

Agenda

Planning Committee Meeting

Wednesday, 23rd October 2019

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

Julie Reid
Chief Executive Officer
Kingston City Council

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

Notice is given that Planning Committee Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Wednesday, 23 October 2019.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 18 September 2019

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

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

4. Planning and Development Reports

4.1	Town Planning Application Decisions - September 2019	5
4.2	KP-2017/65 - 23 Emery Drive, Dingley Village	19
4.3	KP-2019/257 - 4 Bear Street, Mordialloc	97
4.4	KP-2018/1021 - 2 Isabella Street, Parkdale.....	171
4.5	KP-2019/287 - 269-275 Centre Dandenong Road, Dingley Village ...	221

5. Confidential Items 269

5.1	KP18/507 - 1A & 5 Foster Street Aspendale - VCAT application lodged and Council position sought
-----	--

Explanation of Meeting Procedure

Meeting Procedure is Regulated by Local Law

The procedures for this Planning Committee Meeting are regulated by Council's Meeting Procedures Local Law.

Chairperson

The Mayor as Chairperson is the ultimate authority for the conduct of the meeting.

Agenda

The business to be dealt with at the meeting is set out in the agenda. No other business can be dealt with.

Motions

A motion must be moved and seconded to be valid. The mover of the motion will then be permitted to speak to it. Other Councillors will then be permitted to speak either for or against the motion. The mover will be permitted a right-of-reply, which will conclude the debate.

Voting

The motion will then be voted on by show of hands. If the motion is carried, it becomes a resolution (decision) of the Committee. Any Councillor may call for a Division, in order that the vote of each Councillor is formally recorded.

Amendments

A Councillor may move an amendment to a motion. Any amendment moved shall be dealt with in the same way as a motion, except that there is no right of reply for the mover of the amendment and the mover of the motion if the amendment is carried. If carried, the amendment becomes the motion and the previous motion is abandoned.

Speaking at the Meeting

No visitor to a Planning Committee meeting may speak to the meeting, except for:

- The applicant (or his/her representative) and one objector in relation to an application for a planning permit;
- Special circumstances in which leave to speak is granted by the Chairperson.

Unless special circumstances apply, the Chairperson will limit the presentation of a speaker to three minutes duration.

Confidential Business

The meeting may be closed at any time to deal with confidential items in camera. In these instances members of the public will be asked to leave the Council Chamber, and the meeting re-opened once the confidential business is completed.

4. Planning and Development Reports

Planning Committee Meeting

23 October 2019

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2019

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

Town Planning Application Decisions – September 2019

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

Author: Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of September, 2019.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	68	72
Notice of Decision	16	18
Refusal to Grant a Permit	4	4
Other - Withdrawn (3) - Prohibited (0) - Permit not required (2) - Lapsed (1) - Failure to Determine (0)	6	6
Total	94	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions September (Ref 19/243796) 

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

Reviewed and Approved By: Naomi Crowe, Team Leader City Development Administration

4.1

TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2019

1	Town Planning Application Decisions September 9
----------	--

Planning Decisions September, 2019							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2019/544	8 Mason Drive	BRAESIDE	2/09/2019	3/09/2019	Buildings and works in the Industrial 1 Zone	Permit	No
KP-2018/623	17 Park Street	MORDIALLOC	31/07/2018	4/09/2019	Develop two (2) double storey dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2018/672	47 Hughes Avenue	EDITHVALE	22/08/2018	4/09/2019	The development of two (2) dwellings	Permit	No
KP-2018/891	10 84-90 Lakewood Boulevard	BRAESIDE	2/11/2018	4/09/2019	Use the land as a medical centre (counselling services), reduce car parking requirements under Clause 52.06 and a waiver to the bicycle parking requirements under Clause 52.34	Permit	No
KP-2015/210/B	48-54 Cochranes Road	MOORABBIN	1/02/2018	4/09/2019	Use and develop the land for a timber yard, development of the land for the construction of warehouses and a reduction in the car parking requirements	Permit	No
KP-2019/375	252 Como Parade West	PARKDALE	19/06/2019	4/09/2019	To use the land for the sale and consumption of liquor (restaurant / cafe licence).	Permit	No
KP-2018/723	422 Nepean Highway	PARKDALE	7/09/2018	4/09/2019	In accordance with the endorsed plans: Develop the land for a three storey apartment building, four townhouses, removal of an easement and to alter access to a Road Zone Category 1.	Permit	Yes
KP-2019/363	503-505 Main Street	MORDIALLOC	17/06/2019	5/09/2019	Paint the exterior of a building in a Heritage Overlay	Permit	No

KP-2016/222	5 Chesterville Road	CHELTENHAM	30/03/2016	5/09/2019	In accordance with the endorsed plans Development of the land for the construction of an eight (8) storey mixed use building containing up to thirty-six (36) dwellings, one (1) office and alter access to a Road Zone, Category 1	Permit	No
KP-2019/402	10 Melaleuca Drive	CLARINDA	1/07/2019	5/09/2019	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2019/104	207 Como Parade East	PARKDALE	25/02/2019	5/09/2019	Develop the land for the construction of three (3) dwellings	Permit	No
KP-2015/307/B	119 Beach Road	PARKDALE	11/12/2018	5/09/2019	Amendment to permit and plans which allowed seven (7) double storey dwellings with basement parking, to change to four (4) double storey dwellings with at grade parking and create access to a Road Zone Category 1	Notice of Decision	No
KP-2017/821	2 Trent Court	BONBEACH	25/10/2017	5/09/2019	In accordance with the endorsed plans The construction of three double storey dwellings	Permit	No
KP-2019/559	37 Fourth Street	PARKDALE	3/09/2019	5/09/2019	Develop the land for one (1) dwelling on land within a Special Building Overlay	Permit	No
KP-2018/789	1 242-248 Como Parade West	PARKDALE	26/09/2018	6/09/2019	Use the land for the Sale and Consumption of Liquor (Restaurant and Cafe licence)	Permit	No
KP-2019/564	1A Davies Street	MENTONE	5/09/2019	6/09/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/92/A	243A Como Parade East	PARKDALE	20/06/2019	9/09/2019	Subdivide the land into two (2) lots	Permit	No
KP-2018/980	50 White Street	MORDIALLOC	6/12/2018	10/09/2019	Development of thee (3) dwellings in a Special Building Overlay and adjacent to Road Zone Category 1 and associated works in accordance with the endorsed plans	Permit	No

KP-2019/171	38 Bondi Road	BONBEACH	26/03/2019	11/09/2019	Subdivide the Land into Six (6) Lots	Permit	No
KP-2018/397	Unit 3 393 Station Street	BONBEACH	28/05/2018	11/09/2019	Develop the land for the construction of one (1) double storey dwelling on a lot less than 300m2	Permit	No
KP-2019/224	117 Bondi Road	BONBEACH	10/04/2019	11/09/2019	Develop three (3) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2016/123/A	19 Northcliffe Road	EDITHVALE	22/07/2019	11/09/2019	In accordance with the endorsed plans Construction of ten dwellings on land comprised in two lots Construction of front fencing within 3 metres of Joffre Lane Joffre Avenue that exceeds 1 2 metres in height	Permit	No
KP-2019/300	506 Station Street	CARRUM	17/05/2019	11/09/2019	Use the land for a temporary carpark with associated buildings and works	Notice of Decision	No
KP-2018/787	132 Warrigal Road	MENTONE	25/09/2018	11/09/2019	The development of three (3) dwellings and alter access to a road in a Road Zone, Category 1	Notice of Decision	No
KP-2019/176	24 Bruthen Street	MOORABBIN	27/03/2019	11/09/2019	The development of two (2) dwellings on land affected by a Special Building Overlay	Permit	No
KP-2016/935/B	151-153 Nepean Highway	MENTONE	25/06/2019	12/09/2019	Develop and use the land for the construction of a service station	Lapsed	No
KP-2018/942	1 5 Swan Walk	CHELSEA	22/11/2018	12/09/2019	Develop the land for dwelling additions and alterations in accordance with the endorsed plans	Notice of Decision	No
KP-2015/991/A	90 Keith Street	PARKDALE	23/01/2019	12/09/2019	Develop the land for the construction of one (1) double storey dwelling, to the front of an existing dwelling.	Permit	No
KP-2019/574	6 Oaklands Court	HIGHETT	10/09/2019	12/09/2019	Subdivide the Land into Two (2) Lots	Permit	No

3 of 9

KP-2018/690	Lot 1 Centre Road	OAKLEIGH SOUTH	28/08/2018	13/09/2019	Building and works associated with carpark and front fence, construction of one business identification sign within a heritage overlay	Notice of Decision	No
KP-2014/820/C	48 Como Parade West	MENTONE	10/07/2019	13/09/2019	Develop the land for the construction of buildings and works (and partial demolition) in a Heritage Overlay and Design and Development Overlay Schedule 18, a reduction in the car parking requirement associated with the use of the land as a restaurant to zero, waiver of the loading bay and bicycle pa	Permit	No
KP-2019/75	23 Dactyl Road	MOORABBIN	11/02/2019	13/09/2019	The development of four (4) dwellings	Refused	No
KP-2019/114	210 Beach Road	MORDIALLOC	4/03/2019	13/09/2019	Develop the land for the construction of two (2) dwellings and subdivide the land into two (2) lots	Refused	No
KP-2019/578	221 Centre Dandenong Road	CHELTENHAM	11/09/2019	13/09/2019	Construct a fence on land within a Special Building Overlay	Permit	No
KP-2019/575	3 Lewis Street	MORDIALLOC	10/09/2019	16/09/2019	Subdivide the land into two (2) lots	Permit	No
KP-2019/579	39 Fletcher Street	MOORABBIN	11/09/2019	16/09/2019	Subdivide the land into Two (2) Lots	Permit	No
KP-2018/678/A	74 Wilson Street	CHELTENHAM	19/08/2019	16/09/2019	The development of two (2) double storey dwellings (side by side)	Permit	No
KP-2019/439	25 Connewarra Avenue	ASPENDALE	18/07/2019	16/09/2019	Develop the land for the construction of one (1) Dwelling on a lot less than 300m2	Permit	No
KP-2019/378	9 575-577 Lower Dandenong Road	DINGLEY VILLAGE	21/06/2019	16/09/2019	Buildings and works comprising an upper storey extension to the existing dwelling	Notice of Decision	No

KP-2019/275	14-16 Bond Street	MORDIALLOC	10/05/2019	16/09/2019	Development the land for the use of an Indoor Recreation Facility (Golfing), the sale and consumption of liquor (Restricted club licence) and display of business identification signage, subject to the following conditions:	Permit	No
KP-2019/326	5 Verbena Street	MORDIALLOC	3/06/2019	17/09/2019	The development of two (2) dwellings	Permit	No
KP-2019/299	250 Station Street	EDITHVALE	15/05/2019	17/09/2019	The development of three (3) dwellings	Permit	No
KP-2019/566	12 200 Nepean Highway	ASPENDALE	5/09/2019	18/09/2019	Develop the land for an extension to one dwelling	Permit	No
KP-2019/570	132-138 Woodlands Drive	BRAESIDE	9/09/2019	18/09/2019	The development of alterations and additions to an existing warehouse	Permit	No
KP-2019/456	3 Munro Avenue	EDITHVALE	25/07/2019	18/09/2019	The development of two (2) dwellings	Notice of Decision	No
KP-2019/536	38 Mascot Avenue	BONBEACH	28/08/2019	19/09/2019	The development of alterations and additions to the existing dwelling	Permit Not Required	No
KP-2019/44	46-56 Canterbury Road	BRAESIDE	1/02/2019	19/09/2019	Develop the land for the construction of three (3) warehouses, business identification signage and a reduction in the car parking requirements	Permit	No
KP-2019/315	9 Wordsworth Avenue	CLAYTON SOUTH	23/05/2019	19/09/2019	Development of four (4) dwellings in accordance with the endorsed plans	Permit	No
KP-2019/35	9 Nanda Court	PATTERSON LAKES	23/01/2019	20/09/2019	The development of two (2) double storey dwellings	Permit	No
KP-2019/268	1 Blantyre Avenue	CHELSEA	7/05/2019	20/09/2019	The use and development of five (5) dwellings	Permit	No
KP-2019/270	4 Ivy Street	CHELTENHAM	7/05/2019	20/09/2019	The development of two (2) dwellings	Notice of Decision	No

