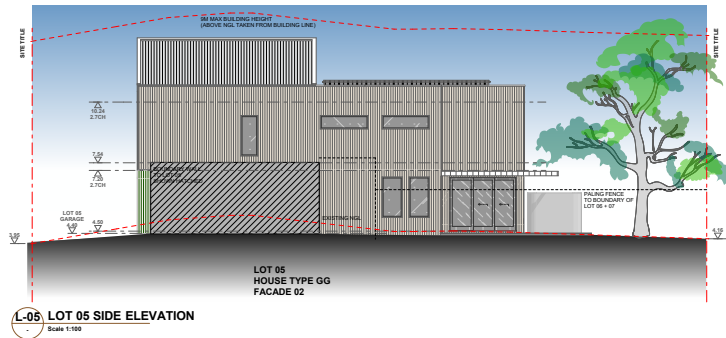
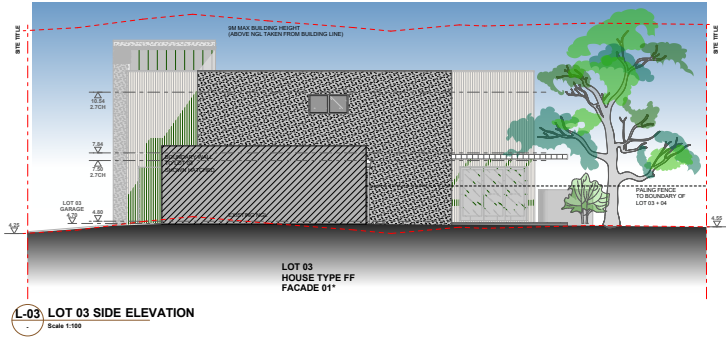
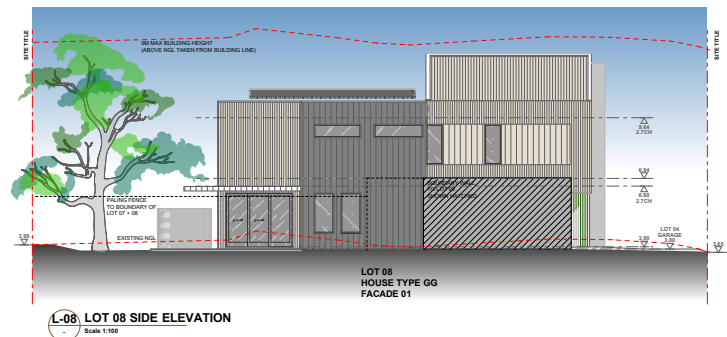
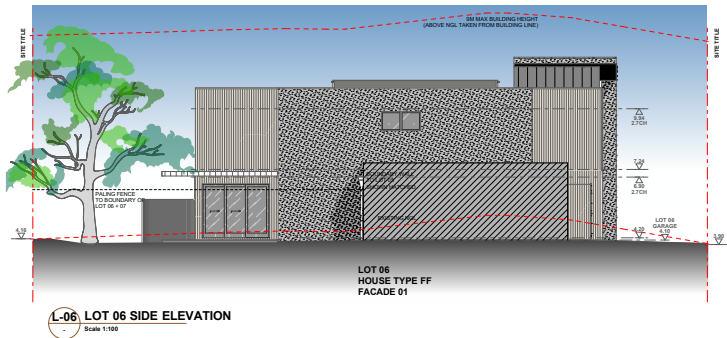
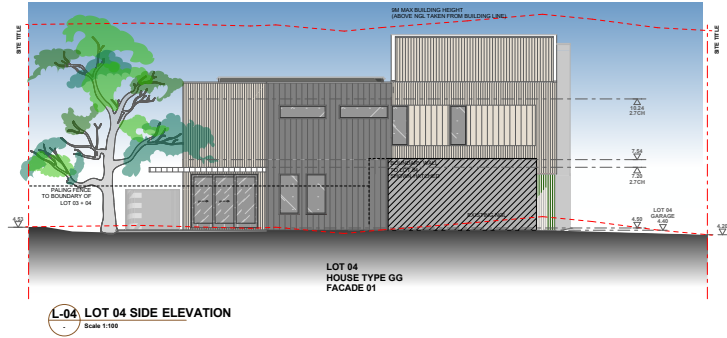
L-01 LOT 01 SITE ELEVATION
Scale 1:100

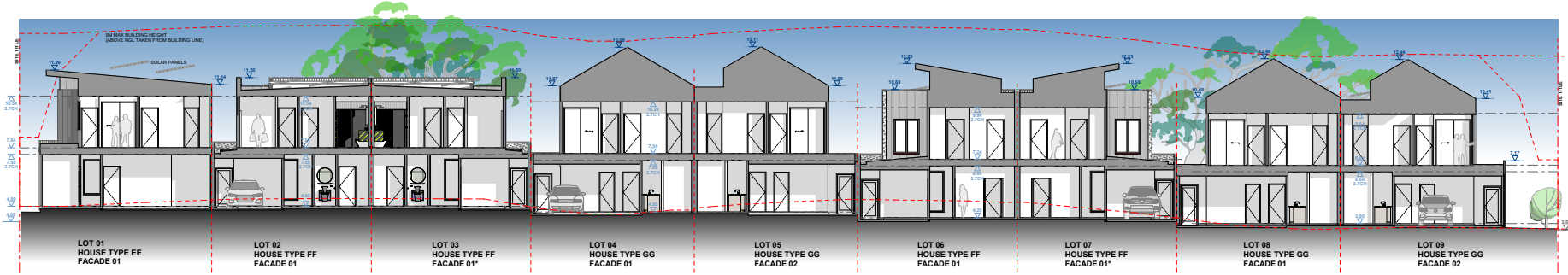


L-02 LOT 02 SIDE ELEVATION
Scale 1:100



Client	INTRAPAC
Project	TOWNHOUSE DEVELOPMENT 35 SIXTH AVENUE ASCENDALE VIC 3195
Elevation - Site	SOUTH + EAST
Drawing No.	TP3102
Rev.	B

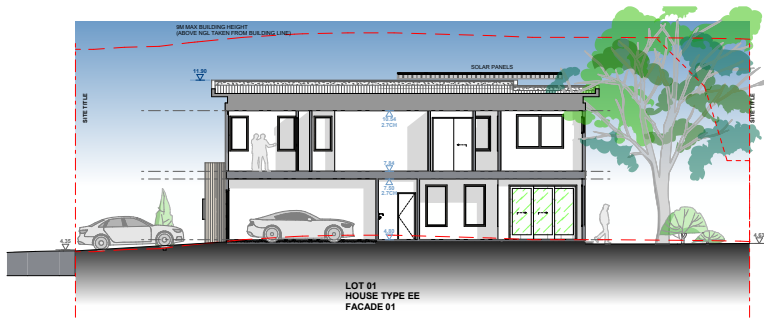




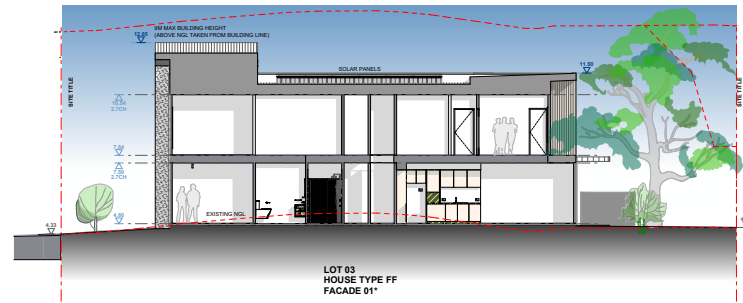
A SECTION A
Scale 1:100



B SECTION B
Scale 1:100



C SECTION C
Scale 1:100



D SECTION D
Scale 1:100

Client	INTRAPAC
Project	TOWNHOUSE DEVELOPMENT 35 SIXTH AVENUE ASCENDALE VIC 3195
Sections	SECTIONS A B C + D
Drawing No.	TP4100
File Name	B
File Location	PROJECT LOCATION



arcadia

4 / 109 HAWKE STREET
WEST MELBOURNE, VIC 3003

03 9988 5080
www.arc-studio.com.au

PROJECT TEAM:



AVANT TOWNHOMES
LEVEL 6 580 ST KILDA ROAD
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TEL 03 9207 8088



INTRAPAC PROPERTY



TP APPLICATION PREPARED BY:

ARCADIA STUDIO
STUDIO 4 109-111 HAWKE STREET
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TEL 03 9988 5080
www.arc-studio.com.au

SongBowden
Planning

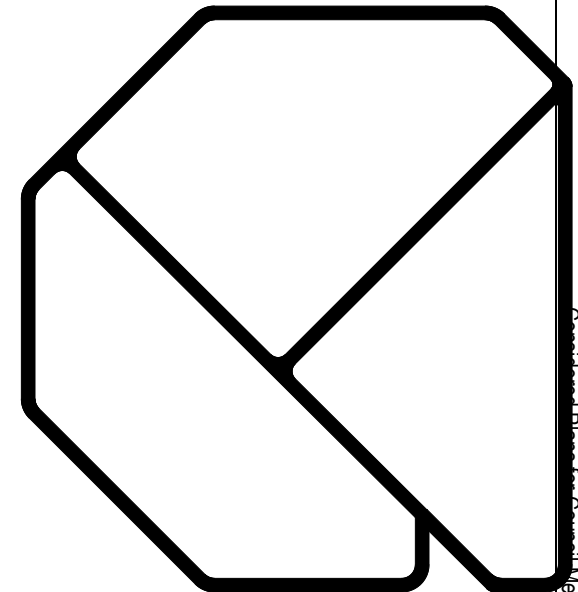
TOWN PLANNING CONSULTANT
LEVEL 2 700 HIGH STREET
KEW EAST VIC 3102
TEL 03 9077 6115
E: admin@songbowden.com.au

ARCHITECTURAL PLANNING REPORT

TOWNHOUSE DEVELOPMENT

35 SIXTH AVENUE ASPENDALE VIC 3195

TP ISSUE
RESPONSE TO COUNCIL RFI
30 MAY 2022

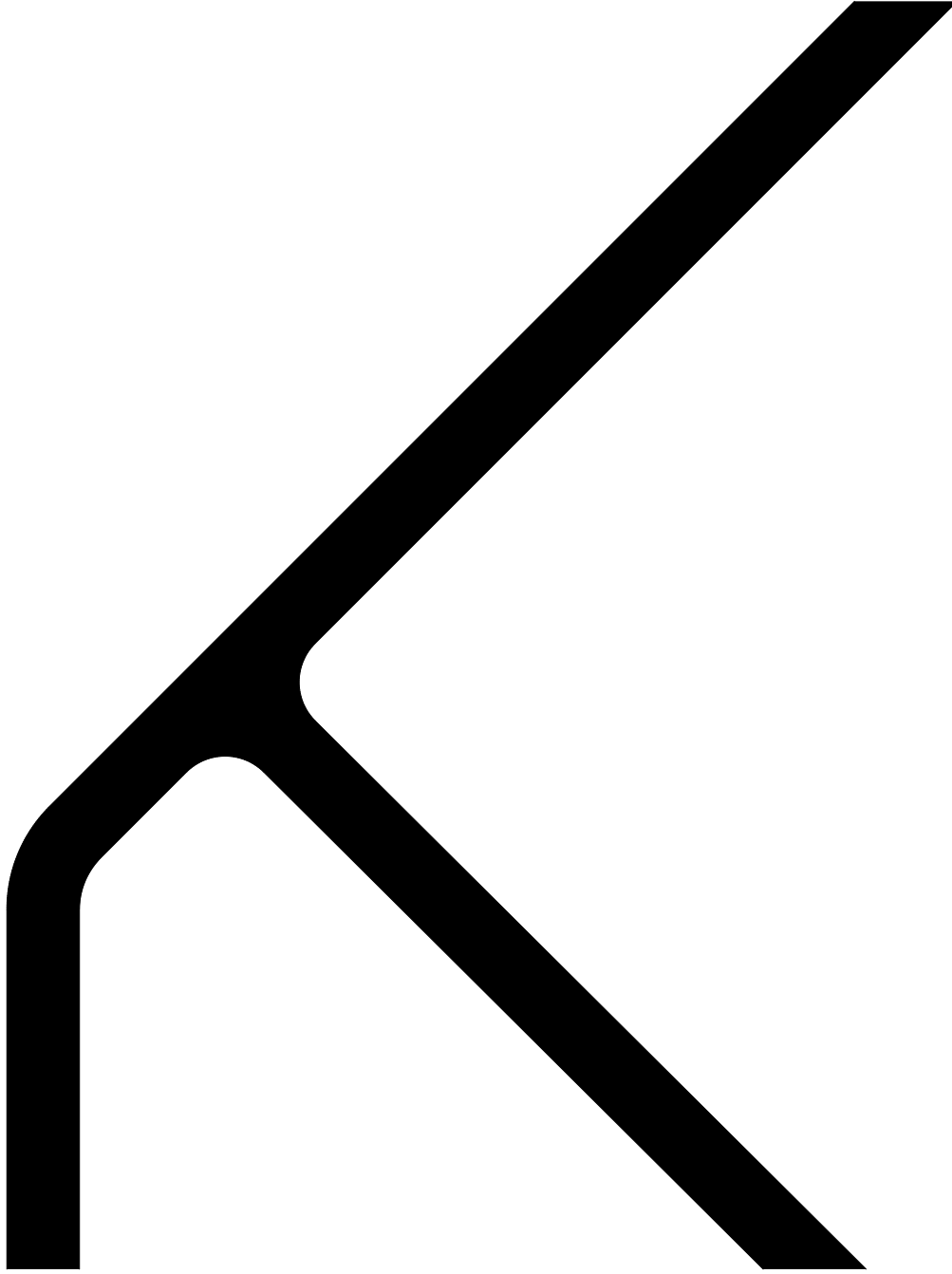




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ARCHITECTURAL STATEMENT



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project description

PROJECT OVERVIEW

SITE

35 SIXTH AVENUE IS A PARCEL OF LAND TO THE WESTERN SIDE OF THE ROSSDALE GOLF COURSE. TO THE SOUTH IS THE ASPENDALE TENNIS CLUB. ACROSS THE STREET IS A WELL ESTABLISHED HOUSING SUBURB. THE SIZE OF THE LOT OF LAND IS LARGE ENOUGH TO ENCOURAGE A MEDIUM DENSITY DEVELOPMENT. THE SITE SLOPES GENTLY FROM NORTH TO SOUTH. ON THE SOUTH WEST CORNER ARE 2 MATURE TREES WHICH REQUIRE PROTECTION. 500 METRES FROM THE BEACHES OF PORT PHILLIP BAY.

OPPORTUNITY

DIVERSITY, VARIETY AND AFFORDABILITY IN HOUSING ARE KEY PRIORITIES IN OUR COMMUNITIES. TO COMPLEMENT THE SURROUNDING SUBURB, THE SIXTH AVENUE PROPOSAL PROVIDES THE OPPORTUNITY TO DELIVER HIGH QUALITY, ARCHITECTURALLY DESIGNED AND AFFORDABLE ALTERNATIVES.

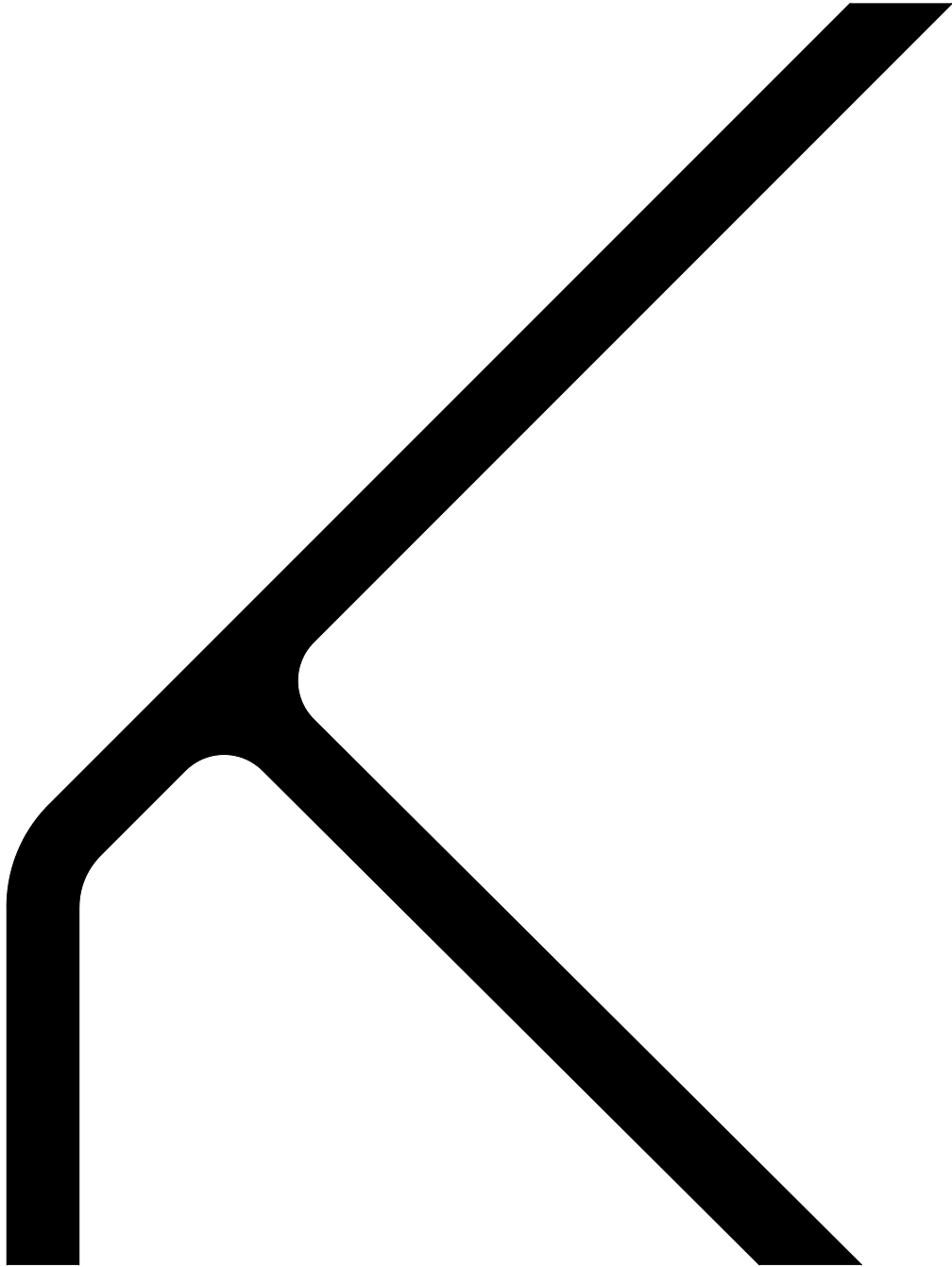
PROPOSAL

THIS PROPOSAL COMPRISES OF 9 DWELLINGS WITH SIMILAR LOT SIZES AND SITE FRONTAGES. THE DWELLINGS MIX INCLUDE ALL 2 STOREY TOWNHOUSES, EACH WITH 4 BEDROOMS. ALL HOMES BENEFIT FROM THEIR OWN STREET FRONTAGE, DEDICATED GARAGES, AND STAND-ALONE TITLES WITHOUT COMMON PROPERTY OR BODY CORPORATE REQUIREMENTS.

DESIGN

THE SIXTH AVENUE HOMES ARE CRAFTED WITH PARTICULAR ATTENTION TO FORM, DETAIL AND QUALITY MATERIALS. THEY PLAY AN IMPORTANT ROLE IN CONTRIBUTING TO THE SURROUNDING NEIGHBOURHOOD BENCHMARK OF FAMILY FRIENDLY DWELLINGS IN ASPENDALE.

URBAN CONTEXT + SITE
ANALYSIS



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ASPENDALE IS A LONG-ESTABLISHED MELBOURNE BAYSIDE SUBURB.

THE AREA IS HOME TO A WIDE RANGE OF SERVICES AND AMENITIES, INCLUDING THRIVING LOCAL SHOPPING CENTRES, AMPLE PARKLANDS AND EXCELLENT EDUCATION OPTIONS.

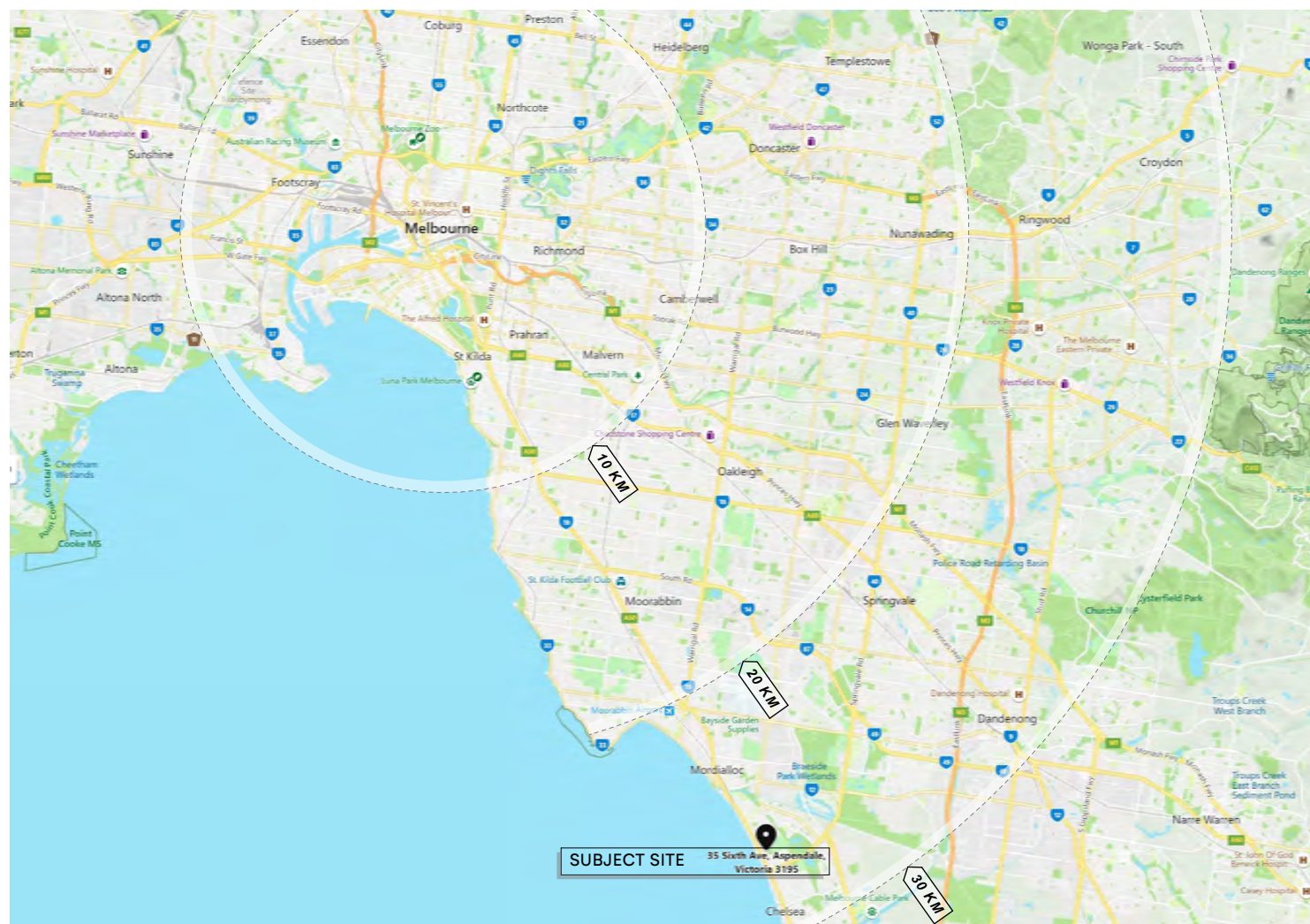


FIGURE 2.01

site context

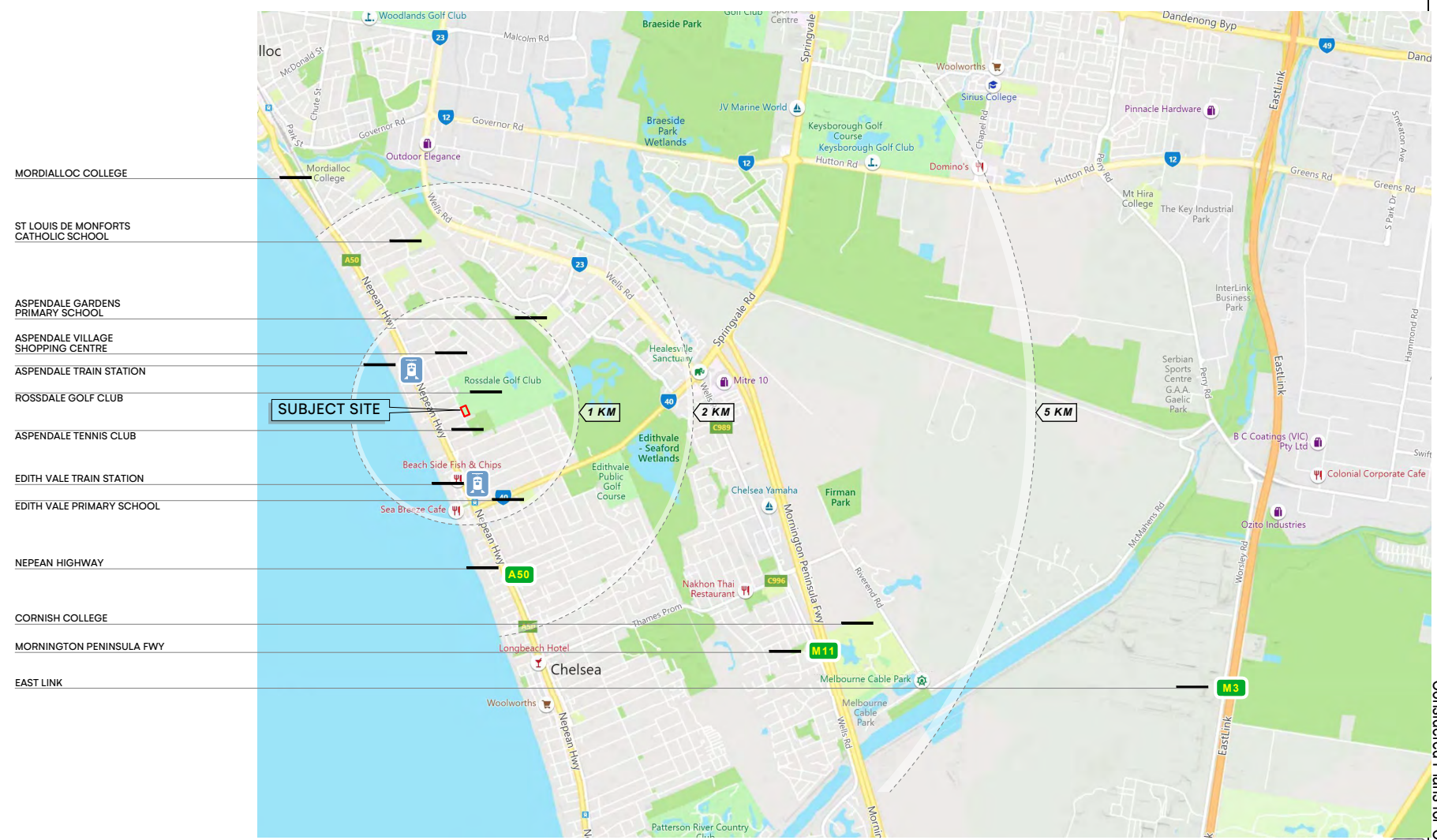


FIGURE 2.02

planning scheme information

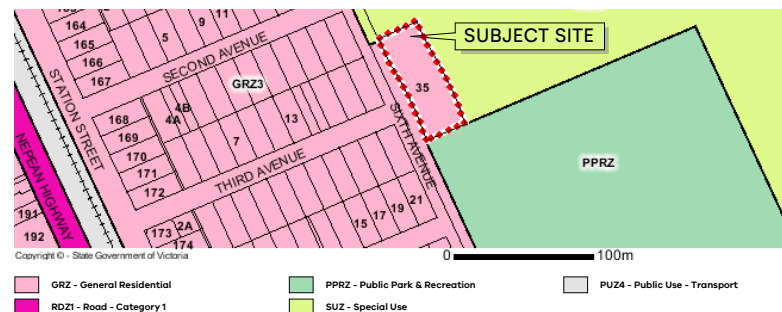


FIGURE 2.03

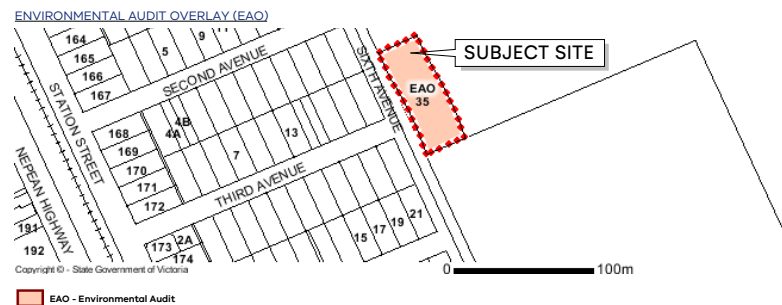


FIGURE 2.04

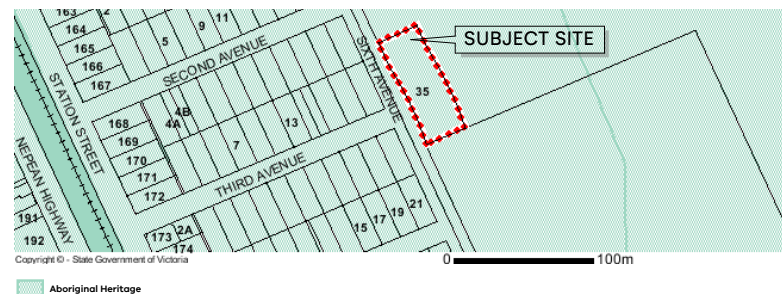


FIGURE 2.05

Address: 35 SIXTH AVENUE ASCENDALE 3195

Lot area of 2,420 m²Local Government (Council): KINGSTON
Council Property Number: 526747
Directory Reference: Melway 92 K7Utilities
Rural Water Corporation: Southern Rural Water
Melbourne Water Retailer: South East Water
Melbourne Water: inside drainage boundary
Power Distributor: UNITED ENERGYPlanning Zones:
GENERAL RESIDENTIAL ZONE - SCHEDULE 3 (GRZ3)

Environment Audit Overlay:

Aboriginal Heritage Overlay:
Areas of Aboriginal Cultural Heritage Sensitivity:
All or part of this property is an 'area of cultural heritage sensitivity'.32.08-10
26/10/2018 VC152

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:
exceeds the maximum building height specified in a schedule to this zone; or
contains more than the maximum number of storeys specified in a schedule to this zone.
If no maximum building height or maximum number of storeys is specified in a schedule to this zone:
the building height must not exceed 11 metres; and
the building must contain no more than 3 storeys at any point.SCHEDULE 3 TO CLAUSE 32.08
GENERAL RESIDENTIAL ZONE
Shown on the planning scheme map as GRZ3.1.0 Neighbourhood Character objectives:
None specified.2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement:
N/A3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot
N/A4.0 Requirements of Clause 54 and Clause 55
23/05/2019 C183

Min street setback	A3 + B6	None Specified
Site coverage	A5 + B8	50%
Permeability	A6 + B9	None Specified
Landscaping	B13	None Specified
Side + rear setbacks	A10 + B17	None Specified
Walls on boundaries	A11 + B18	None Specified
Private open space	A17	None Specified
	B28	None Specified

40sqm
with:
-min 5m dimension
-convenient access
from a living room
if dwelling has more
than 2 bedrooms:
additional 20sqm
for each extra bedroom
(up to a max of 80sqm)
with:
-min 3m dimension

Front fence height	A20 B32	None Specified For two or more dwellings or a residential building, a front fence within 3m of a street should not exceed: 2 metres for streets in a Road Zone, Category 1 or 1.2 metres for other streets
--------------------	------------	--

5.0 Maximum building height requirement
for a dwelling or residential building;
A building used as a dwelling or residential building
must not exceed a height of 9 metres6.0 Application requirements
None specified.7.0 Decision guidelines
None specified.

existing site analysis

THE REAR OF THE PROPOSED DWELLINGS WILL RECEIVE AMPLE SUNLIGHT FROM THE MORNING THROUGH TO MID AFTERNOON.

A STRONG CONNECTION EXISTS TO THE LANDSCAPING OF THE GOLF COURSE.

EACH DWELLING WILL HAVE A STREET ADDRESS TO SIXTH AVENUE.



FIGURE 2.06

existing site street views



FIGURE 2.07



FIGURE 2.08

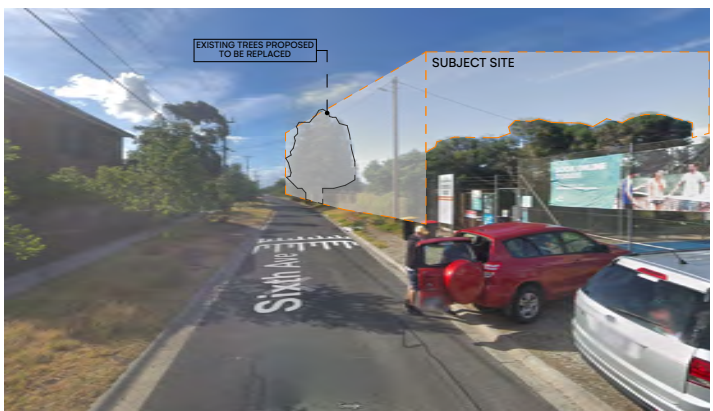


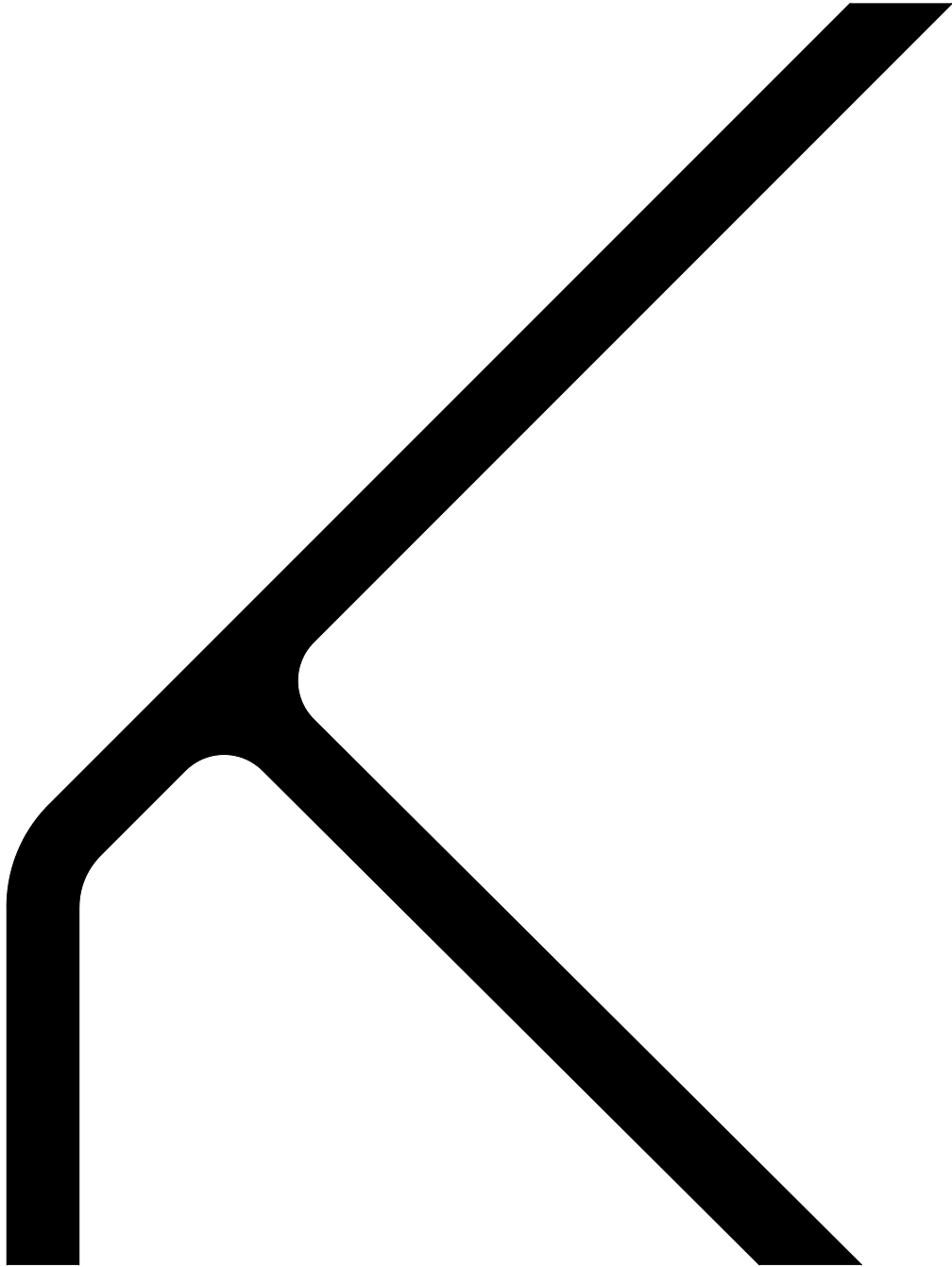
FIGURE 2.09



FIGURE 2.10



DESIGN EVOLUTION +
RESPONSE



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concepts and precedent

PRECEDENT DEVELOPMENTS BY
INTRAPAC PROPERTY
IN CONJUNCTION WITH
AVANT TOWNHOMES

TEMPLAR - AT KINLEY
BY INTRAPAC
IN CONJUNCTION WITH
AVANT TOWNHOMES
[CONSTRUCTION
COMMENCING SOON]

TOWNHOMES BY INTRAPAC
AT SOMERFIELD KEYSBOROUGH

QUAY 2 BY INTRAPAC
AT TORQUAY

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FIGURE 3.01



FIGURE 3.02



FIGURE 3.03



FIGURE 3.04



FIGURE 3.05



FIGURE 3.06



FIGURE 3.07



FIGURE 3.08



FIGURE 3.09



FIGURE 3.10



FIGURE 3.11



FIGURE 3.12

form + detail

FAMILIAR FORMS



FIGURE 3.13

EXPRESSIVE SHAPES



FIGURE 3.14

QUALITY MATERIALS



FIGURE 3.15



FIGURE 3.16



FIGURE 3.17



FIGURE 3.18



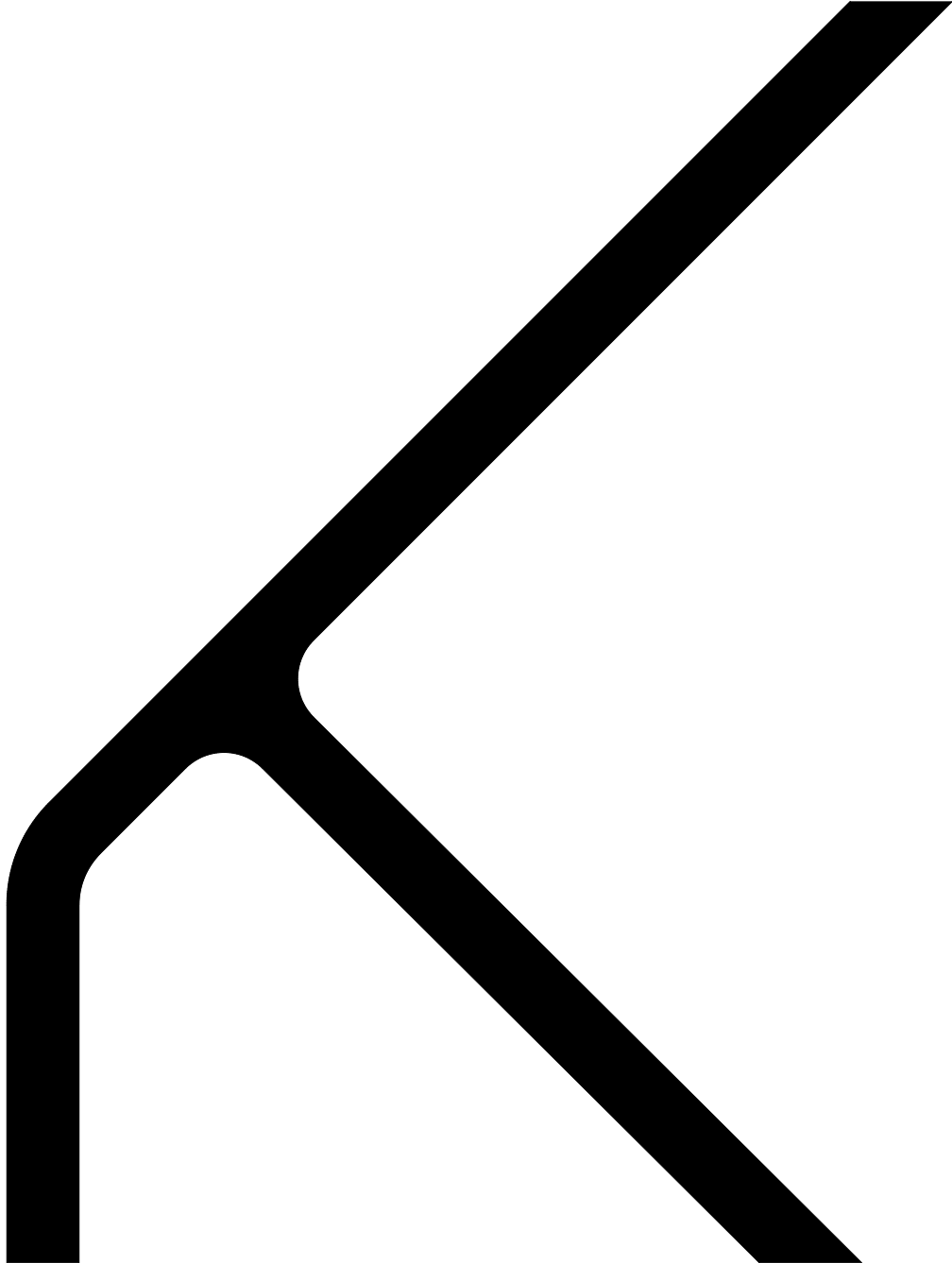
FIGURE 3.19



FIGURE 3.20

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DESIGN PROPOSAL



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exterior finishes



FIGURE 4.01

3d view - all



FIGURE 4.02a
SIXTH AVENUE STREETScape



FIGURE 4.03

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3d view – Lot 02+03



FIGURE 4.04

Rev: A / 30/05/2022

3d view – Lot 04+05



FIGURE 4.05

Rev: A / 30/05/2022

3d view – Lot 06+07



FIGURE 4.06

Rev: A / 30/05/2022

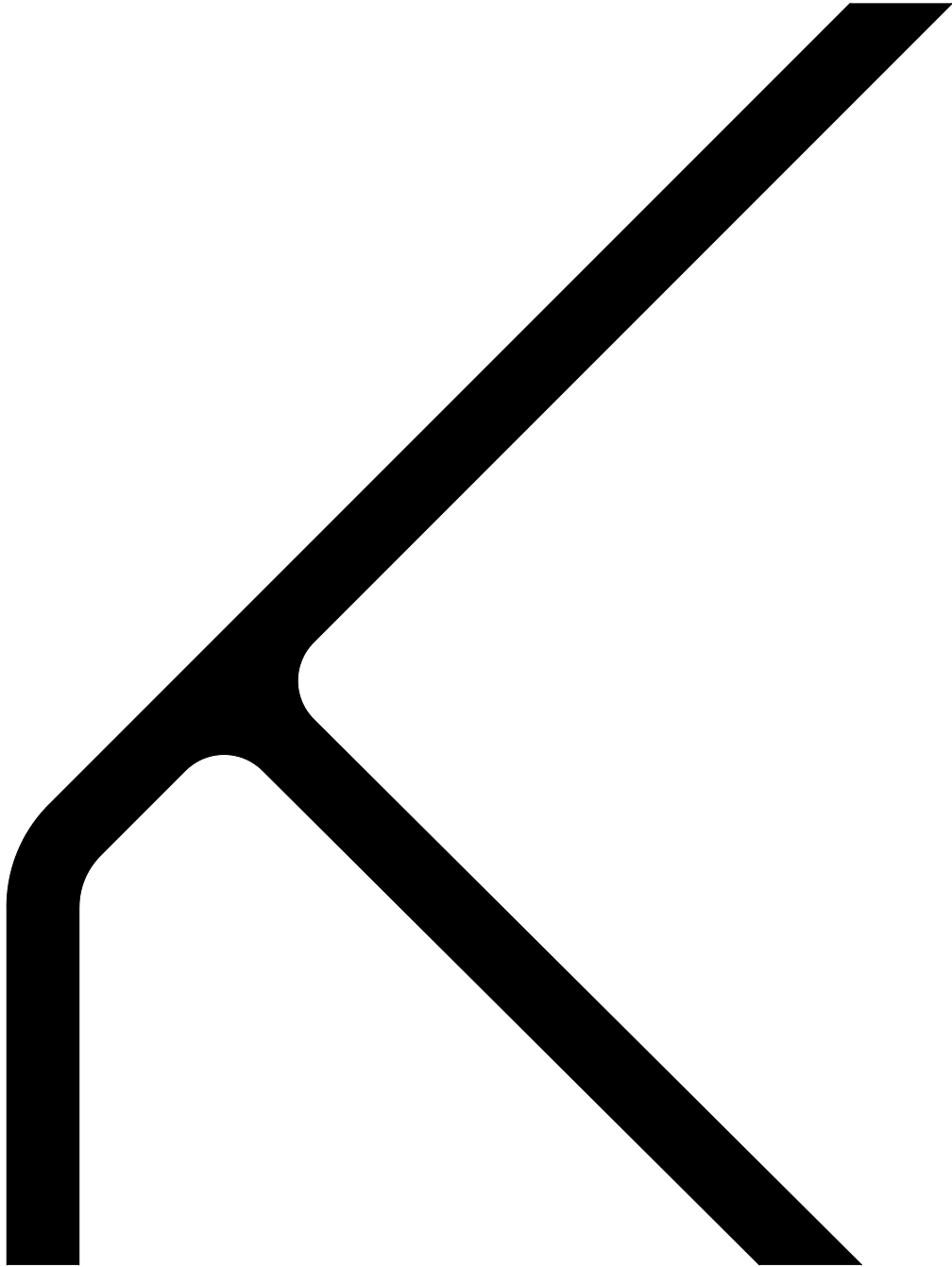
3d view – Lot 08+09



FIGURE 4.07

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SCHEDULES + AREAS



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coverage

SITE COVERAGE – METHOD OF CALCULATION:-

SITE COVERAGE INCLUDES A DWELLING, GARAGE OR CARPORT, A VERANDAH AND ANY OTHER ROOFED BUILDING SUCH AS A SHED. IF THE UPPER STOREY PROJECTS OVER THE GROUND FLOOR, THAT PART OF THE UPPER STOREY IS ALSO DEEMED AS SITE COVERAGE.