KP-2019/371	7 Plunkett Street	CHELTENHAM	17/06/2019	20/09/2019	The development of two (2) dwellings	Notice of Decision	No
KP-2019/325	1 5 Conti Court	MENTONE	31/05/2019	20/09/2019	The development of a first floor extension to the existing dwelling on a lot less than 300sqm	Notice of Decision	No
KP-2019/49	19 Axelton Street	CHELTENHAM	4/02/2019	20/09/2019	Develop the land for the construction of two (2) double storey dwellings	Permit	No
KP-2019/494	48 Woodbine Grove	CHELSEA	13/08/2019	20/09/2019	Construct the land for the development of Four (4) double storey Dwellings	Permit	No
KP-2018/946	20 Fiddes Street	MOORABBIN	26/11/2018	20/09/2019	The development of two (2) dwellings on land in special building overlay in accordance with the endorsed plan	Permit	No
KP-2018/403	102 White Street	MORDIALLOC	25/05/2018	20/09/2019	Develop the land for the construction of a five (5) storey apartment building comprising 40 dwellings and alter access to a Road Zone Category 1	Permit	Yes
KP-2019/66	14-18 Walter Street	MOORABBIN	7/02/2019	23/09/2019	The use of the land for an Indoor Recreation Facility (personal and group training)	Permit	No
KP-2018/886	1 37 York Street	BONBEACH	1/11/2018	23/09/2019	Develop the land to extend a single dwelling on a lot less than 300m2	Permit	No
KP-2019/311	11 Bear Street	MORDIALLOC	22/05/2019	23/09/2019	Additions and alterations including a first floor extension to an existing dwelling in a Heritage Overlay	Permit	No
KP-2007/531/C	2B Sinclair Avenue	EDITHVALE	2/11/2018	23/09/2019	alterations to existing dwelling by adding alfresco area and a rooftop	Permit	No
KP-2018/676	236 Clarinda Road	HEATHERTON	23/08/2018	23/09/2019	Use the land as a place of worship and buildings and works for the construction of an associated car parking area.	Notice of Decision	No
KP-2019/599	21 Dawn Street	HIGHETT	19/09/2019	23/09/2019	Subdivide the Land into Two (2) Lots	Permit	No

KP-2016/191/B	36-44 Whiteside Road	CLAYTON SOUTH	6/08/2019	23/09/2019	Develop the land for alterations to an existing warehouse (Bus Depot) and reduction of the car parking requirement	Permit	No
KP-2019/598	Unit 1 54 Thames Promenade	CHELSEA	18/09/2019	23/09/2019	Proposed veranda	Withdrawn	No
KP-2019/308	6 Kitchener Street	MENTONE	22/05/2019	23/09/2019	The development of two (2) dwellings and associated works in accordance with the endorsed plans	Notice of Decision	No
KP-2016/475/A	3 Egret Drive	CHELSEA HEIGHTS	25/07/2019	23/09/2019	Develop the land for the construction of alterations & additions	Permit	No
KP-2019/432	798-808 Springvale Road	BRAESIDE	23/07/2019	24/09/2019	Buildings and works to construct a verandah associated with an existing Section 2 use	Permit	No
KP-2019/173	11 Wimborne Avenue	CHELSEA	26/03/2019	24/09/2019	Develop the land for the construction of eight (8) double storey dwellings and a basement car park	Notice of Decision	No
KP-2019/274	3 Shenfield Lane	BONBEACH	10/05/2019	24/09/2019	Alterations and additions to the existing dwelling in a Design and Development Overlay	Permit Not Required	No
KP-2019/348	15-17 Bond Street	MORDIALLOC	6/06/2019	24/09/2019	Develop the land to reconstruct a building destroyed by fire and a reduction in the car parking requirement	Permit	No
KP-2018/934	22 Stayner Grove	MOORABBIN	21/11/2018	25/09/2019	The development of three (3) dwellings and removal of an easement	Refused	No
KP-2019/68	Warehouse 20 85 Keys Road	MOORABBIN	11/02/2019	25/09/2019	The use of land for a restricted retail premises (bicycle sales) and a reduction in the car parking requirement associated with the use of the land	Permit	No
KP-2019/329	10 Gipps Avenue	MORDIALLOC	3/06/2019	25/09/2019	The development of one (1) dwelling, and buildings and works to	Permit	No

					the existing dwelling on land affected by a Land Subject to Inundation Overlay		
KP-2019/487	15 True Avenue	CARRUM	8/08/2019	25/09/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/497	27 Second Street	CLAYTON SOUTH	14/08/2019	25/09/2019	Sudivide the Land into Three (3) Lots	Permit	No
KP-2019/535	2 49 The Corso	PARKDALE	28/08/2019	25/09/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/266	40-46 Canterbury Road	BRAESIDE	3/05/2019	25/09/2019	Develop the land for the construction of a Warehouse on Land Subject to Inundation Overlay	Permit	No
KP-2018/1002	30 Mallawa Street	CLAYTON SOUTH	14/12/2018	25/09/2019	The development of a second dwelling (to the rear of an existing dwelling) and associated works in accordance with endorsed plan	Permit	No
KP-2015/445/C	1 Bristol Avenue	EDITHVALE	28/08/2019	25/09/2019	Develop the land for the construction of three (3) dwellings	Permit	No
KP-2019/588	3 Marita Court	CHELTENHAM	16/09/2019	26/09/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/65	8 Fowler Street	CHELSEA	25/01/2018	26/09/2019	the development of two (2) dwellings	Notice of Decision	No
KP-2018/747/B	Unit 3 10 Bank Road	EDITHVALE	23/08/2019	26/09/2019	The development of a dwelling extension on a lot less than 300 square metres	Permit	No
KP-2017/420/A	36 Melrose Street	PARKDALE	18/09/2019	26/09/2019	Develop the land for the construction of Two (2) Double Storey Dwellings	Withdrawn	No
KP-2019/284	172 Nepean Highway	ASPENDALE	15/05/2019	30/09/2019	The development of two (2) dwellings	Notice of Decision	No
KP-2019/417	1182 Nepean Highway	CHELTENHAM	10/07/2019	30/09/2019	Use and develop the land for Vehicle sales	Withdrawn	No
KP-2019/495	243 Nepean Highway	PARKDALE	14/08/2019	30/09/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2019/518	37 Cannes Avenue	BONBEACH	21/08/2019	30/09/2019	Subdivide the Land into Three (3) Lots	Permit	No

KP-2019/107	159 Warren Road	PARKDALE	27/02/2019	30/09/2019	Develop the land for one (1) dwelling to the rear of an existing dwelling	Permit	No
KP-2019/571	9 Cleary Court	CLAYTON SOUTH	9/09/2019	30/09/2019	Subdivide the Land into Four (4) Lots	Permit	No
KP-2019/585	1 Riviera Street	MENTONE	12/09/2019	30/09/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/504	253 Station Street	EDITHVALE	15/08/2019	30/09/2019	Subdivide the Land into Four (4) Lots	Permit	No
KP-2003/172/D	8 Irish Court	BONBEACH	2/07/2019	30/09/2019	The development of the site for the construction of sixty six (66) dwellings, comprising thirty six (36) double storey and thirty (30) single storey dwellings, and the removal of native vegetation on land designated within a Land Subject to Inundation Overlay, in accordance with the plans to be subm	Permit	No
KP-2019/67	13 Barrett Street	CHELTENHAM	8/02/2019	30/09/2019	The development of land for a three (3) storey apartment building comprising of nine (9) dwellings and removal of easement	Refused	No

Planning Committee Meeting

23 October 2019

Agenda Item No: 4.2

KP-2017/65 - 23 EMERY DRIVE, DINGLEY VILLAGE

Contact Officer: James Leonard, Senior Statutory and Business Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2017/65 - 23 Emery Drive, Dingley Village.

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.

OFFICER RECOMMENDATION

That Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of three (3) double storey dwellings at 23 Emery Drive, Dingley Village, subject to the conditions contained within this report.

This application requires a decision by the Planning Committee, following a call in by Cr Staikos, stating the following reasons:

- Number of objections received.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

EXECUTIVE SUMMARY			
Address	23 Emery Drive, Dingley Village		
Legal Description	Lot 7 on LP136525		
Applicant	Derek Farrington Architect		
Planning Officer	James Leonard		
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 53.18 – Stormwater Management in Urban Development		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot		
APPLICATION / PROCESS			
Proposal	Develop the land for the construction of three (3) dwellings		
Reference No.	KP-2017/65	RFI Received	21/08/2018
App. Received	06/02/2017	App. Amended	16/07/2019
Site inspection	Yes		
S.52 Advertising	Commenced: 25/07/2019	Advertising Completed	12/08/2019
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	84 (TRIM checked on 16/09/2019)		
Mandatory Garden area requirement	Required: 35% Complies	Mandatory Building Height requirement	Maximum: 9 metres Complies
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP Considered Plans	Yes – Submitted 13/08/2019 <ul style="list-style-type: none">Farrington, Drawing No's TP01 – TP10 inclusive, Revision E, dated 01/05/2019, submitted to council on the 16/07/2019.Constructive Arboriculture; Pre-Development Vegetation Impact Assessment; 23 Emery Drive; Dingley VillageArborist Report, Pre-Development Vegetation Assessment, 23 Emery Drive, Dingley Village, Adam Hamilton, Construction Arboriculture, 07/2019		

1.0 RELEVANT LAND HISTORY

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

2.0 SITE PARTICULARS

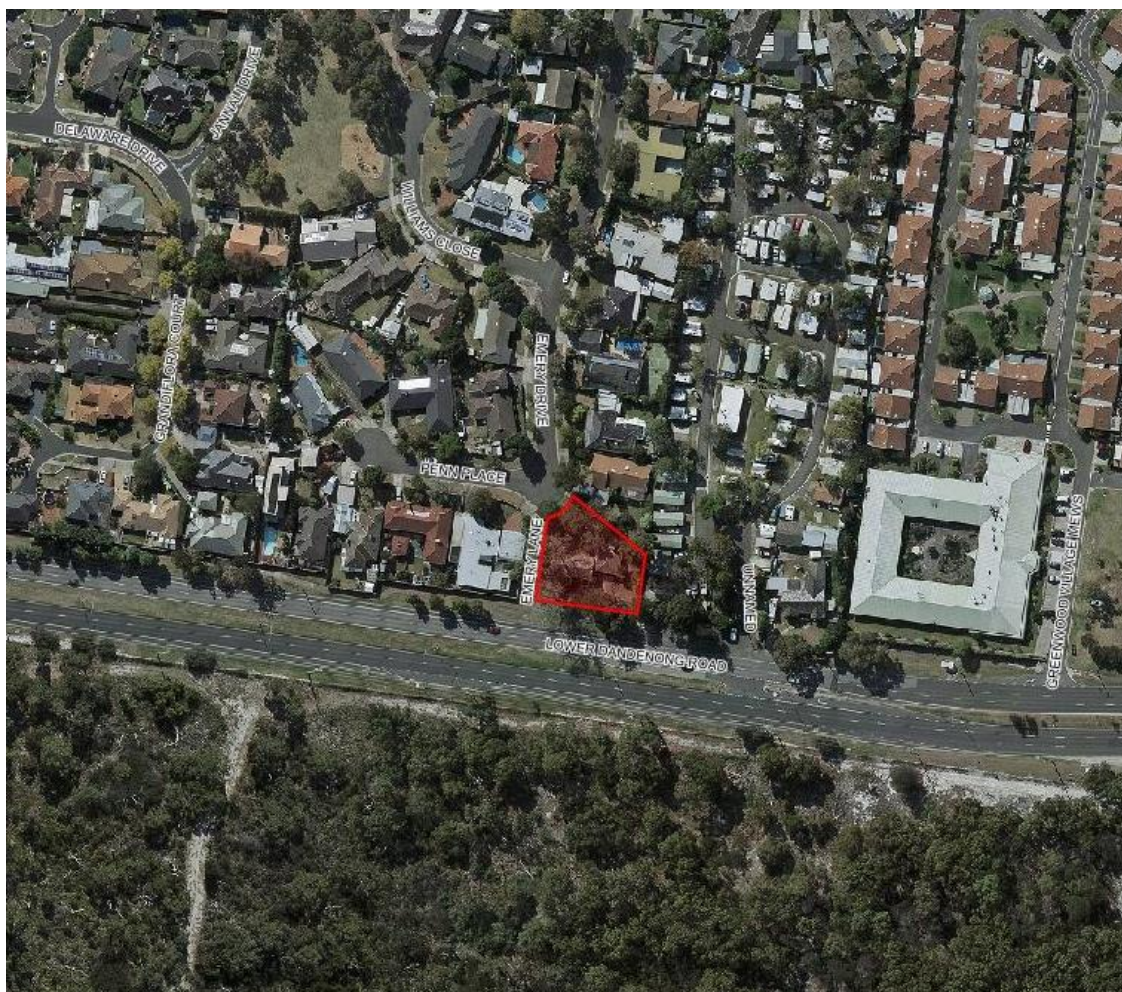
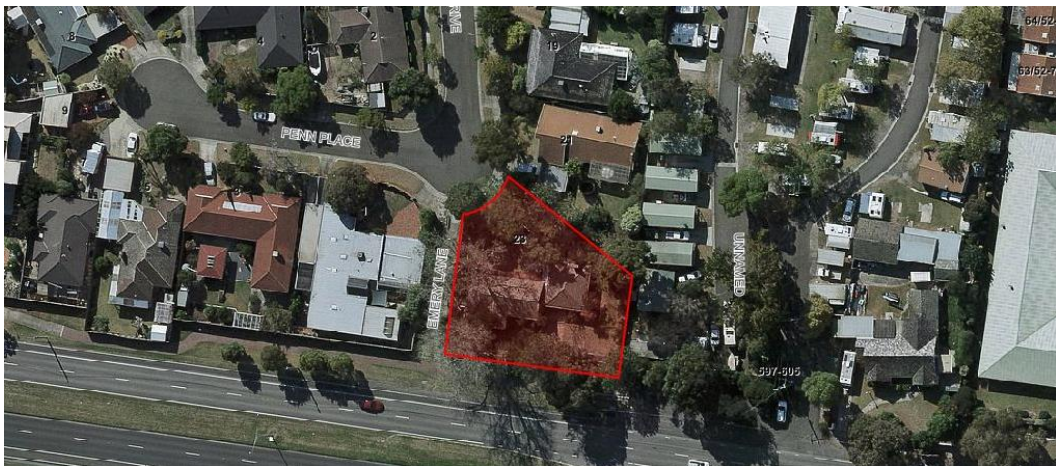
2.1 The photographs below illustrate the subject site from a streetscape perspective.



Built form	A single storey brick dwelling and associated outbuildings occupies the land. The existing dwelling is oriented in an east-west direction. A detached carport is located abutting the northern side boundary. The dwelling is set back approximately 13.4 metres from the front property boundary.
Size (m²)	The site is irregular in shape and is located at the southern end of Emery Drive. The site has a frontage to Emery Drive of approximately 13 metres, a northern side boundary of approximately 33.56 metres, a southern rear boundary of approximately 37 metres and a western side boundary of approximately 30 metres. The site has an area of approximately 1153m ²
Topography	The land has a slight slope of approximately 820mm from the front northern title corner (18.70AHD) to the rear south-east title corner (17.88AHD). There is a slight cross-fall in an east-west direction.
Fencing	The street frontage and western side boundary is delineated by a 1.6-metre-high horizontal board fence. This fence extends to a height of 1.7 metres high along the southern rear boundary. The eastern and northern boundaries are delineated by a 2.0-metre-high timber paling fence.
Vegetation	The site is heavily vegetated, with substantial trees located across the site, predominately within the front and rear setbacks.
Easement(s)	A 2.01m wide E-1 drainage and sewerage easement is located along the site's east (side) property boundary. A 1.15m easement along the western boundary for a water pipe easement.
Footpath assets / access	One (1) existing crossover adjacent to the northern (side) common boundary. One electricity pole and one (1) street tree is located along the frontage.
Covenant(s) / Restrictions	No restriction is listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

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



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

North	21 Emery Drive: A single storey brick dwelling with an attached garage. There is a crossover located towards the property's south (side) of its frontage. This dwelling includes a 6.16 metre front setback from Emery Drive. The site also features a second crossover (no driveway) adjacent to the northern side boundary.
East	The Five Way Caravan Park, with the nearest caravan/structure being located approximately 2.3 metres from the common eastern side boundary.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

South	A 5-metre-wide tree reserve separates the subject site from Lower Dandenong Road. Further south is Braeside Park.
West	<p>A 7-metre-wide reserve (Emery Lane) separates the subject site from 1 Penn Place. The reserve includes a footpath which joins Emery Drive to Lower Dandenong Road.</p> <p>1 Penn Place: A single storey brick dwelling with an attached carport. There is a crossover located towards the property's east (side) of its frontage. This dwelling includes a 6.54 metre front setback from Emery Drive. A second crossover (for caravan access) is located adjacent to the site's western side boundary.</p>

21 Emery Drive



1 Penn Place



Emery Lane

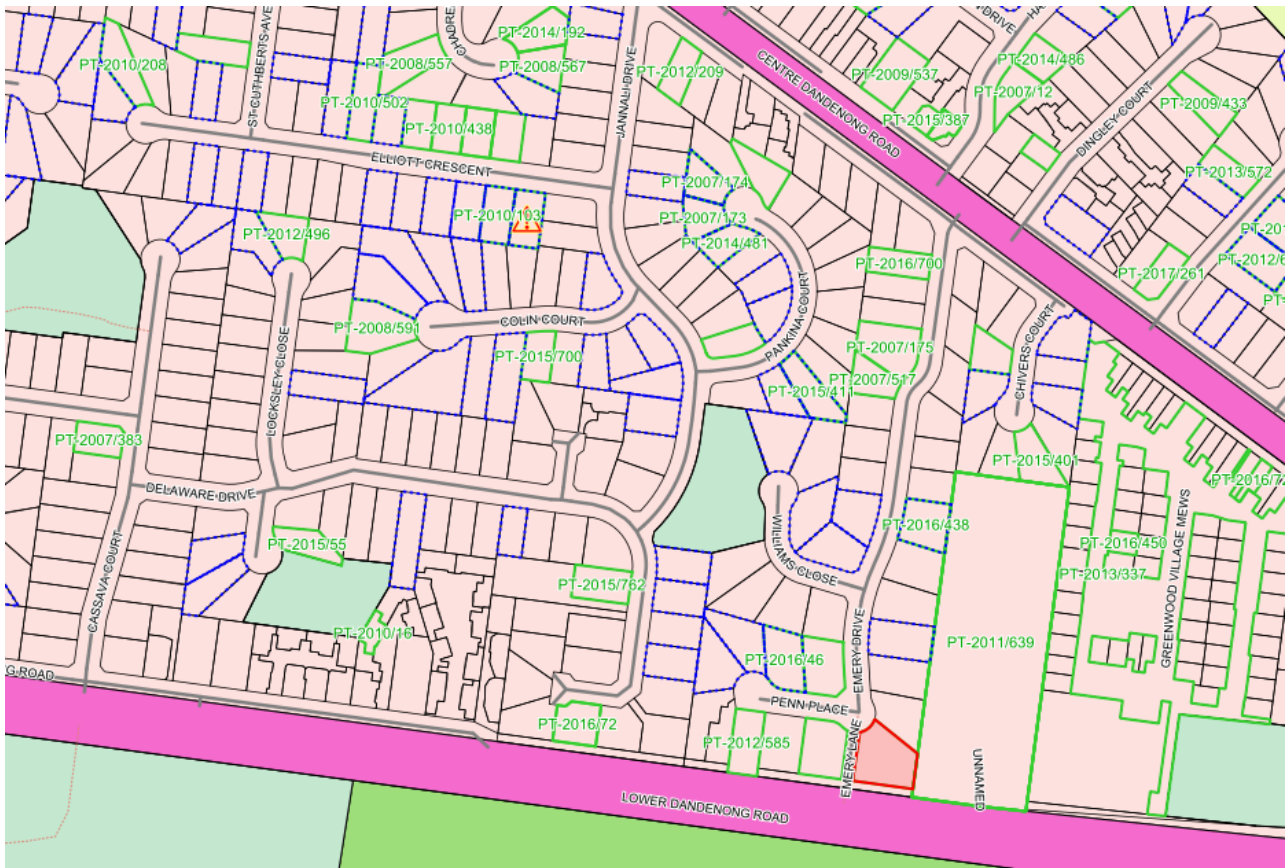


Lower Dandenong Road – Rear Perspective



- 3.3 The subject site is located within a predominately residential area where single storey and double storey brick dwellings are prevalent. Single and double storey dwellings with large building footprints, with multiple vehicle crossovers are commonly found within the surrounding streets.

A number of multi-unit developments can also be found within the surrounding neighbourhood. These range from smaller dual occupancy developments to larger 5+ dwelling developments. The image below demonstrates the pattern of subdivision within the immediate area.



4.0 PROPOSAL

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

Description	Demolish the existing dwelling and associated outbuildings on the land to develop the land for the construction of three (3) dwellings		
Storeys	Double storey		
Maximum building height	7.381 metres		
Bedrooms (including study)	3 bedrooms per dwelling		
Car parking	6 spaces in total, 2 per dwelling each in a double garage		
Front setback	6.1 metres		
Private Open Space	Dwelling 1 67.52m ² (front) 57.40m ² (rear)	Dwelling 2 92.00m ²	Dwelling 3 191.78m ²

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

Site Coverage	41.49%	Permeability	40.70%
Access	Existing crossover to be reinstated with a new crossover proposed further towards the site's northern (side) property boundary.		
Vegetation removal/retention	Majority of the vegetation on site is proposed to be removed. Two (2) trees within the subject site, and the street tree are proposed to be retained.		
Building materials	Walls: Brick and polystyrene render Roof: tiled roof		

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 3): Pursuant to Clause 32.08-4 of the Kingston Planning Scheme a planning permit is required to construct two (2) or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme. Schedule 3 to the General Residential Zone includes a variation to several standards within Clause 55.

Particular Provisions

- 5.2 **Clause 52.06 - Car Parking** contains the following residential car parking rates:

1 space to each 1 or 2 bedroom dwelling

2 spaces to each 3 or more bedroom dwelling

1 visitor space for every 5 dwellings

This equates to a parking requirement of 6 spaces for the proposed development. No visitor spaces are required to be provided on site.