OUTDOOR PAVING, DRIVEWAYS, FOOTPATHS OR BUILDING EAVES ARE NOT INCLUDED.

POS REQUIREMENTS OF CLAUSE 54 + CLAUSE 55
23 / 05 /2019 C183

SITE COVERAGE A5 + B8 50%

AREAS SUMMARY

LOT	HOUSE TYPE	LOT AREA m ²	SITE COVERAGE			
			m ²	%	req. (max)	complies?
LOT 01	EE	300	127.6	43%		
LOT 02	FF	250	127.8	51%		
LOT 03	FF	250	128.2	51%		
LOT 04	GG	255	120.7	47%		
LOT 05	GG	255	121.9	48%		
LOT 06	FF	250	128.1	51%		
LOT 07	FF	250	128.1	51%		
LOT 08	GG	255	119.9	47%		
LOT 09	GG	355	122.9	35%		
TOTAL SITE		2420	1125.2	46%	50%	YES

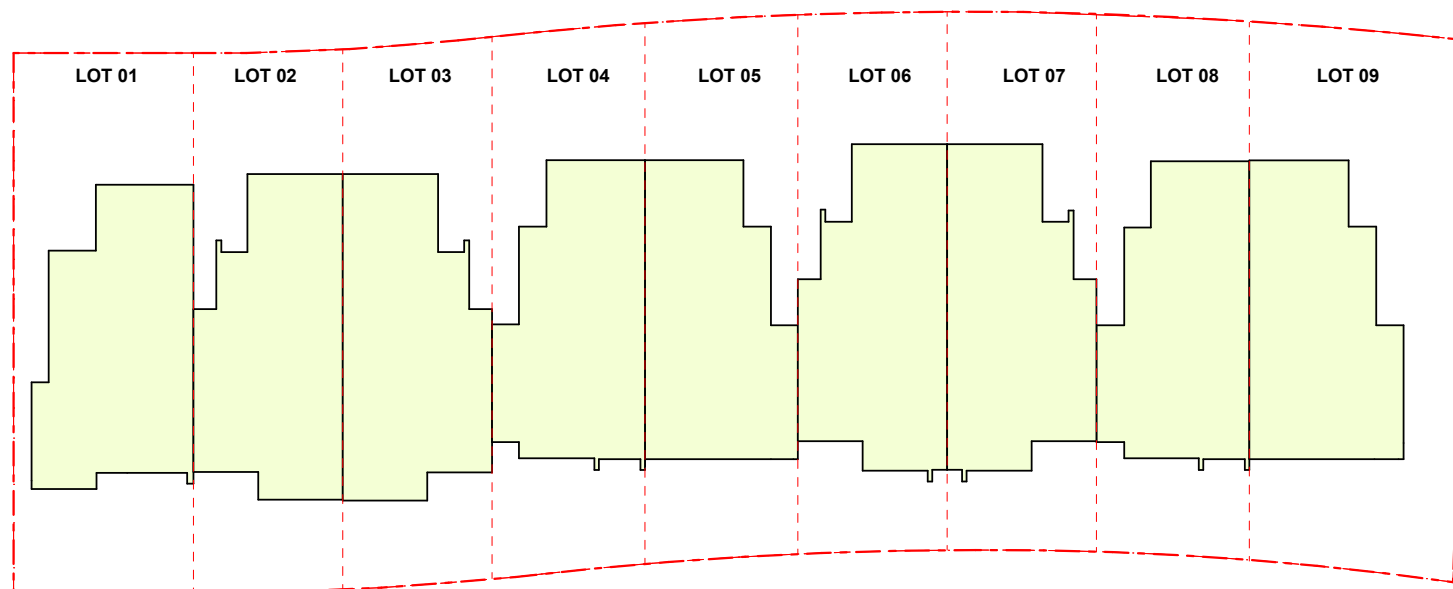


FIGURE 5.01



permeability

PERMEABILITY – METHOD OF CALCULATION:-

PERMEABLE AREAS INCLUDE GARDEN BEDS, LAWN, AND OTHER UNSEALED SURFACES.
IMPERVIOUS SURFACES INCLUDES A DWELLING, A GARAGE OR CARPORT, A VERANDAH, A SHED, A FOOTPATH, OUTDOOR PAVED AREAS, A DRIVEWAY OR ANY OTHER SEALED SURFACE.

AREAS SUMMARY						
LOT	HOUSE TYPE	LOT AREA m ²	PERMEABLE AREA			
			m ²	%	req. (min)	complies?
LOT 01	EE	300	129.2	43%	20%	
LOT 02	FF	250	68	27%	20%	
LOT 03	FF	250	70.6	28%	20%	
LOT 04	GG	255	74.4	29%	20%	
LOT 05	GG	255	76.4	30%	20%	
LOT 06	FF	250	73.3	29%	20%	
LOT 07	FF	250	69	28%	20%	
LOT 08	GG	255	72.8	29%	20%	
LOT 09	GG	355	171.7	48%	20%	
TOTAL SITE		2420	805.4	33%	20%	YES

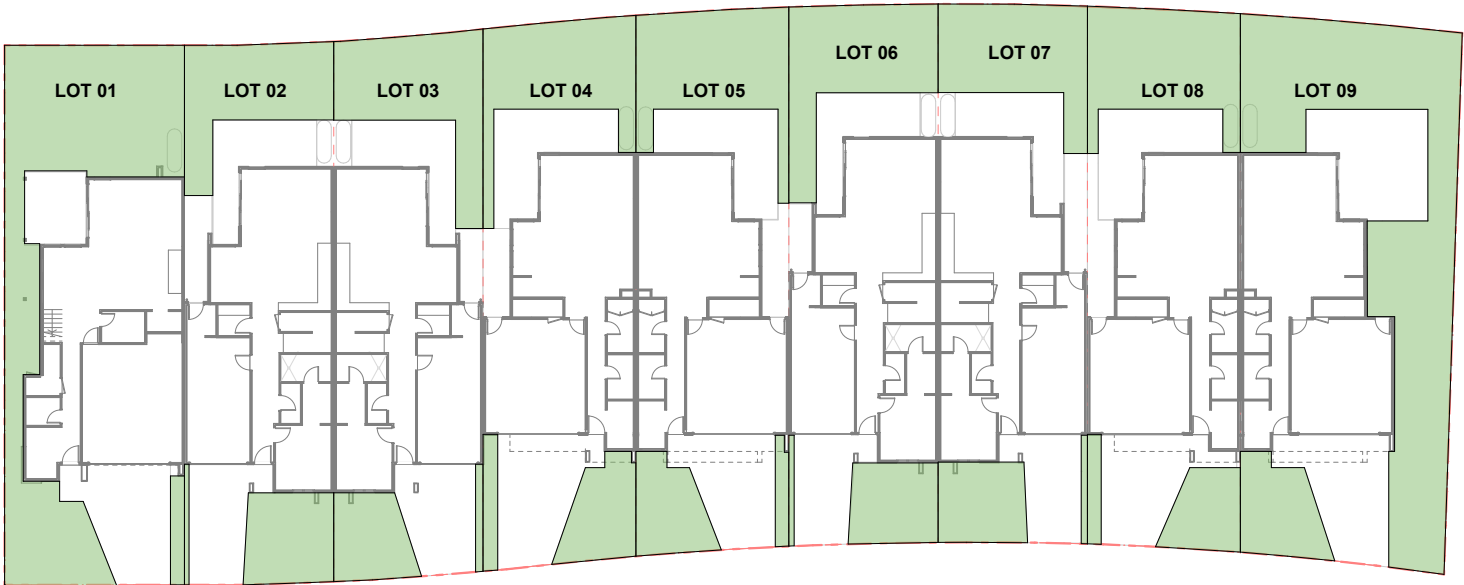



FIGURE 5.02


private open space

PRIVATE OPEN SPACE + SECLUDED PRIVATE OPEN SPACE

POS REQUIREMENTS OF CLAUSE 54 + CLAUSE 55
23 / 05 /2019 C183

PRIVATE OPEN SPACE B28 An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open space required for the dwelling.

 DENOTES SECLUDED PRIVATE OPEN SPACE 3m – 5m WIDE

 DENOTES SECLUDED PRIVATE OPEN SPACE 5m + WIDE

AREAS SUMMARY

LOT	HOUSE TYPE	LOT AREA m ²	PRIVATE OPEN SPACE			SECLUDED PRIVATE OPEN SPACE		
			m ²	req. (min)	complies?	m ²	req. (min)	complies?
LOT 01	EE	300	114.6	80m ²		90.1	40m ²	
LOT 02	FF	250	93.7	80m ²		69.5	40m ²	
LOT 03	FF	250	93	80m ²		73.2	40m ²	
LOT 04	GG	255	90.3	80m ²		73	40m ²	
LOT 05	GG	255	94.9	80m ²		78.3	40m ²	
LOT 06	FF	250	95.7	80m ²		73.7	40m ²	
LOT 07	FF	250	95.4	80m ²		73.9	40m ²	
LOT 08	GG	255	94.6	80m ²		78.7	40m ²	
LOT 09	GG	355	185.3	80m ²		160.7	40m ²	
TOTAL SITE		2420	957.5	720	YES	771.1	360	YES

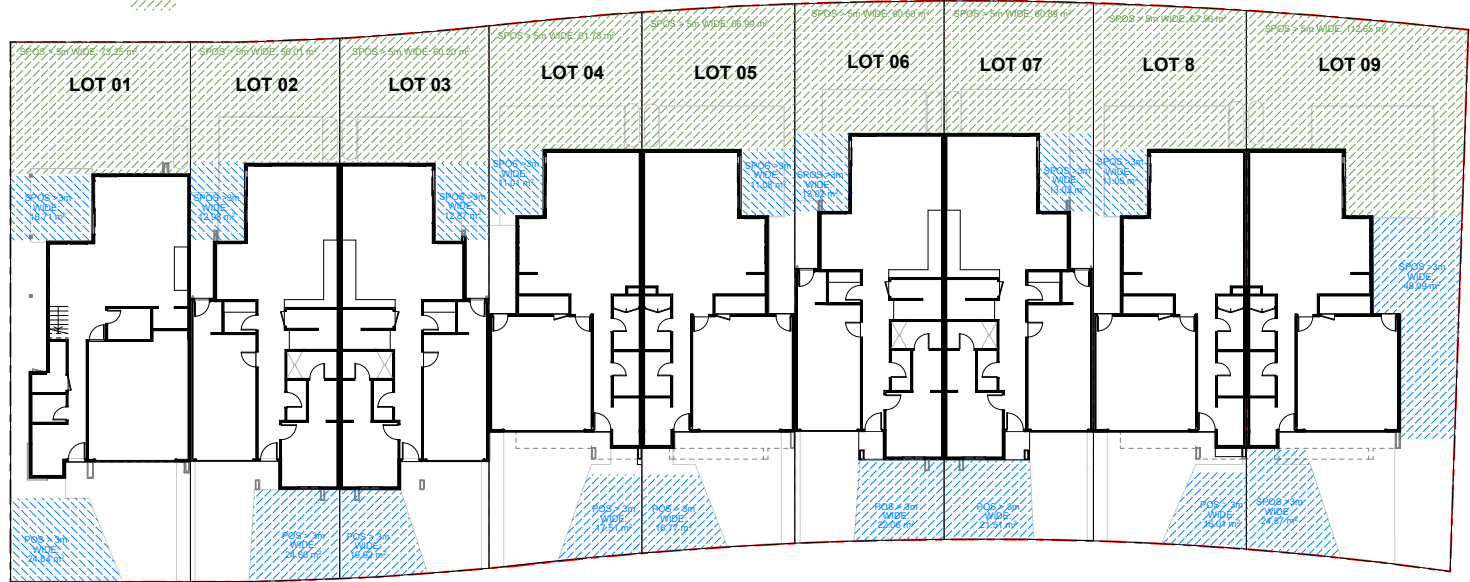


FIGURE 5.03



garden area

GARDEN AREA - METHOD OF CALCULATION

- ANY AREA ON A LOT WITH A MINIMUM DIMENSION OF 1M THAT DOES NOT INCLUDE:
- A) A DWELLING OR RESIDENTIAL BUILDING, EXCEPT FOR:
 - AN EAVE, FASCIA OR GUTTER THAT DOES NOT EXCEED A TOTAL WIDTH OF 600MM
 - A PERGOLA
 - UNROOFED TERRACES, PATIOS, DECKS, STEPS OR LANDINGS LESS THAN 800MM IN HEIGHT
 - A BASEMENT THAT DOES NOT PROJECT ABOVE GROUND LEVEL
 - ANY OUTBUILDING THAT DOES NOT EXCEED A GROSS FLOOR AREA OF 10SQM, AND
 - DOMESTIC SERVICES NORMAL TO A DWELLING OR RESIDENTIAL BUILDING;
 - B) A DRIVEWAY; OR
 - C) AN AREA SET ASIDE FOR CAR PARKING

AREAS SUMMARY						
LOT	HOUSE TYPE	LOT AREA m ²	GARDEN AREA			
			m ²	%	req. (min)	complies?
LOT 01	EE	300	143.4	48%	35%	
LOT 02	FF	250	98	39%	35%	
LOT 03	FF	250	99.7	40%	35%	
LOT 04	GG	255	106	42%	35%	
LOT 05	GG	255	113.9	45%	35%	
LOT 06	FF	250	103.5	41%	35%	
LOT 07	FF	250	101	40%	35%	
LOT 08	GG	255	109.4	43%	35%	
LOT 09	GG	355	208.4	59%	35%	
TOTAL SITE		2420	1083.3	45%	35%	YES

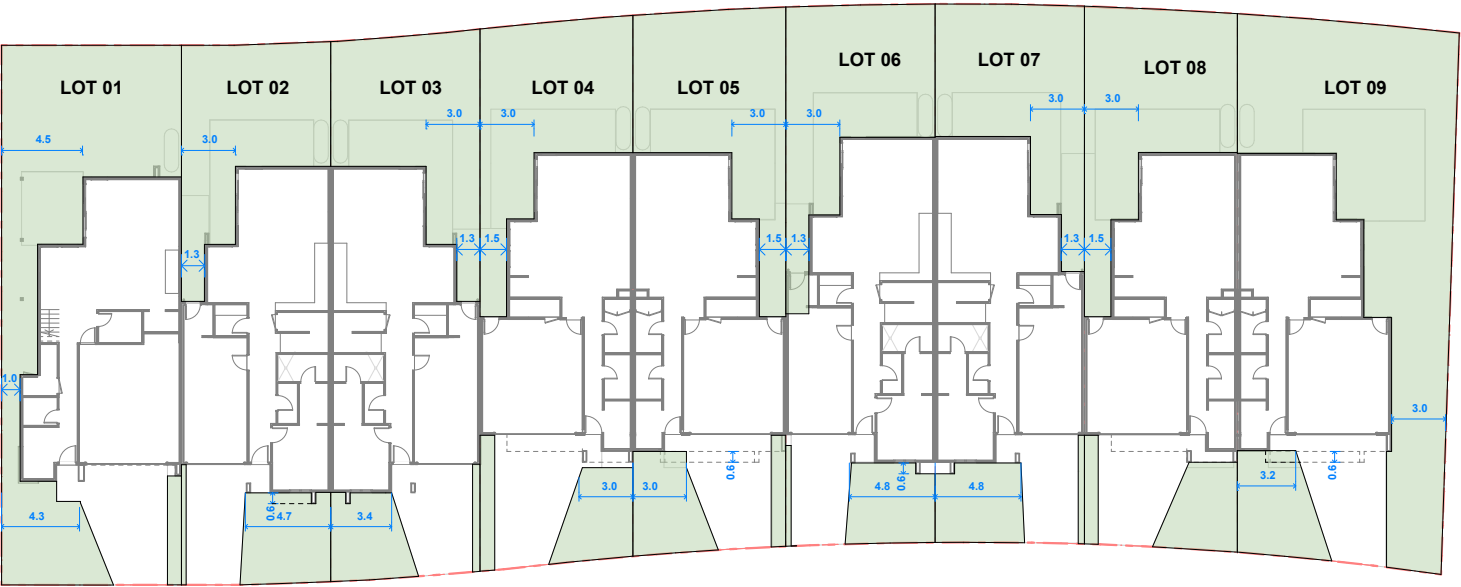
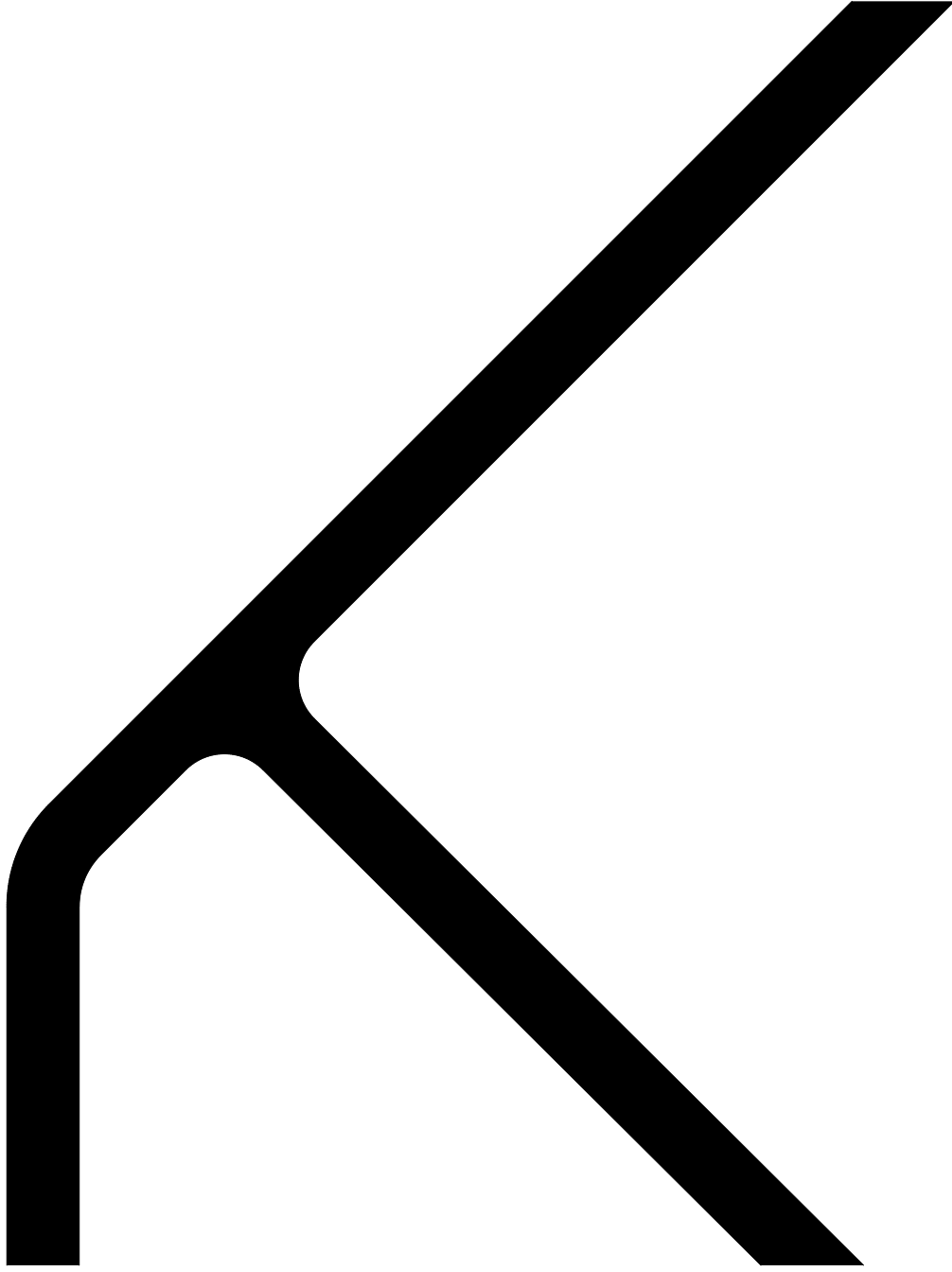


FIGURE 5.04

SHADOW STUDIES



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9am equinox

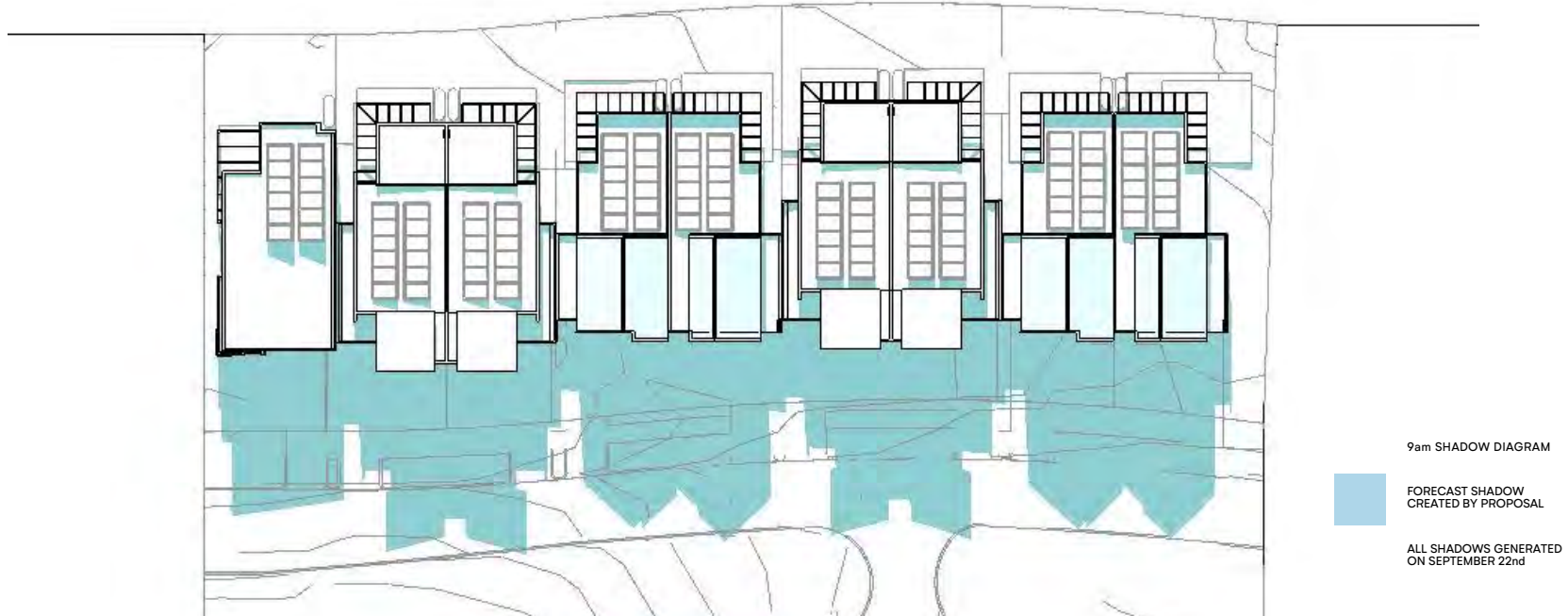


FIGURE 6.01

10am equinox

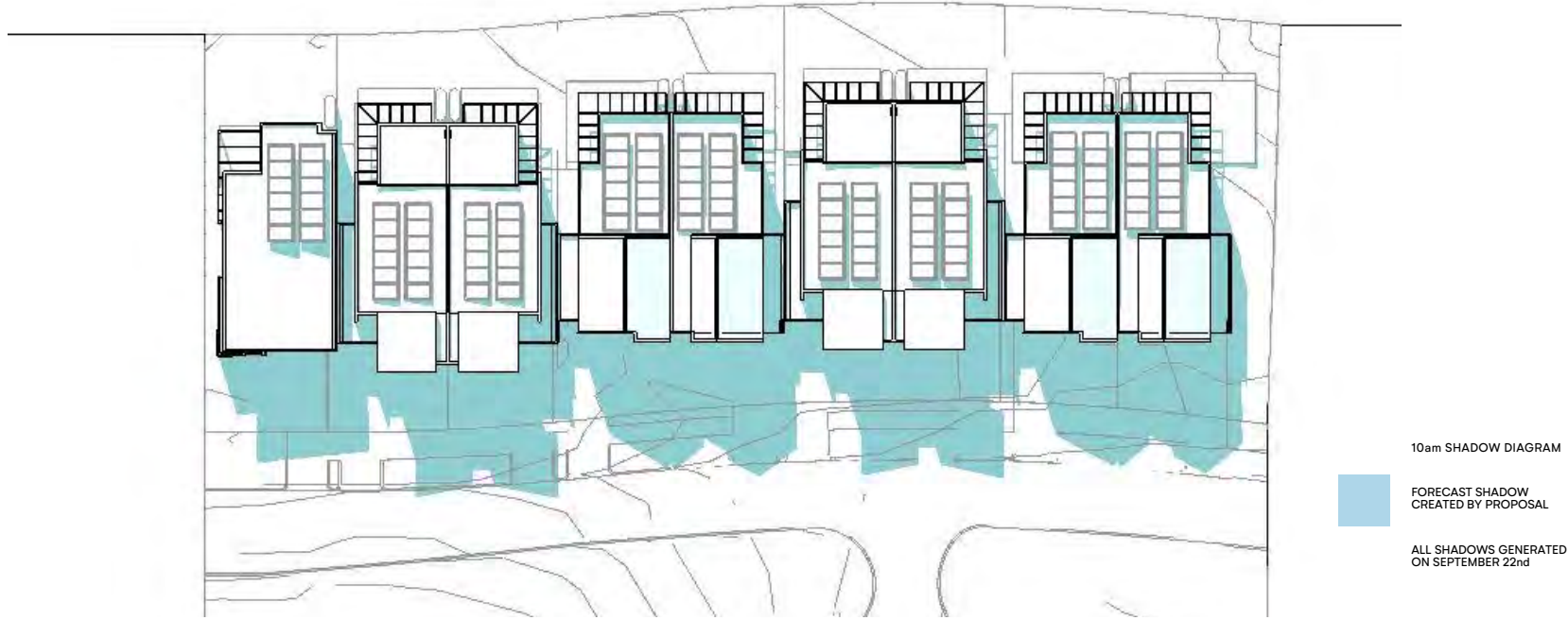


FIGURE 6.02

11am equinox

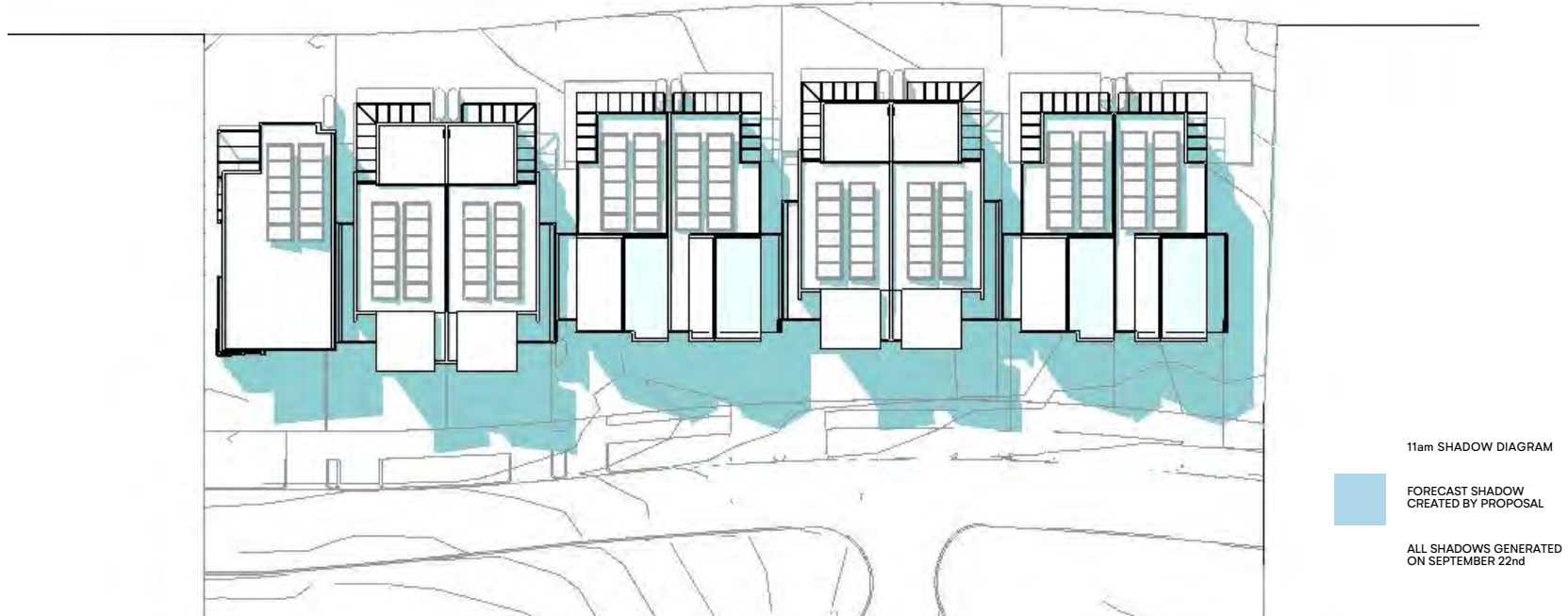


FIGURE 6.03

midday equinox

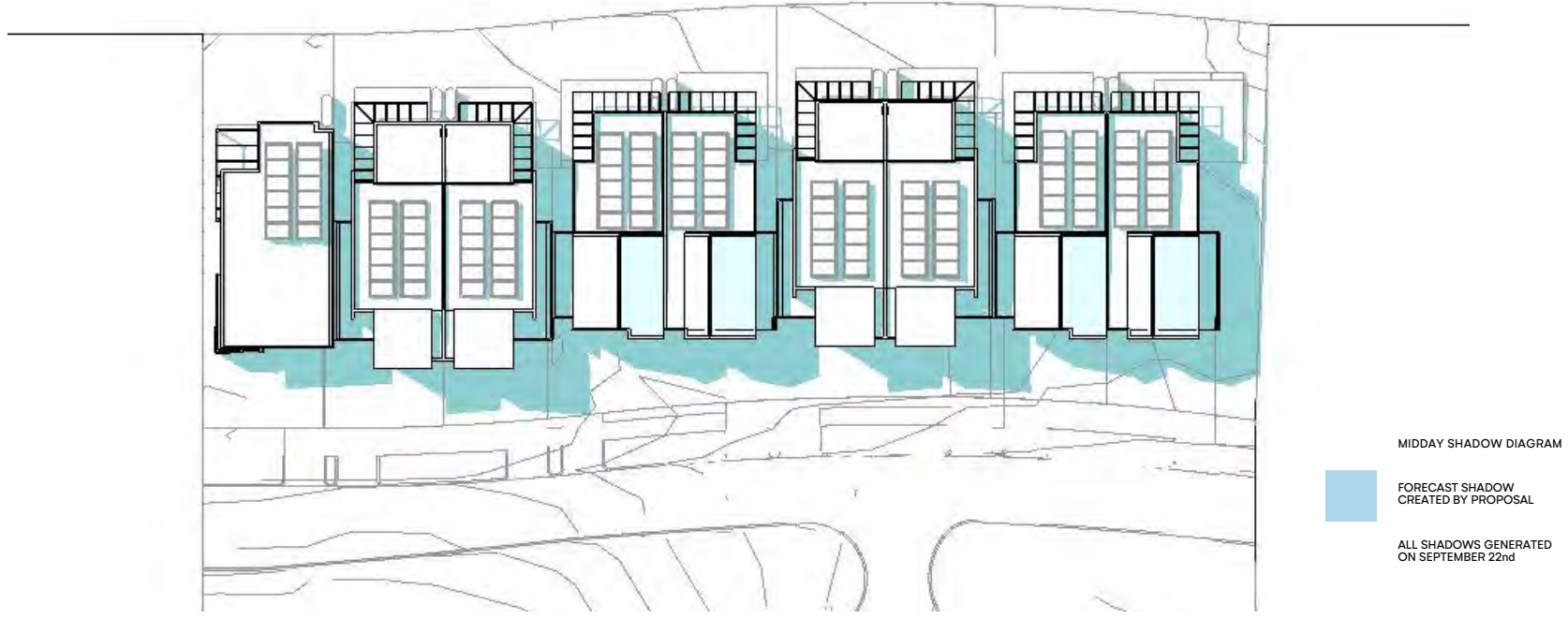


FIGURE 6.04

1pm equinox



FIGURE 6.05

2pm equinox



FIGURE 6.06

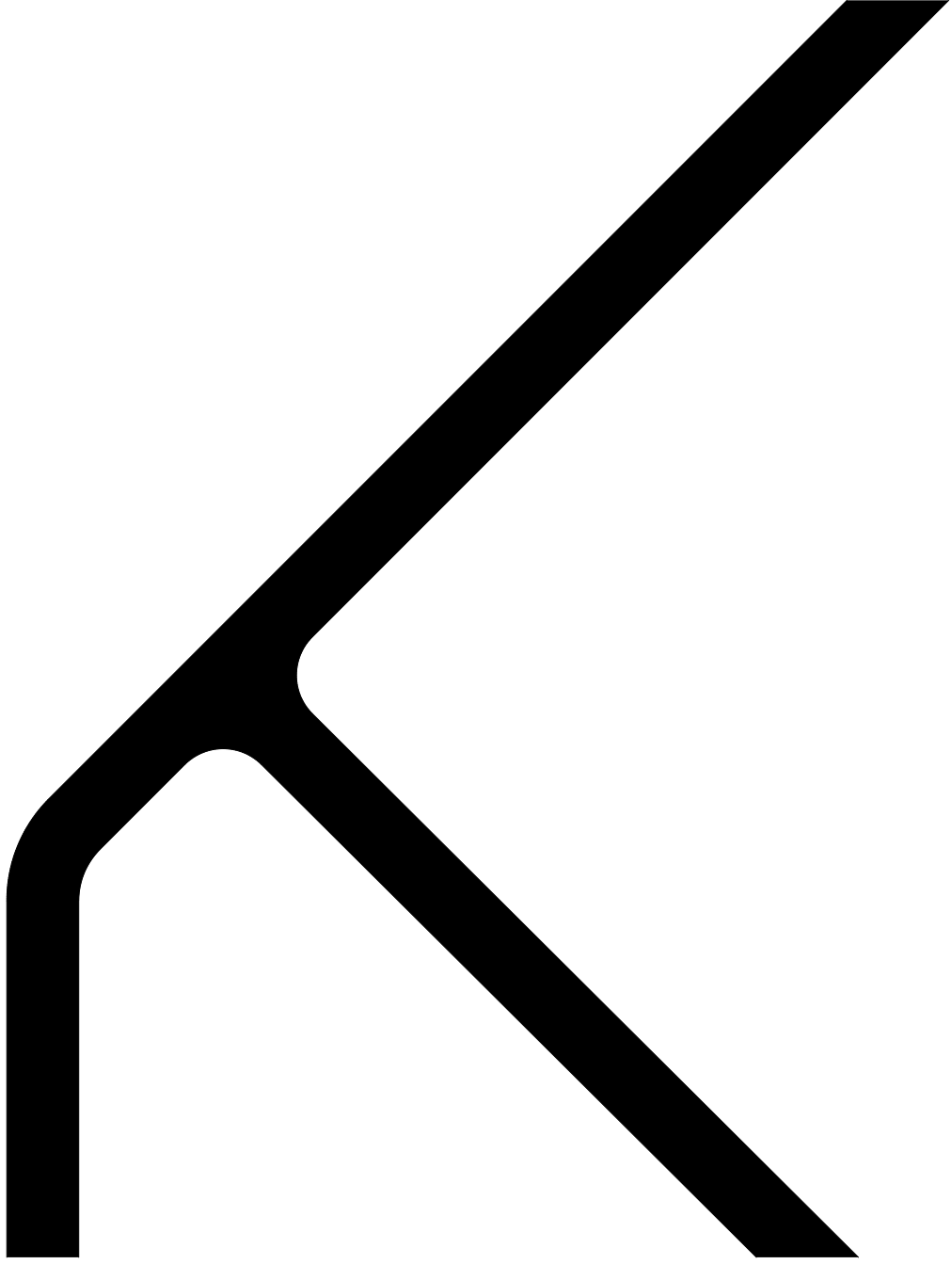
3pm equinox



FIGURE 6.07



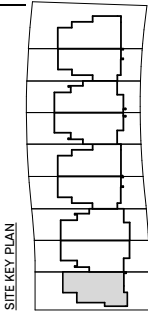
TPOLOGIES



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dwelling type EE

HOUSE TYPE EE	
4 BEDROOM	
2 CAR GARAGE	
AREA sqm	
FIRST FLOOR	113.5
GARAGE	39.1
GROUND FLOOR	84.8
	237.4 m ²



LOT 01	EE	300.0
--------	----	-------

AREAS ARE APPROXIMATE
LANDSCAPING SHOWN IS INDICATIVE ONLY



REFER TO SITE PLAN FOR FULL EXTENT/REAR YARD SIZE

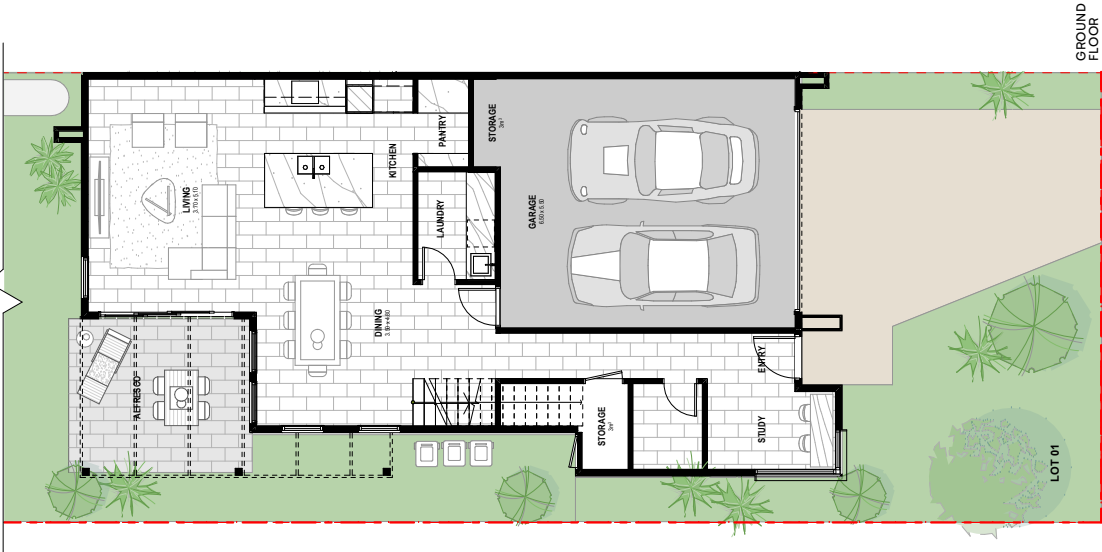


FIGURE 7.01

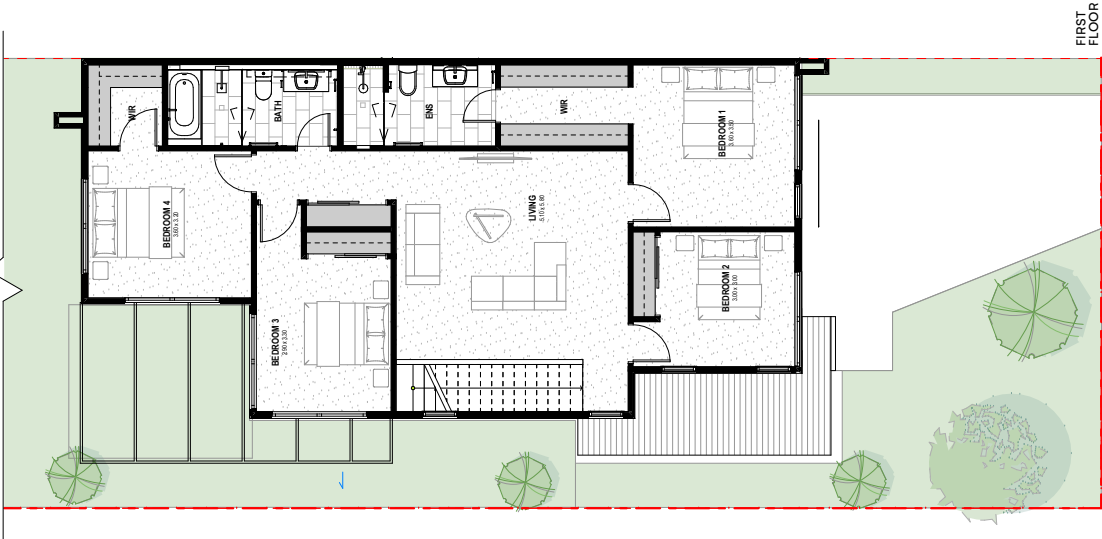
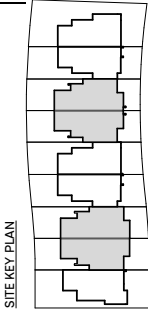