As the required number of car parking spaces is provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3.

A conditional requirement (discussed below) requires the driveway to be realigned to include a 500mm separation from the side boundary, which will result in the repositioning of the crossover.

Clause 52.06 – 8 Design standards including vehicle movements, turning areas, garaging dimensions and accessway widths and are considered compliant. It is noted that visual splays are not shown on the plans, therefore, it is recommended the following conditions be included on any permit issued:

- The provision of corner splays (where practical) in accordance with Design Standard 1 of Clause 52.06-9;

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

- 5.4 **Clause 53.18** – Stormwater Management in Urban Development 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.

General Provisions

- 5.5 The Decision Guidelines of **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.

6.0 RELEVANT POLICIES

6.1 Planning Policy Framework (PPF)

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

6.2 Local Planning Policy Framework (LPP)

- Clause 21.05 Residential Land Use
- Clause 22.11 Residential Development Policy
- Clause 22.20 Stormwater Management

6.3 Other

- 6.4 Neighbourhood Character Area Guidelines (Incorporated Document under **Clause 21.05** – Residential Land Use of the LPPF). The land is located within Area 53 of the Neighbourhood Character Guidelines.
- 6.5 Design Contextual Housing Guidelines (April 2003 – reference document within **Clause 22.11** – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

7.0 ADVERTISING

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Eighty-four (84) objections to the proposal were received. The grounds of objection raised are summarised as follows:
- Parking and traffic concerns.
 - Additional traffic generation;
 - Limited of onsite parking;
 - Reliance on on-street parking;

- Visual Bulk, Scale and Mass.
- Neighbourhood character.
- Density.
- Vegetation Removal.

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 22 November 2018 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and objectors in attendance. The above-mentioned issues were discussed at length.
- 8.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 SECTION 50 / 50A / 57A – AMENDMENT TO PLANS

- 9.1 Following advertising and the planning consultation meeting the Permit Applicant lodged amended plans on 16 July 2019, pursuant to Section 57A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:
- Reduction of the number of dwellings from 4 to 3;
 - Vegetation Retention.
- 9.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

10.0 ADVERTISING – AMENDED PLANS

- 10.1 The amended proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and all registered objectors to the original application.
- 10.2 Twenty-Seven (27) objections to the amended proposal were received. These objections were amended submission to the original application, with no additional objectors registered. The grounds of objection raised to the amended development application were consistent with the original grounds of objection, with concern that the reduction to the number of dwellings does not satisfactorily address the previous concerns and remains an over-development of the site.

11.0 REFERRALS

- 11.1 The application was referred as set out in the tables below.

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to the submission of a landscape plan, tree management & protection plan and protection of the street tree. The following comments were provided: <u>Tree Removal/Retention:</u> <ul style="list-style-type: none">• Council is supportive of the recommendations provided in the arborist report prepared by Adam Hamilton and the subsequent

	<p>alterations to the proposal to facilitate retention of the <i>Corymbia ficifolia</i> (Red-flowering Gum).</p> <ul style="list-style-type: none"> The submission and endorsement of a Tree Management Plan addressing the retention and protection of the <i>Corymbia ficifolia</i>, <i>Lophostemon confertus</i> (street tree) and any neighbouring trees, will be a condition of the permit. <p><u>Landscaping:</u></p> <ul style="list-style-type: none"> Replacement canopy trees within the front setback, along the driveway and within SPOS areas will be a condition of the permit, given the significant loss of canopy trees from the site required to facilitate the development. Species selected must comprise a minimum 80% indigenous species, given the proximity of the subject site to areas of high landscape and environmental value (Braeside Park, Southern Golf Club).
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater and drainage.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to vehicle crossover and footpath reconstruction.
ESD	Standard conditions to be included on any permit issued relating to the provision of a SDA report, and implementation of the recommendations.

12.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 12.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 12.2 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.*

- 12.3 **Clause 11.01-1R1** (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.
- 12.4 **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 considers 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.
- 12.5 **Clause 13** (Environmental Risks and Amenity) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 12.6 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 12.7 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. The provisions of **Clause 15.02** (Sustainable Development) promotes energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 12.8 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 12.9 Importantly, the Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity.

“The Aboriginal Heritage Act 2006 (the Act) and Aboriginal Heritage Regulations 2018 provides for the protection and management of Victoria’s Aboriginal heritage with streamlined processes linked to the Victorian planning system. The Act also provides clear guidance to planners and developers about when, and how, Aboriginal cultural heritage needs to be considered, and in some situations, work cannot proceed until compliance is met. Large developments and other high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage”. [Source: DCPD website].

In this instance, as the proposed activity **is not exempt** under the Regulations of the Aboriginal Heritage Act 2006, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council. Accordingly, a CHMP has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. Importantly, the Plan has been approved by the Secretary of the Department of Premier and Cabinet.

- 12.10 The approved Plan contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area.
- 12.11 The following conditions are to be included on any permit that is issued:
- A copy of the approved CHMP must be retained on site at all times during works so that it can be referred to, if required, to ensure compliance with the recommended management conditions and contingency plans outlined within; also, a compliance checklist is included in Appendix 4.*
- 12.12 Housing objectives are further advanced at **Clause 16**. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as **Clause 11**, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.
- 12.13 The policies contained within **Clause 16.01-3S** (Housing diversity) encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing. **Clause 16.01-4S** (Housing affordability) raises the objective of delivering more affordable housing closer to jobs, transport and services.
- 12.14 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.

Local Planning Policy Framework

- 12.15 The City of Kingston's MSS at **Clause 21.05 - Residential Land Use** of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 12.16 Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:
- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*

- *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
 - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
 - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*
- 12.17 Council's Local Planning Policy at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 12.18 **Clause 22.11 - Residential Development Policy** extends upon the provision contained at **Clause 21.05 - Residential Land Use**, relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.
- 12.19 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:
- *To promote 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 MSS.*
 - *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
 - *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
 - *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
 - *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
 - *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*
- 12.20 **Clause 22.19 (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.

- 12.21 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.
- 12.22 **Clause 22.20 – Stormwater Management** is applicable to the consideration of medium and large-scale developments as specified within Table 1 of 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.
- 12.23 **Clause 22.21 Environmentally Sustainable Development (ESD)** policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As the application is for three dwellings, conditional consent will require the submission of a Sustainable Design Assessment (BESS/STORM). The SDA report will outline how the development meets the requirements. On submission, the SDA report will be assessed via council's ESD officer.
- 12.24 It is considered that the commitments expressed in the SDA/SMP report, coupled with the proposed development plans and dwelling layouts, the proposal will be required to achieve an appropriate best practice ESD standard, therefore meeting the objectives of this policy. If it is satisfactory, the SDA report will be endorsed.
- 12.25 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

Zoning Provisions

- 12.26 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%

- 12.27 It is considered that the proposal in its current format complies with the mandatory garden area requirement. The site must provide a minimum of 35% of the site for garden area, which equates to a minimum of 403.55m².
- 12.28 Approximately 462m² has been provided in garden area, which equates to approximately 40%.

Particular Provisions

- 12.29 As identified earlier in Section 5.2 of this report, the car parking provision has been satisfied. **Clause 52.06** requires the provision of 6 car parking spaces made up of two car parking spaces for each dwelling. No visitor spaces are required for the development of three (3) dwellings. The subject site is also located within the PPTN (Principal Public Transport Network) Area.
- 12.30 The permit applicant proposes the provision of three two-car parking spaces for each dwelling, providing 6 car parking spaces onsite. The proposal does not require any of the vehicles within the development to park off-site (within the street), as the number of parking spaces have been provided within the title boundary. As the requirements of Clause 52.06 have been met, the Responsible Authority cannot require additional parking to be provided on site.
- 12.31 Council is satisfied the traffic generated from the proposal will not result in an adverse impact to the existing road network. It is considered the additional vehicles from the increased number of dwellings is acceptable and will not detrimentally impact the street.
- 12.32 The proposal has also been assessed against **Clause 53.18 – Stormwater Management in Urban Development** and it is considered that the proposal 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.

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 13.1 The proposal has been assessed against the objectives and standards of **Clause 55** (ResCode) of the Kingston Planning Scheme (refer to 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.
- 13.2 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.

13.3 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	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

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 		
<p>Assessment: The subject site is located within a predominantly residential area where single storey and double storey brick dwellings are prevalent. Several multi-unit developments typically consisting of two (2) to five plus (5+) dwellings are also found along Lower Dandenong Road and Centre Dandenong Road, as well as several multi-dwelling developments scattered through the Dingley Village area.</p> <p>The proposal is for three dwellings on a lot of approximately 1153 square metres. The dwellings are designed to be connected at the ground floor, with upper floor separation between all dwellings. The dwellings have been sited centrally to the site, with generous side and rear setbacks to all boundaries.</p> <p>It can be seen from the surrounding area single dwellings occupy large portions of the site, with large building footprints. The proposal one vehicle entry point in a similar location to the existing vehicle crossover. Dwelling 1 is the prominent feature of the site when viewed from Emery Drive, with the shared driveway providing access to garaged located internally to the site. This results in vehicle parking and garages not being a dominant feature from the public realm.</p> <p>The design response is also considered to be responsive to the adjoining properties with visual breaks sited adjacent to existing secluded private open space and locating built form in line with existing buildings. On balance, the proposal is respectful of the existing and emerging neighbourhood character.</p>		
Clause 55.02-2 Residential Policy objectives	Standard B2 <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 	Complies

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE		
<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: Section 12 of this report outlines the policy foundation of Clause 22.11, which is based on the principles outlined in the <i>Kingston Residential Strategy (September 2000)</i> and <i>Kingston Neighbourhood Character Guidelines (August 2007)</i>. In unity with the policy premise of the <i>Kingston Residential Strategy</i>, Clause 22.11 seeks 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 MSS</p> <p>Clause 22.11 nominates the site and its surrounds in a General Residential Zone Schedule 3 area for Incremental Housing Change Areas, and states:</p> <p><i>In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS. The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments.</i></p> <p>As the Site is located within a Residential 3 Zone, Clause 22.11 seeks to manage development pressures by instituting a gradual or 'incremental' rate of change, which is generally commensurate to that envisaged through the Schedule to the zone and with that experienced by the building typography found in the area.</p> <p>It is acknowledged the 'Incremental Change' definition seeks to encourage lower density housing in the form of single dwellings of equivalent dual occupancy developments, whereas the proposal seeks approval for the development of three dwellings. The proposal is for three dwellings on a lot of approximately 1153 square metres.</p> <p>A review of the surrounding properties in Emery Drive, Williams identifies the following (approx.) lot sizes:</p> <table><tr><td>1 Emery Drive: 537m² 3 Emery Drive: 595m² 4 Emery Drive: 588m² 5 Emery Drive: 615m² 6 Emery Drive: 585m² 7 Emery Drive: 534m²</td><td>22 Emery Drive: 775m² 23 Emery Drive: 1153m² 1 William Close: 701m² 2 William Close: 818m² 3 William Close: 746m²</td></tr></table>			1 Emery Drive: 537m ² 3 Emery Drive: 595m ² 4 Emery Drive: 588m ² 5 Emery Drive: 615m ² 6 Emery Drive: 585m ² 7 Emery Drive: 534m ²	22 Emery Drive: 775m ² 23 Emery Drive: 1153m² 1 William Close: 701m ² 2 William Close: 818m ² 3 William Close: 746m ²
1 Emery Drive: 537m ² 3 Emery Drive: 595m ² 4 Emery Drive: 588m ² 5 Emery Drive: 615m ² 6 Emery Drive: 585m ² 7 Emery Drive: 534m ²	22 Emery Drive: 775m ² 23 Emery Drive: 1153m² 1 William Close: 701m ² 2 William Close: 818m ² 3 William Close: 746m ²			