FIGURE 7.02

dwelling type FF

HOUSE TYPE FF	
4 BEDROOM	
2 CAR SPACES - TANDEM	
FIRST FLOOR	AREA sqm
GARAGE	103.7
	29.1
GROUND FLOOR	95.6
	228.4 m ²



AREA sqm	
LOT 02	FF
LOT 03	FF
	250.0
	250.0
LOT 06	FF
LOT 07	FF
	250.0
	250.0

AREAS ARE APPROXIMATE
LANDSCAPING SHOWN IS INDICATIVE ONLY
PLANS SHOW LOT 06



REFER TO SITE PLAN FOR FULL EXTENT/REAR YARD SIZE

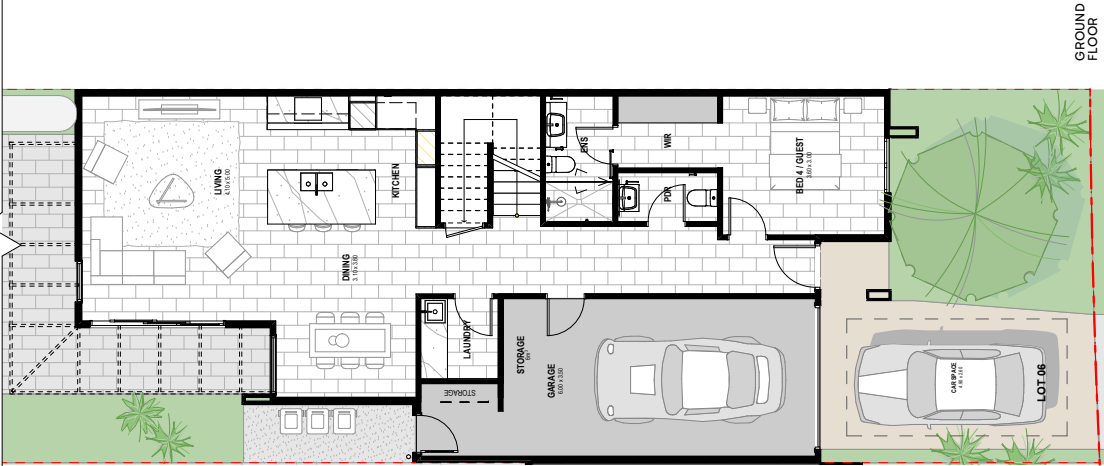


FIGURE 7.03

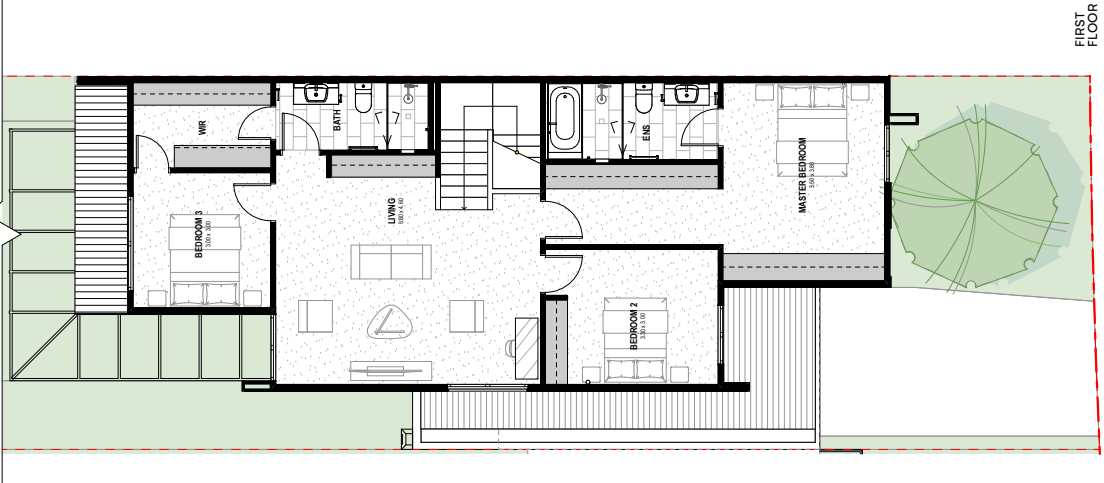
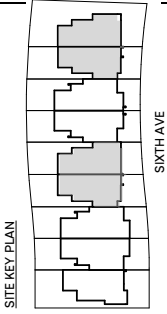


FIGURE 7.04

dwelling type GG

HOUSE TYPE GG	
4 BEDROOM	
2 CAR GARAGE	
AREA sqm	
FIRST FLOOR	109.3
GARAGE	36.4
GROUND FLOOR	77.9
	223.6 m ²



AREA sqm	
LOT 04	GG 255.0
LOT 05	GG 255.0
LOT 08	GG 255.0
LOT 09	GG 355.0

AREAS ARE APPROXIMATE
LANDSCAPING SHOWN IS INDICATIVE ONLY
PLANS SHOW LOT 08

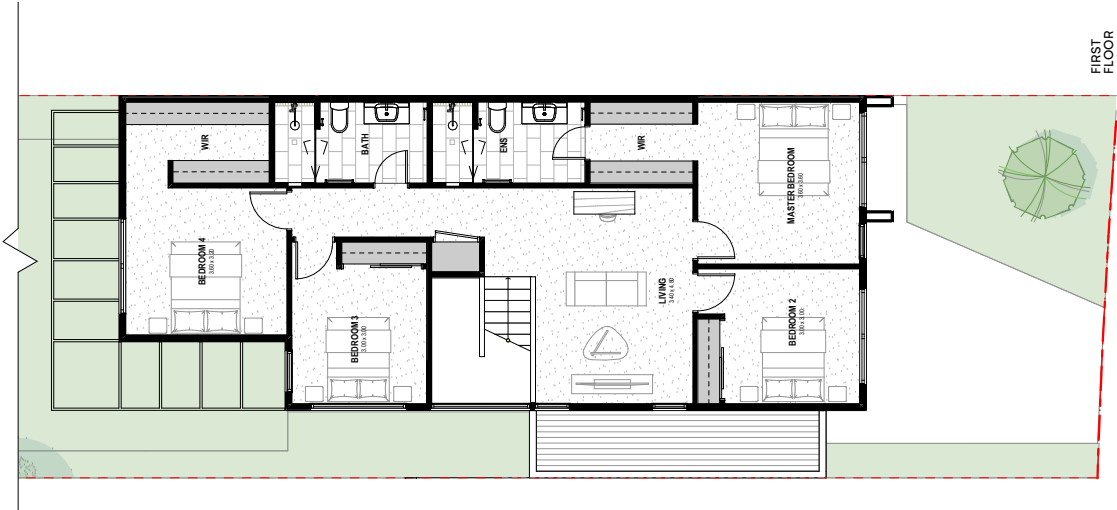


FIGURE 7.06

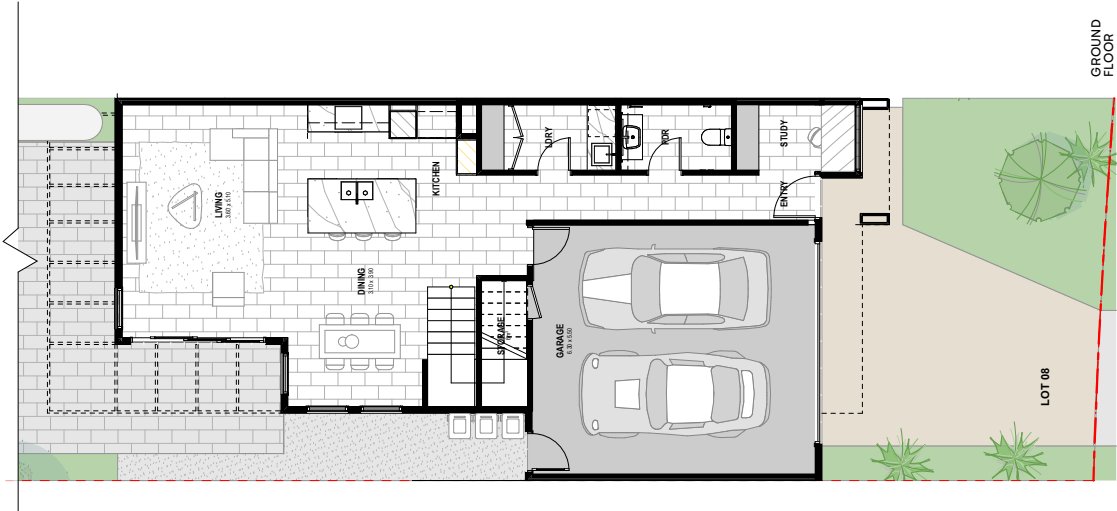


FIGURE 7.05

REFER TO SITE PLAN FOR FULL EXTENT/REAR YARD SIZE

Planning Committee Meeting

23 November 2022

Agenda Item No: 4.3

KP-2021/613 - 33 KUBIS AVENUE, ASPENDALE

Contact Officer: Girija Shrestha, Senior Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2021/613 - 33 Kubis Avenue, Aspendale.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the development of three (3) dwellings and the removal of an easement at 33 Kubis Avenue, Aspendale, subject to the conditions contained within this report.

This application requires a decision by the Planning Committee following a call in by Councillor Bearsley.

**City of Kingston
Planning Committee Meeting**

Agenda

23 November 2022

EXECUTIVE SUMMARY			
Address	33 Kubis Avenue, Aspendale		
Legal Description	Lot 35 on LP 70210		
Applicant	N and B Browdie		
Planning Officer	Girija Shrestha		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 3 Zone		
Overlays	None		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking Clause 52.02- Easements, Restrictions and Reserve Clause 53.18 – Stormwater management in urban development		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot Clause 52.02 - To remove an easement		
APPLICATION / PROCESS			
Proposal	The development of three (3) dwellings and removal of an easement		
Reference No.	KP-2021/613	RFI Received	16/12/2022
App. Received	11/09/2021	App. Amended	16/09/2022
Site inspection	Yes		
S.52 Advertising	Commenced: 21/02/2022	Advertising Completed	Yes 10/03/2022
S.55 Referrals	South-East Water		
Internal referrals	Yes		
Objection(s)	10 objections remaining 2 withdrawn (TRIM checked on 21/10/2022)		
Mandatory Garden area requirement	842m ² Complies – required 35% & provided - 41.12%	Mandatory Building Height requirement	Complies
Vegetation	Trees > 8m Yes	No. of Trees to be removed (circumference 110cm)	1
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
Aboriginal Cultural Sensitivity Area	Yes	CHMP	EXEMPT
Considered Plans	Crowhurst Building Design, Project No's. 746 Sheets TP 1 to TP 10 Revision L & Bayview landscaping TP LP1, received on 16 September 2022		

1.0 RELEVANT LAND HISTORY

- 1.1 There are no recent planning decisions relevant to the assessment of this application.

2.0 SITE PARTICULARS

- 2.1 The photograph below illustrates the subject site from a streetscape perspective.

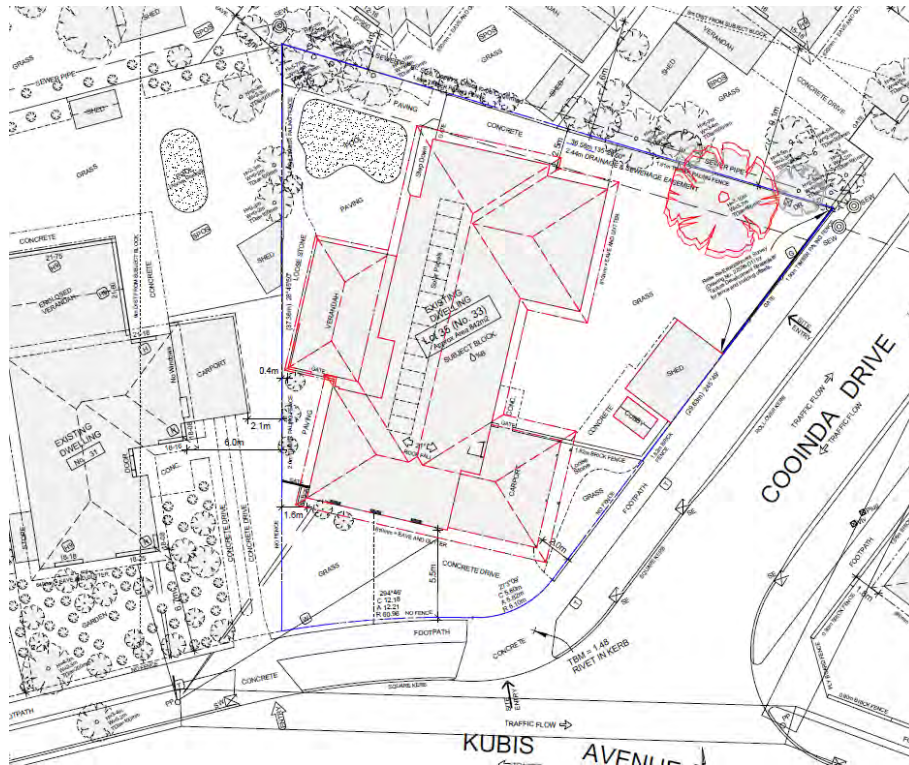


Subject site – View from Kubis Avenue



Subject site – View from Cooina Drive

- 2.2 The subject site is located on the northern corner of Kubis Avenue and Cooina Drive in Aspendale. The site is an irregular shape allotment given the curvilinear nature of the road layout in this area and the irregular angle of the intersection of Kubis Avenue and Cooina Drive. The site has a total area of 841.80 sqm with a frontage to Kubis Avenue of 12.21 metres, with a curved interface to the corner of approximately 5.8 metres and an interface with Cooina Drive of 29.63 metres. The site has a maximum depth along the western boundary of the site 37.36 metres, with the north-eastern boundary having a total depth of 36.58 metres. The site has an existing 2.44 wide drainage and sewerage easement along the sites north-eastern side. The topography of land is generally flat.
- 2.3 The existing dwelling on the land is a single storey rendered brick dwelling with a pitched tile roof. The dwelling occupies a large portion of the site given the single level layout, with vehicle access gained to the site from an existing crossover close to the corner of Kubis Avenue and Cooina Drive. The existing dwelling on the site is set relatively close to the southern corner of the site, with carparking providing in the form of an integrated carport and hardstand areas around the southern corner of the dwelling. The following site context plan provides the existing situation of the subject site.



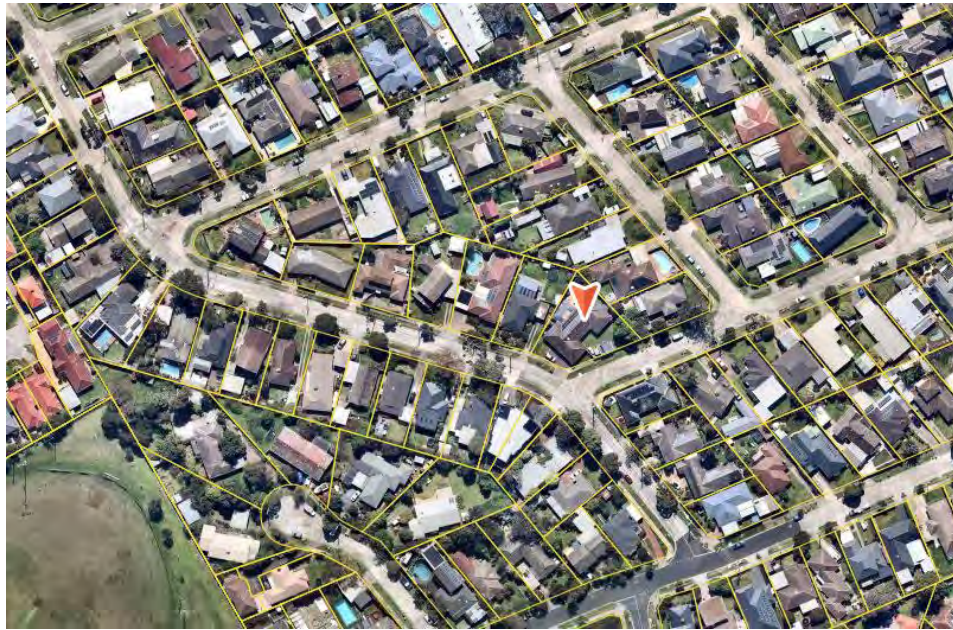
Source: Applicant's submission received by Council on 16 September 2022

3.0 SURROUNDING LAND

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



Source: Nearmap dated 14 September 2022 (Aerial view)



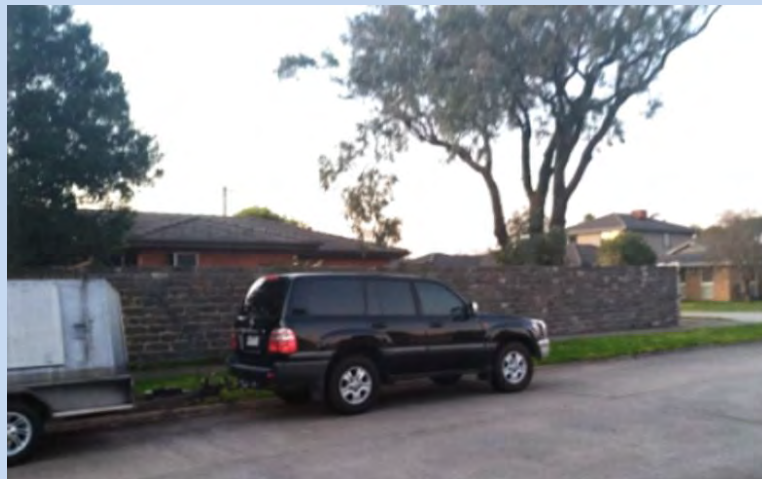
Source: Nearmap dated 14 September 2022 (The wider context of subject site – Aerial view)

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

**North-east (rear
& side)**

8 & 10 Balaka Avenue – Both dwellings are single storey dwellings and 8 Balaka Avenue is accessed via Balaka Avenue and has a high brick front fence.

10 Balaka Avenue is accessed via Cooinda Drive, with front setback towards Cooinda Drive of 4.8m. The front fence is 1.93m high bluestone fence.



View of 10 Balaka Avenue from Cooinda Drive

**South-east
(Opposite)**

Cooinda Drive & 35 Kubis Avenue – This site has a single storey pitched roof brick vaneer dwelling. This dwelling is accessed via Cooinda Drive. It has 1.83m high brick front fence surrounds the site as shown below photo. The front setback towards Cooinda Drive is 1.8m and Kubis Avenue is 4.4m

	
South-west (Opposite)	<p>Kubis Avenue & 50A & 50B Kubis Avenue – This site is developed for double storey side by side dwellings. The front setback is from 6.2 to 6.9 m with 1.2m high fence</p> 
North-west (side)	<p>31 Kubis Avenue – A single storey pitch roofed brick dwelling exists on this site. The carport is accessed via south-east corner of the subject site. There is no front fence. The front set back is 6.7m and used for landscaping.</p> 
Describe Neighbourhood Character	<p>From reviewing the surrounding area, the character of the area is evolving from the traditional post war character of this area, which is one of single storey brick or rendered dwellings with pitched roofing to the double storey and multi dwelling development in this area.</p>

4.0 PROPOSAL (AS AMENDED ON 19 SEPTEMBER 2022)

- 4.1 It is proposed to construct three (3) double storey dwellings with independent access, one from Kubis Avenue and two from Coinda drive generally in accordance with the following plans:



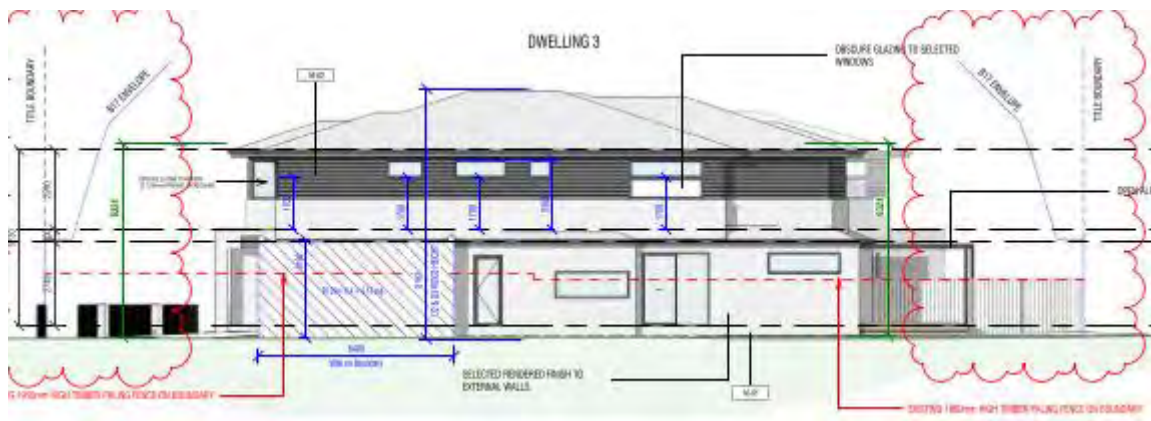
View from Kubis Avenue



View from Coinda Drive

Ground Floor:





North-East Elevation

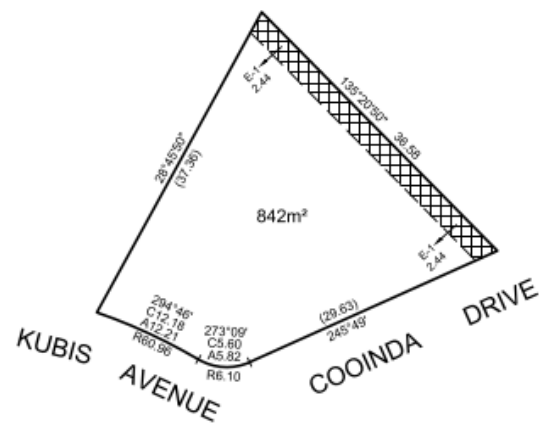


North-Western Elevation

- 4.2 The proposal also seek the removal of easement E-1 (sewerage and drainage) along the north-east boundary.



Existing easement along North-eastern boundary.



Proposed removal of the easement

























- 4.3 A summary of the proposal is provided in the table below.

Maximum building height	Maximum 8.16m
Bedrooms (including study)	Dwellings – 4 bedrooms per dwelling

**City of Kingston
Planning Committee Meeting**

Agenda

23 November 2022

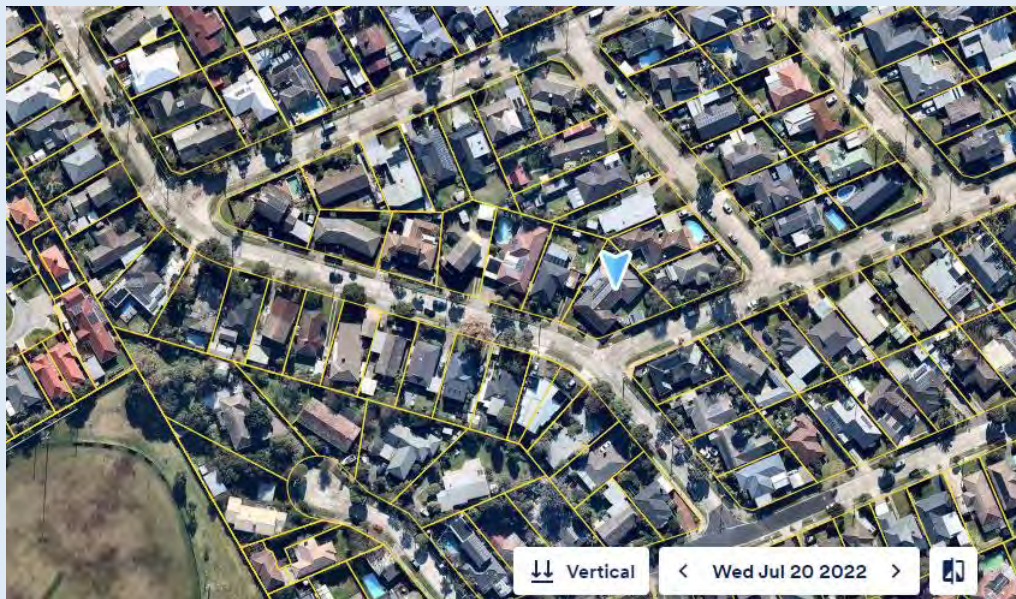
Car parking	2 spaces to each dwelling (single garage provided to each dwelling) and total 6 spaces																										
Front setback	5.18m – Kubis Street 3.0m – Cooina Drive																										
Private Space	Open	Dwelling 1 – Total POS – 121.94sqm (SPOS with 5 metre dimension >40m ²) Dwelling 2 – Total POS – 87.31sqm (SPOS with 5 metre dimension >40m ²) Dwelling 3 – Total POS 83.83sqm (SPOS with 5 metre dimension >40m ²)																									
Site Coverage	49.99%	Permeability	39.89%																								
Garden Area	41.12%																										
Access	Existing crossover to be removed and construct 3 crossovers, one south-west corner of subject site via Kubis Avenue and 2 accessed from Cooina Drive.																										
Vegetation removal/retention	A number of established trees located on the subject site and adjoining properties. (For detail, refer to Vegetation Management Officer's comments at section 6 of this report)																										
Building materials	<table><tr><td>M-01</td><td></td><td>Rendered Finish Light Tones</td></tr><tr><td>M-02</td><td></td><td>Horizontal Timber Cladd Dark Tones</td></tr><tr><td>M-03</td><td></td><td>Window, Door Frames, Fa Dark Tones</td></tr><tr><td>M-04</td><td></td><td>Colorbond Roof Monument or Similar</td></tr><tr><td>M-05</td><td></td><td>Flat Metal Roof Not Visible Stramit Speedeck</td></tr><tr><td>M-06</td><td></td><td>Driveways and Paths 'Mentone Mini Mix' LB Mix or Similar</td></tr><tr><td>M-07</td><td></td><td>Decking Spotted Gum or similar</td></tr><tr><td>M-08</td><td></td><td>Front Fence Matte Black Finish or Similar</td></tr></table>			M-01		Rendered Finish Light Tones	M-02		Horizontal Timber Cladd Dark Tones	M-03		Window, Door Frames, Fa Dark Tones	M-04		Colorbond Roof Monument or Similar	M-05		Flat Metal Roof Not Visible Stramit Speedeck	M-06		Driveways and Paths 'Mentone Mini Mix' LB Mix or Similar	M-07		Decking Spotted Gum or similar	M-08		Front Fence Matte Black Finish or Similar
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5.0 PLANNING CONTROLS

Zone Overlay Particular Provision	Rationale
32.08 – GRZ3	The proposal accords with the purpose of the Zone by providing residential development that will meet the needs of future occupants while being sympathetic to the neighbourhood character. The garden area is provided 41.12%, which complies as it is required 35% of the site.
Overlays	N/A
52.06 Car parking	<p>Requires 1 car space per 1-2 bedrooms; 2 spaces per 3 plus bedrooms; 1 visitor space per 5 dwellings.</p> <p>Proposal generates a requirement for 6 spaces. Complies.</p> <p>Clause 52.06 – 9 Design standards including swept paths, splays, garaging dimensions are considered compliant.</p> <p>It is noted that some of objectors have raised issues with traffic generation, the number of crossovers and safety.</p> <p>The following images have been taken from NearMap:</p>



14 September 2022



20 July 2022



4 February 2022



23 December 2021

23



22 November 2021

The provision of car parking is compliant with the required number of car spaces provided as part of the development.

Concerns in relation to traffic generated from additional dwellings and limited parking spaces due to additional crossovers have been raised. Aerial imagery observed over 2021 and 2022 show there is available on street car parking within the immediate area.

Councils Traffic Engineering department have also reviewed the proposal and have not raised any concerns with additional traffic generated by the development. It is considered that additional traffic generated by the development can be absorbed within the existing road network.

Finally, the location and width of crossovers has support from Council's Roads and Drains department.

**Clause 52.02-
Easements,
Restrictions
and Reserve**

Refer to Section 11.32

**Clause 53.18
– Stormwater
management
in urban
development**

Refer to Section 11.34

55

Refer to Section 12

6.0 REFERRALS

INTERNAL REFERRALS

6.1 The application was referred to the following Council departments for comment:

Department / Area	Comments / Rationale / Recommended Conditions
Traffic Engineer	No objection raised to the proposal.
Development Approval Engineer	No objection raised, subject to conditions included on any permit issued relating to integrated stormwater management and stormwater drainage. (Refer to Conditions 1f & 6-7)
Roads and Drains	No objection raised, subject to conditions included on any permit issued. (Refer to Conditions 1g & 10-15)
Construction Management	No objection raised. It is considered that the planning permit application meets the criteria to require a construction management plan via a condition of any planning permit issued. (Refer to Condition 9)
Sustainable Design Advisor	No objections to the proposal with a number of minor deficiencies with the sustainable design assessment submitted with the application. Conditions contained within the recommendation section of this report address these deficiencies, where necessary. (Refer to condition – 1j & 8)
Vegetation Management Officer	<p>No objection raised, subject to conditions included on any permit issued. Refer to Conditions 1.a, & 5.</p> <p>Further, the comments state:</p> <p><u>Subject site:</u></p> <p>There are three (3) palms and one (1) tree at this address as per the Preliminary Arboricultural Assessment prepared by Taylors (<i>Date: June 19, 2020; Version 1</i>).</p> <p>One <i>Syagrus romanzoffiana</i> (Queen Palm) is protected by Community Local Law and its removal is supported, due to low retention value as it is located in the rear setback and insignificant to the landscape, provided replacement planting is provided.</p> <p>The <i>Fraxinus angustifolia</i> (Desert Ash) tree is an environmental weed and does not require a Local Law Permit to be removed. It is located within the driveway footprint of Dwelling 3 and its removal is supported.</p> <p>Vegetation supports the removal of all remaining vegetation to facilitate the proposed development due to their low retention value as they are located in the rear setback and are insignificant to the landscape.</p> <p><u>Neighbouring site:</u></p> <p>There are a number of trees within close proximity to the subject site's boundaries documented in the Preliminary Arboricultural Assessment prepared by Taylors (<i>Date: June 19, 2020; Version 1</i>), and the following tree protection measures to ensure their viability are as follows, and are conditioned below:</p>

10 Balaka Avenue, Aspendale-

- The TPZ of the following trees intrudes into the site and tree protection measures are required ensure their viability:

Tree Protection Measures:

- T4 *Prunus domestica* (Plum)-
 - No excavation is allowed within the TPZ
 - Ground protection is to be installed within the TPZ immediately on completion of demolition
 - Preparation and pouring of concrete slab for Garage floor of Dwelling 3 must be above existing grade within the TPZ.
- T5 *Laurus nobilis* (Bay Laurel) & T6 *Eriobotrya japonica* (Loquat)-
 - No excavation is allowed within the TPZ
 - Ground protection is to be installed within the TPZ immediately on completion of demolition.
 - All landscape works must be above existing grade within the TPZ"

The existing boundary paling fence will provide sufficient protection to T7 at 8 Balaka Avenue, Aspendale and T8, T9 and T10 at 31 Kubis Avenue, Aspendale, due to existing pool limiting root growth, their distance from the proposed building works and their hardy nature, however gentle demolition is required within the TPZ of these trees.

Landscape Plan:

Based on the site's proximity to the environmentally sensitive Aspendale Foreshore, Mordialloc Creek and Edithvale-Seafood Wetland areas which contain predominantly indigenous coastal and wetland plant species, and the proximity to Yammerbook Nature Reserve, Brown's Reserve and Rosedale Golf Club which contain predominantly indigenous and native plant species, combined with the native and exotic mix of the surrounding neighbourhood, Vegetation expects that landscaping with predominantly indigenous species will provide the greatest environmental outcome and contribution to neighbourhood amenity and landscaping of 80% coastal indigenous species with 100% indigenous canopy trees will be a condition of any future planning permit.

Please refer to the link provided below for suitable plant species;

[Gardens for Wildlife - Kingston City Council](#)

The following changes to the Landscape Plan prepared by Bayview Landscaping (Date: February 2022) are required:

- Trees to be removed from the subject site must be located and identified.
- Trees in neighbouring properties with TPZs encroaching on the subject site must be illustrated and identified.
- *Acacia implexa* (Lightwood) x 3 are to be replaced with *Banksia integrifolia* (Coast Banksia)
- *Myoporum petiolatum* (Sticky Booblia), *Xanthorea minor* (Small Grass-tree) and *Comesperma volubile* (Love Creeper) are native however the *Lomandra longifolia* (Spiny Headed Mat-rush) is indigenous.
- Increase plant diversity.
- Tree Protection Measures for neighbouring trees of the subject site.

EXTERNAL REFERRALS

6.2 The application was referred to the following external departments for comment:

Department	Section 52/55	Determining / Recommending	Objection	Comments
South-east Water	55	Determining	None	The referral response state pursuant to <i>Section 56 of the Planning and Environment Act 1987</i> , South East Water consents to the granting of a town planning permit subject to the conditions relating to the potable water and sewer (Refer to conditions 16-19)

7.0 ADVERTISING

7.1 The original 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. A total of twelve (12) objections to the proposal were received.

7.2 While two (2) objections have been withdrawn as a result of two amendments to the application, there are ten (10) objections remaining. The valid grounds of objection raised are summarised as follows:

- Neighbourhood character & visual bulk
- Overdevelopment/three dwellings on a lot
- Removal of easement
- Front fence height
- Front setback & porch height
- Side and rear setback
- Garden area, POS
- Increased traffic, parking congestion, number of vehicle crossovers and safety
- Impact on stormwater
- Tree removal/Impact on existing trees and loss of native wildlife
- Site coverage & shed
- Walls on boundary
- Overlooking
- Poor outcome/ precedent

7.3 The following objections raised are not planning considerations:

- Devaluation property

8.0 PLANNING CONSULTATION MEETING

- 8.1 A Planning Consultation meeting was held on 26 May 2022 with the relevant Planning Officer, the Permit Applicant and eight (8) objectors in attendance. The above-mentioned issues were discussed at length.

9.0 SECTION 57A – AMENDMENT TO PLANS #1

- 9.1 Following the preliminary conference meeting the Permit Applicant lodged amended plans on 5 July 2022, pursuant to Section 57A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:

- Confirmation of the retention of the existing palm trees on the subject site in the northern corner, proposed to be within the rear private open space of Dwelling 3.
- Provision of details of the relevant Tree Protection Zones with respect to the existing vegetation on the application site and on adjoining properties.
- Updated development statistics as a result of the below items that were updated.
- Dwelling 2 and Dwelling 3 reduced in area as a result of reviewing the site coverage statistics and incorporating the storage sheds in those figures.
- Relocation of the rainwater tank associated with Dwelling 3 to be against the northern wall of the dwelling to ensure that it is not located within the TPZ of any trees to be retained/protected.
- Confirmation, via notation, that the proposed garage for Dwelling 3 is to be offset from the northern boundary of the site by 150mm, and the existing fence is to be retained.
- Increase the first-floor setback to Dwelling 3 to 2.14 metres to Bed 3/Bathroom/Sitting and to 3.2 metres to Bed 4.
- Provide Standard B17 envelope on relevant elevations.
- Provision of sectional diagrams to confirm the height of the proposed entry porches to Dwelling 2 and 3 do not exceed 3.6 metres from natural ground level below.
- Amended Landscape Plan to provide the relevant Arborist information on the plans and confirm the proposed Landscape Design response that is presented to support the proposed development.

- 9.2 The plans were circulated to the objectors and one (1) objection was withdrawn as a result.

10.0 SECTION 57A – AMENDMENT TO PLANS #2

- 10.1 The plans were further revised and submitted on 16 September 2022, pursuant to *Section 57A of the Planning and Environment Act 1987*. The amended plans incorporated the following changes:

- Amended first floor plans for Dwelling 2 to reduce the size of the master bedroom ensuite and to increase the first-floor separation between Dwelling 1 and Dwelling 2.
- Additional first floor windows obscured to the master bedroom and ensuite for Dwelling 3.
- Confirmation of the proposed garages being set 200mm off the site boundaries for Dwellings 1 and 3.
- Revised private open space plans to confirm all dwellings meet the minimum requirements of Schedule 3 to the General Residential Zone of the Kingston Planning Scheme.
- Amended street presentation of Dwellings 2 and 3 to increase the area of landscaping in the street presentation of each dwelling.

- 10.2 These plans were recirculated to all remaining objectors and one (1) objection was withdrawn as a result.
- 10.3 It is these plans that were lodged on 16 September 2022 that form the basis of this recommendation and are described at section 4 of this report.

11.0 PLANNING CONSIDERATIONS:

General Provisions

- 11.1 **Clause 65.01** of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

Municipal Planning Strategy

- 11.2 **Clause 02.03** (Strategic Direction) sets out the strategic directions for the Kingston municipality in relation to settlement, environmental and landscape values, environmental risks and amenity, natural resource management, built environment and heritage, housing, economic development, transport, and infrastructure.
- 11.3 **Clause 02.03** and the applicable framework plans found in **Clause 02.04** (Strategic Framework Plans) provide the context at a municipal level to the policies contained within clause 10 to 19 of the Kingston Planning Scheme.
- 11.4 **Clause 02.03-5** (Built environment and heritage) looks at strategies for improved urban design, ensures neighbourhood character is maintained and all new development contributes to creating an environmentally sustainable city. **Clause 02.03-6** (Housing) identifies the preferred residential development outcomes specific to the different areas found within the municipality, including increased housing diversity areas, incremental housing change areas and minimal housing change areas. The strategic directions expressed here ensure parts of the municipality are developed appropriately, in context with the policy direction and the preferred neighbourhood character.

Planning Policy Framework

- 11.5 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). The provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 11.6 The settlement policies at **Clause 11** seek to promote sustainable growth and development and deliver choice and opportunity through a network of settlements. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1S** (Supply of urban land) states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

Planning for urban growth should consider:

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

- 11.7 **Clause 11.01-1R** (Settlement – Metropolitan Melbourne) and **Clause 11.03-1S** (Activity centres) 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.
- 11.8 **Clause 11.02** (Managing Growth) main directive is to ensure a sufficient supply of land is made available for a variety of purposes, including residential. To achieve this, it takes into account sufficient land availability to meet forecasted demand. **Clause 11.03-1S** places particular emphasis on providing a diversity of housing, including forms of higher density housing, in defined activity centres to cater for different households that are close to jobs and services.
- 11.9 Policies pertaining to urban design, built form and heritage outcomes are found at Clause 15 of the Planning Policy Framework. Of particular significance, **Clause 15.01-1S** (Urban design) and **Clause 15.01-1R** (Urban Design – Metropolitan Melbourne) 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.
- 11.10 The provisions of **Clause 15.01-2L** (Environmentally Sustainable Development) policy applies to the consideration of residential development of 3 or more dwellings (refer to policy guidelines). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS/STORM). The ESD assessment was referred to Council's ESD officer who has advised that the proposal almost meets Council's expectations in relation to ESD for a development of this scale. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. As there are no major issues, these can be addressed as part of their condition 1 submission. Items to be addressed are project meets the BESS minimum, annotation on the plan for double glazing in living areas and bedroom, to provide electric vehicle charge point etc.
- 11.11 It is considered that the commitments expressed in the SDA report coupled with the proposed development plans and dwelling layouts, the proposal is considered to achieve an appropriate best practice ESD standard, meeting the objectives of this policy.
- 11.12 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.13 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity; however the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Regulations 2018* as it sits outside of 200 metres from coastal waters and the lot size is less than 0.11 hectares. Specifically, the proposal meets the following exemption under the Regulations:
- The construction of 3 or more dwellings on a lot or allotment is an exempt activity if the lot or allotment is—*
- (a) *not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and*
- (b) *less than 0.11 hectares.*
- 11.14 **Clause 15.01-2S (Building Design)** provides design guidance on how building design outcomes should achieve architectural and urban design outcomes that positively respond to neighbourhood character within a local context, enhance the public realm and support

environmentally sustainable development. **Clause 15.01-5S (Neighbourhood Character)** sets out the State direction to recognise, support and protect neighbourhood character, cultural identity, and a sense of place. The strategies provided seek to ensure that development respects the existing neighbourhood character or contributes to a preferred neighbourhood character. It seeks to ensure that the preferred neighbourhood character is consistent with medium and high-density housing outcomes in areas identified for increased housing. This is further reinforced at a local level in **Clause 15.01-5L (Neighbourhood Character- Kingston)** which set outs strategies to support an overall positive contribution of neighbourhood character from developments. This Clause includes policy guidelines to further support the strategies.

- 11.15 Housing objectives are further advanced at **Clause 16** (Housing) which seek to encourage housing diversity, ensuring the long term sustainability of new housing, including access to services, walkability to activity centres public transport, schools and open space and including the provision of land for affordable housing.
- 11.16 **Clause 16.01-1S** (Housing Supply) seeks to facilitates a well located, integrated and diverse housing that meets community needs. Higher density housing development is encouraged on sites that are well located in relation to jobs, services and transport. The consideration of ensuring that an appropriate quantity, quality and type of housing is provided to support everyone in the community. Housing should offer diverse choices to meet changing household needs by widening housing diversity though a mix of housing types while encouraging that development is well designed to provide a high level of internal and external amenity.
- 11.17 **Clause 16.01-1L** (Housing Supply) seeks to promote housing change subject to the capacity of the local area within Kingston, from the Incremental Housing Change, Increased Housing Diversity, Residential Renewal or Minimal Housing Change. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 11.18 These reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases. This includes a strategy to support Increased Housing Diversity areas within convenient walking distance of public transport.
- 11.19 The proposal includes three (3) new lots ranging from 246m² to 326m², resulting in an average of approximately 280.7m². Whilst it is acknowledged the proposal results in smaller than the prevailing single dwelling post-war era lot size in the immediate area (approx. 500-600m²), it is consistent with recent development found within the area, including the following:
- 50A Kubis Avenue: 302m²
 - 50b Kubis Avenue: 303m²
 - 6A Kubis Avenue: 256m²
 - 6B Kubis Avenue: 253m²
 - 5 Kubis Avenue: 285m²
 - 2A Larnook Crescent: 246m²
 - 4A Larnook Crescent: 310m²
 - 4B Larnook Crescent: 313m²
 - 32A Glen Street: 305m²

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- 32B Glen Street: 313m²
 - 34A Inlet Street: 288m²
 - 34 Inlet Street: 381m²
- 11.20 Looking at above lot sizes surrounding areas, it is considered the development of three (3) dwellings on the allotment of 842m² is an appropriate density response to the surrounding area and does not result in a development outcome that is at odds with recent development found within the surrounding area.
- 11.21 **Clause 14.02-2S (Water Quality)** seeks to protect water quality. This is further advanced through **Clause 19.03-3S (Integrated Water Management)** which seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach, and Kingston's local content at Clause 19.03-3L (Stormwater Management). **Clause 19.03-3L (Stormwater Management)** is applicable to the consideration of medium and large scale developments as specified within the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.
- 11.22 It is considered that the proposed development generally complies with the above guidelines and policies. It provides for an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off. Council's Drainage Engineer is satisfied with the proposal subject to conditions included on any permit issued, as specified within the officer recommendation.
- 11.23 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.
- 11.24 **Clause 19.02-6L-02 (Public Open Space Contributions)** forms the prevailing policy that guides Council to apply a land or cash public open space contribution, which is applicable to all subdivision applications. This policy identifies the important role that contributions play in funding new open space areas and facilitating capital improvements to existing public open space to meet the needs of the future population growth in Kingston.
- 11.25 Whilst the application at hand does not propose to subdivide the land, it is imperative to identify at this stage of the process whether a public open space contribution requirement is likely to be applied should the site be subdivided at a later date and, if so, whether the land is located in a 'cash' or 'land' preferred area. If in a land preferred area, the proposed design and layout must be considered as it will ultimately shape the subdivision configuration and whether any land is set aside for public open space purposes.
- 11.26 The subject site is located in area 8A (Aspendale), which is a Cash Contribution Preferred Area on the Public Open Space Sub-Precincts Plan of this clause.
- 11.27 As the site is located in a 'cash' preferred area, the public open space contribution requirements will be considered and advanced at the subdivision stage of the process. As such, there is no need to consider this matter any further at this point in time.
- 11.28 It is considered that the proposed development generally complies and satisfies with the Planning Policy Framework guidelines, which aim to encourage well-designed medium

density housing in appropriate locations. A further assessment of the proposal's measure against stormwater management is found within the Clause 55 assessment, later within this report.

Zoning Provisions

- 11.29 Pursuant to **Clause 32.08-4**, a lot must provide for the minimum garden area as set out in the following table:

Lot Size	Minimum percentage of a lot set aside as garden area
400-500m²	25%
501-650 m²	30%
Above 650 m²	35%

- 11.30 It is considered that the proposal in its current format complies with the mandatory garden area requirement, with **41.12%** of garden area is proposed.

Overlay Provisions

- 11.31 N/A

Particular Provisions

- 11.32 **Clause 52.02- Easement, Restrictions and Reserve** – The purpose of this clause is “*to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*”
- 11.33 Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the interests of affected people. The proposed removal of 2.44m wide easement (E-1) along the northern property boundary is nominated for the use of drainage and sewerage purposes. Before deciding on an application on easement removal, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the interests of affected people. Accordingly, the application was referred to Council's Development Engineers and South-East Water. Both authorities have advised that there are no assets within this easement, therefore, there is no issue with removing the easement. Accordingly, the planning officers consider, it is appropriate to support the removal on this easement.
- 11.34 **Clause 53.18 – Stormwater management** in urban development – The purpose of this clause is “*to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*”
- 11.35 An assessment by Council's Development Engineers have deemed the proposal is appropriate with the conditions, which will mitigate the impacts of stormwater on the environment, neighbouring properties and subject site.

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 Appendix A). Clause 55 requires that a development must meet all of the objectives, and all of the standards of this clause should be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.



12.2 The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought, specifically part of two (2) of the thirty-three (33) ResCode standards.


12.3 CLAUSE 55: RESCODE TABLE ASSESSMENT

Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 3.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.02-1 Neighbourhood Character objectives <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area. 	Standard B1 <ul style="list-style-type: none"> The design response must be appropriate to the neighbourhood and site. The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	Complies with Standard & Objective
<p>Assessment: An analysis of the surrounding streets of Aspendale demonstrates there has been a change in the housing stock with numerous renovated and replacement dwellings. Often, replacement dwellings are double storey with rendered finishes and include a number of multi dwelling developments in the area as well. Photos below show evidence of such changes from single storey dwellings to double storey dwellings within Kubis Avenue too.</p> <p>The proposed development is considered to deliver an acceptable response within the context of the streetscape and broader area. The development design, which marries traditional and rectilinear forms is consistent with the evolving neighbourhood character of the area. Original detached dwellings are being replaced with new infill developments of a more substantial building footprint and envelope with two storey form extending closer to side and rear boundaries and a subsequent reduction in landscaping through the rear and side sections of allotments. A significant proportion of surrounding allotments have been redeveloped to accommodate multi-dwellings, predominantly in the form of tandem or side by side typologies. Contemporary architecture (geometric forms and materiality) can also be seen in the area. Front fencing is varied.</p> <p>Having considered the site's context and the design response, it is considered the development has appropriately responded to the character for the following reasons:</p> <ul style="list-style-type: none"> The scale and presentation of the development is supported within the irregular lot shape. The style of architecture employed aligns with the evolving vernacular of the area and maintains a domestic two storey scale. The extent of first floor massing down the site is acceptable within the neighbourhood context. The ground to first floor ratio respectful of the emerging character with sufficient setbacks for landscaping. 		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> The incorporation of ground and first floor habitable room windows within the façade of all three dwellings provide for a connection between the dwelling and public space and provides passive surveillance to the street users. Adequate articulation is provided across the elevations by way of building modulation, variety in materials/finishes, roof forms, wall heights and fenestration, which ensure that the elevations do not present as “box-like”. These measures ensure an architectural quality to the development and safeguard the visual amenity of the streetscape and neighbouring properties. Landscaping opportunities are available within the front setback, and within the ground level private open space areas of the dwellings, able to accommodate a selection of a variety of species, commensurate the landscape character of the neighbourhood. The proposed 1.2m high front fence enclosing the front setback of Dwellings 2 & 3 and open private open space of Dwelling 1 ensures that views towards the front garden space and façade are achieved. The proposed garaging is setback behind the façade line of each of the proposed dwellings. Appropriate visual separation between the upper level elements, particularly Dwelling 1 and Dwelling 2 has been proposed. <p>Further, as discussed in the paragraph 10.19-10.20 of this report, the lot sizes of new developments ranges from 253m² to 381m² in the immediate areas of Aspendale. The proposed three dwelling development on 843sqm would result in lots of approximately 246m² to 326m² is considered to be respectful of the emerging neighbourhood character.</p>		
 <p>5 Kubis Avenue</p>	 <p>6 Kubis Avenue</p>	
 <p>50 Kubis Avenue</p>	 <p>15 Kubis Avenue</p>	

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
 <p>24 Kubis Avenue</p>	 <p>3 Kubis Avenue</p>	
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with Standard & Objective</p>
<p>Assessment: The application accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF and MPS.</p> <p>Clause 16.01-1L-01 (Housing supply – Kingston) seek to provide a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the PPF.</p> <p>Clause 16.01-1L-01 nominates the site and its surrounds in a General Residential Zone Schedule 3 area for Incremental Housing Change Areas, and states:</p> <ul style="list-style-type: none"> <i>Encourage lower density housing forms with single dwelling and dual occupancy developments on average sized lots in Incremental Housing Change areas.</i> <p>The subject site, with an area in excess of 841.8 sqm, is larger than the average size of lots in this area and the provision of three dwellings on the land represents a reasonable response to the policy context that applies to this site (Refer to below Image from Nearmap, which confirms that subject site is larger than average lot size of the neighbouring properties).</p>		

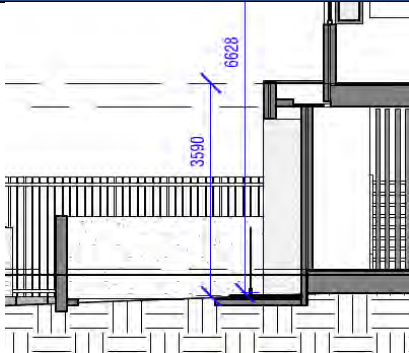
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		
Source: Nearmap dated 4 February 2022		
<p>It is considered that the proposed development generally complies and satisfies the Scheme's Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A
Assessment: Less than 10 dwellings proposed.		
<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> • Connection to reticulated services/sewerage, electricity, gas and drainage services • Capacity of infrastructure and utility services should not be exceeded unreasonably • Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	Complies with Standard & Objective
<p>Assessment: The site is in an established area that is well serviced by existing infrastructure. Additionally, confirmation from Councils Development Engineer indicates that development will not unreasonably exceed</p>		

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the capacity of local infrastructure. Suitable conditions will be included on the permit to address infrastructure considerations.		
Clause 55.02-5 Integration with the street objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Standard B5 <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	Complies with Standard & Objective
	<ul style="list-style-type: none"> Development oriented to front existing/proposed streets 	Complies with Standard & Objectives
	<ul style="list-style-type: none"> High fencing in front of dwellings should be avoided if practicable. 	Partly variation sought & supported
	<ul style="list-style-type: none"> Development next to existing public open space should be laid out to complement the open space. 	N/A
Assessment: The development provides for safe and functional links with vehicles access provided with exclusive access/egress point(s). The development is oriented to the street and dwelling entries remain highly identifiable in the streetscape. The corner is proposed to include a 1.6m high fence, however, the remaining Dwelling 1 frontage is proposed to have no front fence and the frontage of Dwellings 2 & 3 is proposed to include a 1.2m high fence.		
Clause 55.03-1 Street setback objective <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	Standard B6 Walls of buildings should be set back from streets: <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 Required: 6.7 metres towards Kubis Avenue & 3 metres towards Cooina Drive	Variation sought & supported
Assessment: Dwelling 1 provides 5.18m street setback to Kubis Avenue and 3m (Dwellings 2 & 3) to Cooina Drive. Dwelling 1 does not meet required 6.7m setback, however, planning officer consider that for the following reasons, the proposal respects the neighbourhood character and is efficient use of the site: <ul style="list-style-type: none"> Although the proposed front setback does not meet the technical requirements of this standard, it is considered that the development provides a reasonable transition between the adjoining property (of 6.7m for 31 Kubis Avenue) and opposite property (of 4m for 35 Kubis Avenue). Dwelling 1 has a staggered design, with the garage recessed and setback 6.2m from the street, providing an appropriate transition from 31 Kubis Avenue. As stated above, the street setback of 35 Kubis is 4.0 metres, reflective of the corner nature of the lot and diversity of street setbacks found in the immediate area. The setback proposed from Kubis Avenue would allow for the efficient use of the subject site. The front setback is large enough to accommodate substantial landscaping including the provision of canopy trees, noting Council's Vegetation Officers are supportive of the proposal subject to conditions. There is no prevailing setback rhythm within this section of Kubis Avenue. The existing street setback on the site is in the order of 4 metres from the street frontage and comparable to the proposed setback of the new development. <p>There are some concerns raised by objectors about the front porch height, which is higher than 3.6m and does not include allowable encroachment in the front setback. However, the applicant has provided cross section of porch, which shows it is less than 3.6m in height at the point where porch will be constructed (refer to below snippet) and therefore excluded from street setback calculations.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
 <p style="text-align: center;">Snippet from Section 3 of considered plan</p>		
Clause 55.03-2 Building height objective <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	Standard B7 Maximum: 9 metres	Complies with Standard & Objective
Assessment: The proposal has a maximum height of 8.16m and meets the heights parameters specified in this Standard.		
Clause 55.03-3 Site Coverage objective <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	Standard B8 Maximum: GRZ2 – 50%	Complies with Standard & Objective
Assessment: The proposal achieves a site coverage statistic of 50%, which meets this Standard. Objections raised concerns with the garden sheds being excluded in the site coverage calculations. In response to this, the permit applicant provided amended plans and has further agreed to include a condition to confirm the proposal meets the site coverage of 50%. A condition is recommended to provide detail calculation of site coverage (refer to condition 1k).		
Clause 55.03-4 Permeability objectives <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. 	Standard B9 At least: 20%	Complies with Standard & Objective
Assessment: The permeability figure of 39.89% complies with the standard.		
Clause 55.03-5 Energy Efficiency objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	Standard B10 Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.	Complies with Standard & Objective

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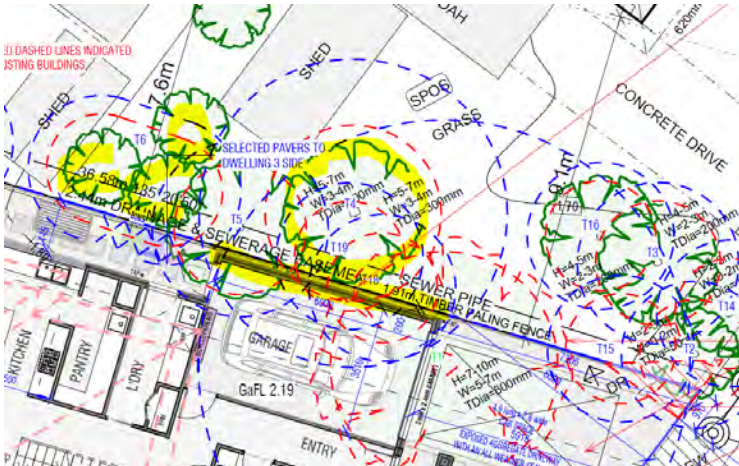
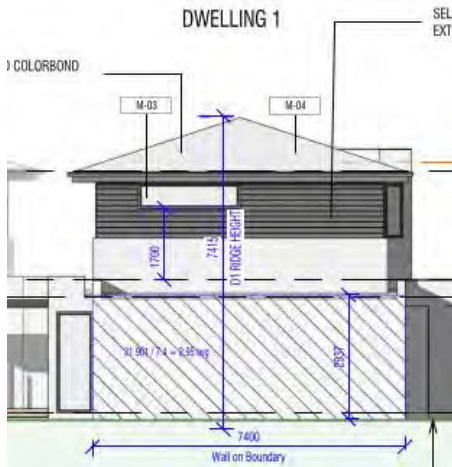
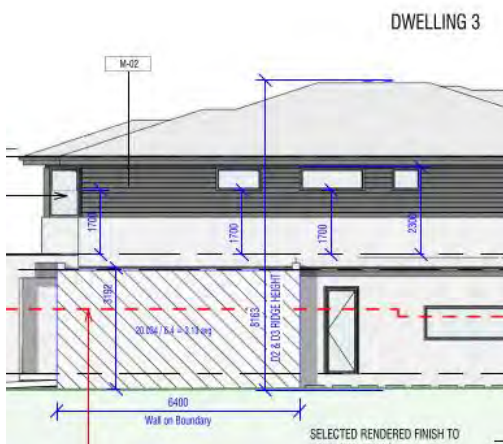
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles with north and west facing living and private open spaces areas.		
Clause 55.03-6 Open Space objective <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Standard B11 Public or communal open space should: <ul style="list-style-type: none"> Be substantially fronted by dwellings Provide outlook for dwellings Be designed to protect natural features. Be accessible and useable. 	N/A
Assessment: There is no communal private open space adjoining the site.		
Clause 55.03-7 Safety objectives <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways should be achieved. Private spaces should be protected from inappropriate use as public thoroughfares.	Complies with Standard & Objective
Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. In part, this is evidenced by the highly visibly and identifiable dwelling entries.		
Clause 55.03-8 Landscaping objectives <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	Standard B13 In summary, landscape layout & design should: <ul style="list-style-type: none"> Protect predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. Provide a safe, attractive and functional environment for residents. In summary, development should: <ul style="list-style-type: none"> Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Specify landscape themes, vegetation (location and species), paving and lighting. 	Complies with Standard & Objective
Assessment: The application provides adequate space for the planting of various species, including canopy trees. As a condition of any permit issued, a detailed landscape plan will be required. (Refer to Condition 1.a.)		
Clause 55.03-9 Access objective	Standard B14 The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Complies with Standard & Objective

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	No more than one single-width crossover should be provided for each dwelling fronting a street.	
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies with Standard & Objective
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies with Standard & Objective
Assessment: The proposal raises no concern with respect to access related matters.		
Clause 55.03-10 Parking location objectives <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments 	Standard B15 Car parking facilities should: <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Complies with Standard & Objective
Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking and associated sight lines.		
Clause 55.04-1 Side and rear setbacks objective <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	Complies with Standard & Objective
Assessment: The proposal satisfies and in some cases exceeds the formula to Standard B17. The required side setback for height of 6.324m is 1.82m, however, the proposal provides a 2.14m north-east side of the development, which exceeds the required setback.		

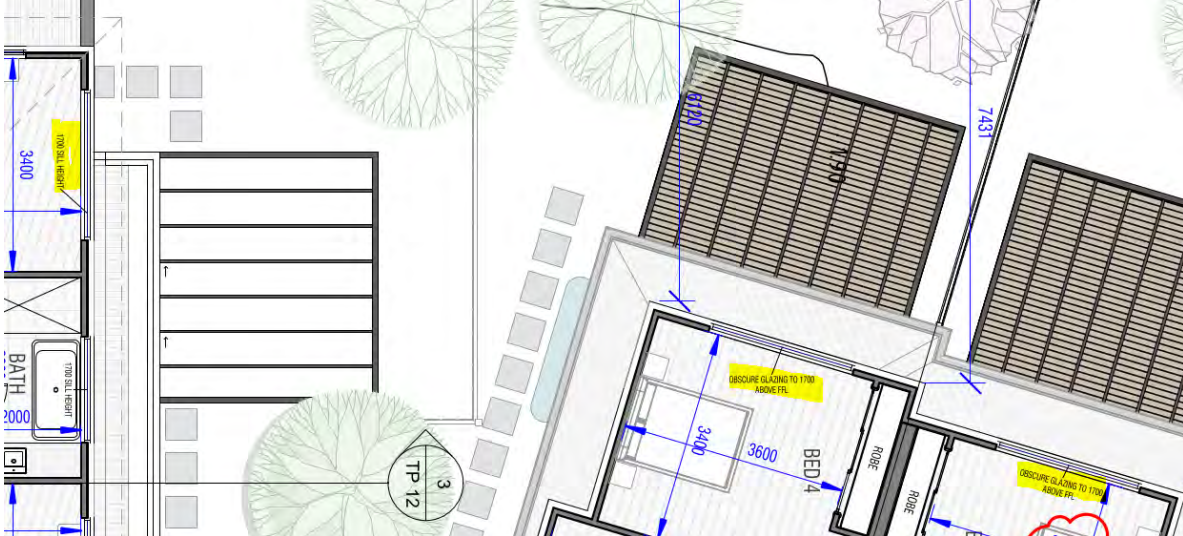
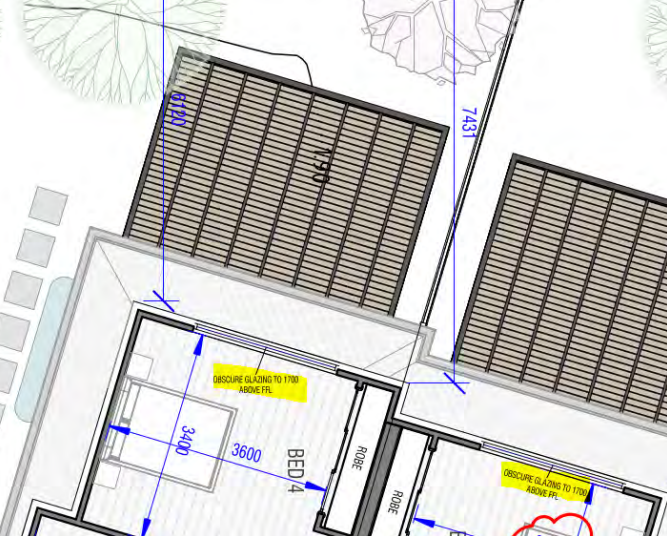
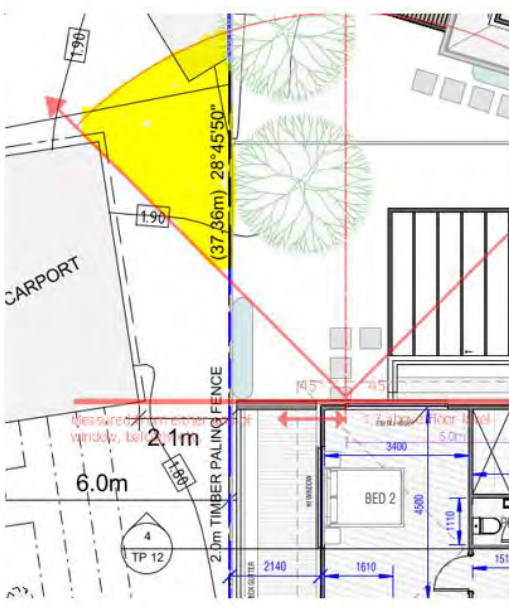
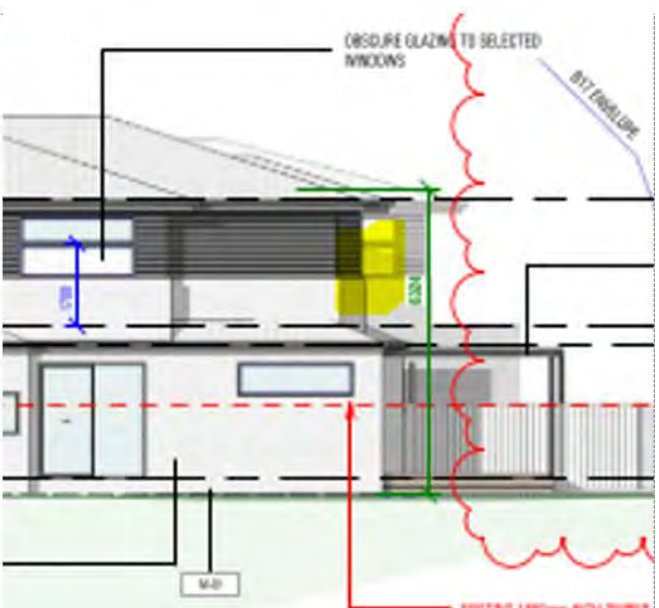
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>There are some concerns raised by adjoining north-east side adjoining property, however the proposal complies with this Standard. It is noted that the garage wall of Dwelling 3 is located within this side of boundary which is to be setback 200mm from the property boundary. The average height of this wall is 3.13m and length is 6.4m, complying with the standard.</p>		
		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none">To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none">10 m plus 25% of the remaining length of the boundary of an adjoining lot, orWhere there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.	<p>Complies with Standard & Objective</p>
<p>Assessment: The proposal satisfies this standard, with both garage walls along the north-eastern and north-western property boundary complying with this standard. Both walls on boundaries are less than 3.2m in height as can be seen from the submitted elevations:</p>		
 <p style="text-align: center;">Snippet from north-west elevation</p>	 <p style="text-align: center;">Snippet from north-east elevation</p>	
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none">To allow adequate daylight into existing habitable room windows.	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p>	<p>Complies with Standard & Objective</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	Complies with Standard & Objective
Assessment: Adequate daylight is provided with more than of 3m ² and more than 1m clear to the sky provided to existing windows.		
Clause 55.04-4 North facing windows objective <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)	N/A
Assessment: There is no existing north facing windows.		
Clause 55.04-5 Overshadowing open space objective <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m ² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	Complies with Standard & Objective
Assessment: The proposed development does not result in an unreasonable level of overshadowing to any existing SPOS areas.		
Clause 55.04-6 Overlooking objective <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either: <ul style="list-style-type: none"> Offset a minimum of 1.5m from the edge of one window to the edge of the other. Have sill heights of at least 1.7m above floor level. Have fixed, obscure glazing in any part of the window below 1.7m above floor level. Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	Complies with Standard & Objective
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	Complies with Standard & Objective
	Screens used to obscure a view should be: <ul style="list-style-type: none"> Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. 	Complies with Standard & Objective
Assessment: Concerns in relation to overlooking have been received. All boundary fences are 1.8m high or higher providing an adequate barrier at ground floor. All first floor habitable room windows, that are orientated towards a common boundary are shown as "highlight window" or include relevant notations as shown below:		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		
<p>On the first-floor plan of Dwelling 1 bedroom 2 window notated as sill height 1.7m, however north-east elevation shows this window as larger window with sill height less than 1.7m and there is possibility of overlooking as depicted below:</p>		
		
<p>A condition at 1.d. is recommended to ensure this window complies with overlooking provisions. Further. A condition is recommended at 1.e. to ensure windows are designed in accordance with this standard, specifically as whether windows are openable, operable and level of transparency is unclear on submitted plans.</p>		
<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies with Standard Objective &</p>
<p>Assessment: No unreasonable internal overlooking will occur.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.04-8 Noise impacts objectives <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	Complies with Standard & Objective
Assessment: There are no non-residential noise sources proposed or near the site. The proposal does not include unreasonable noise sources unusual to a dwelling. Conditions will ensure noise sources, such as air condition units, exhaust fans and the like are not proposed to be located near bedrooms or immediately adjacent to existing dwellings. (Refer to condition 1.i.)		
Clause 55.05-1 Accessibility objective <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies with Standard & Objective
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. There is also one bedroom and main living areas located on the ground floor of each dwelling.		
Clause 55.05-2 Dwelling entry objective <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Standard B26 Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with Standard & Objective
Assessment: The proposed entries to all dwellings are clearly visible from the public realm.		
Clause 55.05-3 Daylight to new windows objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Standard B27 HRW should be located to face: <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	Complies with Standard & Objective
Assessment: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.		
Clause 55.05-4 Private open space objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Standard B28 A dwelling or residential building should have POS consisting of: <ul style="list-style-type: none"> An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 40m², a min. dimension of 5m and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level POS area of 20m² with a minimum width of 3m is required to be provided for each additional bedroom, with a max. of 80m² of POS required for the dwelling. 	Complies with Standard & Objective
Assessment: Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents.		
Clause 55.05-5 Solar Access to Open Space	Standard B29	Complies with Standard & Objective

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	The private open space should be located on the north side of the dwelling or residential building, if appropriate.	
	The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	N/A
Assessment: The proposed SPOS of each dwelling is located on the north-west side of the development and is orientated to ensure that it achieves suitable solar access and is not compromised due shadowing within this development. The shadow diagram confirms that the SPOS of all three dwellings receives full sunlight by 11am.		
Clause 55.05-6 Storage objective <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Complies with Standard & Objective
Assessment: Secure storage areas have been provided for each dwelling within their respective garage for Dwelling 1 & POS areas for Dwellings 2 & 3.		
Clause 55.06-1 Design Detail objective <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	Standard B31 The design of buildings, including: <ul style="list-style-type: none"> Facade articulation and detailing Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies with Standard & Objective
Assessment: The proposed design is respectful of the existing building and neighbourhood character and provides for an appropriate level of articulation and detailing. As discussed earlier, the proposed double storey form and materials and finishes complement the emerging character of this area.		
Clause 55.06-2 Front fences objective <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	Complies with Standard & Objective
	Schedule to GRZ2/3: A front fence within 3m of a street should not exceed: 2m for streets in a RDZ1 or 1.2m for other streets	Variation sought (Dwelling 1) & supported
Assessment: The front fence for Dwelling 1 is proposed with a 1.6m high masonry fence with rendered finish, which partially encloses part of the side of Dwelling 1. The front fence for Dwelling 2 & 3 is proposed 1.2m high steel batten with 50% transparency to ensure in visibility splay. It is noted that the height of front fence of Dwelling 2 & 3 complies, but front fence of Dwelling 1 does not comply. However, the planning officers consider it is reasonable to support to 1.6m in height and respects to the neighbourhood character for following reasons: <ul style="list-style-type: none"> Corner lots are commonly found with partially high fencing due to having multiple street frontages and to allow for the enclosure of secluded private open spaces areas associated with single dwellings. Part of front fence is proposed at a height greater than 1.2m, but the proposal still has passive surveillance and connect to the street as more than half length is still open along Kubis Avenue as shown below plan (highlighted area) and Dwelling 2 & 3 connects to Coinda Drive. The proposed fence design and height is supported as there is no consistency with front fence type and height in the area. Multi examples of fences greater than 1.2m can be found in the vicinity, a few examples are provided below: 		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	 <p>10 Balaka Avenue, adjoining property</p>	
 <p>35 Kubis Avenue</p>	 <p>48 Kubis Avenue</p>	
 <p>5 Kubis Avenue</p>	 <p>7 Kubis Avenue</p>	
 <p>14 Kubis Avenue</p>		
<p>Clause 55.06-3 Common property objectives</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	<p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>N/A</p>
<p>Assessment: No common property is proposed as part of this development.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.06-4 Site services objectives <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.	Complies with Standard & Objective
Assessment: Site services such as mailboxes and bin/recycling enclosures have been nominated on the respective plans and located appropriately.		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

Ground(s)	Response
Removal of easement	Refer to Section 11.32 of this report.
Front fence height	Refer to Section 11.3 – ResCode assessment table (front fence section) of this report
Neighbourhood Character and Visual bulk	Refer to Section 11.3 – ResCode assessment table (Neighbourhood character section) of this report
Overdevelopment	The proposal is considered to be appropriate and not an overdevelopment of the site as it provides a high degree of compliance with ResCode, including full compliance with site coverage, permeability, side and rear setbacks. Each dwelling is also provided with sufficient car parking, complaint garden area and acceptable internal amenity for future residents of the dwellings. Below provides some examples which show the proposal is not an overdevelopment.
POS and site coverage	Refer to Section 11.3 – ResCode assessment table (site coverage, POS section) of this report
Increased traffic, parking congestion, number of vehicle crossovers and safety	Refer to Section 5 (Clause 52.06 section) & Section 6.1 of this report
Impact of Stormwater	Refer to Section 6.1 (referral of Development Engineer). of this report
Tree removal/Impact on existing trees and loss of native wildlife	Refer to Section 6.1 (referral of Vegetation Management Officer) of this report. New landscape plan is recommended to form part of any planning approval. This will replace trees on the site and assisting with the provision of habitats for native wildlife where possible. Further Tree Management plan will assist to protect the trees on the neighbouring properties.
Garden Area	Refer to Section 10.24 of this report

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Walls on boundary	Refer to Section 11.3 – ResCode assessment table (walls on boundary section) of this report
Porch height	Refer to Section 11.3 – ResCode assessment table (street setback section) of this report
Side setback	Refer to Section 11.3 – ResCode assessment table (side & rear setback section) of this report
Overlooking	Refer to Section 11.3 – ResCode assessment table (Overlooking) of this report
Poor outcome/ precedent	Each application is assessed against the provisions of the planning scheme, and the merits of the application. The allotment size and configuration of lot is unique within this area. Any future application is subject to the provisions of the planning scheme at the time of lodgement.
Devaluation	Pursuant to the <i>Planning and Environment Act 1987</i> and Kingston Planning Scheme, this concern falls outside of the scope of planning considerations.

14.0 CONCLUSION:

- 14.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 14.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.
- 14.3 The proposed development is considered appropriate for the Site, subject to conditions, as evidenced by:
- The compatibility of the design and siting with the surrounding area
 - The mitigation of off-site amenity impacts
 - A suitable level of compliance with all relevant policies, including [Clause 52.02](#), [Clause 53.18](#), [Clause 55](#) of the Kingston Planning Scheme

14.0 RECOMMENDATION

- 14.1 That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of three (3) dwellings and removal of an easement at 33 Kubis Avenue, Aspendale, 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 amended plans prepared by Crowhurst Building Design, Project No's. 746 Sheets TP 1 to TP 10 Revision E & Bayview landscaping TP LP1, submitted on 16 September 2022, but modified to show:
 - a. the provision of an amended landscape plan in accordance with the the Landscape Plan prepared by Bayview Landscaping (*Date: February 2022*), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:

- i. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
- ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
- iii. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities and 100% indigenous canopy trees;
 - Provision of to increase plant diversity.
 - Please note: *Myoporum petiolatum* (Sticky Booblia), *Xanthorea minor* (Small Grass-tree) and *Comesperma volubile* (Love Creeper) are native however the *Lomandra longifolia* (Spiny Headed Mat-rush) is indigenous.

Refer to the link provided below for suitable plant species; [Gardens for Wildlife - Kingston City Council](#)

- iv. *Acacia implexa* (Lightwood) x 3 to be replaced with *Banksia integrifolia* (Coast Banksia) x 3;
- v. Tree Protection Measures within the subject site for the following trees identified in the Preliminary Arboricultural Assessment prepared by Taylors (*Date: June 19, 2020; Version 1*) to be accurately drawn to scale and labelled and including the following notation;

“Tree Protection Measures:

- T4 *Prunus domestica* (Plum)-
 - No excavation is allowed within the Tree Protection Zone.
 - Ground protection is to be installed within the Tree Protection Zone immediately on completion of demolition.
 - Preparation and pouring of concrete slab for Garage floor of Dwelling 3 must be above existing grade within the Tree Protection Zone.
 - T5 *Laurus nobilis* (Bay Laurel) & T6 *Eriobotrya japonica* (Loquat)-
 - No excavation is allowed within the Tree Protection Zones.
 - Ground protection is to be installed within the Tree Protection Zones immediately on completion of demolition.
 - All landscape works must be above existing grade within the Tree Protection Zones.
 - Gentle demolition is required within all Tree Protection Zones of all neighbouring trees which fall partially within the subject site”.
- b. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per Condition 1.a.v.
 - c. Vehicle crossings be constructed at a 90 degree alignment with the kerb on Kubis Avenue and Coinda Drive and all internal driveways be aligned with the existing / proposed vehicle crossing

- d. The north-east Bedroom 2 window of Dwelling 1 window clearly nominated to comply with Clause 55.04-6 (Overlooking) of the Kingston Planning Scheme.
- e. Additional information on both first floor and elevation plans to demonstrate all first floor north-east and north-west facing windows are designed to comply Clause 55.04-6 (overlooking) of the Kingston Planning Scheme.
- f. a minimum 2000L rainwater tank clearly nominated for each new dwelling and collected to toilets for flushing
- g. separation of the proposed crossover from the neighbouring crossover to achieve a pedestrian splay of 1 metre between
- h. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development.
- i. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown
- j. all relevant commitments identified within the Sustainable Design Assessment, required under condition 8 of this permit, shown on plans
- k. The provision of a site coverage plan demonstrating the overall site coverage does not exceed 50% in accordance with Clause 55.03-3 (site coverage) of the Kingston Planning Scheme.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The Plan of Removal of Easement, as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority.
- 4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced

Tree Protection

- 5. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Protection Measures must be submitted to the Responsible Authority.

Drainage and Water Sensitive Urban Design

- 6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".

- c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
- d. The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 7.8L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

- 8. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, all the comments incorporated in the report provided by Council's Sustainable Design Advisor but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

Construction Management

- 9. Prior to 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. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls
 - e. Air Quality and Dust Management
 - f. Stormwater and Sediment Control
 - g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

10. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
12. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
14. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Kubis Avenue and Coinda Drive and all internal driveways must align with the existing / proposed vehicle crossing.

South-East Water Conditions

16. **POTABLE WATER** - The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
17. **SEWER** - The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
18. **GENERAL** - All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.
19. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

General amenity conditions

20. 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.
21. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
22. All piping, 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.

Completion of Works & Easement Removal

23. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
24. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

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25. Once the removal of easement has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

26. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years from the date of permit issue.
 - The plan of removal of an easement is not certified within two (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.
 - The plan of removal of an easement is not registered within five (5) years of the date of certification.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: The Side Entry Storm Water pit near the vehicle crossing must be constructed to the satisfaction of Council's Roads and Drains Department.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011).

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

Note: As part of Kingston's Social and Affordable Housing Strategy July 2020 Council encourages a permit holder and/or owner to voluntarily commit to the Homes for Homes Limited program (ACN 143 151 544, ABN 26 143 151 544)


Note: The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

AGREEMENT OPTIONS

The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

Appendices

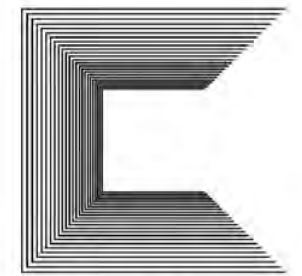
Appendix 1 - KP-2021/613 - 33 Kubis Avenue, Aspendale - CONSIDERED PLAN (Ref 22/208664) 

Author/s:	Girija Shrestha, Senior Statutory Planner
Reviewed and Approved By:	Amy Lin, Team Leader Statutory Planning Jaclyn Murdoch, Manager City Development

4.3

KP-2021/613 - 33 KUBIS AVENUE, ASPENDALE

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BUILDING DESIGN



TP - Sheet List	
Sheet Number	Sheet Name
TP 1	Neighbourhood & Site Description
TP 2	Design Response
TP 3	Roof Plan
TP 4	Proposed Ground Floor Plan
TP 5	Proposed First Floor
TP 6	Proposed Elevations
TP 7	Proposed Elevations 2
TP 8	Streetscape
TP 9	Shadow Diagrams
TP 10	Shadow Diagrams
TP 12	Sections
TP Appendix 1	Garden Area Plan
TP Appendix 2	Permeability
TP Appendix 3	Open Space Plan
TP LP 1	Landscape Plan

CROWHURST BUILDING DESIGN

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Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

Sept 2022 746 L

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REVISIONS:

L	08.08.2022	Client Approved Plans
K	16.08.2022	Client Approved Certification
J	02.09.2022	Site Coverage / Sewing 1 and 4 Adjustments
I	02.02.2023	Site Coverage Adjustments
H	04.02.2023	Transparency added to Front Fence
G	28.01.2023	Sealing 1, 2 and 4 Adjustments
F	07.01.2023	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	12.11.2021	Site Requirements
B	15.11.2021	Site Requirements
A	01.08.2021	Site Requirements



CROWHURST BUILDING DESIGN

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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

CLIENT: **Brodie Family**

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

DRAWN BY: Dale Crowhurst

SCALE: 1 : 200

SHEET No: TP 1

PROJECT No: 746

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REVISIONS:

L	04.08.2022	Overall Amended Plans
K	16.08.2022	Overall Amended Certification
J	02.09.2022	Site Coverage / Dwelling 1 and 4 Adjustments
I	04.02.2023	Site Coverage Adjustments
H	04.02.2023	Transparency added to Front Fence
G	29.01.2023	Dwelling 1, Unit 4 Adjustments
F	07.01.2023	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	SEA Inclusions
C	10.11.2021	Storm Adjustments
B	10.11.2021	Storm Adjustments
A	01.08.2021	Site Requirements

SITE AREAS

Site:	841.80m ²		
Site Coverage:	420.86 m ² -	49.99%	
Permeability:	39.89%		
Garden Area:	41.12%		
Site:	D1 326.78m ²	D2 246.24m ²	D3 268.78m ²
Ground Floor:	120.82m ²	105.90m ²	109.96m ²
First Floor:	94.36m ²	99.57m ²	107.02m ²
Garage:	27.38m ²	23.47m ²	23.20m ²
Total Internal Dwelling Area:	242.66m²	228.94m²	240.18m²
Porch:	3.95m ²	0.74m ²	0.91m ²
Decking:	13.71m ²	14.52m ²	15.96m ²
Storage:	2.2m ² (in Garage)	2.2m ²	2.2m ²
SPDS:	REFER TO SHEET APPENDIX 3 FOR POS CALCULATIONS		



CROWHURST BUILDING DESIGN

A 28 Advantage Road, Highett 3190
P (03) 9555 1374
F (03) 9555 1509
W www.crowhurstbd.com.au
E dale@crowhurstbd.com.au

PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

DRAWN BY: Dale Crowhurst

SCALE: As indicated

DATE: Sept 2022

SHEET No:

TP 2

PROJECT No:

746

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Design Response

1:200

REVISIONS:

L	16.08.2022	Overall Assembled Plans
K	16.08.2022	Overall Assembled Plans
J	02.08.2022	Site Coverage, Driveway and 4 Adjustments
I	16.02.2022	Site Coverage Adjustments
H	04.02.2022	Transparency added to Front Fence
G	29.01.2022	Driveway Adjustments
F	07.01.2022	Driveway Adjustments
E	01.12.2021	Driveway Adjustments
D	08.11.2021	Driveway Adjustments
C	15.11.2021	Driveway Adjustments
B	15.11.2021	Driveway Adjustments
A	01.08.2021	Driveway Adjustments

SITE AREAS

Site: 841.80m²

Site Coverage: 420.86 m² - 49.99%

Permeability: 39.89%

Garden Area: 41.12%

Site: 01 02 03

Site: 326.78m² 246.24m² 268.78m²

Ground Floor: 120.82m² 105.90m² 109.96m²

First Floor: 94.36m² 99.57m² 107.02m²

Garage: 27.38m² 23.47m² 23.20m²

Total Internal Dwelling Area: 242.66m² 228.94m² 240.18m²

Porch: 3.95m² 0.74m² 0.91m²

Decking: 13.71m² 14.52m² 15.96m²

Storage: 2.2m² (in Garage) 2.2m² 2.2m²

SPDS: REFER TO SHEET APPENDIX 3 FOR POS CALCULATIONS



CROWHURST BUILDING DESIGN

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E dale@crowhurstbd.com.au

PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

CHECKED BY: Dale Crowhurst

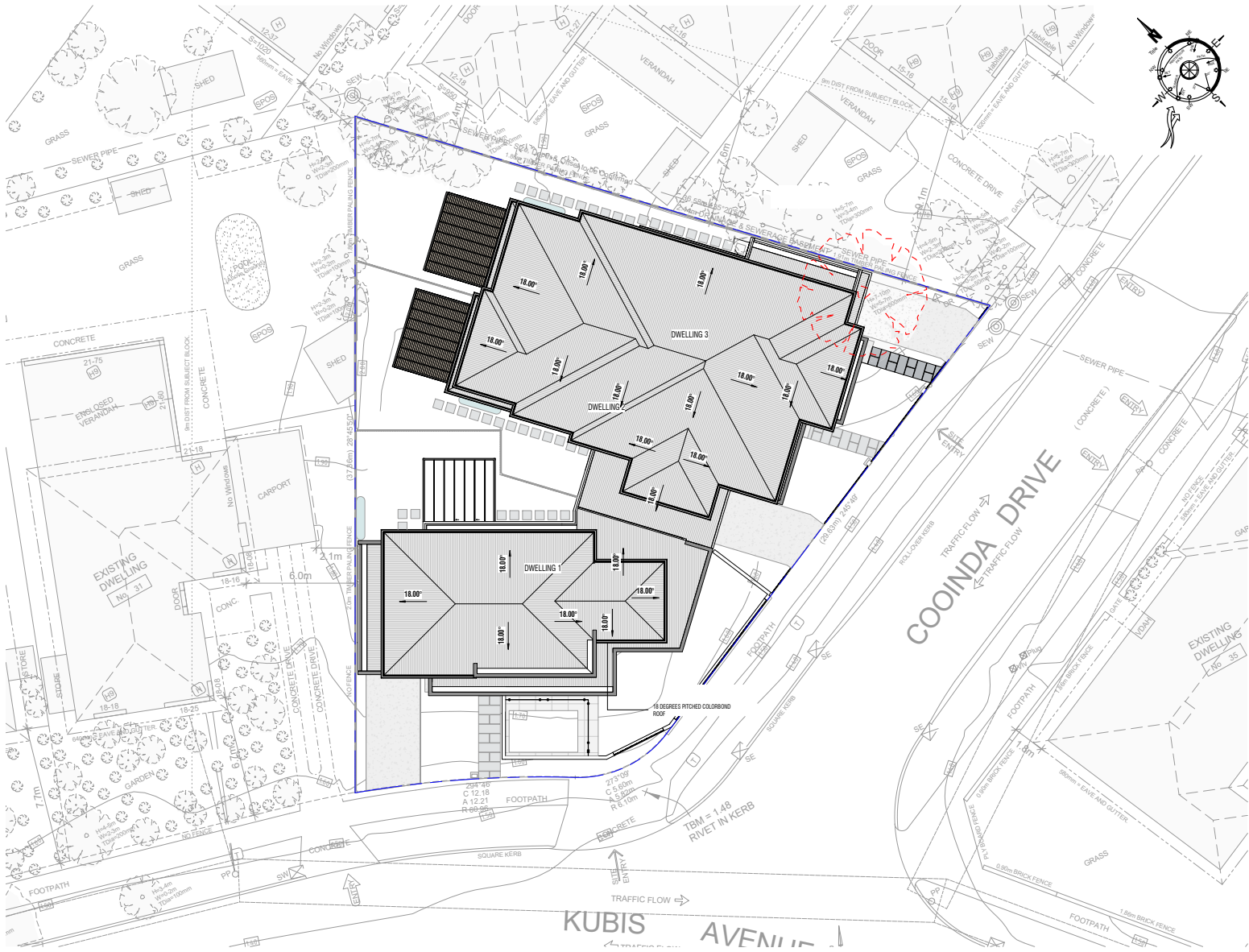
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SHEET No: TP 3