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE		STANDARD	LEVEL OF COMPLIANCE				
	8 Emery Drive: 587m ² 9 Emery Drive: 533m ² 10 Emery Drive: 1012m ² 11 Emery Drive: 799m ² 12 Emery Drive: 561m ² 13 Emery Drive: 849m ² 14 Emery Drive: 553m ² 15 Emery Drive: 864m ² 16 Emery Drive: 549m ² 17 Emery Drive: 857m ² 18 Emery Drive: 549m ² 19 Emery Drive: 809m ² 20 Emery Drive: 730m ² 21 Emery Drive: 760m ²	4 William Close: 1010m ² 5 William Close: 815m ² 6 William Close: 987m ² 7 William Close: 833m ² 1 Penn Place: 894m ² 2 Penn Place: 832m ² 3 Penn Place: 865m ² 4 Penn Place: 835m ² 5 Penn Place: 718m ² 6 Penn Place: 825m ² 7 Penn Place: 467m ² 8 Penn Place: 827m ² 9 Penn Place: 699m ²					
<p>The average lot size within the immediate area is approximately 743m2. It is noted however the subject site has a lot size of approximately 1153m² which is significantly greater than the average, and significantly greater than any other property within the Emery Drive/ William Close / Penn Place area.</p> <p>The development of three dwellings on the subject site results in a density of approximately 1 to every 384 square metres, including common land. Whilst this average is less than the prevailing pattern of single dwelling development, the density is consistent with other multi-dwelling development within the immediate area. The following multi-unit development or subdivisions have occurred within the surrounding area:</p> <table><tr><td><i>approx. 80m west from subject site</i> 7 Penn Place: 467m² 9 Penn Place: 699m²</td></tr><tr><td><i>approx. 350m west from subject site</i> 1/559-571 Lower Dandenong Road: 281m² 2/559-571 Lower Dandenong Road: 218m² 3/559-571 Lower Dandenong Road: 208m² 4/559-571 Lower Dandenong Road: 211m² 5/559-571 Lower Dandenong Road: 222m² 6/559-571 Lower Dandenong Road: 252m² 7/559-571 Lower Dandenong Road: 269m² 8/559-571 Lower Dandenong Road: 317m²</td></tr><tr><td><i>approx. 300m west from subject site</i> 1/569-571 Lower Dandenong Road: 310m² 2/569-571 Lower Dandenong Road: 208m² 3/569-571 Lower Dandenong Road: 224m² 4/569-571 Lower Dandenong Road: 270m² 5/569-571 Lower Dandenong Road: 208m²</td></tr><tr><td><i>approx. 250m west from subject site</i></td></tr></table>				<i>approx. 80m west from subject site</i> 7 Penn Place: 467m ² 9 Penn Place: 699m ²	<i>approx. 350m west from subject site</i> 1/559-571 Lower Dandenong Road: 281m ² 2/559-571 Lower Dandenong Road: 218m ² 3/559-571 Lower Dandenong Road: 208m ² 4/559-571 Lower Dandenong Road: 211m ² 5/559-571 Lower Dandenong Road: 222m ² 6/559-571 Lower Dandenong Road: 252m ² 7/559-571 Lower Dandenong Road: 269m ² 8/559-571 Lower Dandenong Road: 317m ²	<i>approx. 300m west from subject site</i> 1/569-571 Lower Dandenong Road: 310m ² 2/569-571 Lower Dandenong Road: 208m ² 3/569-571 Lower Dandenong Road: 224m ² 4/569-571 Lower Dandenong Road: 270m ² 5/569-571 Lower Dandenong Road: 208m ²	<i>approx. 250m west from subject site</i>
<i>approx. 80m west from subject site</i> 7 Penn Place: 467m ² 9 Penn Place: 699m ²							
<i>approx. 350m west from subject site</i> 1/559-571 Lower Dandenong Road: 281m ² 2/559-571 Lower Dandenong Road: 218m ² 3/559-571 Lower Dandenong Road: 208m ² 4/559-571 Lower Dandenong Road: 211m ² 5/559-571 Lower Dandenong Road: 222m ² 6/559-571 Lower Dandenong Road: 252m ² 7/559-571 Lower Dandenong Road: 269m ² 8/559-571 Lower Dandenong Road: 317m ²							
<i>approx. 300m west from subject site</i> 1/569-571 Lower Dandenong Road: 310m ² 2/569-571 Lower Dandenong Road: 208m ² 3/569-571 Lower Dandenong Road: 224m ² 4/569-571 Lower Dandenong Road: 270m ² 5/569-571 Lower Dandenong Road: 208m ²							
<i>approx. 250m west from subject site</i>							

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<p>1/575-577 Lower Dandenong Road: 238m² 2/575-577 Lower Dandenong Road: 179m² 3/575-577 Lower Dandenong Road: 194m² 4/575-577 Lower Dandenong Road: 181m² 5/575-577 Lower Dandenong Road: 270m² 6/575-577 Lower Dandenong Road: 267m² 7/575-577 Lower Dandenong Road: 179m² 8/575-577 Lower Dandenong Road: 189m² 9/575-577 Lower Dandenong Road: 179m² 10/575-577 Lower Dandenong Road: 205m²</p> <p><i>approx. 220m west from subject site</i></p> <p>1/579 Lower Dandenong Road: 270m² 2/579 Lower Dandenong Road: 275m² 3/579 Lower Dandenong Road: 345m²</p> <p><i>approx. 200m north-west from subject site</i></p> <p>1/3 Nursery Court: 365m² 2/3 Nursery Court: 343m²</p> <p><i>approx. 350m north-west from subject site</i></p> <p>88A Centre Dandenong Road: 179m² 88B Centre Dandenong Road: 220m²</p> <p><i>approx. 350m north-west from subject site</i></p> <p>1/90 Centre Dandenong Road: 335m² 2/90 Centre Dandenong Road: 300m²</p>	
<p>The subdivision pattern of multi-dwelling development in the surrounding area exhibits a broader pattern, with developed lots as low as approximately 179m². The subject site has a greater development potential than majority of the surrounding properties given its significant size. It is considered the subject site can accommodate a higher density of development than the surrounding properties and due to its size, absorb greater development while minimising off-site amenity impacts. This is evident in the generous ground and upper level boundary setbacks and strong compliance with Standards B8 (site coverage) and B22 (private open space) - both important characteristics of the incremental change area. The proposal does not contradict the intent of the incremental change area.</p> <p>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>		
Clause 55.02-3 Dwelling Diversity objective	Standard B3	N/A

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <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. 	
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
Assessment: It is recommended that suitable condition(s) be included in any permit issued 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
	<ul style="list-style-type: none"> Development oriented to front existing/proposed streets 	Complies
	<ul style="list-style-type: none"> High fencing in front of dwellings should be avoided if practicable. 	Complies
	<ul style="list-style-type: none"> Development next to existing public open space should be laid out to complement the open space. 	Complies
<p>Assessment: The development provides for safe and functional connectivity with vehicles access provided exclusive access/egress points. Dwelling 1 is oriented towards Emery Drive, with pedestrian access via the common driveway. Bedroom 1, the dwelling entry and living area front Emery Drive, with an open area of POS within the front setback. The front title boundary is delineated by a 1.2-metre-high brick pier and horizontal timber infill fence which will be discussed below in the report.</p> <p>A 1.8-metre-high timber paling fence is proposed along the western side boundary which abuts Emery Lane and the southern boundary which abuts the Lower Dandenong Road frontage. The dwellings are setback a sufficient distance which allows for suitable landscaping and planting within the adjacent areas of SPOS, however the area and adjoining timber paling fencing is prone to graffiti, as shown on the below image taken within Emery Lane:</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		
<p>It is considered a standard paling fence provides limited integration with the side laneway and rear road frontage, with the potential for undesirable graffiti which has a detrimental impact to the area. It is considered appropriate that a higher quality fence be erected along these interfaces, with the option for anti-graffiti materials or finishes applied. Refer to proposed Condition 1i) for details.</p>		
<p>Clause 55.03-1 Street setback objective</p> <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. 	<p>Standard B6 Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 6.345 metres</p>	<p>Variation sought</p>
<p>Assessment: The adjacent dwellings have an existing street setback of 6.156 metres and 6.535 metres. The proposed minimum building street setback for Dwelling 1 is proposed at 6.10 metres. A street setback variation of 0.245 metres is therefore been proposed.</p> <p>The location of the subject site, being at the end of Emery Drive, in a court bowl style features a curved frontage, which results in the setback following an arc. The setback of 6.1 metres is to the corner of the Living Room and Bedroom 1, with remained of the dwelling being staggered beyond 6.1 metres.</p> <p>A review of the surrounding street setbacks has identified that dwellings at 3 Penn Place and 22 Emery Drive have existing street setbacks of 6.1 metres and 6.188 metres respectively.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Reviewing the proposal in the context of the broader area indicates that the staggered built form and proposed street setback will respect the existing neighbourhood character and will assist in making more efficient use of the land.</p>		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7 Maximum: 9 metres and no more than 3 storeys under GRZ3</p>	<p>Complies</p>
<p>Assessment: The maximum height proposed is 7.381 metres. The proposal meets the heights parameters specified in this Standard.</p>		
<p>Clause 55.03-3 Site Coverage objective</p> <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. 	<p>Standard B8 Maximum: GRZ3 - 50%</p>	<p>Complies</p>
<p>Assessment: The proposal includes a site coverage of 483.45m² which equates to 41.94% of the site, which meets the standard.</p>		
<p>Clause 55.03-4 Permeability objectives</p> <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. 	<p>Standard B9 At least: 20%</p>	<p>Complies</p>
<p>Assessment: The permeability figure proposed (i.e. 40.70%) exceeds that specified in the Standard.</p>		
<p>Clause 55.03-5 Energy Efficiency objectives</p> <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>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.</p>	<p>Complies subject to conditions</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles. An ESD report will be required to be submitted as a conditional requirement of the planning permit. On submission, the ESD report will be reviewed by council's ESD advisor to establish that the proposal achieves an adequate level of energy efficiency. Refer to proposed Condition 1j) for details.</p> <p>The majority of dwellings will have access to a north and west orientation receiving excellent solar orientation, with shadow diagrams provided indicating areas of SPOS or habitable rooms are not detrimentally impacted and receive adequate solar energy.</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 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 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.</p>	<p>Complies</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. There is an adequate level of passive surveillance over the common driveway from all three dwellings.</p>		
<p>Clause 55.03-8 Landscaping objectives</p>	<p>Standard B13 In summary, landscape layout & design should:</p>	<p>Complies subject to conditions</p>

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 	
<p>Assessment: The proposal has been reviewed by Council's vegetation officer who is supportive of the proposal subject to significant replanting on site. This is recommended to form conditions on the permit.</p> <p>The application seeks to remove majority of the vegetation on site.</p> <p>On the 13 January 2016, the applicant obtained a Pre-Purchase Tree Inspection from the City of Kingston, which was carried out by Council's Senior Vegetation Management Officer and a Vegetation Compliance Officer. The purpose of the Pre-Purchase Vegetation Inspection is to inspect all trees currently growing on the property, and neighbouring properties within three (3) metres of the boundaries to determine the health and retention value of the vegetation on-site. Ten (10) trees in total were inspected. This report advised that of the ten (10) significant trees on-site, two (2) trees were worthy of retention, with these being the Robina Psudoacacia (Black Locust) growing within the front setback and the Corymbia Ficifolia (Red Flowering Gum) within the rear yard are healthy trees worthy of retention. These trees are notated at Tree 4 and Tree 6 on the following plan:</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		