PROJECT No: 746

DATE: Sept 2022

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Site Development Plan - Roof Plan

1:100

REVISIONS:

1	18.08.2021	Overall Assembled Plans
2	18.08.2021	Overall Assembled Plans
3	18.08.2021	Site Coverage, Driveway and 4 Adjustments
4	18.08.2021	Site Coverage, Driveway and 4 Adjustments
5	18.08.2021	Transposition added to Front From
6	18.08.2021	Site Requirements
7	18.08.2021	Site Requirements
8	18.08.2021	Site Requirements
9	18.08.2021	Site Requirements
10	18.08.2021	Site Requirements
11	18.08.2021	Site Requirements
12	18.08.2021	Site Requirements
13	18.08.2021	Site Requirements
14	18.08.2021	Site Requirements
15	18.08.2021	Site Requirements
16	18.08.2021	Site Requirements
17	18.08.2021	Site Requirements
18	18.08.2021	Site Requirements
19	18.08.2021	Site Requirements
20	18.08.2021	Site Requirements

SITE AREAS

Site:	841.80m ²
Site Coverage:	420.86 m ² - 49.99%
Permeability:	39.89%
Garden Area:	41.12%

Site:	01	02	03
Ground Floor:	326.78m ²	246.24m ²	268.78m ²
First Floor:	94.36m ²	99.57m ²	107.02m ²
Garage:	27.38m ²	23.47m ²	23.20m ²
Total Internal Dwelling Area:	242.86m ²	228.94m ²	240.18m ²
Porch:	3.95m ²	0.74m ²	0.91m ²
Decking:	13.71m ²	14.52m ²	15.98m ²
Storage:	2.2m ² (in Garage)	2.2m ²	2.2m ²
SPOS:	REFER TO SHEET APPROX 3 FOR POS CALCULATIONS		



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PROJECT:

Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY:

Dale Crowhurst

DRAWN BY:

David Biro

CHECKED BY:

Dale Crowhurst

SCALE:

1 : 100

SHEET No:

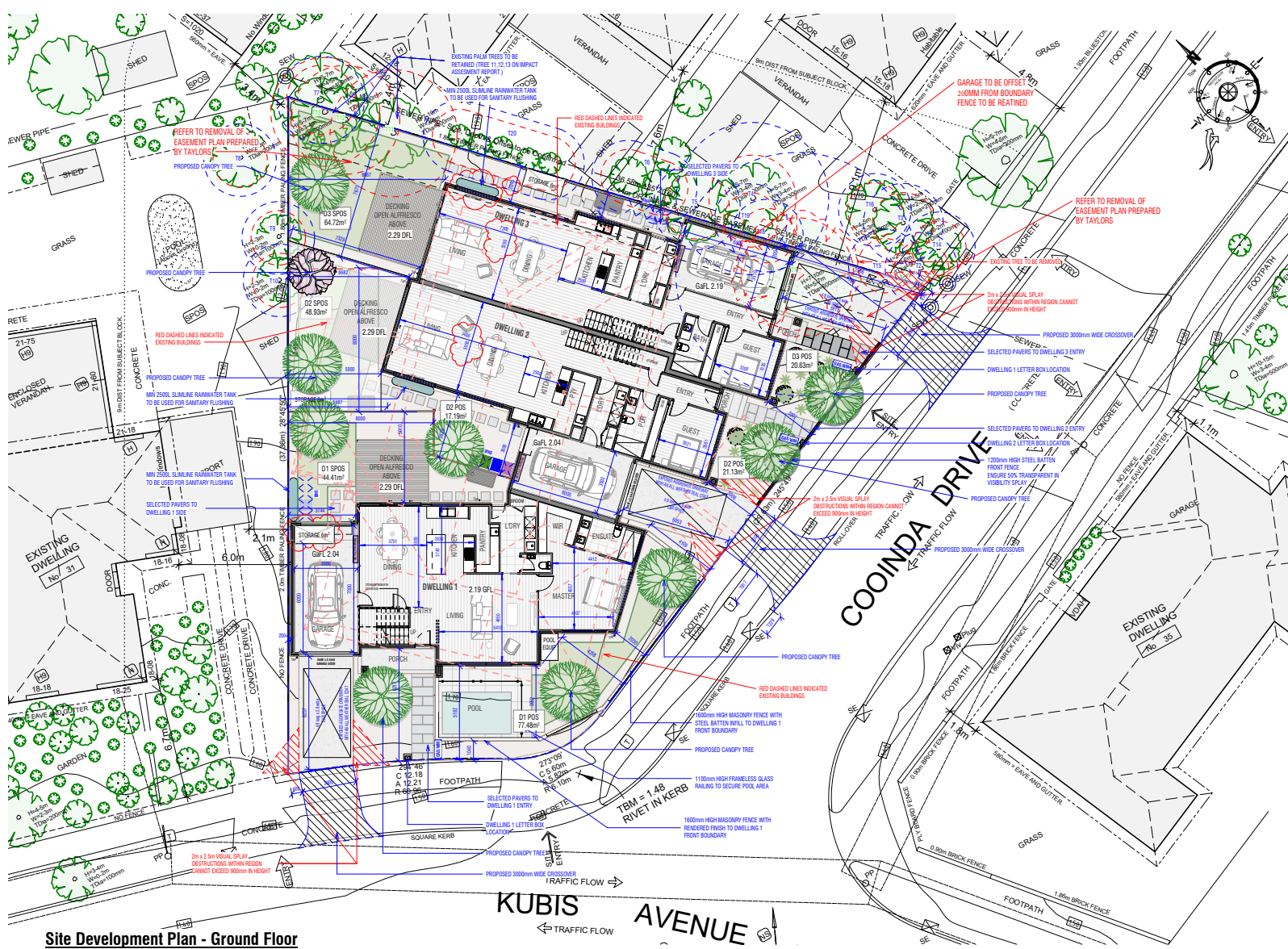
TP 4

PROJECT No:

746

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Site Development Plan - Ground Floor

1 : 100

GFL 32.50	Ground Floor Level	GaFL 32.35	Garage Floor Level	FFL 35.90	First Floor Level	POS 83.15m	Private Open Space	SPOS 59.20m	Secluded Private Open Space	Decking	Paving	Letter Box	Rubbish Bin	General Waste	Garden Top	Recycle	Green	Clothes Line	Rain Water Tank	Levels to AND	Proposed Walls	Proposed Time to be Removed	SR2	TP2	Proposed Canopy tree	Proposed Shrubs and Ground Cover Plants
-----------	--------------------	------------	--------------------	-----------	-------------------	------------	--------------------	-------------	-----------------------------	---------	--------	------------	-------------	---------------	------------	---------	-------	--------------	-----------------	---------------	----------------	-----------------------------	-----	-----	----------------------	---

REVISIONS:

1	16.08.2022	Overall Assembled Plans
2	16.08.2022	Overall Assembled Plans
3	16.08.2022	Overall Assembled Plans
4	16.08.2022	Overall Assembled Plans
5	16.08.2022	Overall Assembled Plans
6	16.08.2022	Overall Assembled Plans
7	16.08.2022	Overall Assembled Plans
8	16.08.2022	Overall Assembled Plans
9	16.08.2022	Overall Assembled Plans
10	16.08.2022	Overall Assembled Plans
11	16.08.2022	Overall Assembled Plans
12	16.08.2022	Overall Assembled Plans
13	16.08.2022	Overall Assembled Plans
14	16.08.2022	Overall Assembled Plans
15	16.08.2022	Overall Assembled Plans
16	16.08.2022	Overall Assembled Plans
17	16.08.2022	Overall Assembled Plans
18	16.08.2022	Overall Assembled Plans
19	16.08.2022	Overall Assembled Plans
20	16.08.2022	Overall Assembled Plans

SITE AREAS

Site:	841.80m ²
Site Coverage:	420.86 m ² - 49.99%
Permeability:	39.89%
Garden Area:	41.12%
Site:	01 326.78m ² 02 246.24m ² 03 268.78m ²
Ground Floor:	120.82m ² 105.90m ² 109.96m ²
First Floor:	94.36m ² 99.57m ² 107.02m ²
Garage:	27.38m ² 23.47m ² 23.20m ²
Total Internal Dwelling Area:	242.66m ² 228.94m ² 240.18m ²
Porch:	3.95m ² 0.74m ² 0.91m ²
Decking:	13.71m ² 14.52m ² 15.96m ²
Storage:	2.2m ² (in Garage) 2.2m ² 2.2m ²
SPDS:	REFER TO SHEET APPENDIX 3 FOR POS CALCULATIONS



CROWHURST BUILDING DESIGN

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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

CLIENT: Brodie Family

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

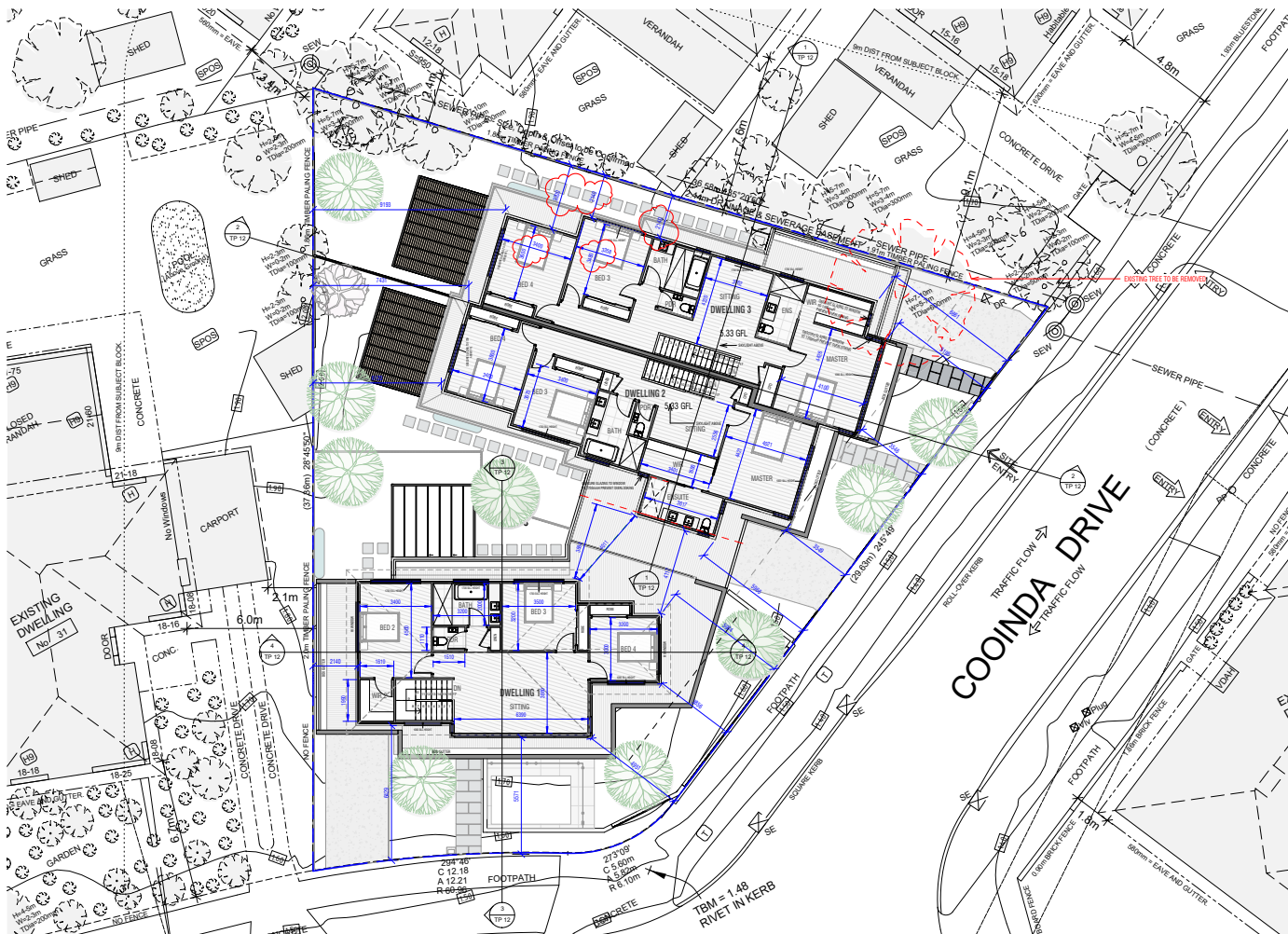
DRAWN BY: Dale Crowhurst

SCALE: 1 : 100

SHEET No: TP 5

746

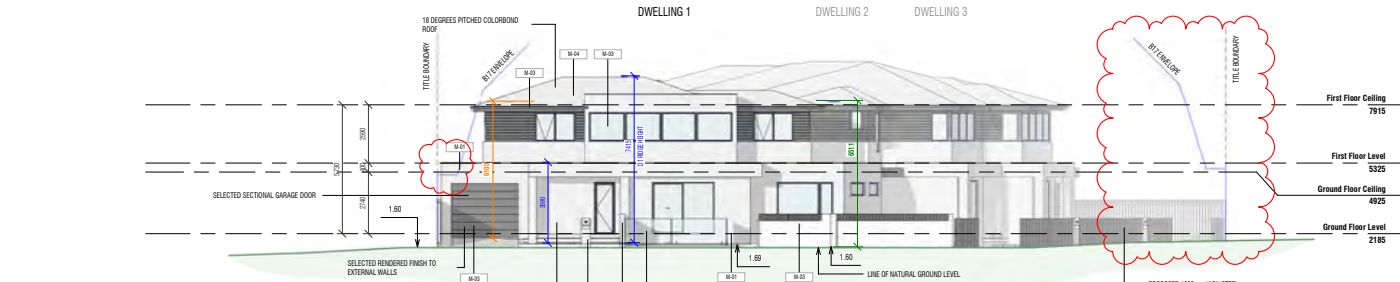
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Site Development Plan - First Floor

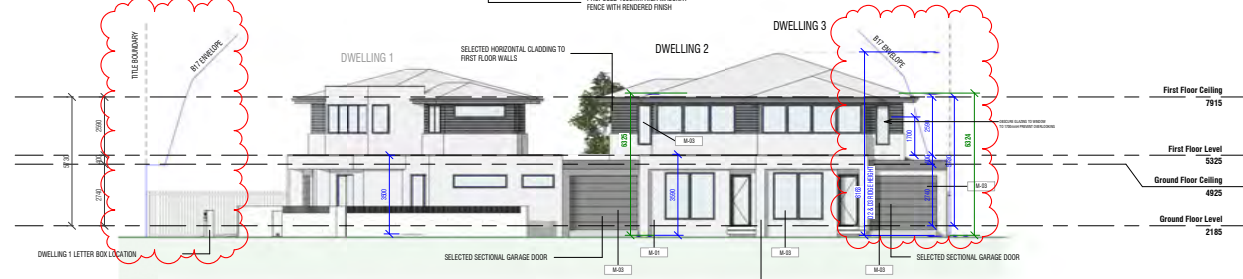
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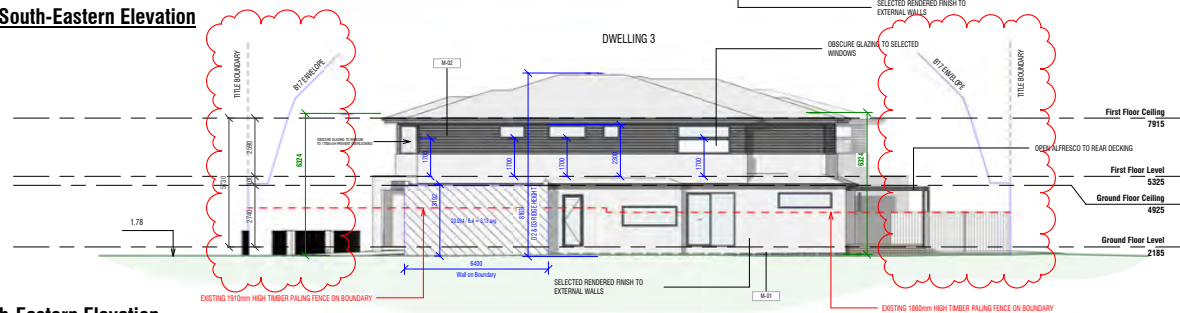
Dwelling 1 - South-Western Elevation

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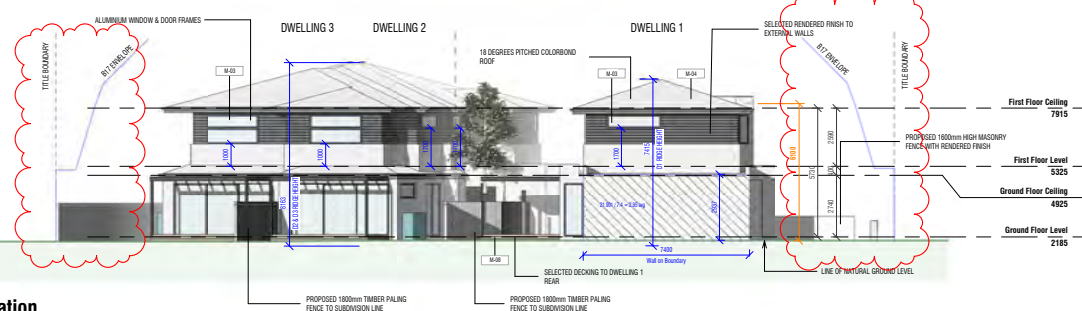
Dwelling 2 & 3 - South-Eastern Elevation

1 : 100



Dwelling 3 - North-Eastern Elevation

1 : 100



Dwelling 1 North-Western Elevation

1 : 100

REVISIONS:

L	16.08.2022	Overall Assembly Plans
K	16.08.2022	Overall Assembly Plans
J	16.08.2022	Site Coverage, Dwelling 1 and 4 Adjustments
I	16.08.2022	Site Coverage Adjustments
H	16.08.2022	Transparency added to Front Fence
G	16.08.2022	Dwelling 1, 3 and 4 Adjustments
F	17.01.2023	Site Requirements
E	17.01.2023	Site Requirements
D	18.11.2021	Site Requirements
C	17.11.2021	Room Adjustments
B	16.11.2021	Room Adjustments
A	16.08.2021	Site Requirements

MATERIALS SCHEDULE

M-01	Rendered Finish Light Tones
M-02	Horizontal Timber Cladding Dark Tones
M-03	Windows, Door Frames, Fascias Dark Tones
M-04	Colorbond Roof Monument or Similar
M-05	Flat Metal Roof Not Visible Strand Spandeck
M-06	Downpipes and Paths Monument Mini Mix LB Mix or Similar
M-07	Decking Spotted Gum or Similar
M-08	Front Fence Matte Black Finish or Similar



CROWHURST BUILDING DESIGN

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E dale@crowhurstbd.com.au

PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

DRAWN BY: Dale Crowhurst

SCALE: 1 : 100

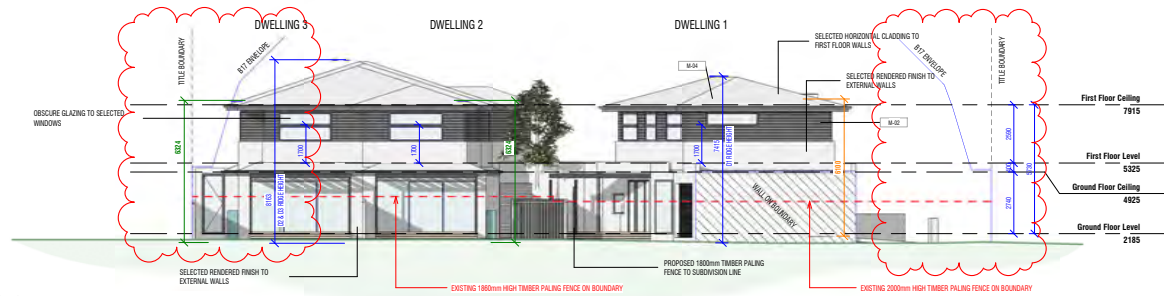
DATE: Sept 2022

SHEET No: TP 6

746

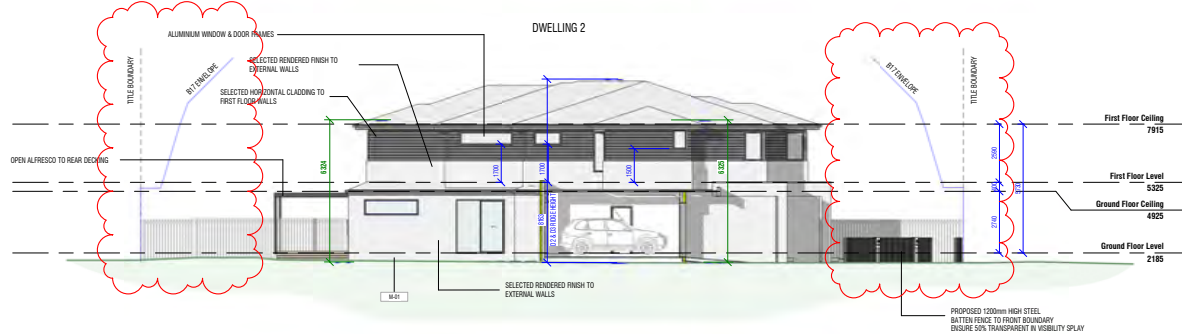
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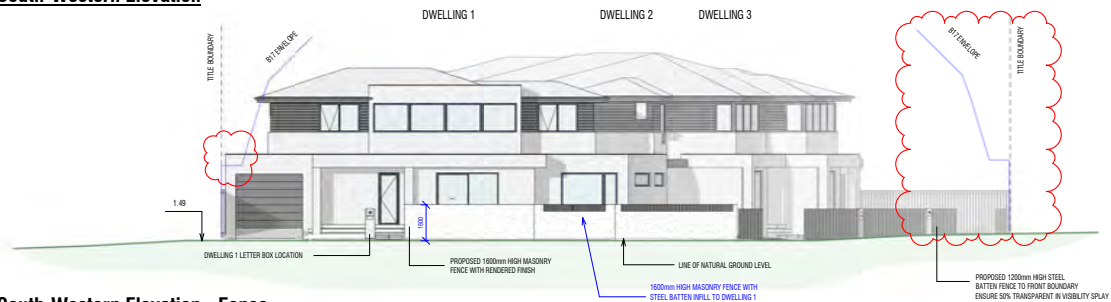
Dwelling 2 & 3 - North-Western Elevation

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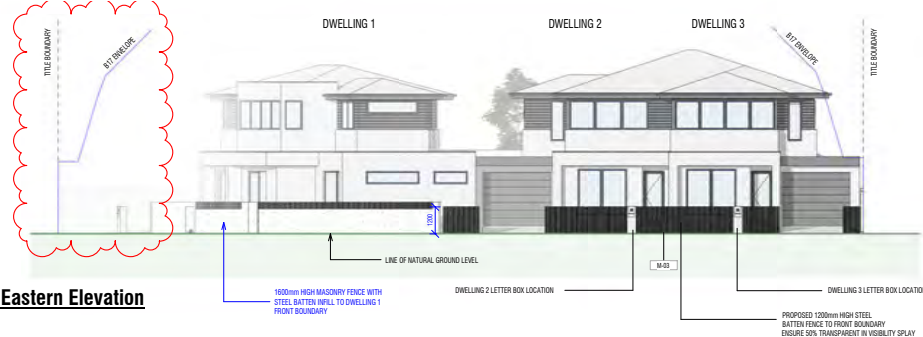
Dwelling 2 - South-Western Elevation

1 : 100



Dwelling 1 - South-Western Elevation - Fence

1 : 100



Dwelling 2 & 3 - South-Eastern Elevation

1 : 100

REVISIONS:

NO.	DATE	DESCRIPTION
1	10.08.2022	Overall Assembly Plans
2	10.08.2022	Overall Assembly Plans
3	10.08.2022	Site Coverage, Dwelling 1 and 4 Adjustments
4	10.08.2022	Site Coverage Adjustments
5	10.08.2022	Transparency added to Front Fence
6	10.08.2022	Dwelling 1, Unit 4 Adjustments
7	17.01.2023	Site Requirements
8	17.01.2023	Site Requirements
9	18.11.2021	Site Requirements
10	17.11.2021	Site Requirements
11	15.11.2021	Room Adjustments
12	15.11.2021	Room Adjustments
13	15.11.2021	Site Requirements

MATERIALS SCHEDULE

M-01	Rendered Finish Light Tones
M-02	Horizontal Timber Cladding Dark Tones
M-03	Window, Door Frames, Fascias Dark Tones
M-04	Coloured Roof Monument or Similar
M-05	Flat Metal Roof Not Visible Strand Spandek
M-06	Driveways and Paths Monument Mini Mix LB Mix or Similar
M-07	Decking Spotted Gum or Similar
M-08	Front Fence Matte Black Finish or Similar



CROWHURST BUILDING DESIGN

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E dale@crowhurstbd.com.au

PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY:

DC

DOCUMENTATION BY:

DB

DRAWN BY:

DC

SCALE:

1 : 100

SHEET No:

TP 7

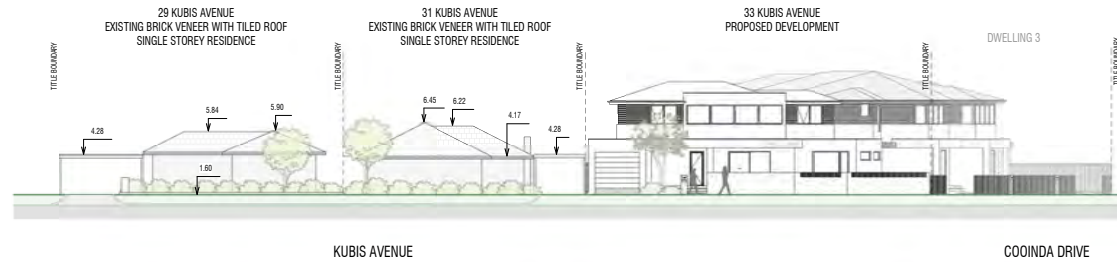
PROJECT No:

746

DATE:
Sept 2022

L

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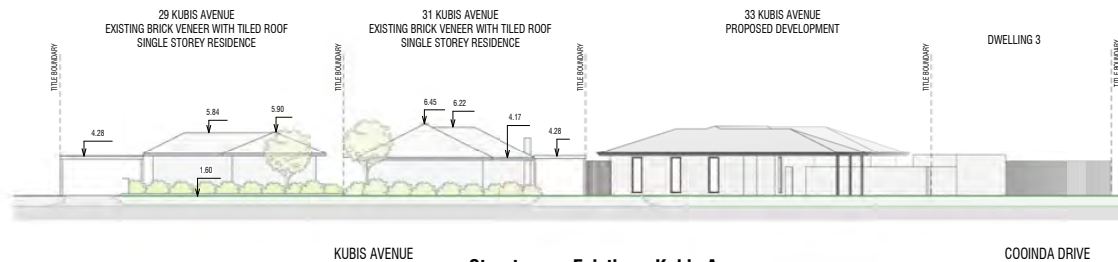
Streetscape Proposed - Kubis Avenue

1 : 150



Streetscape Proposed - Cooinda Drive

1 : 150



Streetscape Existing - Kubis Avenue

1 : 150



Streetscape Existing - Cooinda Drive

1 : 150

REVISIONS:

NO.	DATE	DESCRIPTION
1	08.08.2022	Client Approved Plans
2	18.08.2022	Client Approved Certifications
3	02.09.2022	Site Coverage / Dwelling 1 and 4 Adjustments
4	02.09.2022	Site Coverage Adjustments
5	04.09.2022	Transparency added to Front Fence
6	23.01.2023	Dwelling 1, 3 and 4 Adjustments
7	07.01.2023	Site Requirements
8	01.12.2021	Site Requirements
9	08.11.2021	Site Requirements
10	17.11.2021	Site Requirements
11	15.11.2021	Site Requirements
12	01.08.2021	Site Requirements



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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY:

DC

DOCUMENTATION BY:

DB

CHECKED BY:

DC

SCALE:

1 : 150

SHEET No:

TP 8

PROJECT No:

746

DATE:

Sept 2022

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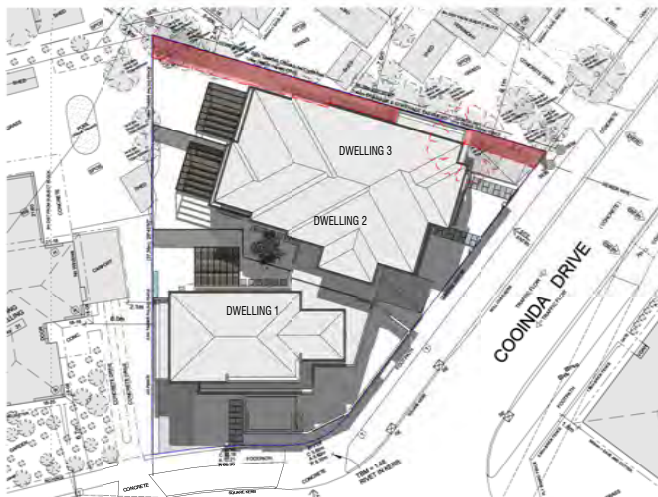
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10am
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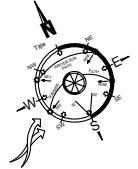
11am
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12pm
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REVISIONS:

NO.	DATE	DESCRIPTION
L	08.08.2022	Overall Assembly Plans
K	16.08.2022	Overall Assembly Certifications
J	02.09.2022	Site Coverage / Dwelling 1 and 4 Adjustments
I	16.02.2023	Site Coverage Adjustments
H	04.02.2023	Transparency added to Front Fence
G	28.01.2023	Dwelling 1, 2 and 4 Adjustments
F	07.01.2023	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	17.11.2021	Site Requirements
B	15.11.2021	Site Requirements
A	01.08.2021	Site Requirements



PROPOSED SHADOWS CAST 22nd SEPTEMBER

**INDICATES SHADOW
CAST BY EXISTING
FENCES & WALLS**



CROWHURST BUILDING DESIGN

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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY: Dale Crowhurst

DOCUMENTATION BY: David Biro

DRAWN BY: Dale Crowhurst

SCALE: 1 : 200

DATE: Sept 2022

SHEET NO:

TP 9

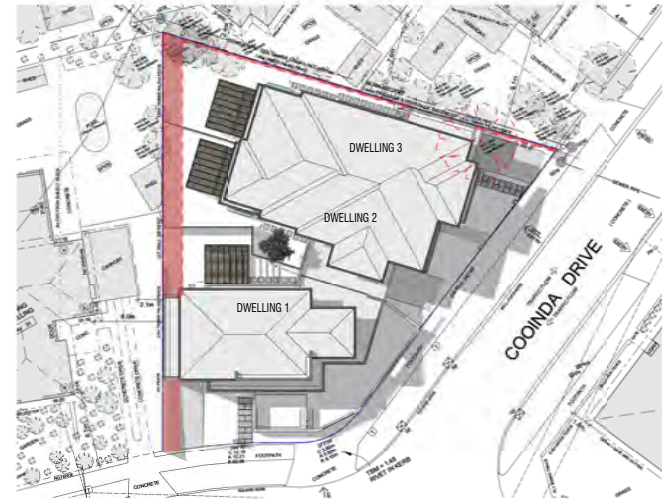
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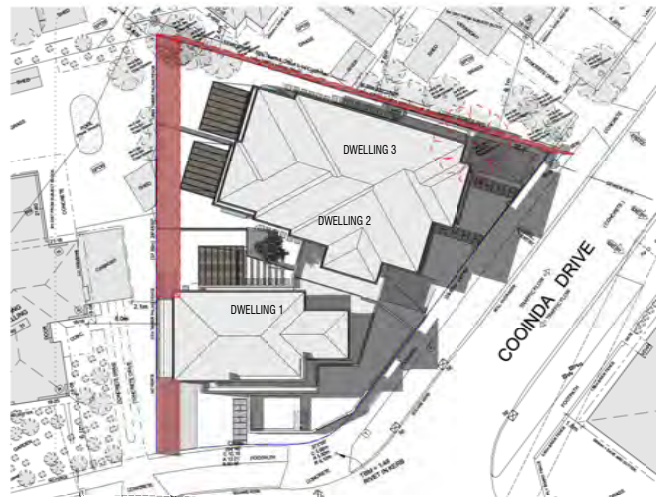
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1pm
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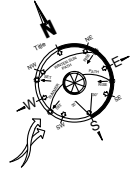
2pm
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3pm
1 : 200

REVISIONS:

L	18.08.2022	David Assembled Plans
K	19.08.2022	Client Amendments Certification
J	02.09.2022	Site Coverage / Dwelling 1 and 4 Adjustments
I	02.09.2022	Site Coverage Adjustments
H	04.09.2022	Transparency added to Front Fence
G	28.01.2022	Dwelling 1, 2 and 4 Adjustments
F	07.01.2022	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	17.11.2021	Site Requirements
B	15.11.2021	Site Requirements
A	01.08.2021	Site Requirements



PROPOSED SHADOWS CAST 22nd SEPTEMBER

**INDICATES SHADOW
CAST BY EXISTING
FENCES & WALLS**



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PROJECT
Proposed Townhouses

33 Kubis Avenue,
Aspendale

CLIENT
Brodie Family

DESIGNED BY
Dale Crowhurst

DOCUMENTATION BY
David Biro

DRAWN BY
Dale Crowhurst

SCALE
1 : 200

DATE
Sept 2022

SHEET No
TP 10

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L

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REVISIONS:

L	06.08.2022	Overall Assembled Plans
K	16.06.2022	Overall Assembled Certification
J	02.06.2022	Site Coverage / Driveway 1 and 4 Adjustments
I	06.02.2022	Site Coverage Adjustments
H	04.02.2022	Transparency added to Front Fence
G	29.01.2022	Driveway 1, Unit 4 Adjustments
F	07.01.2022	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	12.11.2021	Room Adjustments
B	05.11.2021	Room Adjustments
A	01.08.2021	Site Requirements



CROWHURST BUILDING DESIGN

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PROJECT:
Proposed Townhouses

33 Kubis Avenue,
Aspendale

CLIENT:
Brodie Family

DESIGNED BY:

DC

DOCUMENTATION BY:

DC

DRAWN BY:

DC

SCALE:

1 : 100

SHEET No:

TP 11

PROJECT No:

746

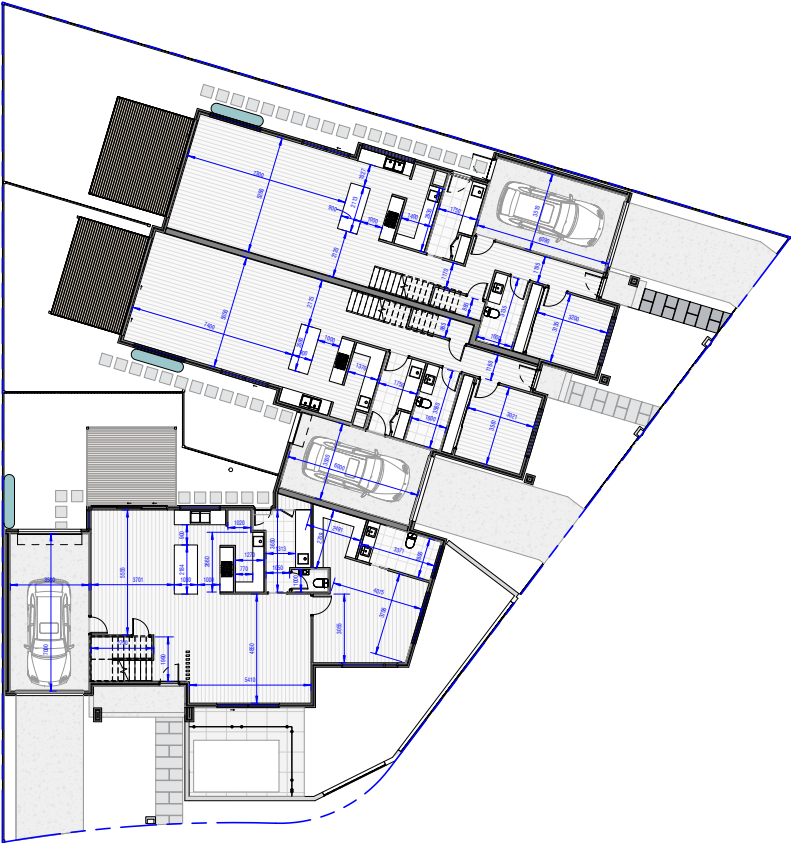
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DATE:
Sept 2022



First Floor - Measurements

1:100

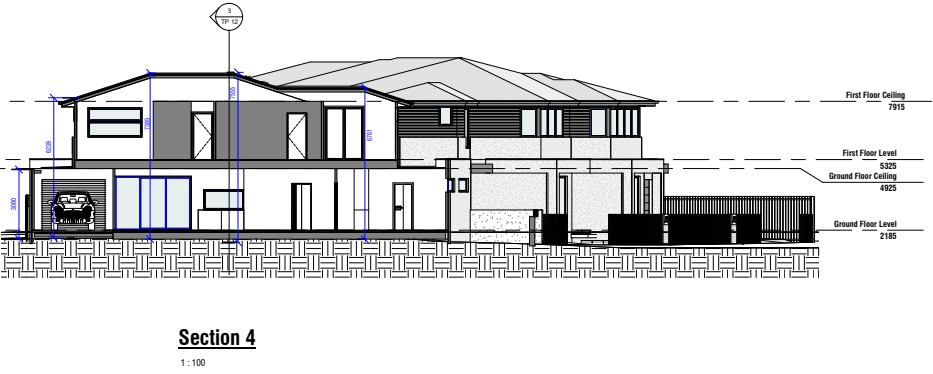
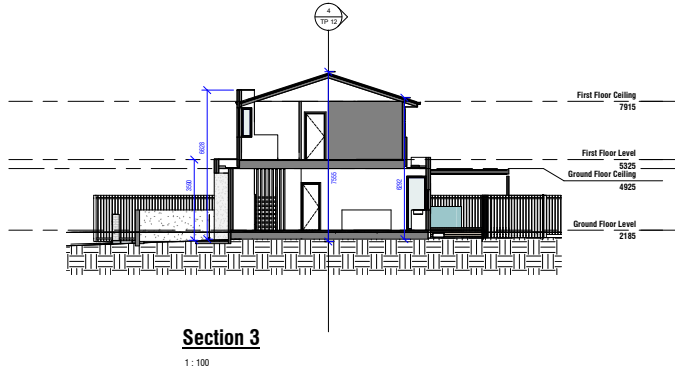
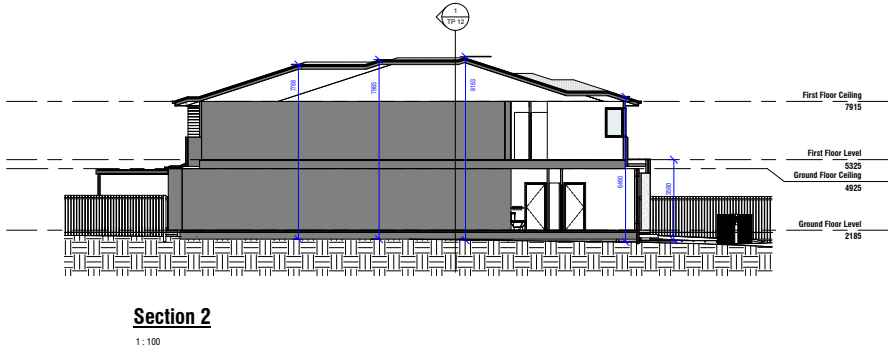
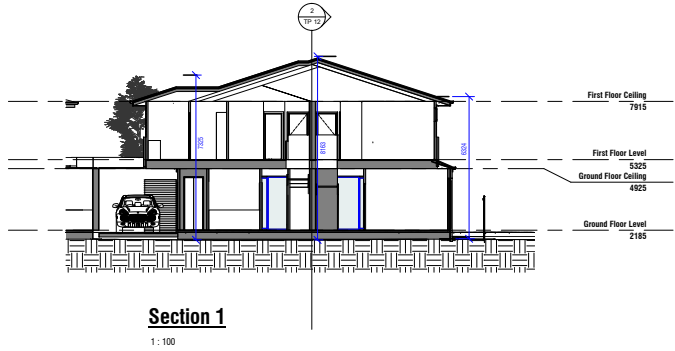


Ground Floor - Measurements

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REVISIONS:

L	08.08.2022	Overall Assembly Plans
K	16.06.2022	Overall Assembly Certification
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I	01.02.2022	Site Swelling Adjustments
H	04.02.2022	Transparency added to Front Facade
G	29.01.2022	Swelling 1, 2 and 4 Adjustments
F	07.01.2022	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	12.11.2021	Site Requirements
B	15.11.2021	Site Requirements
A	01.08.2021	Site Requirements



CROWHURST BUILDING DESIGN

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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY:

DC

DOCUMENTATION BY:

DC

DRAWN BY:

DC

SCALE:

1 : 100

SHEET No:

TP 12

PROJECT No:

746

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PROJECT: Proposed Townhouses

33 Kubis Avenue,
Aspendale

Brodie Family

DESIGNED BY:
Dale Crowhurst

David Biro

Checked by:
Dale Crowhurst

As indicated

SHEET No: **TP Appendix 1**

PROJECT No.:
746

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Garden Area Plan

REVISIONS:

L	08.08.2022	Overall Assembled Plans
K	16.06.2022	Overall Assembled Certification
J	02.06.2022	Site Coverage / Driveway / Lot 4 Adjustments
I	08.02.2022	Site Coverage Adjustments
H	04.02.2022	Transparency added to Front Fence
G	29.01.2022	Driveway 1, Lot 4 Adjustments
F	07.01.2022	Site Requirements
E	01.12.2021	Site Requirements
D	08.11.2021	Site Requirements
C	17.11.2021	Room Adjustments
B	15.11.2021	Room Adjustments
A	01.08.2021	Site Requirements



INDICATES AREA OF PERMEABILITY
335.856m² 39.49%



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PROJECT
Proposed Townhouses

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CLIENT
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DESIGNED BY
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DOCUMENTATION BY
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SCALE
As indicated

DATE
Sept 2022

SHEET No
TP Appendix 2

PROJECT No
746

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Permeability Plan

1:100

PLAN OF REMOVAL OF EASEMENT		EDITION 1			
LOCATION OF LAND PARISH: LYNDHURST TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 136 (PART) & 137 (PART) CROWN PORTION: - TITLE REFERENCE: Vol. 8613 Fol. 314 LAST PLAN REFERENCE: Lot 35 on LP 70210 POSTAL ADDRESS: 33 KUBIS AVENUE (at time of subdivision) ASPENDALE 3195 MGA 2020 CO-ORDINATES: E: 333 670 ZONE: 55 (of approx centre of land in plan) N: 5 790 150			Council Name: Kingston City Council SPEAR Reference Number: S186204T		
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
IDENTIFIER		COUNCIL/BODY/PERSON		PURPOSE OF PLAN To remove that part of easement E-1 created on LP70210 in so far as it lies within Lot 35 (LP70210) herein. GROUND'S FOR REMOVAL: By directive in Planning Permit No. KP-2021/613 This plan is not based on survey. DEPTH LIMITATION: Does Not Apply	
Nil		Nil			
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	Drainage & Sewerage	2.44	LP70210	Lots on LP70210	
TAYLORS Urban Development Built Environments Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800 Web: taylorstds.com.au		SCALE 1:400 	Digitally signed by: Wesley Adam Roberts, Licensed Surveyor, Surveyor's Plan Version (2), 03/12/2021, SPEAR Ref: S186204T		
		ORIGINAL SHEET SIZE: A3	Ref. 22598-ER Ver. 2	SHEET 1 of 1	

Planning Committee Meeting

23 November 2022

Agenda Item No: 4.4

KP-2022/587 - 26-30 PIETRO ROAD, HEATHERTON

Contact Officer: Tim Yildirim, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2022/587 - 26-30 Pietro Road, Heatherton.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a planning permit for the use and development of the land for one (1) double storey dwelling, at 26-30 Pietro Road, Heatherton, subject to the conditions contained within this report.

This application requires a decision by the Planning Committee, due to the following reason:

- The subject site is located in the Green Wedge Zone and the cost of the development exceeds \$20,000.

EXECUTIVE SUMMARY			
Address	26-30 Pietro Road, Heatherton VIC 3202		
Legal Description	Lot 2 on PS PS504365Y		
Applicant	Arb Design		
Planning Officer	Tim Yildirim		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 35.04 – Green Wedge Zone (Schedule 2)		
Overlays	Clause 43.02 – Design and Development Overlay (Schedule 5)		
Particular Provisions	Clause 52.06 – Car Parking Clause 51.02 – Metropolitan Green Wedge Land		
Permit Trigger/s	Clause 35.04-1 – The use of the land for a dwelling (Section 2 use). Clause 35.04-5 – To construct or carry out buildings or works associated with a dwelling.		
APPLICATION / PROCESS			
Proposal	The use and development of the land for one (1) double storey dwelling.		
Reference No.	KP-2022/587	RFI Received	15 September 2022
App. Received	1 September 2022	App. Amended	NA
S.52 Advertising	Commenced: 19 September 2022	Advertising Completed	6 October 2022
S.55 Referrals	None		
Internal Referrals	Vegetation management officer		
Objection(s)	Nil (TRIM checked on 11 November 2022)		
LEGISLATIVE			
Covenant/Other Restriction	Yes	Complies: Yes	
Aboriginal Cultural Sensitivity Area	Yes	CHMP	Exempt
Considered Plans	Arb Design; Project No. 22-059, Revision 2, dated 14 September 2022, submitted to Council on 15 September 2022.		

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit KP-2004/851 was issued by Kingston City Council on 14 February 2005 for the construction of buildings and works and to use the land for a dwelling.
- 1.2 The owner acted on the permit, with the dwelling having been partially constructed. Prior to completion of the dwelling, the permit had expired. More specifically, Section A of the ground floor plan and upper level plan were constructed and completed, however Section B and C were not acted upon and the permit ultimately expired as the development was never completed. Please refer to the endorsed plans under that planning permit included as an attachment in the Appendix of this report.

2.0 SITE PARTICULARS

- 2.1 The photograph below illustrates the subject site from a streetscape perspective.



Source: Google Street View.

Built Form	A double storey, brick and render over blue-board dwelling, with associated shed, currently occupy the land. The existing dwelling is set back approximately 52 metres from the front property boundary.
Size (m2)	5,440.49m ²
Topography	The land has a slight slope of 1.5 metres that falls from west (front) to the rear (east).
Fencing	A 1.8 metre high brick pillar front fence, with feature infill, is constructed along the Pietro Road frontage.
Vegetation	There are several established trees on site, located towards the north (side) and west (front) property boundaries. The proposed extension to the existing dwelling is not within proximity to any trees on site and no impact will result from the proposal.
Easement(s)	A 2.44 metre wide E-1 easement is located along the site's east (rear) property boundary.

Footpath Assets / Access	One (1) existing crossover located centrally on the Pietro Road frontage.
Covenant(s) / Restrictions	There is a restrictive covenant listed on the Certificate of Title. The covenant notes that any act, matter or thing which shall cause or result in inundation of the land to do with the easement to the rear is prohibited. The proposed development does not result in a breach of the covenant.

3.0 SURROUNDING LAND

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



Source: NearMap.

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

North	No. 22-24 Pietro Road, used for rural style residential use and development.
East	No. 49-51 Pine Lane, an indoor/under cover plant nursery called Azalea Wholesale Nursery occupies the neighbouring site.
South	No. 32-38 Pietro Road, used for rural style residential use and development. Planning Permit KP-2020/669 was issued by Council on 28 June 2021 for the development of one (1) double storey dwelling, including the demolition of the existing dwelling.
West	Pietro Road, followed by land used for rural style residential use and development.

- 3.3 The surrounding area generally comprises large allotments which are semi-rural in nature and predominantly used for rural style living, with large dwellings, market gardens and other agricultural uses in the broader area.

4.0 PROPOSAL

- 4.1 A summary of the proposal is provided in the table below.

Description	<p>This application for a planning permit seeks approval for the use and development of the land for a dwelling. However, the approval sought for use of the land as a dwelling and the existing double storey dwelling on the land is retrospective as the previous planning permit issued for this site expired as the whole dwelling was never completed.</p> <p>The changes sought to the existing dwelling on the land as part of this application seek to alter and extend the ground floor envelope of the dwelling. More specifically, the ground floor extension includes:</p> <ul style="list-style-type: none"> - Extend the ground floor northern building envelope to construct a pantry. - Extend the ground floor western envelope, adjacent to the kitchen and dining area, to construct a porch with associated deck. - Extend the ground floor southern building envelope to construct: <ul style="list-style-type: none"> a. A master bedroom with ensuite and walk in robe. b. A formal reception area, with entry foyer and powder room. An additional porch with deck is proposed along the southern interface adjacent to the entry foyer. 		
Storeys	Double storey		
Maximum Building Height	The existing dwelling has a maximum height of 9.6 metres, while the proposed ground floor extension has a maximum height of 4.4 metres high ground floor wall, above natural ground level.		
Front Setback	45.07 metres		
Site Coverage	13.74%	Permeability	87.9%
Access	Existing crossover to be utilised.		
Vegetation Removal/Retention	No significant vegetation located on subject site or on neighbouring properties within close proximity of the proposed extension to the existing dwelling.		
Building Materials	Textured concrete block; charcoal corrugated roofing; and timber decking.		

5.0 PLANNING CONTROLS

Zone / Overlay / Particular Provision	Rationale
Clause 35.04 – Green Wedge Zone (Schedule 2)	<p>The purpose of the Green Wedge Zone (GWZ) relevantly includes to:</p> <ul style="list-style-type: none"> • Recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

- To encourage use and development that is consistent with sustainable land management practices.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

Pursuant to the table of uses at Clause 35.04-1 of the Green Wedge Zone (Schedule 2), the use of land for a dwelling is a Section 2 use and, therefore, a planning permit is required to use the land for a dwelling. The dwelling must be the only dwelling on the lot and must meet the requirements of Clause 35.04-2.

Pursuant to Clause 35.04-2 (Use of Land for a Dwelling), a lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the *Environment Protection Regulations* under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Pietro Road offers vehicle access by way of an all-weather sealed road at a width adequate to accommodate emergency vehicles. The existing driveway on-site can also be sealed should future need arise. The existing dwelling on site is connected to the relevant utilities (i.e. sewerage, electricity and water). The application complies with the requirements to use the land for a dwelling.

Pursuant to Clause 35.04-5, a planning permit is required to construct or carry out buildings or works associated with a dwelling in the Green Wedge Zone. An assessment against the relevant decision guidelines at Clause 35.04-6 have been considered for this application and includes the following:

General Issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*

- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

Environmental Issues

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.*
- *The location of onsite effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.*

Design and Siting Issues

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

The use and development of the land for a dwelling and the proposed extension are considered to be generally in accordance with the applicable decision guidelines of Clause 35.04-6. The proposed extension is situated on land which is currently used for the purposes of a dwelling and is appropriate in the context of the subject site and applicable zone directives.

The design response put forth is responsive to the established dwelling character along Pietro Road, whilst also limiting visual bulk and encroachment onto the road; minimising the impact on existing vegetation on the site; and avoiding adverse impacts to adjoining property owners, owing to the generous front, side and rear setbacks offered.

The lack of objections received is also favourable to the application. The application has been assessed against the provisions of the Green Wedge Zone and it is considered that the proposed development is consistent with the purpose of the zone.

There are no requirements applicable to this application contained in Schedule 2 to the Green Wedge Zone.

**City of Kingston
Planning Committee Meeting**

Agenda

23 November 2022

Clause 43.02 – Design and Development Overlay (Schedule 5)	Pursuant to Clause 2.0 in Schedule 5 of the Design and Development Overlay, a planning permit is required to construct a building or construct or carry out works, which exceeds 25 metres in height. The maximum building height of the existing dwelling is 9.6 metres, while the proposed ground floor extension has a height of 4.1 metres above natural ground level. Therefore, a planning permit is not required in respect of this overlay.
Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions	<p>Clause 51.02 seeks to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values. This clause applies to land in metropolitan Melbourne that is outside an urban growth boundary.</p> <p>Pursuant to Clause 51.02-2, a use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.</p> <p>A dwelling is listed in the table to this clause, with a condition opposite that a dwelling must be the only dwelling on the lot. As this dwelling in this application is the only dwelling on the lot, the dwelling in this application is not prohibited and complies with this provision.</p>
Clause 52.06 – Car Parking	Pursuant to Clause 52.06 (Car Parking), a dwelling with three (3) or more bedrooms is required to provide two (2) car parking spaces. The existing dwelling already accommodates a double car garage and, therefore, the requirements of Clause 52.06 are satisfied.

6.0 REFERRALS

6.1 The application was referred to the following internal department for comment:

Department / Area	Comments / Rationale / Recommended Conditions
Vegetation Management Officer	No objection to the proposal, subject to conditions requiring a landscape plan and tree protection measures. Council's vegetation management officer also noted that the forty-six (46) indigenous and six (6) exotic trees from the previously endorsed landscape plan prepared by Zenith Landscape Design (dated March 2005, endorsed 23 March 2005) are not present on site and do not appear to have ever been planted.

7.0 ADVERTISING

7.1 The application was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. No objections to the proposal were received.

8.0 PLANNING CONSULTATION MEETING

8.1 As no objections to this application were received, no planning consultation meeting was required.

9.0 AMENDMENT TO PLANS

9.1 There were no formal amendments made by the permit applicant post the advertising period.

10.0 PLANNING CONSIDERATIONS

Municipal Planning Strategy

- 10.1 **Clause 02.02** (Vision) of the Kingston Planning Scheme outlines the overarching vision for land use across the municipality. In relation to green wedge land, the policy seeks to ensure that green wedge land is effectively managed to achieve sustainable land use outcomes and that the long-term role of Kingston's green wedge is established and progressively implemented.
- 10.2 **Clause 02.03-1** (Settlement) seeks to protect the green wedge from intrusive urban land uses, in a manner that contributes to optimal long-term planning solutions for the south-east green wedge area. **Clause 02.03-2** (Environmental and Landscape Values) encourages further development of the green wedge character, including through native landscape planting to assist in maintaining and enhancing the green wedge as a key feature of the municipality.

Planning Policy Framework

- 10.3 **Clause 11.01-1R** (Green Wedges – Metropolitan Melbourne) seeks to protect the green wedge areas, including surrounding environmental, landscape and scenic values, such as biodiversity assets, from inappropriate development.
- 10.4 **Clause 12.01-1S** (Protection of Biodiversity) seeks to protect areas of biodiversity, including through a network of green spaces. **Clause 12.01-2S** (Native Vegetation Management), seeks to ensure there is no net loss to biodiversity. **Clause 12.01-2L** (Native Vegetation Management – Kingston), actively encourages the use of indigenous plant species in all landscaping across green wedge areas.
- 10.5 **Clause 13.07-1L** (Land Use Compatibility – Kingston) seeks to avoid the encroachment of residential development near established industrial land uses and where within the Moorabbin airport environs.
- 10.6 **Clause 14.01-1S** (Protection of Agricultural Land) seeks to limit new housing development in rural areas by directing housing growth into existing settlements.
- 10.7 **Clause 15.01-1S** (Urban Design) requires development to respond to the rural context in terms of character, cultural identity, natural features and surrounding landscape. **Clause 15.01-2S** (Building Design) encourages development to provide landscaping that responds to its site context.
- 10.8 **Clause 15.03-2S** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 10.9 The subject land is identified in an area of Aboriginal cultural heritage sensitivity. However, pursuant to Regulation 9(1)(b) of the *Aboriginal Heritage Regulations 2018*, the construction of one dwelling on a lot is an exempt activity and therefore the proposal is exempt from the requirements of a cultural heritage management plan.
- 10.10 **Clause 16.01-3S** (Rural Residential Development) seeks to manage development in rural areas to protect agriculture and avoid inappropriate residential development.
- 10.11 **Clause 18.02-7L-02** (Noise Abatement – Moorabbin Airport Environs) applies to all land within the area identified on the map to this clause, including the subject site. Consideration must be given potential aircraft noise, and associated noise attenuation measures in new dwellings and other buildings housing sensitive uses.
- 10.12 This policy does not apply to buildings and works to make modifications to a dwelling that was constructed prior to 22 December 1999. As the existing dwelling was constructed after this date, **Clause 18.02-7L-02** applies to the application.
- 10.13 It is recommended that the following condition relating to noise attenuation be included in any permit issued to ensure the future occupants of the proposed extensions are not impacted by high levels of aircraft noise:

- *The proposed ground floor extension not forming part of the existing dwelling must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.*
- 10.14 The application has been assessed against the aforementioned Planning Policy Framework and it is considered that the use and development of the land for a dwelling, including the proposed extension, are consistent with those relevant within the Kingston Planning Scheme, subject to conditions on any permit issued.
- 10.15 The proposed extension would generally occupy a portion of land which is currently used for the purposes of a dwelling and avoids any impact on the existing vegetation on-site. The proposal is found to avoid negative impacts on the existing landscape qualities or agricultural land, whilst also improving the appearance of the land, and is appropriate in the context of the subject site, surrounds, and planning policy directives.

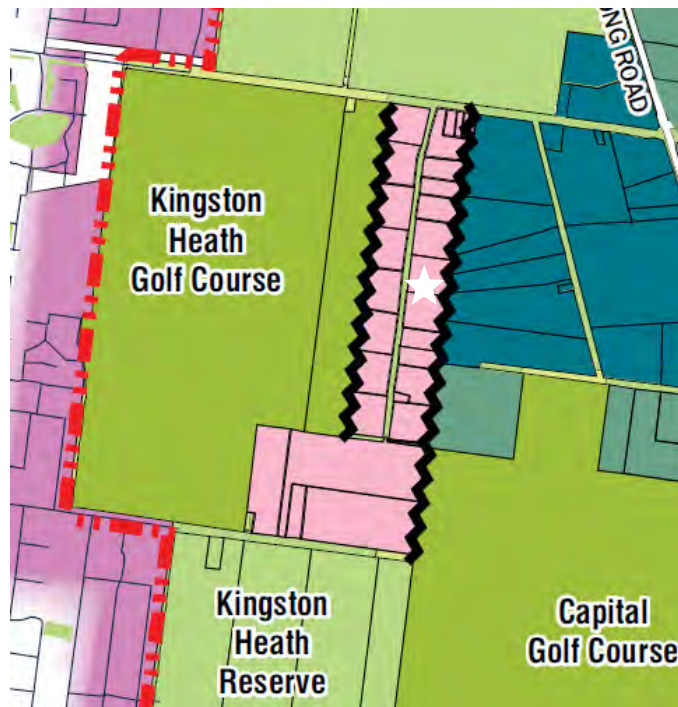
General Provisions

- 10.16 **Clause 65.01** of the Kingston Planning Scheme is relevant to this application and requires consideration to be given to a variety of matters including Planning Scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

11.0 FURTHER CONSIDERATIONS / ANALYSIS

Kingston Green Wedge Plan (2012)

- 11.1 The Kingston Green Wedge Plan (2012) was adopted by Council on 27 August 2014 and identifies the values and features of the green wedge, the preferred land uses, environmental and natural resources that should be protected and the needs of the local community.
- 11.2 Section 4.1 of the Green Wedge Plan identifies residential land uses scattered throughout the green wedge area. The Green Wedge Plan considers the wider benefit of formalising the conditions under which residential development may be appropriate to ensure that the semi-rural spaciousness of larger allotments is achieved. Furthermore, Section 4.3 of the Green Wedge Plan allows for existing residential uses to remain in the Kingston Green Wedge.
- 11.3 The future land use plan at map 5 of the Green Wedge Plan identifies the subject site as low density residential.



- 11.4 The primary intention for land within non-urban areas is to create and sustain open space for habitat, recreation and improved linkages. Whilst this is the future direction for the green wedge, both policy and the Green Wedge Plan acknowledge the existence of residential land uses within the green wedge and allow for the retention of these existing residential uses. Therefore, it is considered that the proposal would not limit the future possibilities of the site and surrounding land.
- 11.5 The building design guidelines at Section 7.5 of the Green Wedge Plan seek to achieve the following within low density residential area of the Kingston green wedge. The relevant design guidelines are listed as follows:
- *Require predominantly single storey height for buildings and structures.*
 - *Minimise building footprints and the presence of outbuildings/storage areas, and ensure total building site coverage does not exceed 20%.*
 - *Set buildings back from front and side boundaries a minimum of 10 metres to allow sufficient space for landscaping and vegetation, and to retain a spacious setting.*
 - *Encourage the removal of environmental weeds and planting of appropriate native / indigenous vegetation where possible.*
 - *Minimise areas of non-permeable surfacing.*
 - *Utilise materials, colours and finishes that best immerse built form within the semi-rural landscape (e.g. timber, render, glazing, stone, brick and iron roofing).*
- 11.6 In relation to this application, the proposed extension to the dwelling is for a ground floor extension only, the proposed site coverage is 13.74%, a minimum 12.81 metre setback is achieved to front and side boundaries, landscape planting will be made a condition of any permit issued, no unnecessary loss of permeable surfaces will occur and selected materials reflect both the existing dwelling on site, as well as the semi-rural residential character along Pietro Road.

- 11.7 On this basis, it is considered that the proposed use and development achieves a reasonable outcome in terms of delivering a low density residential landscape, in accordance with the policy and strategic directives of the Green Wedge Plan.

Expired Planning Permit KP-2004/851

- 11.8 The now expired Planning Permit KP-2004/851 approved the use and development of the land for a double storey dwelling, part of which was constructed. The planning permit included landscape planting requirements associated the development of the land for the double storey dwelling.
- 11.9 Condition 1(a) of that permit required:
- a) *The provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, type, height and number of species to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and including:*
 - i. *All existing trees on the site and close to the boundary on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is to be retained or removed;*
 - ii. *The planting schedule to comprise of a majority of native vegetation with the inclusion of suitable canopy trees.*
- 11.10 A landscape plan was endorsed as part of Planning Permit KP-2004/851. The endorsed landscape plan included fifty-two (52) trees, 292 shrubs, thirty-four (34) ground cover plants and eighty-three (83) tussock plants, to be planted on site. Please refer to the attachment in the Appendix of this report for previously endorsed plans.
- 11.11 There does appear to be some planting having occurred towards the front and north (side) property boundaries. However, the majority of vegetation as shown on the endorsed landscape plan, does not appear to have been planted on site.



Source: Near Maps.

- 11.12 Planning policy and directives relating to vegetation, particularly in non-urban areas, encourage new development (and extensions) to maintain and enhance (but not degrade) the natural landscape environment, particularly through the provision of native landscape planting.
- 11.13 The previously endorsed landscape plan sought to enhance on-site vegetation in association with the construction of a dwelling. However, the planting, as approved, does not appear to have eventuated. In addition, policy encourages the planting of native species in the green

wedge. It is recommended to include a condition on any planning permit issued to require a detailed landscape plan including the provision of indigenous canopy trees.

12.0 CONCLUSION

- 12.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 As outlined above, it has been determined that prior to deciding on this application, all factors pursuant to Section 60(1) of the Act have been considered. Further to this, the proposal does not give rise to any significant social or economic effects.
- 12.3 The proposed development is considered appropriate for the site, subject to conditions, as evidenced by:
- The compatibility of the design and siting with the surrounding area.
 - The mitigation of off-site amenity impacts.
 - A suitable level of compliance with all relevant policies, including the planning policy framework, the Green Wedge Zone and **Clause 51.02** of the Kingston Planning Scheme, and the Kingston Green Wedge Plan (2012).

15.0 RECOMMENDATION

- 15.1 That Council/Planning Committee determine to support the proposal and issue a **planning permit for the use and development of the land for one (1) double storey dwelling** at 26-30 Pietro Road, Heatherton, subject to the following conditions:

Amended Plans

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 an electronic copy must be provided. The plans must be substantially in accordance with the advertised plans prepared by Arb Design; Project No. 22-059, Revision 2, dated 14 September 2022, submitted to Council on 15 September 2022, but modified to show:
 - a. The first floor layout.
 - b. A landscape plan in accordance with the submitted development plans and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including tree protection zones for trees to be retained calculated in accordance with AS4970-2009.
 - iii. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works.
 - iv. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of 100% indigenous species by plant type and total quantities from the following EVC's:
 - EVC 3: Damp Sands Herb-Rich Woodland/Heathy Woodland Mosaic.
 - EVC55: Plain Grassy Woodlands/Swamp Scrub/Plains Grassy Wetland Mosaic.

- v. A staggered row of ten (10) indigenous canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width planted a minimum of 5 metres from the front boundary inside of the property.
- vi. Five (5) indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 6 metres in width to be planted within the property.
- vii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
- viii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- ix. Tree protection fencing including for *Salix sp.* (Willow) and street tree accurately drawn to scale and labelled and include the following notation:

‘Excavation and storing or dumping of materials is prohibited within the tree protection zones of the *Salix sp.* (Willow) and all neighbouring trees in accordance with AS4970-2009 Protection of Trees on Development Sites.’
- c. The location of tree protection measures illustrated to scale and labelled on the ground floor plan.

Endorsed Plans

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Fencing

- 4. Tree protection fencing is to be established around the *Eucalyptus botryoides* (Southern Mahogany) street tree prior to the commencement of the proposed extension and maintained until all works on site are complete and:
 - a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Noise Attenuation

- 5. The proposed ground floor extension not forming part of the existing dwelling must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

General Amenity

- 6. 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.
- 7. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

23 November 2022

8. All piping, 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.

Completion of Works

9. All buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
10. The landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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 permit is required for the removal of such vegetation.

Appendices

Appendix 1 - Considered Plans (Ref 22/286845) 

Appendix 2 - KP-2004/851 endorsed plans (now expired) (Ref 22/286960) 

Author/s: Tim Yildirim, Statutory Planner
Reviewed and Approved By: Nikolas Muhllechner, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

4.4

KP-2022/587 - 26-30 PIETRO ROAD, HEATHERTON

1	Considered Plans	203
2	KP-2004/851 endorsed plans (now expired).....	213

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1 SITE PLAN
A01 1:500



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< DRAWING > SITE PLAN

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< PROJ NO > 22-059

< DRG NO > A01

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SITE ANALYSIS

AREA (AR) 3440.76 m²

SITE COVERAGE

EXISTING BUILDING AREA	586.08 m ²
PROPOSED BUILDING AREA	161.20 m ²
TOTAL BUILDING AREA	747.27 m ²
TOTAL SITE COVERAGE %	13.74%

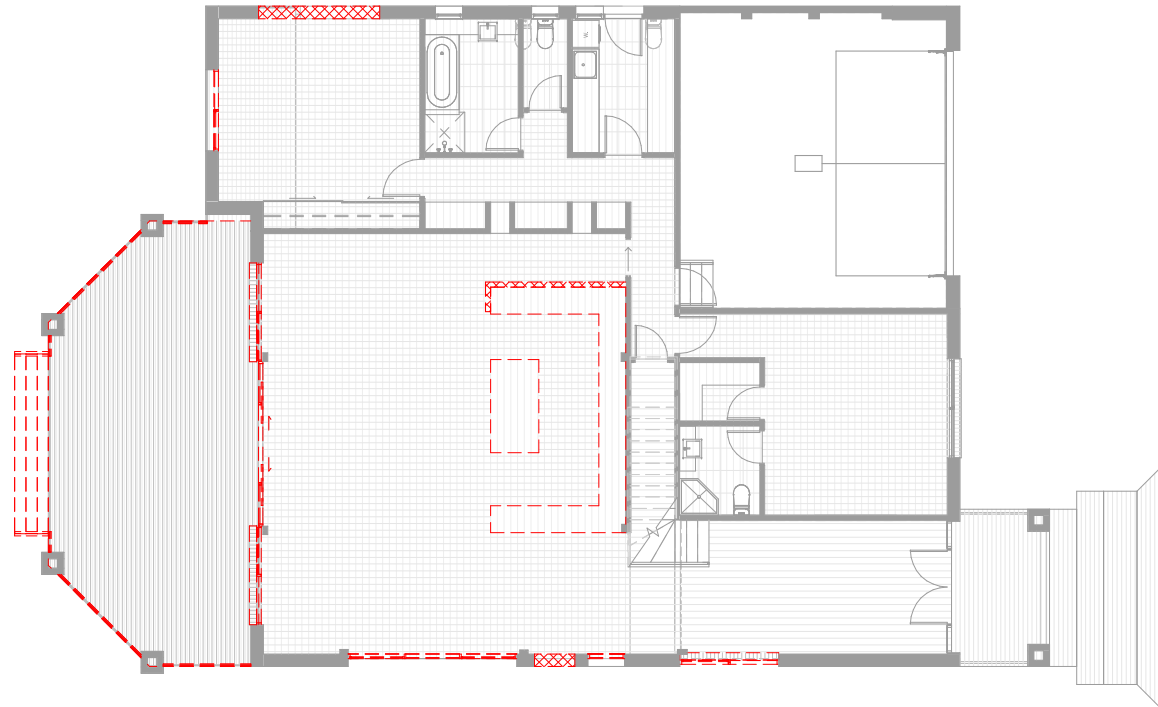
SITE PERMEABILITY

TOTAL BUILDING AREA	747.27 m ²
DRIVEWAYS / PAVING	73.01 m ²
TOTAL SITE PERMEABILITY %	87.9%

GARDEN AREA

GARDEN AREA m ²	3956.29 m ²
GARDEN AREA %	72.7%

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1
A02
GROUND FLOOR DEMOLITION PLAN
1 : 100

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LEGEND
TO BE DEMOLISHED
SHOWN GREY



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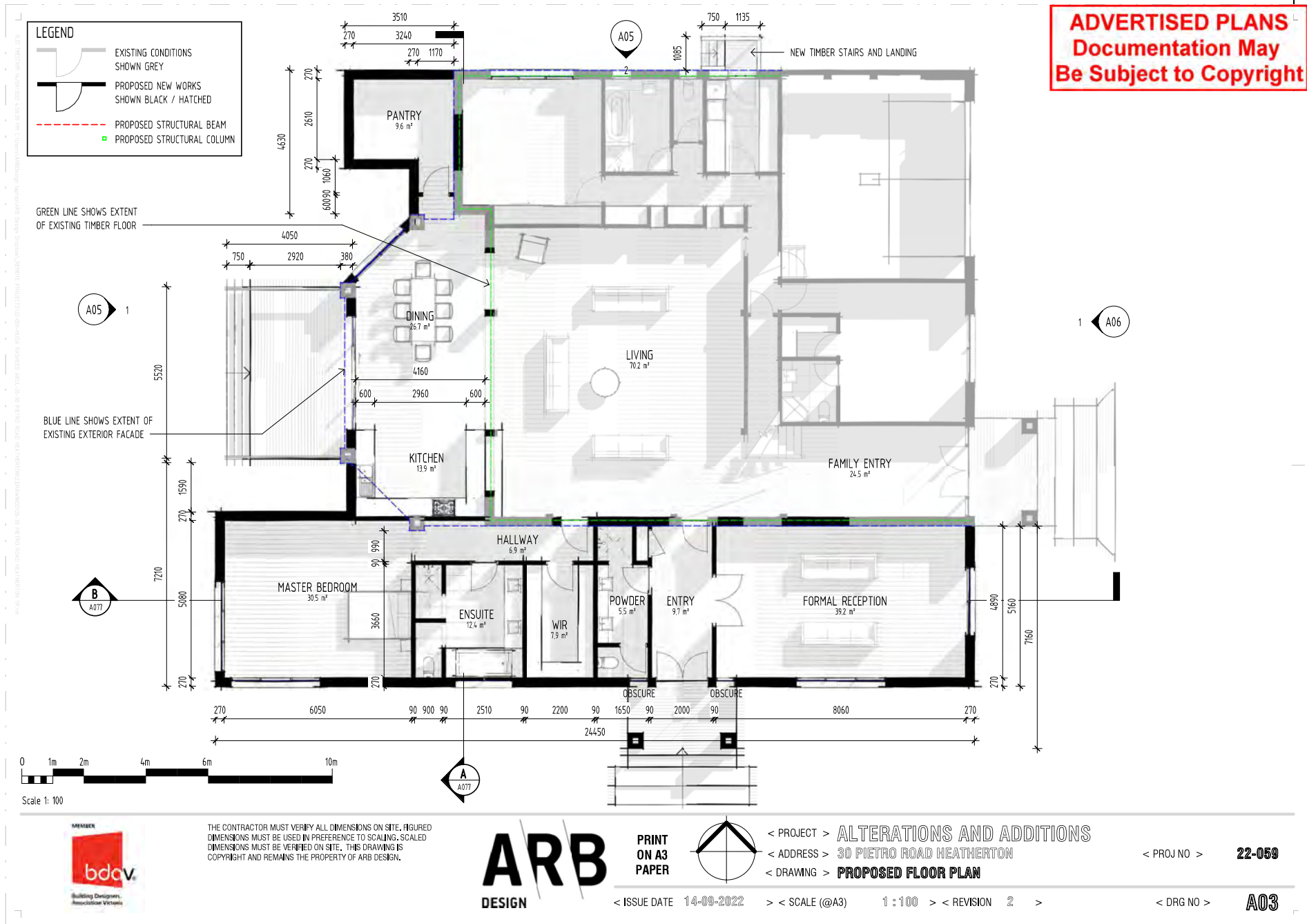


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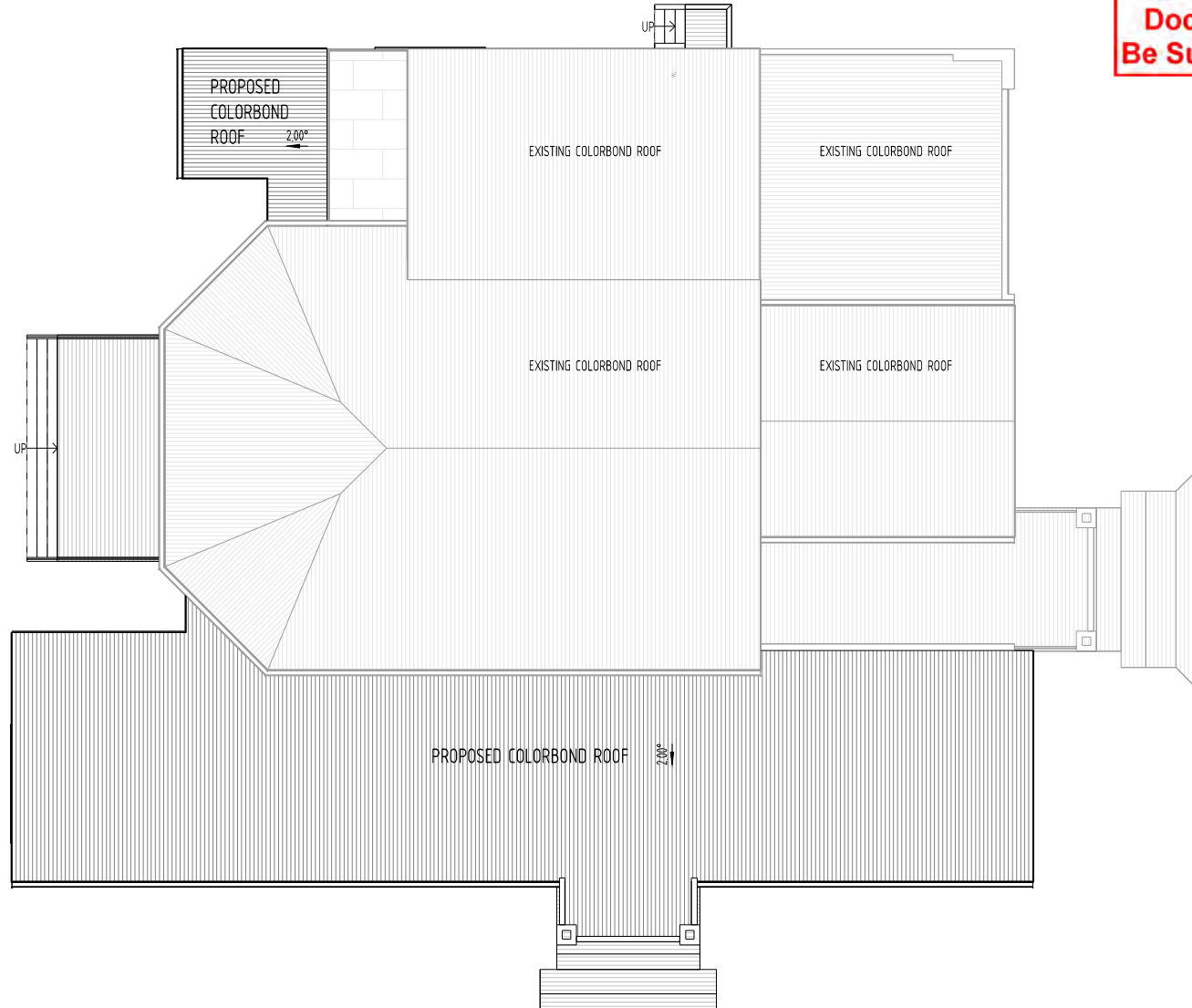
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< DRG NO > A02



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< PROJ NO > **22-059**

< ISSUE DATE **14-09-2022** > < SCALE (@A3) **1:100** > < REVISION **2** >

< DRG NO > **A04**

4.4 KP-2022/587 - 26-30 Pietro Road, Heatherton - Considered Plans

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1 NORTH ELEVATION
A05
1 : 100



2 EAST ELEVATION
A05
1 : 100

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MATERIAL LEGEND		
Code	Description	Image
B1	TEXTURED CONC BLOCK	
G1	CLEAR GLAZING	
R1	CHARCOAL CORRUGATED ROOFING	
T1	TIMBER DECKING	



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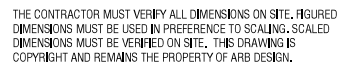


2 WEST ELEVATION
A06 1 : 100

MATERIAL LEGEND		
Code	Description	Image
G1	TEXTURED CONCRETE BLOCK	
G1	CLEAR GLAZING	
R1	CHARCOAL CORRUGATED ROOFING	
T1	TIMBER DECKING	



2 WEST ELEVATION
A06 1 : 100



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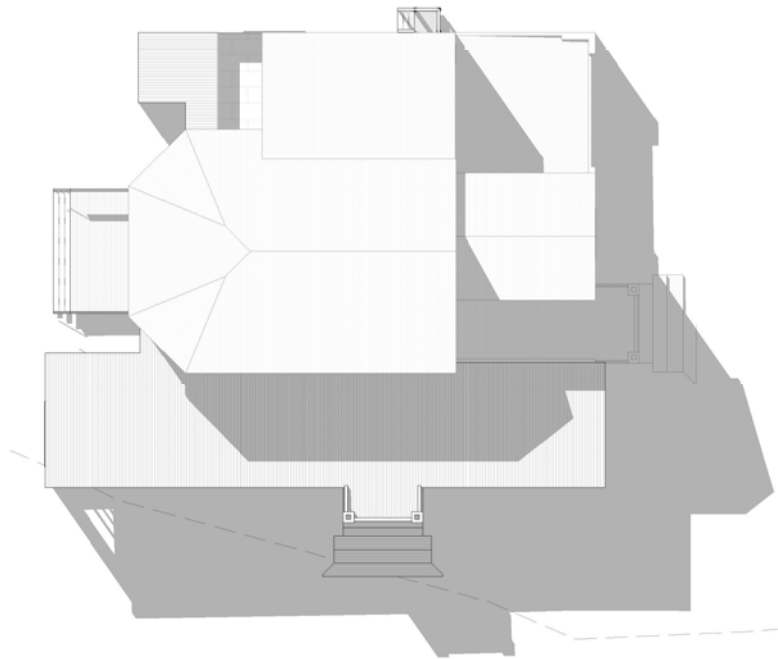
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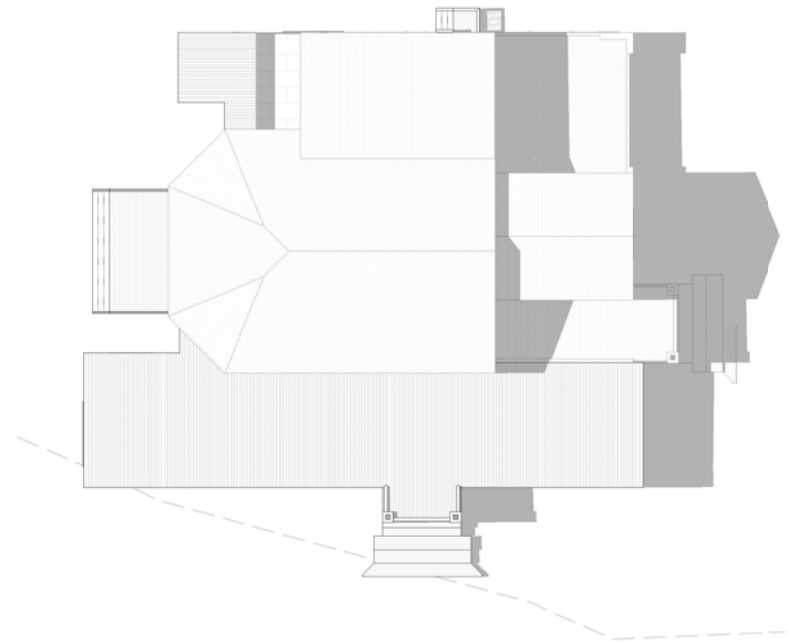
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1 SHADOW DIAGRAM - 9AM
A07 N.T.S



2 SHADOW DIAGRAM - 12 NOON
A07 N.T.S



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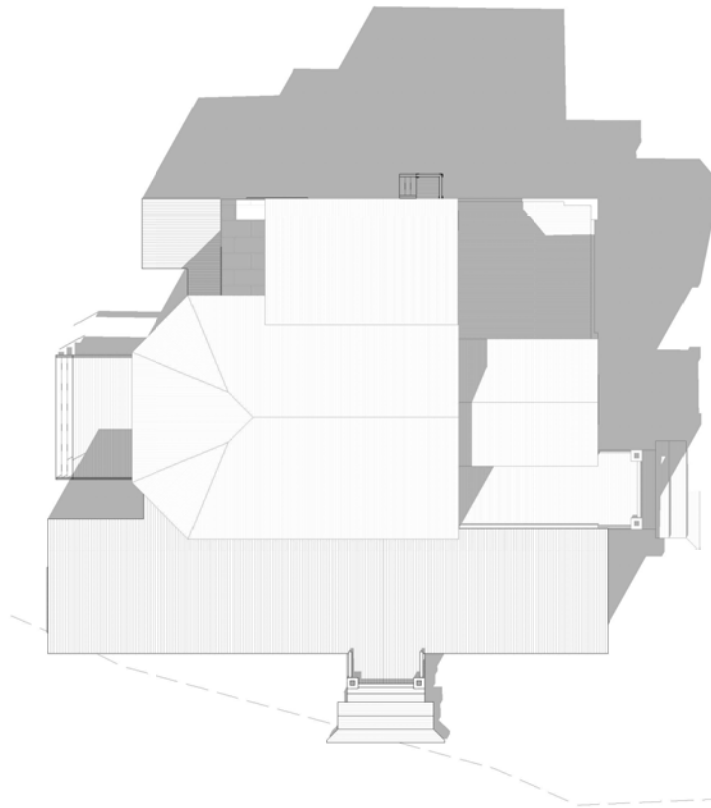
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< DRG NO > A07

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1
A08 SHADOW DIAGRAM - 3 PM
1 : 200



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< DRG NO > **A08**

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1
A09 3D View 1



2
A09 3D View 2



3
A09 3D View 3



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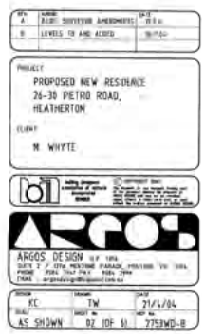
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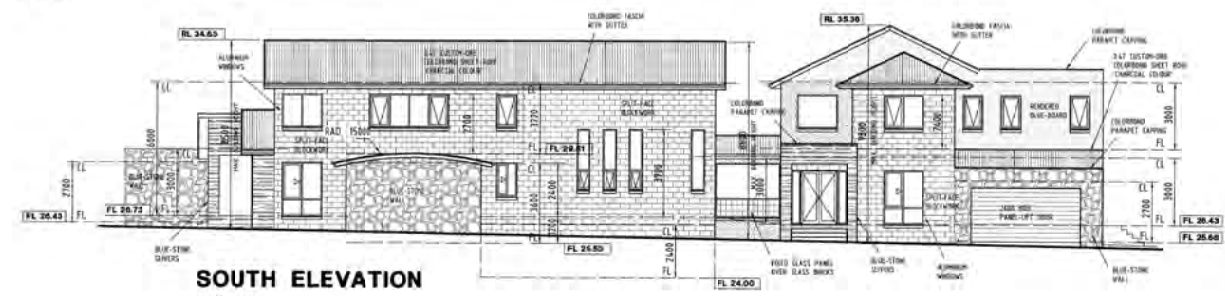