The comments made by council's vegetation officers regarding each of the trees are as follows:

Tree Number	Botanical Name	Common Name	DBH	Health	Structure	Comments	Removal Yes / No
1	<i>Lophostemon confertus</i>	Queensland Brush Box	NA	Fair	Fair	Street Tree Council owned asset (removal and replacement cost \$1295.00 fully paid by developer)	Yes
2	<i>Populus deltoides</i>	Cottonwood	NA	Fair/poor	Poor	Poor structure on major lean over dwelling, dead main leader located in the upper canopy	Yes
3	<i>Populus deltoides</i>	Cottonwood	NA	Fair/poor	Poor	Lopped on one side, history of limb drop	Yes
4	<i>Robinia pseudoacacia</i>	Black Locust	70cm	Fair	Fair	Healthy specimen, worthy of retention, feature tree for the front yard	No
5	<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	NA	poor	Poor	Poor structure, large amount of deadwood – removal recommended	Yes
6	<i>Corymbia ficifolia</i>	Red Flowering Gum	90cm	Fair/	Fair	Health tree, worthy of retention, uplift and weight reduction pruning recommended	No
7	<i>Grevillea robusta</i>	Silky Oak	NA	Poor	Poor	Poor structure, suppressed by other trees	Yes
8	<i>Populus deltoides</i>	Cottonwood	NA	Fair/poor	Poor	Poor structure, lifting pavement, history of limb drop	Yes
9	<i>Melaleuca styphelioides</i>	Prickly leaved Paperbark	NA	Poor	Poor	Poor structure, multi stem at the base – Removal recommended	Yes
10	<i>Acer negundo</i>	Box Elder	NA	Poor	Poor	Poor structure, top of tree is dead, removal recommended	Yes

The original application (4 dwellings) sought approval to remove all vegetation on site, as the built form was to significantly encroach into the Tree Protection Zones for all vegetation. The application, including the submitted report prepared by Constructive Arboriculture; Pre-Development Vegetation Impact Assessment was reviewed by council's vegetation management officer who made the following comments:

- *The applicant has provided an arborist's report which concludes both trees (4 and 6) are unsuitable for retention. Both trees have been assessed as in fair health and the Black Locust as having poor structure with the Red-flowering Gum assessed as having below average structure.*
- *The report states the Black Locust is listing and has a poorly attached lower branch. The tree does grow on a lean, but this is not an indicator of poor structure, the lower branch does have a poor attachment.*

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> - <i>The report states the Red-flowering Gum is bifurcated at 3 metres. It is more likely that this is a large scaffold branch. There is no indication of structural defects at the union (swelling, included bark, decay etc.) and I would assess the tree as being in good health with good structure and providing a high level of amenity to the immediate surrounds.</i> - <i>Removal of the Black Locust would be supported provided the Red-flowering Gum is retained.</i> - <i>There also needs to be area available for replacement canopy trees to replace compensate for the large number of trees being removed from the site.</i> <p>It was determined by council's vegetation officer's that removal of all vegetation on site was not an acceptable outcome regarding the biodiversity of the site, and there was vegetation on site which was suitable for retention, identified as Tree 4 and Tree 6 (in the above report). The amended application which was submitted on the 16 July 2019 reduced the number of dwellings from four (4) to three (3) and proposed to retain tree 6 in the rear, whilst Tree 4 remained proposed to be removed. A revised arborist report was submitted and assessed.</p> <p>Council's vegetation officers have reviewed the amended application and have provided consent to the vegetation removal. It is considered the areas of POS and open areas within the Common Driveway are sufficient to accommodate the planting of canopy trees. As a condition of any permit issued, a detailed landscape plan, tree management and protection plan conditions regarding the protection of the street tree and will be required. Refer to proposed Conditions 1j) & 1k) for details</p> <p>In addition to the above, the amended proposal seeks to construct a new crossover, in a slightly altered position to the existing crossover. The crossover and driveway are proposed to abut the northern side boundary, which limits landscaping areas and creates a pedestrian conflict within the footpath. As a condition of any permit issued, the crossover will need to be relocated to provide at least a 500mm separation from the front title corner, and a 500mm landscape strip will need to be provided between the driveway and the front title boundary. Refer to Conditions 1b) & 1c) for details.</p>		
Clause 55.03-9 Access objective <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	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
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	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
Assessment: The proposal raises no concern with respect to traffic or access related matters.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
As discussed above, conditions on the permit will require the relocation of the crossover to provide a landscape buffer and an adequate pedestrian refuge. The single crossover which accesses all three dwellings is significantly less than 40% of the frontage. The location of the crossover does not reduce the available on-street marking potential.		
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 subject to conditions
Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking. All vehicle parking is located within a double garage, adjoining the respective dwelling, with internal access provided. Dwelling 1 includes a kitchen window which is directly adjacent to the shared common driveway. This window is setback 1 metre and has a sill height of at least 1.4 metres above the accessway. Dwelling 1 also has a bedroom window which is adjacent to the common driveway. This window is setback at least 1 metre, however the sill height is only 1 metre about the accessway. The sill height will need to be modified to be at least 1.4 metres above the accessway. This will form a condition on the permit. Refer to proposed Condition 1g) for details.		
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

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE																																																																								
<p>Assessment: An assessment of all side and rear setbacks has been undertaken and the proposal is highly compliant with the prescribed limits of standard B17 as evidenced by submitted the elevation plans shown in TP08 and TP09.</p> <p>Dwelling 1</p> <table> <tr> <th>Wall Height</th><th>Setback Required</th><th>Setback Proposed</th></tr> <tr> <td colspan="3">Ground Floor</td></tr> <tr> <td>2.95m</td><td>0.805m</td><td>5.0m</td></tr> <tr> <td>2.80m</td><td>0.76m</td><td>3.2m</td></tr> <tr> <td colspan="3">Upper Floor</td></tr> <tr> <td>5.60m</td><td>1.60m</td><td>6.31m</td></tr> <tr> <td>5.50m</td><td>1.57m</td><td>4.38m</td></tr> </table> <p>Dwelling 2</p> <table> <tr> <th>Wall Height</th><th>Setback Required</th><th>Setback Proposed</th></tr> <tr> <td colspan="3">Ground Floor</td></tr> <tr> <td>2.8m</td><td>0.76m</td><td>4.0m</td></tr> <tr> <td>3.16m</td><td>0.87m</td><td>1.2m</td></tr> <tr> <td>3.20m</td><td>On Boundary</td><td>On Boundary</td></tr> <tr> <td colspan="3">Upper Floor</td></tr> <tr> <td>5.54m</td><td>1.58m</td><td>5.42m</td></tr> <tr> <td>5.60m</td><td>1.60m</td><td>2.0m</td></tr> </table> <p>Dwelling 3</p> <table> <tr> <th>Wall Height</th><th>Setback Required</th><th>Setback Proposed</th></tr> <tr> <td colspan="3">Ground Floor</td></tr> <tr> <td>2.85m</td><td>0.775m</td><td>6.64m</td></tr> <tr> <td>2.68m</td><td>0.725m</td><td>3.0m</td></tr> <tr> <td>2.86m</td><td>0.778m</td><td>1.71</td></tr> <tr> <td colspan="3">Upper Floor</td></tr> <tr> <td>5.57m</td><td>1.59m</td><td>8.53m</td></tr> <tr> <td>5.29m</td><td>1.507m</td><td>4.33m</td></tr> <tr> <td>5.25m</td><td>1.495m</td><td>5.93m</td></tr> </table> <p>The proposal satisfies and in some cases significantly exceeds the formula to Standard B17.</p>			Wall Height	Setback Required	Setback Proposed	Ground Floor			2.95m	0.805m	5.0m	2.80m	0.76m	3.2m	Upper Floor			5.60m	1.60m	6.31m	5.50m	1.57m	4.38m	Wall Height	Setback Required	Setback Proposed	Ground Floor			2.8m	0.76m	4.0m	3.16m	0.87m	1.2m	3.20m	On Boundary	On Boundary	Upper Floor			5.54m	1.58m	5.42m	5.60m	1.60m	2.0m	Wall Height	Setback Required	Setback Proposed	Ground Floor			2.85m	0.775m	6.64m	2.68m	0.725m	3.0m	2.86m	0.778m	1.71	Upper Floor			5.57m	1.59m	8.53m	5.29m	1.507m	4.33m	5.25m	1.495m	5.93m
Wall Height	Setback Required	Setback Proposed																																																																								
Ground Floor																																																																										
2.95m	0.805m	5.0m																																																																								
2.80m	0.76m	3.2m																																																																								
Upper Floor																																																																										
5.60m	1.60m	6.31m																																																																								
5.50m	1.57m	4.38m																																																																								
Wall Height	Setback Required	Setback Proposed																																																																								
Ground Floor																																																																										
2.8m	0.76m	4.0m																																																																								
3.16m	0.87m	1.2m																																																																								
3.20m	On Boundary	On Boundary																																																																								
Upper Floor																																																																										
5.54m	1.58m	5.42m																																																																								
5.60m	1.60m	2.0m																																																																								
Wall Height	Setback Required	Setback Proposed																																																																								
Ground Floor																																																																										
2.85m	0.775m	6.64m																																																																								
2.68m	0.725m	3.0m																																																																								
2.86m	0.778m	1.71																																																																								
Upper Floor																																																																										
5.57m	1.59m	8.53m																																																																								
5.29m	1.507m	4.33m																																																																								
5.25m	1.495m	5.93m																																																																								
Clause 55.04-2 Walls on boundaries objective	<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>	Complies																																																																								

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

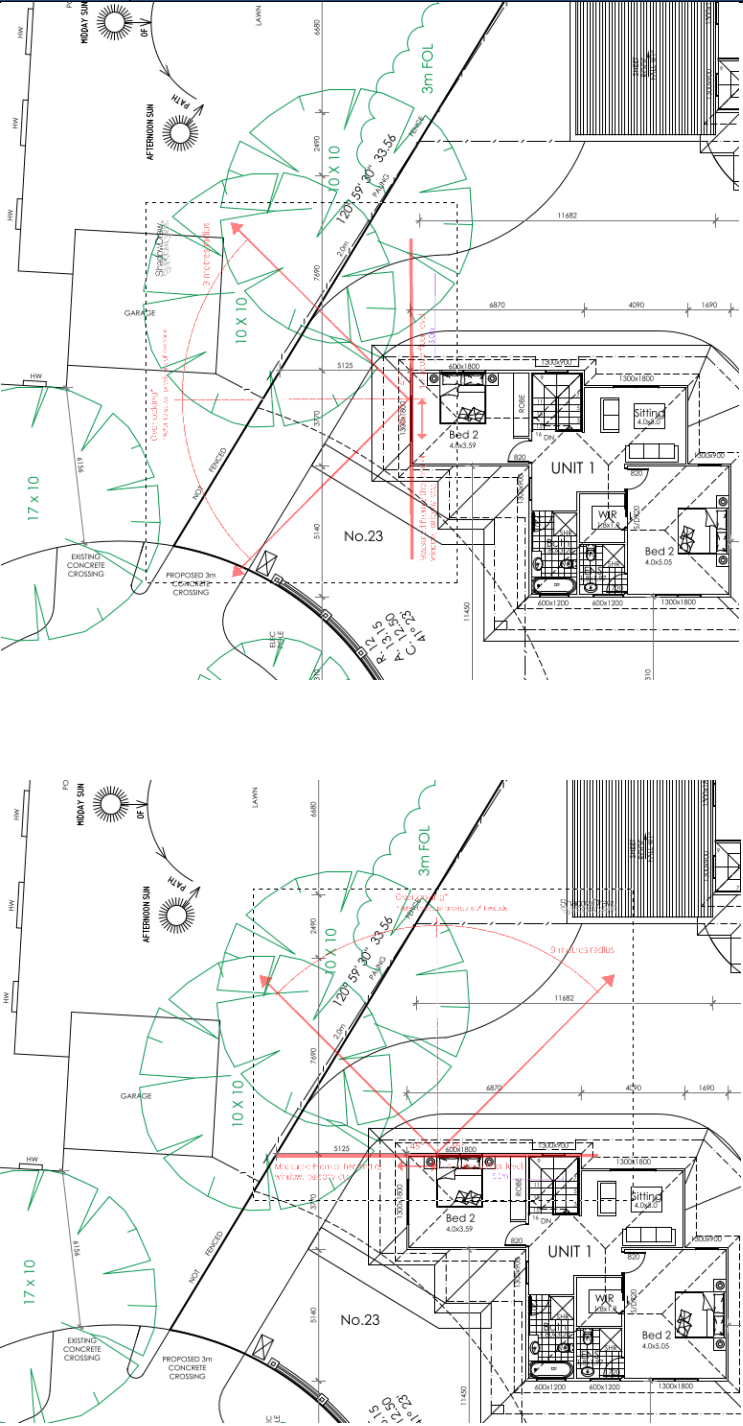
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<ul style="list-style-type: none"> 10 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. 	
<p>Assessment: The proposal includes one wall on boundary, being Dwelling 2 on the southern rear boundary which abuts Lower Dandenong Road. The wall is the rear of the garage and has an overall length of 5.98 metres. The wall has a maximum height of 3.2 metres.</p> <p>The proposal satisfies the requirement of this schedule.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p>	<p>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.</p>	Complies
<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>	Complies
<p>Assessment: Given the axis of the allotment and siting of the dwellings, the proposal will not have an unreasonable impact upon daylight to existing habitable room windows.</p>		
<p>Clause 55.04-4 North facing windows objective</p>	<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>	Complies
<ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Assessment: There are no existing north facing windows affected by the proposal.</p>	
<p>Clause 55.04-5 Overshadowing open space objective</p>	<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>	Complies
<ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Assessment: Given the axis of the allotment and siting of the dwellings, the proposal 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 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 subject to conditions
	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 subject to conditions
	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 subject to conditions
Assessment: Given the axis of the allotment, the siting of the dwellings, the substantial upper floor setbacks and the context of the surrounding properties (reserves and road), the proposal does not result in an unreasonable level of overlooking into any existing SPOS areas from the majority of the upper floor windows, with the exception of the following: Dwelling 1: First Floor Bedroom 2 provides overlooking potential into the SPOS of 21 Emery Drive, as demonstrated below		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		<p>Dwelling 3 – The First Floor Sitting room provides potential for overlooking into the SPOS of 21 Emery Drive, as demonstrated below:</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<div data-bbox="327 315 1236 952" data-label="Image"> </div> <p>Whilst the overlooking arc is currently interrupted by existing vegetation, it is not considered existing or proposed vegetation is sufficient to mitigate overlooking. Unless it can be demonstrated with sectional diagrams that the existing or proposed fence height is a sufficient height to mitigate overlooking from these windows, appropriate screening will need to be included. It will be recommended for the sill heights and exact window treatments to be clarified through conditions of permit and to ensure full compliance with Standard B22. Refer to proposed Condition 1a) for details.</p> <p>Given the height and material of the boundary fencing, there is no overlooking potential from the ground floor into adjoining areas of SPOS or habitable room windows.</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</p>
<p>Assessment: Given the siting of the dwellings and the design on the subject site, there is no unreasonable internal overlooking potential into areas of SPOS or proposed habitable rooms.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p>	<p>Complies</p>

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	
Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed.		
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
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. The dwellings have been designed with a master suite on the ground floor.		
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
Assessment: The proposed entry for dwelling 1 is clearly visible from the public realm. The entries for dwelling 2 and 3 are clearly visible from the internal common driveway. All dwellings include a porch at the entry, with each dwelling also provided a personal sense of address.		
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
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:	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE									
	<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.										
Assessment: Each dwelling, which includes three (3) bedrooms, 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.											
<table><tr><td></td><td></td><td></td></tr><tr><td></td><td><i>Dwelling 2</i></td><td><i>Dwelling 3</i></td></tr><tr><td></td><td>92.00m2</td><td>191.78m2</td></tr></table>							<i>Dwelling 2</i>	<i>Dwelling 3</i>		92.00m2	191.78m2
	<i>Dwelling 2</i>	<i>Dwelling 3</i>									
	92.00m2	191.78m2									
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									
	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									
Assessment: The SPOS for the dwellings is as follows:											
<table><tr><td>Dwelling 1</td><td>SPOS on the western side of the dwelling. An area of POS is located to the north of the dwelling</td></tr><tr><td>Dwelling 2</td><td>SPOS on the western side of the dwelling</td></tr><tr><td>Dwelling 3</td><td>SPOS on the northern-eastern side of the dwelling. An area of POS is located to the south of the dwelling, however has a depth of 6.6m from ground floor and 8.53m from the upper floor. The build form does not unreasonable overshadow this area of POS.</td></tr></table>			Dwelling 1	SPOS on the western side of the dwelling. An area of POS is located to the north of the dwelling	Dwelling 2	SPOS on the western side of the dwelling	Dwelling 3	SPOS on the northern-eastern side of the dwelling. An area of POS is located to the south of the dwelling, however has a depth of 6.6m from ground floor and 8.53m from the upper floor. The build form does not unreasonable overshadow this area of POS.			
Dwelling 1	SPOS on the western side of the dwelling. An area of POS is located to the north of the dwelling										
Dwelling 2	SPOS on the western side of the dwelling										
Dwelling 3	SPOS on the northern-eastern side of the dwelling. An area of POS is located to the south of the dwelling, however has a depth of 6.6m from ground floor and 8.53m from the upper floor. The build form does not unreasonable overshadow this area of POS.										
No south facing POS is proposed as part of this development.											
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									

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: Secure storage areas have been provided for each dwelling, with dwelling 1 providing the storage within the garage, and dwelling 2 and 3 providing storage within their respective POS areas. The proposed storage for dwelling 2 within the garage (1.51 x 1.5 x 2.4) results in an overall storage area of 5.44 cubic metres, rather than the minimum required 6 cubic metres. A condition will be included on the permit requiring this be increased to meet the minimum. Refer to proposed Condition 1g) for details.</p>		
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> ▪ To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>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.</p>	<p>Complies</p>
<p>Assessment: The proposed dwellings feature elements which are consistent with the Local Character Area 51, and consistent with the built form within Emery Drive and surrounding streets. Given the orientation of the property, and it being located at the court bowl, it is considered the built form will have limited visibility from Emery Drive, Lower Dandenong Road and the public realm.</p> <p>Local Character Area 51 is characterised by the following features:</p> <ul style="list-style-type: none"> • <i>Narrow Side Setbacks between the dwelling and one side boundary (approx. 0.2m);</i> • <i>5-10m front setbacks;</i> • <i>3-5m wider setbacks;</i> • <i>Varied building footprints with Detached built form;</i> • <i>Complex hipped and gable roofs;</i> • <i>Tiled roofs, and brick walls;</i> • <i>Varied front gardens; and</i> • <i>Porches on each dwelling.</i> <p>The proposal seeks to use building materials such as brick, render and concrete tiles which are consistent with development in the immediate area, and consistent with Character Areas 51. The dwellings also incorporate a hipped roof which is identified as the prevailing roof type.</p> <p>Whilst it is acknowledged there are limited examples of double storey dwellings within the immediate area, double store dwellings are not prohibited, and are scattered through the neighbourhood. To be respectful of the single storey nature of the surrounding area, the upper floor for each dwelling incorporated a reduced footprint, and significant boundary setbacks which assist in reducing the visual bulk associated with a double storey dwelling.</p>		
<p>Clause 55.06-2 Front fences objective</p>	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p>	<p>Complies</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	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	Complies
Assessment: A 1.2-metre-high front fence is proposed, constructed of brick piers and horizontal merbau infill sections. The fence is consistent with the trend of front fencing heights in the immediate area and meets the standard to the Zone.		
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.	Complies
Assessment: The location of common property is considered to be functional, well-designed and capable of efficient management through an owner's corporation arrangement.		
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
Assessment: It is understood that all the facilities required for the development can be accommodated within the development. Site services such as mailboxes and bin/recycling enclosures have been nominated on the respective plans and located appropriately.		

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

14.1 The grounds of objection raised are summarised as follows:

- Parking and traffic concerns.
 - Additional traffic generation;
 - Limited of onsite parking;
 - Reliance on on-street parking;
- Visual Bulk, Scale and Mass.

- Neighbourhood character.
- Density.
- Vegetation Removal.

14.2 The objector concerns have largely been addressed in the body of this report, however a brief summary is provided below to each of the main themes.

Parking and traffic concerns.

- *Additional traffic generation;*
- *Limited of onsite parking;*
- *Reliance on on-street parking;*

Given the number of dwellings on the site is increasing, by a net gain of two dwellings, it is acknowledged there will be an increased generation of traffic to the site. It is considered the existing road network and infrastructure can accommodate the increased traffic.

The proposal meets the requirements on Clause 52.06 as it provides sufficient carparking on site, in the form of a double garage for each dwelling. No variation is sought for on-site carparking, therefore the application does not seek approval for the provision of on-street parking.

The development includes one standard vehicle crossing, which does not impact the existing on street parking availability.

Visual Bulk, Scale and Mass.

As discussed, whilst single storey dwellings are the dominant style of dwelling within the immediate area, there are examples of double storey dwellings. The provisions of the Kingston Planning Scheme do not prohibit or deter double storey dwellings; therefore, it is considered to be an appropriate design outcome for the site.

The development complies with the site coverage requirement, garden area requirement, and majority of the standards and objectives of Clause 55, including building height, side and rear setbacks and private open space requirements.

Further to the areas on compliance above, given the location of the subject site, the road alignment and the placement of the dwellings, it is considered the built form is sited to minimise visibility from the Emery Drive realm.

Density.

The assessment of Clause 55.02-2 above has identified there are numerous examples of multi-unit development within the surrounding area. The Dingley Village area is not devoid of any multi-dwelling development, with the Kingston Planning Scheme identifying the site within an area that can accommodate growth. It is considered the development of three dwellings does not constitute an over development of the site and does not detrimentally increase density within the area.

Vegetation Removal.