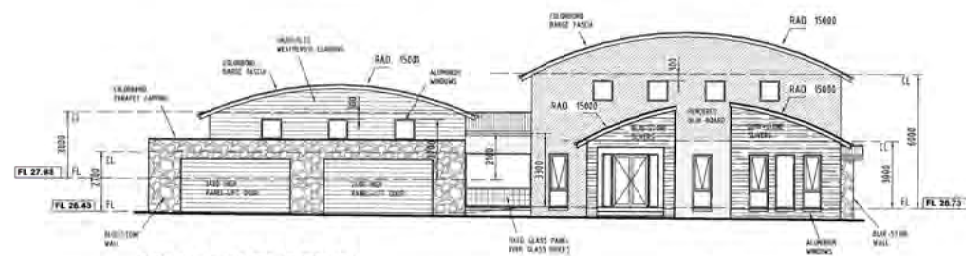




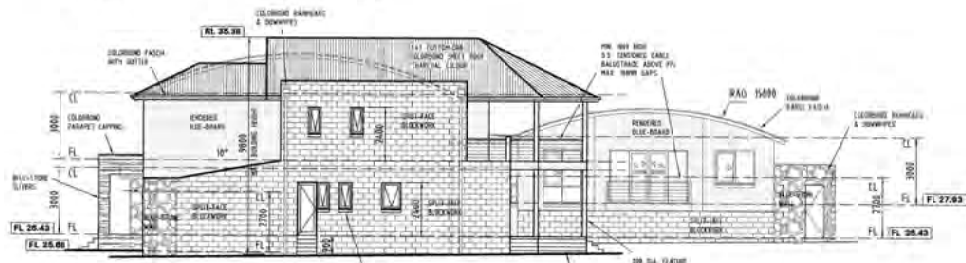
NORTH ELEVATION
SCALE - 1/50



SOUTH ELEVATION
SCALE - 1/50



WEST ELEVATION
SCALE - 1/50



EAST ELEVATION
SCALE - 1/50

APPROVED BY COUNCIL
K.P. 2022/587
28/12/2022
4-6

REV	DATE	DESCRIPTION
A	15/01/2023	SUBMITTER AMENDMENTS TO P.D.
B	15/01/2023	LEAVES TO BE ADDED

PROJECT
PROPOSED NEW RESIDENCE
76-80 PIETRO ROAD,
HEATHERTON

CLIENT
M. WHITE

DESIGNER
ARJOS DESIGN

ARJOS DESIGN
SUITE 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

COLOUR SCHEDULE

ROOFING:

COLORBOND CUSTOM-ORB ROOF - CHARCOAL COLOUR
COLORBOND FASCIA & GUTTERS - CHARCOAL COLOUR
COLORBOND DOWNPIPES - CHARCOAL COLOUR

EXTERNAL WALLS:

RENDERED HARDI-TEX - CREAM COLOUR
SPLIT-FACE BLOCKWORK - SANDSTONE COLOUR
BLUE-STONE WALLS - BLUE/GREY COLOUR
BLUE-STONE SLIVERS - BLUE/GREY COLOUR
HARDI-PLANK WEATHERBOARDS - MAGENTA COLOUR

WINDOWS:

ALUMINIUM WINDOWS - DEEP OCEAN BLUE COLOUR

REV	AMEND	DATE
A	BLDG. SURVEYOR AMENDMENTS	15.9.04
B	LEVELS TO AND ADDED	26.11.04
C	COLOUR SCHEDULE ADDED	18.2.05

PROJECT

PROPOSED NEW RESIDENCE
26-30 PIETRO ROAD,
HEATHERTON

CLIENT

M. WHITE

KINGSTON CITY COUNCIL
PLANNING AND ENVIRONMENT ACT 1987
KINGSTON PLANNING SCHEME

Plan endorsed as part of
Planning Permit No. KP851/04

Date of Endorsement 28/3/2005

Council Delegate

Page 5 of 6

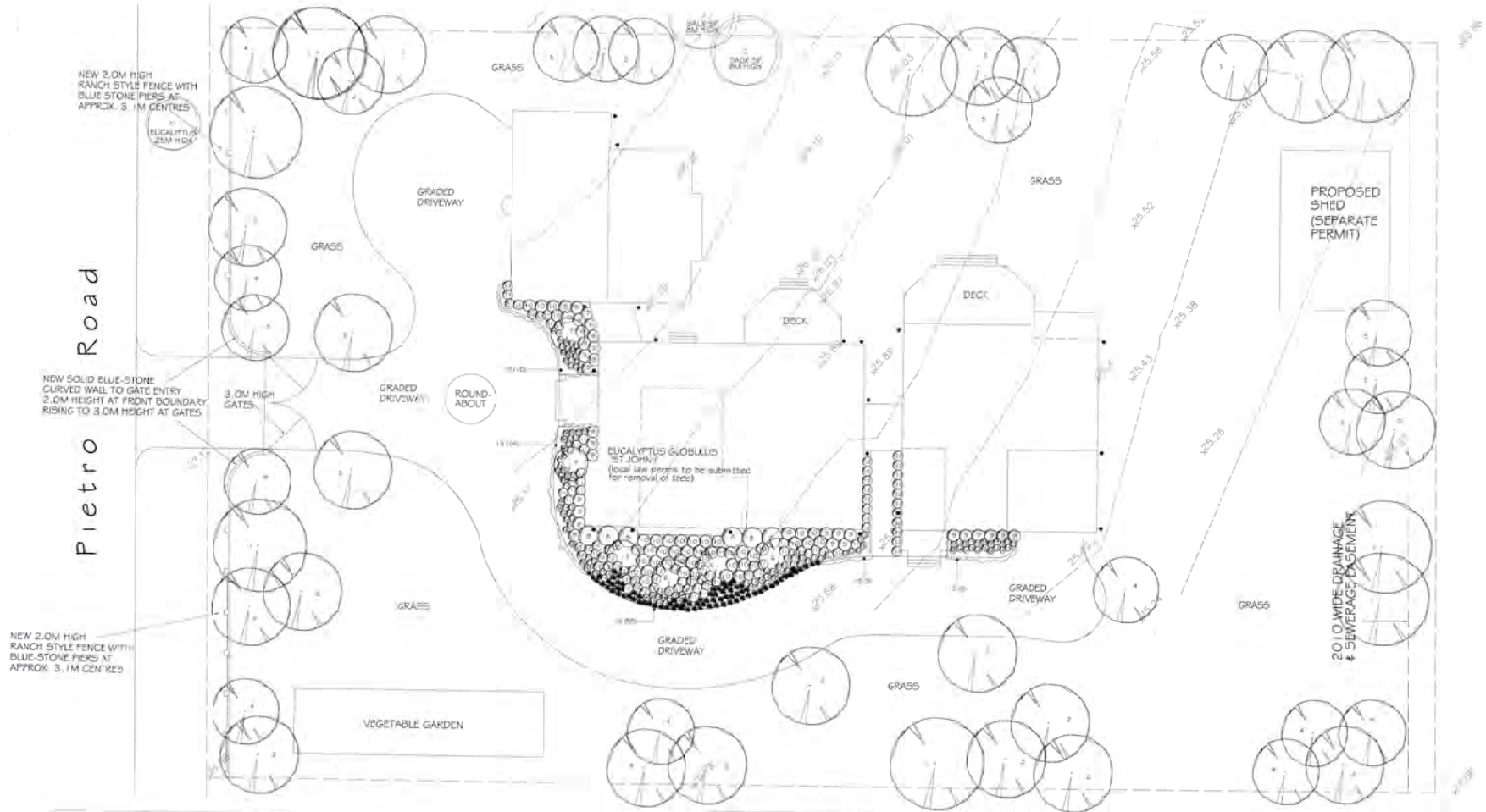
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EMAIL : argosdesign@bigpond.com.au

RECEIVED KC	DRAWN TW	DATE 21/4/04
SCALE AS SHOWN	SHEET No 07	REF No 2753WD-C

BY:.....



Planning Committee Meeting

23 November 2022

Agenda Item No: 4.5

ENDEAVOUR COVE PLANNING SCHEME AMENDMENT C205KING

Contact Officer: Tanya Sokolowski, Principal Strategic Planner
Mathieu Maugueret, Strategic Planner

Purpose of Report

The purpose of this report is to provide the Planning Committee with a summary of the submissions received in relation to Amendment C205king. The report recommends that the Planning Committee request the Minister for Planning appoint a Planning Panel to consider the submissions received and report on Amendment C205king.

Disclosure of Officer / Contractor Conflict of Interest

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

RECOMMENDATION

That the Planning Committee:

1. Receive the submissions lodged during the exhibition period of 1 September – 4 October 2022 (Appendix 1);
2. Request that the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions and report on Amendment C205king.

1. Executive Summary

Planning Scheme Amendment C205king proposes to update the planning controls for the Endeavour Cove precinct in Patterson Lakes. Exhibition of Amendment C205king was undertaken from 1 September to 4 October 2022 and 13 submissions were received.

Submissions were received from and on behalf of landowners and a government agency. A copy of the submissions is provided at Appendix 1.

A range of feedback and issues were raised in submissions including:

- General support for the amendment.
- Support of the proposed heights.
- Support for the proposed car parking rates.
- Concern regarding the proposed car parking rates.
- Concern regarding the proposed building heights and built form.
- Concern regarding the traffic implications and safety.
- Concern regarding the proposed precinct boundaries.
- Concern regarding the proposed mandatory provisions.
- Concern regarding procedural fairness.

Section 22 of the Planning and Environment Act 1987 requires that Council consider all submissions received in respect to an exhibited amendment.

Pursuant to Section 23 of the *Planning and Environment Act* 1987, Council has three options at this stage of the Planning Scheme amendment process:

- (1) After considering a submission which requests a change to the amendment, the planning authority must –
 - (a) change the amendment in the manner requested; or
 - (b) refer the submission to a panel appointed under Part 8; or
 - (c) abandon the amendment or part of the amendment.
- (2) A planning authority may refer to the panel submissions which do not require a change to the amendment.

It is noted that several submissions seek material and substantive changes to the amendment which are not supported and are unable to be resolved. In accordance with the requirements of Section 23 of the *Planning and Environment Act 1987* it is appropriate to now refer all submissions to a Planning Panel to allow residents and landowners an opportunity to have their submissions considered by an independent panel.

Dates have been pre-set for a Planning Panel directions hearing in the week of 6 February and a full hearing in the week of 6 March.

2. Background

Previous resolutions of Council

At the 13 December 2021 Council meeting, it was resolved:

That Council:

1. *Note the attached draft Schedule to the draft Schedule to the Comprehensive Development Zone (Appendix 1), the attached draft Comprehensive Development Plan (Appendix 2) and attached draft Car Parking Assessment (Appendix 3).*
2. *Undertake community consultation as outlined in Section 3.3.3 of this report on the draft documents identified in recommendation 1. and that a further report will be brought back to Council outlining the results of community consultation providing recommendations in relation to a future Planning Scheme Amendment.*

Community consultation was undertaken on the proposed draft planning controls between 17 January 2022 and 14 February 2022. Following the completion of consultation, a report was provided to Council summarising submissions and recommending the Council commence the process to seek interim and permanent planning controls.

At the 23 February 2022 Planning Committee meeting, it was resolved:

That Council:

1. *Note the feedback received through the community consultation process undertaken between 17 January 2022 and 14 February 2022 (Appendix 1).*
2. *Request the Minister for Planning to use his power under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve Amendment C204king to the Kingston Planning Scheme, to apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone (Appendix 2) and replace the existing Comprehensive Development Plan (Appendix 3).*
3. *Concurrently seek authorisation from the Minister for Planning to prepare Amendment C205king to permanently apply an amended Schedule 1 to Clause 37.02 Comprehensive Development Zone and replace the existing Comprehensive Development Plan and that once authorisation is received, prepare and exhibit the amendment.*

On 24 February 2022, Council officers lodged a request to the Minister for Planning for the interim planning control Amendment C204king, and a request for authorisation to commence the permanent planning control Amendment C205king.

The version of the Comprehensive Development Plan (CDP) that was put to Council as part of the draft planning controls to form both Amendment C204king and Amendment C205king contained wording that referred to maximum building heights in a way that inferred they were discretionary heights. An amended version of the CDP was required to be endorsed by Council to correct this error to ensure the intent of proposing mandatory building heights was appropriately expressed. The draft Schedule of the Comprehensive Development Zone was also required to be updated to refer to the amended CDP date (March 2022).

At the 26 April 2022 Council meeting, it was resolved:

That Council:

1. *Note the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2).*
2. *Submit the amended Comprehensive Development Plan (Appendix 1) and amended Schedule 1 of the Comprehensive Development Zone (Appendix 2) to the Minister for Planning as part of Amendment C204 (interim control) and Amendment C205 (permanent control).*

On 27 July 2022 authorisation was granted to commence Planning Scheme Amendment C205king, and exhibition of the amendment was undertaken between 1 September – 4 October.

On 7 September 2022 the Minister for Planning refused Council's request for the Minister to exercise her powers under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve Amendment C204king (interim control).

A detailed chronology of events is tabled at Appendix 2 of this report.

3. Discussion

Amendment C205king was exhibited for community consultation for a period of 4 weeks from 1 September to 4 October 2022.

During the exhibition period 13 submissions were received. Submissions were received from and on behalf of landowners and the Environment Protection Authority.

The majority of these submissions are generally supportive whilst several provide support subject to changes. A copy of the submissions is provided at Appendix 1.

The key issues raised in submissions are discussed below.

3.1 Traffic

A number of submissions have raised traffic as a key issue. Notably, submitters suggested that there is currently limited capacity for Endeavour Cove to accommodate additional traffic flow. Submissions referred to the unsafe ingress and egress arrangement where residents have found it difficult to exit the site in peak hour due to traffic volumes and poor visibility and found it difficult to enter the site without a deceleration lane.

Response:

The Amendment seeks to provide guidance on the future development of Endeavour Cove and delivers greater certainty regarding future built form outcomes. Overall, the Amendment will ensure that the remaining vacant lots will be developed in a manner that will require a consideration of traffic matters where appropriate.

Additionally, the proposed Schedule 1 to the Comprehensive Development Zone (CDZ1), will include a planning permit trigger for buildings and works, noting that this is exempt under the existing CDZ1. The use of a planning permit trigger will ensure that traffic matters can be considered in future planning decisions.

The proposed CDZ1 provides the following traffic related decision guidelines for the use of land and building and works including:

- Use of land - *"The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood."*
- Building and works - *"The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood."*

It is noted that a left turn deceleration lane on McLeod Road was required to be provided as part of the Pier One apartment development. The State Government Department of Transport has advised that the construction of the deceleration lane is not recommended or supported. Council's decision on the planning application to amend this permit condition requirement has been deferred pending the outcome of Amendment C205king.

Amendment C205king was referred to the Department of Transport for comments, no comments have been received.

3.2 Parking

Several submissions have raised parking as an important issue.

Submissions have raised concerns that the area has insufficient parking spaces available to accommodate the demand from existing residents, visitors, and other users of parking such as marina members, Cove Hotel patrons and attendees of the swim school.

A submission suggested that a parking rate of 1.4 car parking spaces should be provided to each 2-bedroom dwellings and that greater visitor car parking should also be provided.

Another submission proposed that the parking requirements were not appropriate and that the default requirements of Clause 52.06 should be adopted.

A submission noted that there is an error in the Stantec Car Parking Assessment in relation to the number of dwellings identified (32) in the Pier 9 development, and that the correct number of dwellings is 65.

Response:

The Car Parking Assessment prepared by Stantec indicates that not all existing development within the Endeavour Cove precinct appears to have been provided with the required rates of onsite parking and in some cases relies on offsite arrangements including within the riverbank car park.

The Schedule to the CDZ specifies that for Precinct 1, a car parking rate of 2 car parking spaces and 1 visitor parking space be provided to each dwelling (the same rate applied in the current CDZ1 for all dwellings).

The Car Parking Assessment notes that the car parking requirements for Precinct 1 which seeks the provision of 2 spaces per dwelling is consistent with the 2016 ABS data, which identifies that within Endeavour Cove, the average car ownership was 1.7 vehicles per dwelling. It is noted that the 2021 Census is being released in stages and now identifies an average car ownership of 1.8 vehicles per dwelling, a slight increase.

Furthermore, the Assessment notes that there is no on-street parking along Pier One Drive. This means that dwellings to be constructed on the remaining vacant lots will be required to provide resident and visitor parking spaces within each lot. It is considered that the current residential visitor parking rates contained within the CDZ1 should therefore continue to be applied to development in this precinct.

Within the other residential precincts, car parking rate requirements will be guided by Clause 52.06 of the Planning Scheme. Under this clause the following rates will be required for dwellings:

- 1 car parking space to each one or two bedroom dwelling.
- 2 car parking spaces to each three or more bedroom dwelling.
- 1 visitor car space to every 5 dwellings (for the development of 5 or more dwellings).

For non-residential uses, the proposed CDZ1 has adopted the recommendations of the Car Parking Assessment. Where the current CDZ1 specifies a particular parking rate that conflicts with Clause 52.06, the Car Parking Assessment has recommended that the rate provided in Clause 52.06 should be applied. Where the current CDZ1 specifies a rate that is not covered by Clause 52.06, then this rate is proposed to be retained.

Overall, it is considered that the proposed car parking provisions have been appropriately contemporised and respond to the context of Endeavour Cove.

3.3 Built form

A number of submissions have identified built form as a key issue of the proposed amendment.

A submission suggested that the new building height levels should be restricted to a maximum of 4 levels with the top level set back to reduce visual bulk and reduce the impact on views and solar access. The submission further elaborated that the proposed maximum building height of Precinct 2 and 8 should be deleted. It was also suggested that Precinct 5 should restrict and not encourage future development.

A submission received suggests that Precinct 8 should not be divided into sub precincts (Site A and Site B) and that the 20-metres (5-storey) maximum height limit should apply across the entire Precinct 8.

Submitters further argued that there is currently limited ability for Endeavour Cove to accommodate high density living as it is not situated within walking distance from a train station.

Conversely, another submission has suggested that the proposed height control is conservative and does not respond to the existing heights across Endeavour Cove. It was submitted in particular that the proposed maximum building height for Precinct 2 and 5 be amended to be consistent with a previous approval for a 10 storey development known as the MQ1 apartments and not yet constructed.

A submission further suggested that low wall heights should be prescribed along narrow roads to minimise wind tunnels.

Response:

It is considered that the approved plan for a 10-storey building is not an appropriate benchmark for building heights across Endeavour Cove. The proposed built form is informed by an in-depth study which was undertaken by Hansen Partnership and is detailed in the Background Report. The Background Report found that there were:

- Unclear boundaries between precincts.
- Inconsistently expressed height controls, with storeys used for some precincts and reduced levels for other precincts.
- Inconsistency with the extent of the Comprehensive Development Zone, and the application of the current Comprehensive Development Plan 1999.
- Lack of guidance in relation to build form and land use in current planning controls.

Following completion of the background work, Hansen Partnership prepared the Endeavour Cove Comprehensive Development Plan, March 2022 (CDP) to provide robust guidance for future development. The CDP sets out clear expectations for building heights, setbacks, building typologies and land uses across all precincts, and more detailed guidance is provided for Precincts 5 and 8. These two precincts have been identified as the two remaining areas within Endeavour Cove with the most potential for infill development, which needs to be carefully managed within the context of an area that is nearly built out, primarily with residential development.

The guidance provided in the CDP will provide for development that is consistent with the preferred future character that has been identified for each precinct, and the purposes set out in the proposed CDZ1.

3.4 Mandatory provisions

A submission argued that the mandatory provisions should be removed and replaced with performance-based provisions and suggested that this would provide for greater flexibility and opportunity for innovative design.

Response:

Mandatory height controls currently already apply (or are intended to apply) to Endeavour Cove. The purpose of the Amendment is to address the deficiencies identified by the findings of a legal review and the Victorian Ombudsman on the current planning controls and discrepancies in how the mandatory heights are expressed in the CDP. The review identified the need for Council to formulate and implement new controls which provide greater clarity and certainty for land use and development outcomes in Endeavour Cove.

The proposed mandatory planning provisions were developed by Hansen Partnership to address the existing CDZ1 inadequacies. The work was strategically supported by the analysis undertaken as part of the Background Report to the proposed CDP.

The proposed mandatory height control aligns with Planning Practice Note 59 (PPN59) The Role of Mandatory Provisions in Planning Schemes and Practice Note 60 Height and setback controls for activity centres (PPN60). The Background Report provides the following justification for the use of mandatory height controls:

- The potential floor area enabled by the proposed mandatory controls in Amendment C205king would provide a greater floor area and site coverage than is currently allowed by the existing CDP. The outcomes of the proposed CDP should be viewed holistically, with the CDP providing a more nuanced approach rather than focussed on building heights only.
- The existing 6-storey building at 109 McLeod Road cannot be used as a reference for acceptable built form outcomes in the precinct, because it was approved contrary to the mandatory building height for that site. This was identified in the legal review and Ombudsman's report.
- Endeavour Cove is not an activity centre, it is adjacent to a lower order Neighbourhood Activity Centre, is not proximate to fixed rail public transport and it is not in a location where especially intensive and taller built form should be accommodated.

Planning Practice Note 60 – Height and setback controls for activity centres

PPN60 identifies exceptional circumstances for individual locations or specific and confined precincts to use mandatory controls.

These include:

- Sensitive coastal environments where exceeding an identified height limit will unreasonably detract from the significance of the coastal environment.
- Significant physical features, such as views to or from the activity centre or topography, where it can be demonstrated that discretionary controls would be inadequate to deliver the desired built form objectives or outcomes for the activity centre.

It is considered that the application of the mandatory height controls is justified and satisfies the above circumstances as it seeks to protect the sensitive waterway environment from unreasonable building heights and to control developments which would impact the views to the waterways. Mandatory height controls would respect the existing built form and limit pressure along the waterways from inappropriate developments which seek to maximise building height for water views.

The Background Report identifies that discretionary height controls to Precincts 5 and 8 would be an inadequate tool to regulate inappropriate development and could result in a detrimental change in the character of the precinct.

Activity Centre Pilot Program – Pilot Program

In December 2016 the Minister for Planning announced the Activity Centre Pilot Program. A key purpose of the pilot program was to identify how planning controls could be used to provide greater clarity and certainty about development heights in activity centres and to ensure the community and developers have a clearer understanding of the form of new development expected in activity centres.

In relation of mandatory height control, the report found that *“if set at appropriate levels that will deliver desired growth targets, mandatory controls do not necessarily inhibit development and can deliver clarity, certainty and consistency in outcomes”*.

It is considered that the continued application of mandatory height controls across Endeavour Cove directly align with the findings of the Pilot Program and will provide greater clarity and certainty about future development. This is particularly important in Endeavour Cove where the remaining parcels of land available for development are limited and surrounded primarily by residential development.

3.5 Land use

A submission has suggested that food and drinks outlets should be located away from waterways to limit waste entering the water.

Response:

This suggestion is difficult to accommodate within the context of Endeavour Cove, and the location of the existing Cove Hotel adjacent to the marina.

3.6 Public realm & landscaping

Submissions have raised concerns that the development of Endeavour Cove has not fulfilled the original vision for the precinct, and that the area has a lack of footpaths, open space, green areas, and landscaping.

A submission has made a variety of specific landscape recommendations including that adequate setbacks should be provided to McLeod Road and Thompson Road, preferably with landscape buffers and canopy trees. This submission also recommends where possible landscape buffers to waterfronts, and the preferred use of indigenous plants. They also recommend that the CDP be amended to show the location of canopy trees to be retained or provided.

Response:

The proposed CDP has considered the limitations on providing landscaping and green areas, along with the current lack of footpaths and pedestrian connectivity – particularly in accessing the marina and Patterson River. Guidelines and setback requirements for Precincts 5 and 8 seek to address both these issues.

The CDP includes Access & Movement Guidelines, and Landscape & Environment Guidelines. In tandem these guidelines seek to improve the public realm with common sense urban design measures that are absent from current planning controls.

In Precinct 5 the configuration of this precinct into 4 potential sites provides for setbacks to Pier One Drive that would enable the provision of a footpath and landscaped setback to the road. A 5 metre setback to the waterfront and eastern boundary would enable a substantial landscape buffer. A separation between future buildings on site A and site B would facilitate shared access to the marina waterfront.

In Precinct 8 similar setbacks are recommended, with a 3 metre setback to Inner Harbour Drive to provide a footpath and landscaping, and a 5 metre setback to the eastern boundary for a landscape buffer, incorporating canopy trees.

3.7 Precinct boundaries

A submission has suggested that the proposed precinct boundaries should be amended to reflect the existing lot alignments and land uses.

Response:

The proposed precinct boundaries are a recommendation of the Background Report, and are informed by:

- Predominant land use.
- Development attributes (density, height, character).
- The degree of anticipated change (limited, or potential).
- Land title, access, physical boundaries and ownership.

The Background Report also outlines that the updated CDP precinct boundaries seek to:

- Consolidate current CDP precincts which are characterised by common land use, development attributes (density, height, character), and are unlikely to undergo considerable change in the short to long term.
- Consolidate precincts which are more likely in the future to undergo change and have a greater influence on augmenting the character and amenity outcome of the broader precinct.
- Include land within CDZ1 but excluded from the 1999 CDP area.

In relation to Precinct 5 consideration was given to the consolidation of the current Precinct 10 and Precinct 11 and recognises the longer-term mixed use redevelopment potential of the Cove Hotel and surrounding vacant sites. This proposed precinct is an efficient composition of 4 sub-precincts that maximise development potential - which includes important public realm enhancements that have not been delivered by the current planning controls (such as better pedestrian connectivity and landscaping).

In relation to Precinct 8 the boundary was informed by the following attributes:

- It currently comprises of a car wash & petrol station.
- Entry is via crossovers from Inner Harbour Drive & Thompson Road.
- Multiple frontages including to McLeod Road/ Thompson Road, which is a main road and key entry into the precinct.

3.8 Procedural fairness

A submission raised concern regarding the procedural fairness undertaken to update the Comprehensive Development Zone No 12 Whalers Cove Marina, 1994 with the current Endeavour Cove CDP December 1999 into the Kingston Planning Scheme. The submission argued that the 1999 CDP did not undergo proper exhibition, community input or critical panel assessment.

The submission also suggested that there is confusion regarding the status of a version of the Endeavour Cove CDP December 1999 endorsed by Council of the 19 February 2002.

Response:

It is considered that the process undertaken to update the 1994 CDP with the current 1999 CDP at Clause 37.02 of the Kingston Planning Scheme is in-line with the requirements of the *Planning and Environment Act, 1987*.

In relation to the CDP endorsed by Council in February 2002, the plan was endorsed but never introduced into the Kingston Planning Scheme. As such the 1999 CDP remains the correct and current incorporated plan.

4. Consultation

4.1 Internal Consultation:

Internal consultation has been undertaken with the Statutory Planning team in the drafting of the proposed planning controls. The drafting exercise has also involved consultation with Hall and Wilcox lawyers, given their work on behalf of Council regarding a variety of planning matters in the Endeavour Cove precinct.

4.2 Community Consultation:

Formal exhibition of Amendment C205king was undertaken in accordance with Section 19 (1) of the *Planning and Environment Act 1987*.

Group	Method
Key Stakeholders: Endeavour Cove residents	Letters were sent to all landowners and occupiers of all affected properties in the Comprehensive Development Zone.
General community	A consultation page was used on Your Kingston Your Say to provide access to the proposed planning ordinance and background documents. This webpage received 613 visits from members of the public, and 555 document downloads. Hard copies of the amendment documentation were also provided for viewing at the Patterson Lakes library and Council's Cheltenham office.
Government Agencies	Letters were sent to prescribed Ministers, and referral authorities.

Group	Method
	A public notice was published in The Age and notice of the amendment was published in the Government Gazette.
Advisory Committees	N/A
Targeted groups	<p>The exhibition process has some specific requirements in relation to preparation and exhibition of material to consult the views of people considered to be affected by the Amendment. In this case the target group can be considered to be all of the residents, business tenants and landowners in Endeavour Cove.</p> <p>Traditionally harder to engage groups in formal planning scheme amendment processes can be people from culturally and linguistically diverse backgrounds, women, young people and people who work full-time.</p> <p>In addition to the preparation of planning documents that are displayed on a State Govt website, a page was created on Council's Your Kingston Your Say platform to provide a central location of material for people to view at their own pace and at a time convenient to them. The main page text is able to be translated into 8 languages.</p> <p>Hard copies of material were also available for viewing at the Patterson Lakes Library and Council Cheltenham offices for people who may not have access to a computer. Council officers have also been available to have one on one conversations with people who may not have been comfortable accessing information either online or reading hard copies.</p>

4.3 Results/Findings:

The findings of the community consultation are discussed in detail in Section 3 of this report and will be the subject of further consideration at a future Planning Panel Hearing.

5. Compliance Checklist

5.1 Council Plan Alignment

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Plan for changes in the population and the community's housing needs.

Planning Scheme Amendment C205king is a necessary step to resolve a number of deficiencies that have been identified in the current planning controls. An amended CDZ schedule and CDP will assist in supporting future planning decisions that will be made in this precinct by providing clear guidance to decision makers.

5.2 Governance Principles Alignment

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

The Planning Scheme Amendment process is a formal statutory process that is undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987*. The Act specifies requirements that must be met by Council, including notification of affected parties, and sets the parameters for how people can engage in an Amendment process through making submissions.

In addition to the statutory requirements set out in the Act to undertake community consultation, an initial round of consultation initiated earlier this year. Between 17 January and 14 February residents and landowners of Endeavour Cove were invited to provide feedback on the proposed draft planning controls, prior to Council finalising them and seeking authorisation to commence Planning Scheme Amendment C205king.

5.3 Financial Considerations

Projected costings

Engagement of legal representation and expert witnesses for a Planning Panel hearing in March 2023 is estimated to be approximately \$200,000.

Budget

The funding for the Panel hearing will be covered in the existing operational budget allocated for Planning Panel hearings.

Funding for legal representation and expert witnesses will be allocated from the operational budget.

Staff Resources

The remainder of the administration associated with the Planning Scheme Amendment process can be delivered with existing resources and staff.

5.4 Risk considerations

Progressing Planning Scheme Amendment C205king is a recommendation of the Hall and Wilcox review and will further assist decision making when applications are lodged in the future for Council consideration.

Appendices

Appendix 1 - Amendment C205king Submission Received (Ref 22/290941)  

Appendix 2 - Chronology of Events (Ref 22/301124)  

Author/s:	Tanya Sokolowski, Principal Strategic Planner Mathieu Maugueret, Strategic Planner
Reviewed and Approved By:	Rita Astill, Team Leader Strategic Planning Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Place

4.5

ENDEAVOUR COVE PLANNING SCHEME AMENDMENT C205KING

1	Amendment C205king Submission Received	233
2	Chronology of Events	271

From: "Your Kingston Your Say" <notifications@engagementhq.com>
Sent: 7/09/2022 10:38 AM
To: info@kingston.vic.gov.au
Subject: [REDACTED] completed C205 Submission form

[REDACTED] just submitted the survey C205 Submission form with the responses below.

Full name

[REDACTED]

Property address

[REDACTED]

Postcode e.g. 3000

[REDACTED]

Your contact number

[REDACTED]

Your contact email

[REDACTED]

Please enter your submission below

We support the change to limit building heights to a maximum of no more than 5 storeys in any part of the CDZ. We support the requirement for two covered spaces and 1 visitor carparking space for each accommodation development. Further consideration for the provision of footpaths and green space should be included. These uses are under provided in the Endeavour Cove precinct. Carparking is under provided in the Endeavour Cove precinct and the precinct is almost totally developed - no future development should be allowed with parking reductions. No planning permits should be granted to exceed the new building height limits. The framework for Precinct 5 appears to support the removal of the Cove Hotel and replacement with a total of five 5 storey residential/commercial developments. Precinct 5 is already fully developed with current uses. No further Precinct 5 development should be encouraged by Council through the CDZ. The Cove hotel use is appropriate and fully formed and should be protected.

From: [REDACTED]
To: [REDACTED]
Subject: Submission on Amendment C205 to KPS from Endeavour Cove Comprehensive Development Plan March 2022
Date: Tuesday, 4 October 2022 2:49:04 PM

[REDACTED] Principle Strategic Planner
Strategic Planning, City of Kingston

Dear [REDACTED]

Please see below, my comments on Amendment C205 for Endeavour Cove at Patterson Lakes:

- 1) This amendment appears to be both a tidy up of clauses in the KPS relating to Endeavour Cove and proposed changes based on the Endeavour Cove Comprehensive Development Plan March 2022.
- 2) My comments relate to proposed increased height levels, setbacks, wind funnelling, landscape and general amenity of the Endeavour Cove environs. Please:
 - a) *Restrict new building height levels to a maximum of 4 levels* with a 4th level setback to reduce visual bulk, where 4 levels would have no impact on landscape or water views, solar access for nature and building occupants. New building height levels at Endeavour Cove ought not to be set by the existing precedent of a 6-storey apartment block at Pier One. Such precedents tend to be replicated or exceeded to justify new developments and set an unacceptable precedent for tall buildings elsewhere that may dominate valued natural or recreational space or waterways.
 - b) *Delete Precinct 2 height level of 19m (5 storeys, matching existing ridge line) on Pier One Drive.*
 - c) *Delete Precinct 8 height level of 20m (5 storeys) on Thompson Road.*
 - d) *Include adequate setbacks along McLeod and Thompson Roads, preferably with landscape buffers and canopy trees,* to offset the high wall effect for neighbourhood amenity and to avoid wind funnelling from Port Phillip Bay.
 - e) *Provide low wall height along narrow roads* to avoid wind funnelling.
 - f) *Support landscape setbacks of 5m in Precincts 5 and 8, include canopy trees.*
 - g) *Include, where possible, landscaped buffers or at least canopy trees to waterfronts,* to avoid hard built edges to waterfronts and to provide shade and green relief of built environments.
 - h) *Keep landscaped buffers to Patterson River frontage and include canopy trees.*
 - i) Retention or inclusion of canopy trees is welcome. Show in the Endeavour Cove Plan and Amendment the location of canopy trees to be retained or provided.
 - j) *Ensure landscaping is predominantly indigenous plants with some non-invasive Australian native plants.*
 - k) *Locate food and drink outlets well away from waterways* to avoid littering of them.

Thank you for the opportunity to comment, which I hope are useful. Please acknowledge

receipt of these comments, thank you.



From: "Your Kingston Your Say" <notifications@engagementhq.com>
Sent: 6/09/2022 5:37 PM
To: info@kingston.vic.gov.au
Subject: [REDACTED] completed C205 Submission form

[REDACTED] just submitted the survey C205 Submission form with the responses below.

Full name

[REDACTED]

Property address

[REDACTED]

Postcode e.g. 3000

[REDACTED]

Your contact number

[REDACTED]

Your contact email

[REDACTED]

Please enter your submission below

I support the proposed changes outlined in the Endeavour Cove Comprehensive Development Plan.2022

From: "Your Kingston Your Say" <notifications@engagementhq.com>
Sent: 4/10/2022 10:34 AM
To: info@kingston.vic.gov.au
Subject: [REDACTED] completed C205 Submission form

[REDACTED] just submitted the survey C205 Submission form with the responses below.

Full name

[REDACTED]

Property address

[REDACTED]

Postcode e.g. 3000

[REDACTED]

Your contact number

[REDACTED]

Your contact email

[REDACTED]

Please enter your submission below

Pier one drive does not have the capacity for extra traffic. There is no pedestrian paths for river access. The swim school has no parking. The hotel does not have enough parking. It is already a nightmare getting in and out, walking or driving. The current complex that has been built is not to standard. They have serious issues with the building itself. It was not built to the original specs. Anything else built will also be an eyesore and have the same problems. We have a serious road issue now with so much traffic. Pier one drive is private, so no upgrades will be made. Please we need this amendment.

From: "StrategicPlanning" <Strategic.Planning@kingston.vic.gov.au>
Sent: 20/09/2022 9:27 AM
To: "City of Kingston" <info@kingston.vic.gov.au>
Cc: "Tanya Sokolowski" <Tanya.Sokolowski@kingston.vic.gov.au>
Subject: FW: Feedback invited on new Endeavour Cove planning controls - Planning Scheme Amendment C205 - EPA [REDACTED]

From: [REDACTED]
Sent: Monday, 19 September 2022 12:48 PM
To: StrategicPlanning <Strategic.Planning@kingston.vic.gov.au>
Subject: RE: Feedback invited on new Endeavour Cove planning controls - Planning Scheme Amendment C205

OFFICIAL

Good afternoon,

It appears from reviewing the documents provided that the scope of the Amendment is such that it presents a low risk of harm to the environment, human health and amenity as a result of pollution and waste.

However, EPA note the following requirement in the draft Schedule 1 to the CDZ for "*plans to show any contaminated soils and filled areas, where known*". Whilst the amendment documents do not otherwise suggest the land is potentially contaminated, we draw Council's attention to:

Clause 13.04-1S *Contaminated and potentially contaminated land*.

Clause 13.04-1S aims to ensure that contaminated and potentially contaminated land is or will be suitable for its intended future use and development, and that this land is used and developed safely.

In addition, the new Environment Protection Act 2017 introduced new duties for contaminated land. The contaminated land duties apply to those who manage or control land that is contaminated.

Depending on the contamination status of the land (including groundwater), the duties and obligations may include:

- the general environmental duty to manage risks that activities involving contaminated land pose;
- the duty to manage contaminated land; and
- the duty to notify EPA of contamination.

If there are any specific concerns that fall within EPA's remit then you are welcome to raise this with us; however, at this time – we will not be making a submission on the Amendment.

Kind regards,

[REDACTED]
Senior Planning Advisor
Development Advisory



From: [REDACTED]
Sent: 29/09/2022 9:23 PM
To: info@kingston.vic.gov.au; steve.staikos@kingston.vic.gov.au
Subject: FW: Have your say on the Planning Scheme Amendment for Endeavour Cove

Dear Mayor,

I write to express my concern (and I suspect many other residents concerns as well) regarding the proposed planning scheme amendments for Endeavour Cove.

In particular are glaring errors in the traffic parking assessment commissioned for Council. On pages 10 & 13 of the report it mentions the number of dwellings for the existing Pier 9 apartment complex as 32. This is incorrect. The number of apartments is actually 65. A simple check of your rates data base will confirm this. The report then goes on to make assumptions based on these incorrect numbers.

Of even more concern is that these mistakes were pointed out by myself and other respondents earlier in the year during the scheme preparation phase, but despite this and to our dismay, the report has now been published on Councils website with these errors still present.

The report seems to then imply the current parking requirements could be reduced when a simple night time inspection of the surrounding streets shows streets filled with cars. The report also completely ignores the context of the site ie a boating precinct and the planning scheme seeks to promote this use. However where are people going to park their boats / jet skis etc if parking is reduced. Council usually places a lot of weight in these reports when making these important decisions.

It is disappointing that despite promises by Council, mistakes continue to be made and resident input/concerns seem to be ignored (the above example is a case in point).

I will be submitting these and other comments via the "your say" portal, but feel it is necessary to seek your help by following up the planning team to correct these mistakes as our confidence in the process has been dented by these important corrections being overlooked.

Thanks for your help.

Yours faithfully

[REDACTED]

PLANNING SCHEME AMENDMENT C205 - ENDEAVOUR COVE

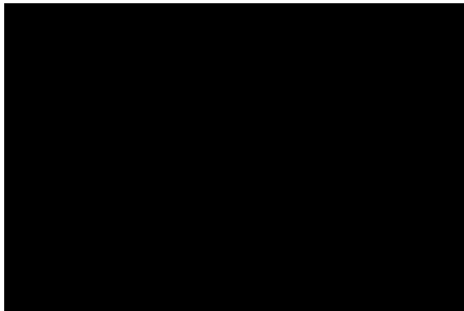
Please see items of concern below regarding the proposed amendment to car parking.

1. The traffic report is incorrect in that stating the number of units for the existing Pier 9 development is 32. It is actually 65 units with only 8 visitor parking spaces. This parking ratio of less than 1:8 is causing parking issues already on site.
2. The report makes reference to google aerial photos to justify possible reductions to resident parking requirements. The use of aerial photos is not accurate. The highest usage of on site/Street parking is at night when everyone is home and when aerial photography is not possible. This problem is illustrated by visiting the surrounding streets at night when cars on both sides choke the roads ie Myola and Canberra streets.
3. The report does not take into account the site context / use. As the precinct is a functioning boating/ water activities hub and with the Patterson River and boat ramp facilities literally within walking distance, it is likely that existing and future residents have or are likely to have small boats/ jet skis that need parking in addition to normal vehicle storage. If parking requirements are reduced this will lead to undesirable outcomes in the precinct or on surrounding streets. The burden of future parking issues should not be placed on residents due to a lack of planning foresight.

4. The report discusses use of the Riverbank carpark and inner harbour drive as additional parking possibilities. The Riverbank carpark is hardly ever open and Inner Harbour has a six hour limit which is not really suitable for residents.
5. The report suggests that smaller dwelling size as a possible justification for reducing parking. Whilst the dwellings may be physically smaller, they usually still contain 2-3 bedrooms with occupiers requiring one car space each.

I trust the above helps provide greater insight into existing conditions and issues on site in regards to parking.

Regards



From: "Your Kingston Your Say" <notifications@engagementhq.com>
Sent: 7/09/2022 11:16 AM
To: info@kingston.vic.gov.au
Subject: [REDACTED] completed C205 Submission form

[REDACTED] just submitted the survey C205 Submission form with the responses below.

Full name

[REDACTED]

Property address

[REDACTED]

Postcode e.g. 3000

[REDACTED]

Your contact number

[REDACTED]

Your contact email

[REDACTED]

Please enter your submission below

I fully support the proposed amendments to the overall present as well as proposed changes to car parking requirements. In particular the reduction in height of any new proposed apartments as well as an increase in green areas in the whole development. Currently it feels like it is just a concrete jungle. Regards [REDACTED]

[REDACTED]

From:
To: [Tanya Sokolowski](#)
Subject: C205 Submission 1/3
Date: Tuesday, 4 October 2022 12:54:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.gif](#)
[image007.jpg](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[Submission from .regarding proposed amendment C205.pdf](#)

Hello Tanya

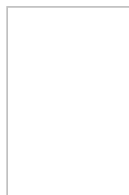
Please find attached my submission in support of proposed amendment C205.
The attachments will follow in (2) subsequent emails.
Please confirm receipt of all.

Thanks and regards,

From: Tanya Sokolowski <Tanya.Sokolowski@kingston.vic.gov.au>
Sent: Wednesday, 21 September 2022 1:21 PM
To:
Subject: RE: C205 Draft Planning Amendment

Excellent thanks I'll keep an eye out for your submission.

Thanks,



Tanya Sokolowski

Principal Strategic Planner | Strategic Planning

kingston.vic.gov.au

d 9581 4746 e tanya.sokolowski@kingston.vic.gov.au



☐ I acknowledge the Bunurong People as the Traditional Owners of country throughout Kingston and pay my respect to them, their culture and their Elders past, present and emerging.

Tanya Sokolowski

From: [REDACTED]
Sent: Tuesday, 4 October 2022 12:56 PM
To: Tanya Sokolowski
Subject: [REDACTED]
Attachments: 1989 08 23 Amendment RL38 Panel Report.pdf

Categories: Printed
Record Number: 22/280934

Attachments 2/3

Best regards,

[REDACTED]

From:
To: [Tanya Sokolowski](#)
Subject: C205 Submission 3/3
Date: Tuesday, 4 October 2022 1:00:39 PM
Attachments: [image001.png](#)
[1990_01_23 Letter to Springvale City Council attaching RL38 Explanatory Memorandum.pdf](#)
[1990_01_16 Endorsed Concept Plan Comprehensive Development Zone No 12 Whalers Cove Marina.pdf](#)
[Endeavour Cove Comprehensive Development Plan December 1999.PDF](#)
[2002_02_19 Endeavour Cove Comprehensive Development Plan - VCAT 2022 Version.pdf](#)
[Feb 2009 Middle Harbour Patterson Lakes Site Context Plan.pdf](#)
[Kingston NFPS Panel Report.pdf](#)

Best regards,

Submission from **regarding proposed amendment C205**

My name is _____ and I live in the _____
in the Endeavour Cove Marina Comprehensive Development Zone.

I generally support the amendment as proposed by Kingston Council.

I approve of the mandatory maximum building heights and setbacks specifically for precinct 05.

I approve of the commercial designation of Precinct 02.

Car parking rates for Precinct 05

Having participated in VCAT hearings related to parking rates in the zone, expert traffic evidence representing parking surveys of both Pier1 and Pier9 apartments demonstrated a demand level of 1.4 spaces per 2 bedroom dwelling in the zone and I believe this should be reflected in the recommended 2023 amendment.

This configuration was provided for the Pier9 development by way of 40 shared car parking spaces for resident use.

The Pier1 development adopted 56.02 standard rates without any additional shared parking for resident use. Pier1 has 53 2-bedroom dwellings with only 1 car space each. This is 21 resident spaces less than the subsequently surveyed demand. Consequently, the 13 visitors spaces are occupied by residents extra cars overnight every night and have been since the building became fully occupied in 2018.

Approximately 75% of the apartments at Pier1 are occupied by tenants. The Owners Corporation has insufficient information or equipment available to effectively protect the visitors car parking spaces for their intended purpose. Access for all residents to the carpark is by way of a domestic standard garage (identically coded) remote control without any capacity to validate the user or differentiate between vehicles. Consequently the amenity for all residents of Pier1 is affected by the absence of available visitor parking. The overflow demand of both resident and visitor parking is borne by the Cove hotel carpark (as I can confirm by way of passive surveillance) and possibly Snapper Point Drive as the only nearby residential street with on street parking.

As Pier1 Apartments is demonstrably creating unsatisfied parking demand arising from uses associated with previous development in the zone, should the new amendment recognise and correct for this?

Issues relating to Pier One Drive access road

As a resident that uses Pier One Drive to access my home I have concerns about the safety of this road in relation to the junction with McLeod Road.

When turning out of Pier One drive onto McLeod Road there is very poor visibility to the right hand side due to the apex of the canal bridge only 90m away.

Making a right turn onto McLeod Road is complex because traffic approaching Pier One Drive from the Carrum direction traveling at the permitted 60k/hr limit is only visible for 6-8 seconds before arriving at the Pier One Drive junction.

When then looking for a viable gap in the westbound traffic on McLeod Road, the oncoming Eastbound traffic must be continually re-checked. There has been a fatal collision at this intersection between a car turning right out of Pier One Drive and a Westbound motorcycle on McLeod Road.

The challenges of entering and exiting Pier One Drive at the McLeod Road intersection are exacerbated by the narrow entrance (5.5m) and small radius splays (<2m). This configuration prevents vehicles entering or exiting Pier One Drive at anything other than very low speed especially entering when there is another vehicle waiting to exit.

Pier One Drive is essentially an unsigned concealed entrance from the perspective of traffic heading East as they pass over the canal bridge on McLeod Road. Any vehicle travelling from Carrum to turn left into Pier One Drive needs to slow to about 5kph to make the turn safely. More often than not when I have done this, traffic following me has overtaken which potentially puts any vehicle on McLeod Road in the westbound right hand filter lane to Pier One Drive in jeopardy of a head on collision. Any vehicle attempting a right hand turn onto McLeod Road from Pier One Drive when there a gap in the westbound traffic flow would be at grave risk of collision from an unsighted overtaking Eastbound vehicle.

One other (near miss) incident that I have experienced while waiting to turn left from Pier One Drive onto McLeod Road was a case when a Truck travelling Eastbound on McLeod Road in the course of making a left turn into Pier One Drive indicated (left) and slowed on approach to the junction and positioned their vehicle onto the painted centre median strip in order to safely turn into the narrow entrance of Pier One Drive (the more constrained by my presence in the opposite lane).

A vehicle following the truck appeared to think the truck was making a right turn and proceeded to pass on the kerb side (left hand side of the truck). It realised just in time and screeched to a halt narrowly avoiding being collected by the oblivious truck driver.

I do not know how this intersection could be made safer. The permit for Pier1 Apartments required a functional layout plan for a Left Turn In filter lane which was provided, but no requirement for it to be built. Vic Roads do not support the building of this filter lane.

Traffic reports in the past have suggested that the junction be restricted to left in /left out movements supported by a 'hard' centre median treatment. I would be concerned that emergency vehicle access along McLeod Road may be affected by this and any and all residents and users of Pier One Drive would be seriously disadvantaged as there is no U-Turn or turnaround opportunity between Pier one Drive and Carrum. There is a roundabout on McLeod Road at Gladesville Boulevard about one km away in the other direction.

If this junction can not be improved or the problems mitigated, no further new major residential development should be allowed that will increase the quantity of additional drivers placed at risk.

Planning history and Kingston City Council

The current C205 planning amendment process seeks to respond to poor planning outcomes for the zone since it was created in 1990. Some issues with the zone have been highlighted by the council

commissioned 'Hall and Wilcox' report and the subsequent Ombudsman investigation which was tabled in Parliament.

I expect that the developer of the marina will oppose the amendment as proposed by the council and the following section of my submission outlines matters that I request the panel considers in relation to any argument presented by the marina owner for higher and denser development than supported in C205.

I know a little about the establishment and history of the Endeavour Cove Comprehensive Development Zone because of access provided to some archived documentation held by City of Kingston relating to VCAT hearings to which I was a respondent (one ongoing).

My reason for wanting to examine the council archive was in search of the incorporated document 'Endeavour Cove Comprehensive Development Plan 1999' as referred to in the Schedule 1 ordinance. This should have been on public display at the council offices but was not shared with me prior the VCAT hearing in 2019 despite more than 10 requests to Councillors and Planners by email and personal attendance at council offices.

It appeared to me that this plan should inform exactly what was permitted and/or expected to be developed in the zone and as such was of direct, immediate, and consequential concern to any current or potential future owner in the precinct.

The plan was not included in the documents offered for inspection.

There was an earlier plan, dating back to the inception of the zone and a lot of information which informed me as to how planning in general operates, specifically with regard to a Comprehensive Development Zones and Endeavour Cove Comprehensive Development Plan (formally known as Whalers Cove Comprehensive Development Plan No 12) in particular.

Key to a Comprehensive Development Zone is the 'Plan' which is an incorporated document in the planning scheme and all subsequent development is mandated to be in accordance with this plan.

The plan can only be varied by amendment which applies a rigorous planning process including public consultation, Planning Panel hearings and report, decision by council to support the amendment and finally approval by the State Planning Minister.

I have attached the original Whalers Cove Plan as adopted in 1990 under amendment RL38 by planning minister Tom Roper along with his letter to Springvale City Council which documents the original ordinance and a copy of the panel report for reference.

I have specific concerns that the 1999 plan (adopted under amendment NPS1) as now available for inspection at City of Kingston offices and online at the DWELP website did not undergo proper exhibition, community input or critical panel assessment.

I could find no record of any submission from Cavendish Properties to the Kingston NFPS Planning Panel documented in that panel's report.

The NFPS Panel Report for Kingston (June 1989) is attached. It contains only 2 specific references to the Comprehensive Development Zone as extracted below:

Page 29

· ***Comprehensive Development Zone***

This zone has been applied to the Whalers Cove Marina, and while the Department of

Infrastructure did not have any real concerns about this application, it suggested that once the Marina is developed it could be rezoned to a Business zone, with the use of an Incorporated Plan Overlay or Development Plan Overlay. The Panel considers it appropriate to retain the exhibited zone at this stage, but to review this designation as part of the first major review of the scheme.

Page 36

3.6 Incorporated Documents

The exhibited Kingston Planning Scheme includes one Incorporated Document additional to those included in the VPPs. This document is the “*Comprehensive Development Plan No. 1 - Whalers Cove Development (Formally referred to as Comprehensive Development Plan No. 12 - Whalers Cove Development in the former Chelsea Planning Scheme)*”. It is referred to in the Comprehensive Development Zone provisions at Clause 37.02 of the Kingston Planning Scheme. The Council submitted that it is essential that the plan is an incorporated document as it forms the basis of the zone provisions for the Comprehensive Development Zone. The Panel is satisfied that this document is suitable for inclusion in the Comprehensive Development Zone as an Incorporated Document.

It is noted that the formatting of the Schedule to Clause 52.03 is incorrect, and that the summary sheet of site specific controls attached to this clause should be an incorporated document to the scheme.

There is no indication in the panel report that the replacement of ‘Comprehensive Development Plan No. 12 – Whalers Cove Development’ 1990 with ‘Endeavour Cove Comprehensive Development Plan, December 1999’ has been considered, tested in the community or recommended for change in the exhibited planning scheme.

I have sought verification or explanation for this anomaly with City of Kingston planners but have not received any information supporting the substitution of the 1999 plan to date. I would welcome verifiable explanation of how and why the Incorporated Document explicitly referenced in the NFPS Panel report was legitimately substituted in the planning scheme.

The 1990 and 1999 plans are radically different:

The 1990 plan did not expect any high rise residential building at the western end of the marina.

The entrance to Pier One Drive from McLeod Road is annotated ‘RESTRICTED ARTICULATED ACCESS’ with all light vehicle access to the zone from Thompson Road / now Inner Harbour Drive via traffic lights.

I have one more plan to share in this submission. This one (like the registered 1999 plan) was authored by Bruce Henderson Architects. It shares the same Title, Job Number and Date in the title block as the currently registered Incorporated Document although this version has been Stamped as endorsed by Kingston City Council as at 19/02/2002. It was provided by Cavendish Properties to the recent VCAT Tribunal as being the Incorporated Document to clause 37.02 of the Kingston planning scheme.

To my eye this plan is identical to the registered Incorporated Document clockwise from the ‘Riverbank Carpark’ through to Precinct 8. The Cove Hotel ‘as built’ is on both plans.

Precinct 9 (Pier9 apartments which were designed by Bruce Henderson Architects) was not built until after 1999 is outlined in detail on both versions of the plan. Both versions show a carpark at the location of the Pier1 apartment building.

The 2002 stamped version does not include a proposed 31.8m residential tower between the Dry Stack building and the Hotel. It does outline the Marina Office/Swim School building (subsequently built) and the 40 lot residential subdivision to the west of Pier One Drive as actioned in 2005.

Neither of these appear on the 'registered' version.

It seems both Kingston Council and Cavendish Properties share my confusion around the identity and provenance of the incorporated document intended to inform and control ongoing development in the zone.

I have also attached 'Feb 2009 Middle Harbour Patterson Lakes Site Context Plan' from Kingston's archive authored by John Demos Architect (designed Pier1 Apartments). This foreshadows in prospect elements of both 1999 plans as well as Pier1 Apartments and the Marina Quays developments. I think it would be fair to suggest that both Kingston Planners and Cavendish Properties had a clear understanding of the owners desired quantum of development for the precinct back in 2009.

All of the foregoing will be consigned to history on the successful activation of C205 as further informed by the planning panel's deliberations and I welcome the certainty that will provide for the Patterson Lakes community as well as residents and users of the marina.

Attachments:

1989 08 23 Amendment RL38 Panel Report

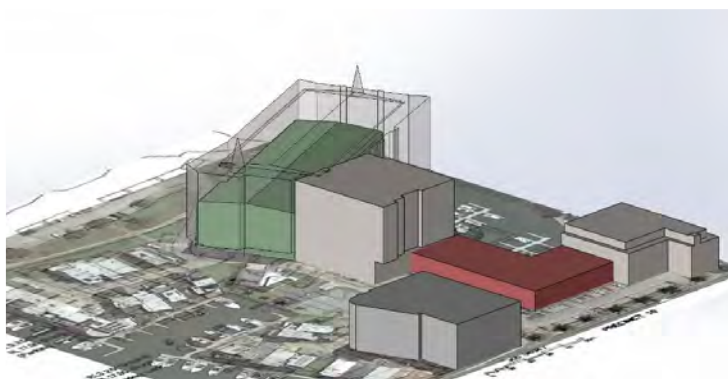
1990 01 23 Letter to Springvale City Council attaching RL38 Explanatory Memorandum

1990 01 16 Endorsed Concept Plan Comprehensive Development Zone No 12 Whalers Cove Marina Endeavour Cove Comprehensive Development Plan, December 1999

2002 02 19 Endeavour Cove Comprehensive Development Plan - VCAT 2022 Version

Feb 2009 Middle Harbour Patterson Lakes Site Context Plan

Kingston NFPS Panel Report



From: "StrategicPlanning" <Strategic.Planning@kingston.vic.gov.au>
Sent: 13/09/2022 9:13 AM
To: "City of Kingston" <info@kingston.vic.gov.au>
Subject: Submission on Planning Scheme Amendment C205 - [REDACTED]
Attachments: Submission on Planning Scheme Amendment C205.docx

From: [REDACTED]
Sent: Monday, 12 September 2022 6:44 PM
To: StrategicPlanning <Strategic.Planning@kingston.vic.gov.au>
Subject: Submission on Planning Scheme Amendment C205

Dear Sir/Madam

I attach my submission on Planning Scheme Amendment C205 for your consideration.

Regards

[REDACTED]

Submission on Planning Scheme Amendment C205

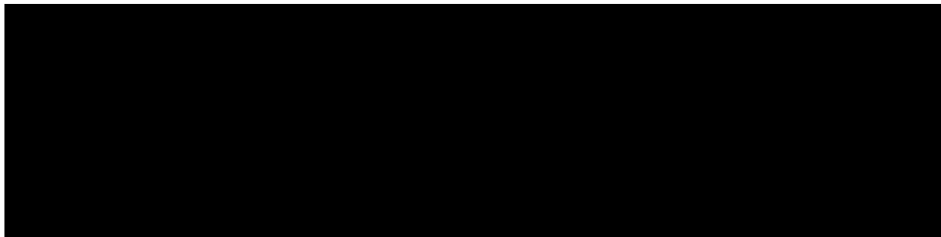
I write to support in general the Planning Scheme Amendment C205 on Comprehensive Development Plan of Endeavour Cove, Patterson Lakes (Hansen Report). However, I have some small concerns regarding my property at 1 Thompson Road, Patterson Lakes (Precinct Framework: Precinct 8)

The property is currently utilized as a site for petrol station and carwash. The secondary land use in medium to long term might be retail and/or residential or other forms of mixed uses.

I propose to adopt the site A of Table 4 of maximum building height and street wall height to the whole site. It should not be divided into two sites for the following reasons;

- 1, The whole site of 4505 sq. metres is registered in one title.
- 2, A uniform planning scheme to the whole site will provide more options about the design of any future development if warranted. There is more scope for a landmark building on the site to enhance the area.
- 3, It can provide a better and wider service to the needs of the area.
- 4, It will not preclude the possibility of designing two buildings if the future developer desires.

I hope my proposal will meet with your kind consideration and I am happy to provide any clarification if necessary.



From: "StrategicPlanning" <Strategic.Planning@kingston.vic.gov.au>
Sent: 4/10/2022 9:09 AM
To: "City of Kingston" <info@kingston.vic.gov.au>
Subject: Submission Amendment C205 - [REDACTED]

From: [REDACTED]
Sent: Monday, 3 October 2022 9:49 PM
To: StrategicPlanning <Strategic.Planning@kingston.vic.gov.au>
Subject: Amendment C205king

[REDACTED]
City of Kingston.

We wish to lodge our support for the amendment to the Endeavour Cove Comprehensive Development Plan. We have been residents of the Pier One Development for approx. 14 years. Previously we resided in Bonbeach for 21 years.

During that time we have seen some inappropriate development in this particular area due to the different planning arrangements. Some of the promised facilities never eventuated and in place there is a building that detracts from the amenity of the area. The Pier One apartments occupy the whole block which is devoid of any landscaping which I am sure would have been required under the normal planning arrangements.

We emphatically support an amendment to the Endeavour Cove Development Plan to avoid any further inappropriate development.

[REDACTED]
Sent from [Mail](#) for Windows

From: [REDACTED]
To: [StrategicPlanning](#)
Subject: Endeavour Cove planning - C205
Date: Tuesday, 4 October 2022 4:19:20 PM

To Whom it may concern,

We have written on various occasions expressing our concerns with the current Endeavour Cove planning controls.

The proposed building of a 10 storey development is of extreme concern to us as residents of Pier One Drive.

- On an almost daily basis I am nearly 't-boned' pulling out of our gated area as cars speed through to the parking area situated at the river foreshore. This has been set up as a car park for marina members and swim school users as there is already insufficient car parking.
- To reduce the carparking within this development is absolutely absurd, there is already a severe lack of parking. Several residents of the Pier One apartment building use the Cove car park and surrounding streets as the carparking is not sufficient within this building. This is infuriating residents and customers of the Cove. It's not just residents cars the decision makers need to think about, it's visitors of the residents! This is even an issue as a resident of a house block within the area. We have room for 1 car in the driveway but if we have multiple visitors, where do they park???
- Pulling out of Pier One Drive onto McLeod Rd is already very challenging, particularly if you wish to turn right. The wait can be significant and even then you just have to go and hope for the best. It is so dangerous and to add hundreds more residents to our tiny area astounds me that it is even being considered.
- During the previous build of an apartment block the developer did not carry out all requirements for their building permit (off ramp/lane to pull into Pier One drive) and was able to 'get away with it'. I lack trust that even if strict requirements are put in place that they will be adhered to.
- Patterson Lakes does not have the infrastructure for high density living. It is a long walk to the Carrum train station and driving isn't an option as there isn't sufficient parking there either. Parking at the shopping centre is the subject of many heated discussions on the local forums.

For the safety of our community and to ensure our ongoing enjoyment residing in the area, please *please* do not allow any further development through the Pier One area.

Thank you to Kingston Council for fighting this development. I say with certainty that it's not what the vast majority of your constituents want for our little suburb.

Please feel free to contact me if you need.

Kind regards,

[REDACTED]

From: "Your Kingston Your Say" <notifications@engagementhq.com>
Sent: 30/09/2022 10:54 AM
To: info@kingston.vic.gov.au
Subject: [REDACTED] completed C205 Submission form

[REDACTED] just submitted the survey C205 Submission form with the responses below.

Full name

[REDACTED]

Property address

[REDACTED]

Postcode e.g. 3000

[REDACTED]

Your contact number

[REDACTED]

Your contact email

[REDACTED]

Please enter your submission below

[REDACTED] in relation to this matter. Our client owns land located within the Endeavour Cove precinct which will be affected by the proposed implementation of the revised Comprehensive Development Zone, Schedule 1 (CDZ1) under Amendment C205. Please find enclosed a written submission that seeks revisions with respect to Amendment C205.

Upload any supporting documents for your submission for Amendment C205

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/2ac6ff7df0f09706a3b8f28b4053fcfb2a4227c7/original/1664499263/8e485e7a8bb1aa60515733737c92c8cb_2022-09-29-Let-Kingston_C205_Submission.pdf?1664499263

29 September 2022

Principal Strategic Planner
City of Kingston
1320 Nepean Highway
Cheltenham VIC 3192
via email: strategicplanning@kingston.vic.gov.au

Dear [REDACTED]

**Submission to Kingston Amendment C205
Endeavour Cove – Comprehensive Development Zone**

[REDACTED] in relation to this matter.

Our client owns land located within the Endeavour Cove precinct which will be affected by the proposed implementation of the revised Comprehensive Development Zone, Schedule 1 (CDZ1) under Amendment C205.

The overall direction and intent of Amendment C205 is generally supported and the need for contemporary planning controls that respond to both the existing context and preferred future direction for the precinct is recognised.

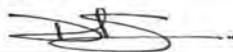
However, there are several key issues inherent in the revised schedule to the CDZ1 that if left unaddressed would result in an unreasonable and inappropriate change to the current controls and would be inconsistent with the proper and orderly planning of the precinct.

Please find enclosed a written submission that seeks the following revisions with respect to Amendment C205:

- Amendments to the proposed precinct boundaries to reflect the existing lot alignments and land uses that have been approved by the City of Kingston.
- Amendments to building height controls and associated design guidelines to reflect the developments that have been approved by the City of Kingston.
- Removal of mandatory provisions, to be replaced with performance based provisions that would provide for greater flexibility and opportunity for innovative design.
- Revised car parking provisions to bring them in line with current requirements.
- Introduction of Exemptions from Notice and Review requirements consistent with other Comprehensive Development Zone Schedules.

We note that the submission is not exhaustive, and we reserve our right to make further submissions at a panel hearing. Should you have any queries in relation to this matter please do not hesitate to contact me or [REDACTED]

Yours sincerely



**Amendment C205 – Kingston Planning Scheme
Submission on behalf of [REDACTED]**

1 The Endeavour Cove Precinct

Endeavour Cove is located in the south of the City of Kingston, alongside the Patterson River. The precinct is a marina-based mixed-use neighbourhood that is approximately 21ha in total area (inclusive of all Comprehensive Development Zone land) and has been developed with a diverse range of building typologies including townhouses and apartments which are sited to take advantage of their location along the waters edge.

The *Endeavour Cove Comprehensive Development Plan 1999* (existing CDP) applies to the precinct, which was incorporated into the *Kingston Planning Scheme* to facilitate future development.

It is acknowledged that a significant period of time has passed since the controls were first introduced, and that there is merit in reviewing and updating the controls to respond to the contemporary context of Patterson Lakes and the wider City of Kingston. As such, the proposed amendment of existing controls is supported in principle.

2 Existing Approvals

The purpose of the existing CDZ1 is (inter alia):

- *To encourage the development of land south of the Patterson River and north of McLeod Road, Patterson Lakes as a marina-based mixed use area;*
- *To assist the coordinated development of the land for marina facilities, boat storage, boat servicing and residential, tourism, office, entertainment, retailing and associated uses; and*
- *To ensure that the combination of uses, their overall density and the scale, character and level of development are compatible with... the amenity of the surrounding area and the nature of the surrounding uses.*

To date, several development plans have been endorsed by Council within the precinct under the CDZ control.

It is noted that under the CDZ1, a planning permit is not required for the use of land or buildings and works provided that certain conditions are met and that it is in accordance with a development plan approved to the satisfaction of the responsible authority.

It is respectfully submitted that these development plans have been endorsed because they align with both the purpose of the CDZ1 and are in accordance with the requirements for a development plan outlined within the CDZ1.

Relevant endorsed development plans located within the precinct are identified in Figure 1 and outlined below:

- (1) Pier 1 Apartments (6 storeys, completed)
- (2) Cove Hotel and Conference Centre, Residential and Commercial Building (4 storeys)
- (3) Cove Apartments (5 storeys)
- (4) Cove Hotel and Conference Centre, Residential and Commercial Building (3 storeys)
- (5) Pier 1 Drive Apartments Site B (5 storeys) (including 2 extant approvals)
- (6) MQ1 Apartments (10 storeys) (including 9 extant approvals)

Amendment C205 – Kingston Planning Scheme
Submission on behalf of [REDACTED]

- (7) PLM Clubhouse (2 storeys, completed)
- (8) MQ2 Apartments and Boat Dry Stack (10 storeys)

As the above development plans have been endorsed by the City of Kingston, they are considered to be active and can therefore be acted on in accordance with the provisions of the CDZ1 at any time (subject to the 2 year no-build agreement with Council for MQ2 and Cove Apartments).

It is also noted that the MQ1 development has 9 extant approvals from the City of Kingston, the earliest of which dates back 20 years. All of these approvals are for a building with a height of 31.8m AHD, with three approvals including development around the existing dry stack, ameliorating the existing view of the structure while still retaining it. These approvals serve as a clear indication that for a considerable period of time, development of this scale on the site has not been a controversial proposition.

As such, these approvals must be considered when contemplating future land use and built form controls for the precinct.



Figure 1 Endorsed Development Plan Locations

Amendment C205 – Kingston Planning Scheme
Submission on behalf of [REDACTED]

3 Revised Comprehensive Development Zone, Schedule 1

Amendment C205 seeks to implement the *Endeavour Cove Comprehensive Development Plan 2022* (revised CDP) as an incorporated document that is directly referenced in the revised CDZ1. This plan has not been the subject of an independent planning review and as such, it is entirely inappropriate that it be an incorporated document without detailed assessment and scrutiny.

The revised CDZ1 contains several additional requirements that would result in unnecessary restrictions on new development across the precinct. This section discusses the controls that are specified within the revised CDP and given statutory effect through the revised CDZ1.

3.1 Revised Precincts and Boundaries

As part of the revised CDZ1, new precincts containing specific preferred future character statements, land use and built form controls would be designated across Endeavour Cove. These precincts are shown in Figure 2.



Figure 2 Comprehensive Development Plan Precinct Map (Hansen, 2022)

The revised CDP outlines that the predominant land use expected within Precinct 2 (identified as Precinct 02 and coloured orange in Figure 2 above) is commercial and marina-based land uses. Further, the precinct

Amendment C205 – Kingston Planning Scheme Submission on behalf of [REDACTED]

guidelines at Section 5.0 of the revised CDZ1 encourages incremental change in larger non-residential sites currently occupied by boat storage facilities.

However, as noted in the previous section there is an existing endorsed plan for a residential apartment building located within this precinct (the 10 storey approval otherwise known as MQ2 located on the existing boat shed). As such, it is submitted that both the revised CDP and CDZ1 should be amended to encourage a mix of both commercial and residential uses consistent with the context of existing approvals.

Further, the revised CDP designates built form controls including mandatory maximum building height and minimum ground and upper-level setbacks to individual sites as shown in the Precinct 5 Framework Plan at Figure 3. It is also noted that the Framework Plan indicates future built form footprints at both podium level and upper level.



Figure 3 Precinct 5 Framework Plan (Hansen, 2022)

As previously noted, a development plan for MQ1 (64 Pier One Drive) has been endorsed by the City of Kingston. This approval is located on an existing single allotment, which is shown as Sites B, C and D under the revised CDP. It is submitted that the boundaries of Sites B, C and D are not consistent with either the existing lot boundaries / cadastral plan or the endorsed development plan that applies to this lot.

This presents a clear conflict between the revised CDP and the context of existing endorsed development plans. It is submitted that the boundaries for Sites B, C and D (and the overarching Precincts 2 and 5) should therefore be amended to reflect the existing lot alignment and endorsed development plan.

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3.2 Building Heights

The existing CDZ1 and CDP set out a clear vision for the future development of Endeavour Cove. This includes a diversity of building footprints, building heights and delineation of the future road network.

It is submitted that while the existing CDP would benefit from additional clarity around precinct boundaries, building heights and guidance around built form and land use, there has been no attempt to provide an interpretation of the original vision or design intent for the Marina as part of the revised CDP and CDZ1.

A clear example is that there is no recognition of the 'Proposed Apartments' identified in the existing CDP with a height of RL 31.8m, which would form a key visual marker along Pier One Drive at the western end of the marina. As previously outlined, development plans for this building have been endorsed by the City of Kingston and can be acted on in the short and medium term and therefore, should be seriously considered when determining appropriate controls for the revised CDZ1.

However, the revised CDP proposes to apply a 12m/3 storey (Precinct 5) and 19m/5 storey (Precinct 2) mandatory maximum building height to the area where the existing 10 storey approval (MQ1) is sited. Indeed, as outlined above, the precinct boundaries effectively dissect this site and seek to apply both sets of height controls to the site. Similar conflicts between existing endorsed plans and the proposed mandatory maximum building heights are present across the revised CDP. These are summarised in Table 1 below.

Endorsed Development Plan	Endorsed Building Height	Revised CDP Precinct	Revised CDP Mandatory Maximum Building Height	Revised CDP consistent with Endorsed Plans?
Pier 1 Apartments	6 storeys, RL 21.07m (built)	N/A	N/A	N/A
Cove Hotel and Conference Centre, Residential and Commercial Building	4 storeys, RL 15.5m	Precinct 5	4 storeys, 16m	Yes
Cove Apartments	5 storeys, RL 16.72m	Precinct 5	4 storeys, 16m	No
Cove Hotel and Conference Centre, Residential and Commercial Building	3 storeys, RL 15.5m	Precinct 5	4 storeys, 16m	No
Pier 1 Drive Apartments Site B	5 storeys	Precinct 1	3 storeys, 11.5m	No
MQ1 Apartments	10 storeys, 31.6m	Precinct 5 Precinct 2	3 storeys, 12m 5 storeys, 19m	No
PLM Clubhouse	2 storeys, 8m (built)	N/A	N/A	N/A
MQ2 Apartments and Boat Dry Stack	10 storeys, RL 31.6, 29.95m	Precinct 2	5 storeys, 19m	No

Table 1: Consistency Comparison

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Based on the above, it is submitted that although the existing CDP has been identified as a key strategic document that has influenced the revised CDP, little regard has been given to the original vision and design intent for Endeavour Cove nor indeed to the approvals that have been granted over successive years since the existing CDP was first incorporated. As such, we would respectfully submit that building height limits, together with the revision to the precinct boundaries should be amended to ensure consistency with all current approvals.

3.3 Design Guidelines for New Development

It is recognised that higher built form has the potential to impact on amenity in both the public and private realms. Amenity impacts should be considered as part of the development of future controls, and it is submitted that appropriate design responses including lower scale street wall heights, ground and upper-level setbacks can be utilised to greatly reduce impact on amenity and ultimately result in a successful built form outcome.

However, the current provisions proposed in the revised CDP (in the documents prepared by Hansen Partnership), are not in our submission reflective of an appropriate suite of controls, as they have been determined based on a narrow view of the future built form of the precinct that has not considered the existing approvals on the site.

As such, it is submitted that design guidelines for the precinct should be re-drafted with serious consideration given to the existing approvals on site, rather than the current drafting in the revised CDP documents.

3.4 Mandatory Provisions

The revised CDZ1 and CDP include several mandatory provisions that would apply to future use and development of land within Endeavour Cove. These include:

	Provision
Use of Land	<i>The use of land must be generally in accordance with the Endeavour Cove Comprehensive Development Plan (March 2022).</i>
Building Height	<p><i>A permit cannot be granted to exceed the mandatory maximum height specified for a Precinct as shown on the Endeavour Cove Comprehensive Development Plan (March 2022).</i></p> <p><i>The maximum building height and maximum number of storeys requirements in this schedule apply whether or not a planning permit is required for the construction of a building.</i></p>
Precinct Guidelines	<p><i>Maximum building heights, and expectations in relation to setbacks, primary street address, and vehicle access are set out in the Endeavour Cove Comprehensive Development Plan, (March 2022).</i></p> <p><i>The Endeavour Cove Comprehensive Development Plan, (March 2022) includes Precinct Framework Plans for Precincts 5 and 8, specifying maximum building heights, and outlining key precinct objectives, and guidelines in relation to built form, envelopes, access and movement, and landscape and environment.</i></p>

Pursuant to Planning Practice Note 59: *The Role of Mandatory Provisions in Planning Schemes*, mandatory provisions should only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.

It is submitted that the above mandatory provisions are inappropriate for the following reasons:

- A sound strategic basis for the provisions has not been provided, and the existing context of the precinct has not been adequately considered.

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- It is not clear how the provisions contribute to the implementation of a relevant policy or objectives, other than that of the revised CDP which is not considered to have been based on a sound strategic basis.
- The provisions will result in an unnecessary loss of flexibility and opportunity when compared to the existing CDP and CDZ 1, and existing buildings and approvals.
- Future development not in accordance with the proposed provisions will not lead to unacceptable planning outcomes, particularly given that the original CDZ 1 and CDP already provide flexibility for innovative and contextually appropriate development outcomes.

Planning Practice Note 60: *Height and Setback Controls for Activity Centres* provides further guidance relating to the appropriate use of mandatory building controls. Specifically, it is outlined that mandatory building controls should only be applied where:

- *they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

The *Endeavour Cove, Patterson Lakes Background Report* (Hansen, 2022) has considered building footprints, heights, setbacks for in its scenario testing to inform specific future development outcomes.

However, the scenarios do not test any other development outcomes, including testing whether additional building height could be accommodated without impacting on key precinct objectives. The report also does not take into consideration any of the existing approvals across the precinct in forming its conclusions.

As such, it is submitted that it has not been demonstrated that the proposed mandatory provisions are necessary to achieve the preferred built form outcomes and further, it has not been demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

It is submitted that performance-based provisions would be appropriate for Endeavour Cove and would provide for the flexibility, ensuring that future development can accommodate variation, innovation and any unforeseen uses or development circumstances.

In support of the above, Planning Panels *Melbourne C93 (PSA) [2005] PPV 88* heard the proposed implementation of the *East Melbourne Built Form Review, Stage 1* which proposed mandatory height controls. Key findings of the panel included:

- *Generally, discretionary height controls, coupled with well thought out and defined built form outcomes rigorously and consistently applied, can achieve the objectives identified in the amendment.*
- *The majority of evidence put to the Panel in the form of recent VCAT decisions supports this approach and demonstrates that VCAT places great weight on planning scheme provisions that are not necessarily mandatory in nature.*

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3.5 Car Parking

The existing CDZ1 includes a condition on several Section 1 uses including Bank, Dwelling, Office and Restaurant that specifies a minimum car parking provision that must be met. If the condition is not met, the use becomes a Section 2 use requiring planning permission.

Of most relevance is the condition that applies to the use of land for a Dwelling which states:

Car parking must be provided at the ratio of at least 2 covered spaces and 1 visitor space to each dwelling.

This condition has been partly retained as part of the revised CDZ1, where the Section 1 use of land for Accommodation is subject to the following condition:

Within Precinct 1 car parking for a Dwelling must be provided at the ratio of at least 2 covered spaces and 1 visitor space to each dwelling.

It is noted that the provision of car parking spaces outlined above is more than what is required under Clause 52.06 Car Parking of the *Kingston Planning Scheme*. The Endeavour Cove Marina, Patterson Lakes – Proposed CDZ Amendments Traffic Engineering Review (Traffix Group, April 2022) outlines that:

- *Whilst the site is 1.5km from the Carrum Station the primary Marina area of the site is significantly closer than other parts of the overall Patterson Lakes suburb with both bus routes that operate within Patterson Lakes available directly adjacent to the site's frontage. The site also has greater pedestrian and cyclist access to Carrum Activity Centre and Station via the Patterson River Paths.*
- *The amended CDZ – Schedule 1 allows for the default Clause 52.06-5 car parking rates to apply to dwellings within all precincts other than Precinct 1. We are generally supportive of this arrangement noting that it will simplify any application for apartment buildings.*

Conversely, the Stantec Car Parking Assessment that has informed Amendment C205 provides the following recommendation relating to visitor parking:

- *The current residential visitor parking rates contained within Schedule 1 to the Comprehensive Development Zone should therefore continue to be applied to development in this precinct.*

We would respectfully submit that the Traffix Engineering Review represents a more appropriate and sensible approach to car parking and that the conclusion set out in the Stantec report above is not actually supported by the preceding findings within the Stantec report.

Consideration should also be given to the recent proceeding (VCAT Ref No. P342/2022) within which Council abandoned a prior objection to Planning Permit application KP-2021/160 on the grounds that the proposed car parking provision at MQ1 was less than what was required under the existing CDP.

Traffic engineering assessment by Stantec (June 2022) found that the provision of on-site parking proposed was acceptable, which led to Council abandoning their initial objection. This suggests that the car parking requirements in the existing CDP are not consistent with contemporary planning practice and should not be replicated in the revised CDP and CDZ1.

Given the above, there appears to be little justification as part of this amendment as to the reasoning behind retaining the car parking provision condition for Precinct 1 within the revised CDZ1.

The original requirement for three car parking spaces per dwelling (irrespective of the number of bedrooms) is an archaic control that is entirely inconsistent with contemporary planning controls regarding car parking demand and provision (which has moved to a more appropriate requirement for one car space for each 1-2 bedroom dwelling, two car spaces for each three bedroom dwelling, and one visitor space per five dwellings).

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It is submitted that the existing (and unchanged) car parking requirement is out of date and not appropriately justified, and therefore should be removed from the revised CDZ1. It is considered that applying the Clause 52.06 Car Parking requirements to all Endeavour Cove precincts would be a more appropriate proposition.

3.6 Recreational Boat Parking Facility

In addition to car parking requirements, the existing CDZ1 contains the following condition relating to the use of land for a Recreational boat facility:

- *Car parking must be provided at the ratio of at least 0.6 space to each wet berth, 0.2 space to each boat space in dry stack storage or on a trailer and 0.5 space to each Marina employee.*

The Stantec Car Parking Assessment that has informed Amendment C205 provides the following recommendation:

- *a significant number of "Marina Members" are already living within Endeavour Cove and therefore would not be driving to access their boats. Therefore, the provision of car parking for berths at the marina may be well above what is required for owners to access their boats.*

However, the Stantec assessment does not recommend any specific amendments to the boat parking rates, and as a result there is no variation in the Marina car parking rates within the revised CDZ.

Given the above it is submitted that the car parking rates for a Recreational boat facility ought be reduced to a rate of 0.25 spaces per wet/dry berth. It is submitted that this figure would be consistent with other Marina developments within Victoria as well as the current relevant Australian Standard.

This reduction in car parking requirements would address the current oversupply of car parking at Endeavour Cove that is effectively locking down land that could be better utilised for the development of the land for marina facilities, boat storage and boat servicing, consistent with the purpose of the CDZ1 or which might otherwise provide greater opportunity for the provision of additional wet and / or dry berths in the marina (which would be entirely consistent with the primary purpose statements of the CDZ1).

3.7 Exemption from Notice and Review

Pursuant to Clause 37.02-2 Use of land and 37.02-3 Subdivision:

the Schedule to the CDZ1 may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Pursuant to Clause 37.02-4 Buildings and works:

an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan, and;

The schedule to this zone may specify that other applications are also exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

The existing CDZ1 does not specify further exemptions.

As such, use and development of land within the CDZ1 is effectively currently exempt from notice and review (as there is no planning permit requirement) provided that all land use conditions are met, and that the proposed development is in accordance with the existing CDP.

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This provides for a high degree of certainty for future development within Endeavour Cove, consistent with the purpose of the existing CDZ1 to *assist the coordinated development of the land*.

Pursuant to the revised CDZ1 a permit is required to construct a building or carry out works, except for single dwellings and other minor works.

The revised CDZ1 continues to not specify any further exemptions from notice and review.

As a result, applications under the revised CDZ1 will not be exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

It is considered that applying a permit trigger for buildings and works is appropriate and reasonable and is supported in principle.

However, it is respectfully submitted that the revised CDZ1 should be amended to specify exemptions from notice and review for permit applications.

This would be consistent with the approach taken in numerous other locations where the CDZ has been applied across metropolitan Melbourne including the following (noting this is not an exhaustive list):

- The Pakenham West Comprehensive Development Plan (CDZ1 to the *Cardinia Planning Scheme*) which was originally adopted in 2005 and most recently amended in 2021 – which includes exemption provisions for both subdivision and buildings and works.
- The Former Pakenham Racecourse Comprehensive Development Plan (CDZ2 to the *Cardinia Planning Scheme*) which was originally adopted in 2010 and most recently amended in 2021 – which includes exemption provisions for both subdivision and buildings and works.
- The Racecourse Road Pakenham Comprehensive Development Plan (CDZ3 to the *Cardinia Planning Scheme*) which was originally adopted in 2010 and most recently amended in 2021 – which includes exemption provisions for both subdivision and buildings and works.
- The Lyndurst Neighbourhood Activity Centre Comprehensive Development Plan (CDZ1 to the *Casey Planning Scheme*) which was adopted in 2010, and which includes exemption provisions for an application under 'any' provision of the scheme provided this was generally in accordance with the CDP.
- The Dandenong Railway Precinct Comprehensive Development Plan (CDZ1 to the *Greater Dandenong Planning Scheme*) which was adopted in 2012, and most recently amended in 2022, and which includes exemption provisions for use, subdivision and buildings and works.
- The Carlton Brewery Comprehensive Development Plan (CDZ2 to the *Melbourne Planning Scheme*) which was originally adopted in 2007 and which includes exemption provisions for use, subdivision and buildings and works.
- The Flemington Green Comprehensive Development Plan (CDZ3 to the *Melbourne Planning Scheme*) which includes exemption provisions for use, subdivision and buildings and works.
- The 550 Epsom Road Comprehensive Development Plan (CDZ4 to the *Melbourne Planning Scheme*) which includes exemption provisions for use, subdivision and buildings and works.
- The Waverley Park Comprehensive Development Plan (CDZ1 to the *Monash Planning Scheme*) which includes exemption provisions for use, subdivision and buildings and works.
- The PMP Printing Precinct Comprehensive Development (CDZ2 to the *Monash Planning Scheme*) which includes exemption provisions for use, subdivision and buildings and works
- The Waterford Green Residential Area Comprehensive Development Plan & Waterford Green Comprehensive Development Plan (CDZ1 and CDZ2 to the *Maribyrnong Planning Scheme*) which

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include exemption provisions for use and subdivision and no planning permit trigger for buildings and works

- Footscray Land, Gordon Street (CDZ3 to the *Maribymong Planning Scheme*) which include exemption provisions for use and subdivision and no planning permit trigger for buildings and works
- Cremorne, Balmain, Dover Streets Project, Richmond (CDZ2 to the *Yarra Planning Scheme*) which includes exemption provisions for subdivision and no planning permit trigger for buildings and works

4 Conclusion

The refinements to proposed Amendment C205 outlined in the submission above will ensure that the proposed controls provide a clear and applicable guide for future planning within the precinct, based on the context of the area and its surrounds, as well as key planning principles.

We trust that the discussion above provides a clear explanation as to the need for refinements sought to the proposed planning controls and that they are incorporated into future iterations.

Our client would welcome the opportunity to continue discussions with the City of Kingston in relation to this submission, to ensure an integrated and equitable result for all.

Endeavour Cove chronology

1988	Planning by Capital Resorts Groups Ltd started on the Whalers Cove Development Concept
1990	The Comprehensive Development Zone for Whalers Cove Marina included in the Chelsea and Springvale Planning Schemes
1994	The City of Chelsea approves plans for Whalers Cove (the 1994 Plans)
1996	Planning Permit issued for the Cove Hotel
December 1999	The Kingston New Format Planning Scheme (NPS1) is gazetted and incorporates a single sheet Comprehensive Development Plan dated, 'December 1999' (CDP), for Endeavour Cove
2001	Three-storey development approved by Council at 124 Northshore Drive, in an area of Precinct 2 shown on the CDP as two to three-storey dwellings
2004	A 40-lot subdivision approved by Council in Precincts 1 and 11 of the CDP
2003	Five-storey development approved by Council at 19 Northshore Drive, in an area in Precinct 5 shown on the CDP as four-storey dwellings
2008	Nine-storey development approved around the dry boat stack that was not built, in Precinct 10 of the CDP
2009	Four-storey development approved by Council at 7 Northshore Drive, in an area in Precinct 5 shown on the CDP as two to three-storey dwellings
2011	Two five-storey buildings approved by Council – the first version of what was to become the 'Pier One' apartments at 109 McLeod Rd, Precinct 11 of the CDP
2015	One six-storey building approved by Council for the 'Pier One' apartments, and subsequently built at 109 McLeod Rd, Precinct 11 of the CDP
2018	Three multi-storey developments called 'Marina Quays' approved by Council, at 54 & 64 Pier One Drive and 115A McLeod Road, Precinct 10 of the CDP



October 2019	Hall & Wilcox Lawyers engaged to undertake a review of relevant developments, development proposals and permit applications for land in the CDZ1 & CDP
23 March 2020	Council receives the Historical Planning Investigation report from Hall & Wilcox Lawyers and resolves to undertake background work to prepare a Planning Scheme Amendment
July 2020	Victorian Ombudsman investigation commences into allegations about planning processes and approvals at the City of Kingston
December 2020	Council appoints consultants to prepare background work for a Planning Scheme Amendment
12 October 2021	Victorian Ombudsman releases findings of investigation
17 Jan – 14 Feb 2022	Community consultation on draft planning controls
24 February 2022	Lodgement of Amendment C204king for interim controls and Amendment C205king for permanent controls
1 Sept – 4 Oct 2022	Exhibition of Amendment C205king
7 September 2022	Amendment C204king request declined
23 November 2022	Council considers submissions received for Amendment C205king and a recommendation to request the appointment of a Planning Panel