Vegetation removal has been assessed by Council's Vegetation Officers. It has been recognised that majority of the vegetation on site has a poor retention value and does not exhibit high environmental significance. One significant tree is proposed to be retained, with conditions requiring the replanting of appropriate vegetation across the site. The vegetation removal is satisfactory.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

15.0 CONCLUSION:

- 15.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 15.2 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 give rise to any significant social and economic effects.
- 15.3 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 55** of the Kingston Planning Scheme

15.0 RECOMMENDATION

- 15.1 That the Planning Committee determine to support the proposal and issue a **Notice of Decision to Grant a Permit** to develop the land for the construction of three (3) double storey dwellings at 23 Emery Drive, Dingley Village, 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 Farrington comprising Drawing No's TP01 – TP10 inclusive, Revision E, dated 01/05/2019, submitted to council on the 16/07/2019 but modified to show:
 - a. Unless it can be demonstrated (with sectional diagrams) the existing/ proposed side boundary fencing is of a sufficient height to mitigate any overlooking, the provision of fixed and obscure glazing, external privacy screens (or similar) which provide no more than 25% transparency, to a minimum height of 1.7 metres above finished floor level must be provided to the following windows:
 - i) Bedroom 2 of Dwelling 1 facing north;
 - ii) Bedroom 2 of Dwelling 1 facing east;
 - iii) Sitting Room of Dwelling 3 facing north.If privacy screens are proposed on any upper floor window, an appropriate sectional diagram of the design of the proposed screen must be provided which demonstrates compliance with Clause 52.04-6.
 - b. The internal driveway must be setback at least 500mm from the side boundary at the front boundary, with the provision for landscaping between the driveway and side boundary fence.
 - c. All internal driveways must align with the existing / proposed vehicle crossing.
 - d. The provision of corner splays (where practical) in accordance with Design Standard 1 of Clause 52.06-9;
 - e. The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

- f. The externally accessible, secure storage space for dwelling 1 increased to a minimum six (6) cubic metres in accordance with the requirements of Clause 55.05-6.
- g. The north facing window in Dwelling 1 Bed 1 modified to have a sill height of at least 1.4 metres above the accessway, or the setback between the accessway and window increased to a minimum distance of 1.5 metres to demonstrate compliance Clause 55.03-10.
- h. The proposed 1.8-metre-high timber paling fence along the western and southern boundaries modified to be an architecturally designed fence, such as a timber batten fence or similar. Anti-graffiti mitigation measures to the satisfaction of the Responsible Authority should be included on these boundaries.
- i. all relevant commitments identified within the Sustainable Design Assessment, required under condition 11 of this permit, shown on plans
- j. the provision of a landscape plan in accordance with the submitted development plan, 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 with all plants to be to the satisfaction of the Responsible Authority;
 - 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. 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;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. 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% indigenous species by plant type and total quantities;
 - vi. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the front setback of the Dwelling 1;
 - vii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the secluded private open space of Dwelling 1 and 2;
 - viii. One (1) indigenous canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted in the garden bed east of the driveway;
 - ix. 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;
 - x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;

- k. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- l. Any changes as required by Condition 5.

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 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. The retention of the *Corymbia ficifolia* (Red-flowering Gum) located along the southern boundary of the property.
- 5. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - vi. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vii. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - viii. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - ix. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.

- iii. A notation to refer to the Tree Management Plan.
- 6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 7. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
- 8. Tree Protection Fencing is to be established around the *Lophostemon confertus* (Brush Box) street tree located in the Emery Drive nature strip, 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 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

- 9. 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 9a, 9b & 9c, above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
- 10. 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 5.7L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

11. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, a Sustainable Design Assessment (SDA) 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. The development must be constructed in accordance with the endorsed SDA.

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 vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
18. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Cultural Heritage Management Plan

19. Before the commencement of the development, the Cultural Heritage Management Plan No 16590 prepared by Urban Colours Arts Pty Ltd must be submitted and be approved by the Responsible Authority. When approved, the Cultural Heritage Management Plan will be endorsed and will then form part of the permit.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

20. The works hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 16590 prepared by Urban Colours Arts Pty Ltd and approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 12 August 2019.

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 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.
25. 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.

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 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: Any buildings and works (including eaves) to be located within an easement requires separate consent from Council and/or the relevant service authority. This will need to be obtained prior to the issue of a building permit.

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

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

Note: 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.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

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: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

Or in the event that the Planning Committee determines to refuse the application, it could do so on the following grounds:

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with relevant following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.03-1 – Street Setback
 - Clause 55.03-5 – Energy Efficiency
 - Clause 55.03-8 – Landscaping

Appendices

Appendix 1 - KP-2017 65 - 23 Emery Drive, DINGLEY VILLAGE - Considered Documents (Ref 19/235401) 

Author/s: James Leonard, Senior Statutory and Business Planner
Reviewed and Approved By: Jennifer Roche, Team Leader Statutory Planning
Ian Nice, Manager City Development

4.2

KP-2017/65 - 23 EMERY DRIVE, DINGLEY VILLAGE

1	KP-2017 65 - 23 Emery Drive, DINGLEY VILLAGE - Considered Documents	67
---	--	----

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

THE LAND AFFECTED BY THE APPLICATION IS LOCATED AT:	23 Emery Drive, DINGLEY VILLAGE VIC 3172
THE APPLICATION IS FOR A PERMIT TO:	Develop the land for the construction of three (3) double storey dwellings
THE APPLICATION REFERENCE NUMBER IS:	KP-2017/65
THE APPLICANT FOR THE PERMIT IS:	Derek Farrington Architect
<p>YOU MAY LOOK AT THE APPLICATION AND ANY DOCUMENTS THAT SUPPORT THE APPLICATION AT THE OFFICE OF THE RESPONSIBLE AUTHORITY:</p> <p>This can be done during office hours and is free of charge</p>	<p>City of Kingston Municipal Offices Cheltenham Office: 1230 Nepean Highway, Cheltenham 3192 During office hours 8.30am - 5pm</p> <p>OR</p> <p>www.kingston.vic.gov.au/link/planning</p>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must :

- **be made to the Responsible Authority in writing,**
- **include the reasons for the objection, and**
- **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

THE RESPONSIBLE AUTHORITY WILL NOT DECIDE ON THE APPLICATION BEFORE:	12-Aug-2019
--	--------------------

If you object, the Responsible Authority will tell you of its decision.

Privacy Notification: The personal information provided in a submission/objection is collected for planning purposes in accordance with the Planning & Environment Act 1987 (the Act). The public may view an objection or submission in accordance with Section 57 of the Act whilst the planning application is current. In accordance with the "Improving Access to Planning Documents" Practice Note dated December, 1999, a copy of your submission will be made available on request. If you fail to provide contact details your objection may not be considered. For information regarding access to Planning documents please contact Council's Planning Department on 1300 653 356.



Planning Enquiries
Phone: 9581 4131
Web: www.kingston.vic.gov.au
Email: info@kingston.vic.gov.au

Office Use Only - Application No. KP 2017/65 Date Lodged 12/1/2018

Application to amend a Planning Application currently under assessment.

Use this form to:

- Amend a current planning permit or current amendment application; under section 50 and section 57A of the *Planning and Environment Act 1987* and to provide the information required by regulation 16 of the *Planning and Environment Regulation 2005*.

Prescribed fee is required to be submitted with this form if advertising of your application has already taken place.

If you need help to complete this form or to discuss the specific requirements of this application please contact the Planning Department on 9580 4131. Insufficient or unclear information may delay your application.

Please note questions marked with an (*) are mandatory and must be completed

1. The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions

Street Address *

Unit No.:	St No. 23	St Name: EMERY DRIVE
Suburb: DINGLEY VILLAGE		Postcode 3172

Formal Land Description *

Complete either A or B.
This information can be found on the certificate of title

A	Lot No.: 7	On Lodged Plan, Title Plan or Plan of Subdivision No: 136525
OR		
B	Crown Allotment No.:	Section No.:
	Parish/Township Name:	

2. Planning Application Details

Planning Application number? *

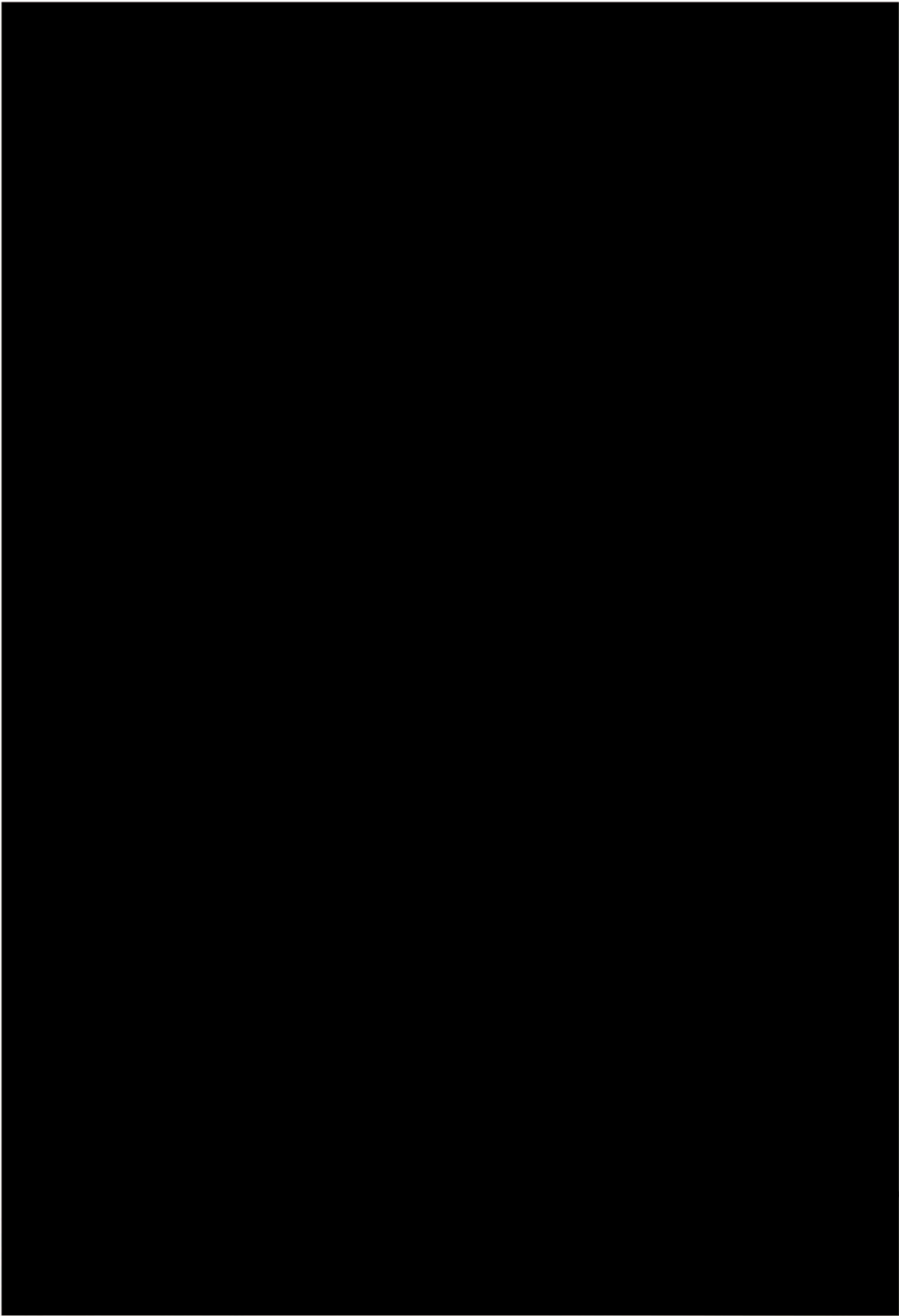
Planning Application No.:
KP 2017/65

3. Cost of Building and works / permit fee

State the cost of works with respect to the proposed changes only. *

Costs
\$ 875,000

Write 'NIL' if the cost difference is \$0.00
Write 'N/A' if the permit does not allow development
You may be required to verify this estimate.



7. Declaration

This form must be signed by the applicant *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

☐ I declare that all the information in this application is true and correct and the owner (if not the applicant) has been notified of the amended permit application.

Signature

Date: 21/6/19
dd/mm/yyyy

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

8. Information checklist

Have you:

- ☒ Filled in the form completely?
- ☐ Paid or included the application fee? (Contact council to determine the appropriate fee).
- ☐ Attached all necessary supporting information and documents, Please provide one set of plans in A3?

9. Lodgement

Lodge the completed and signed form and all documents with:

Council Name: Kingston City Council
Council Address: 1230 Nepean Highway, Cheltenham
Council Address: PO Box 1000, Mentone, Victoria, 3194
For help or more information
Telephone: 9581 4131
Fax: 03 9581 4500
Email: info@kingston.vic.gov.au

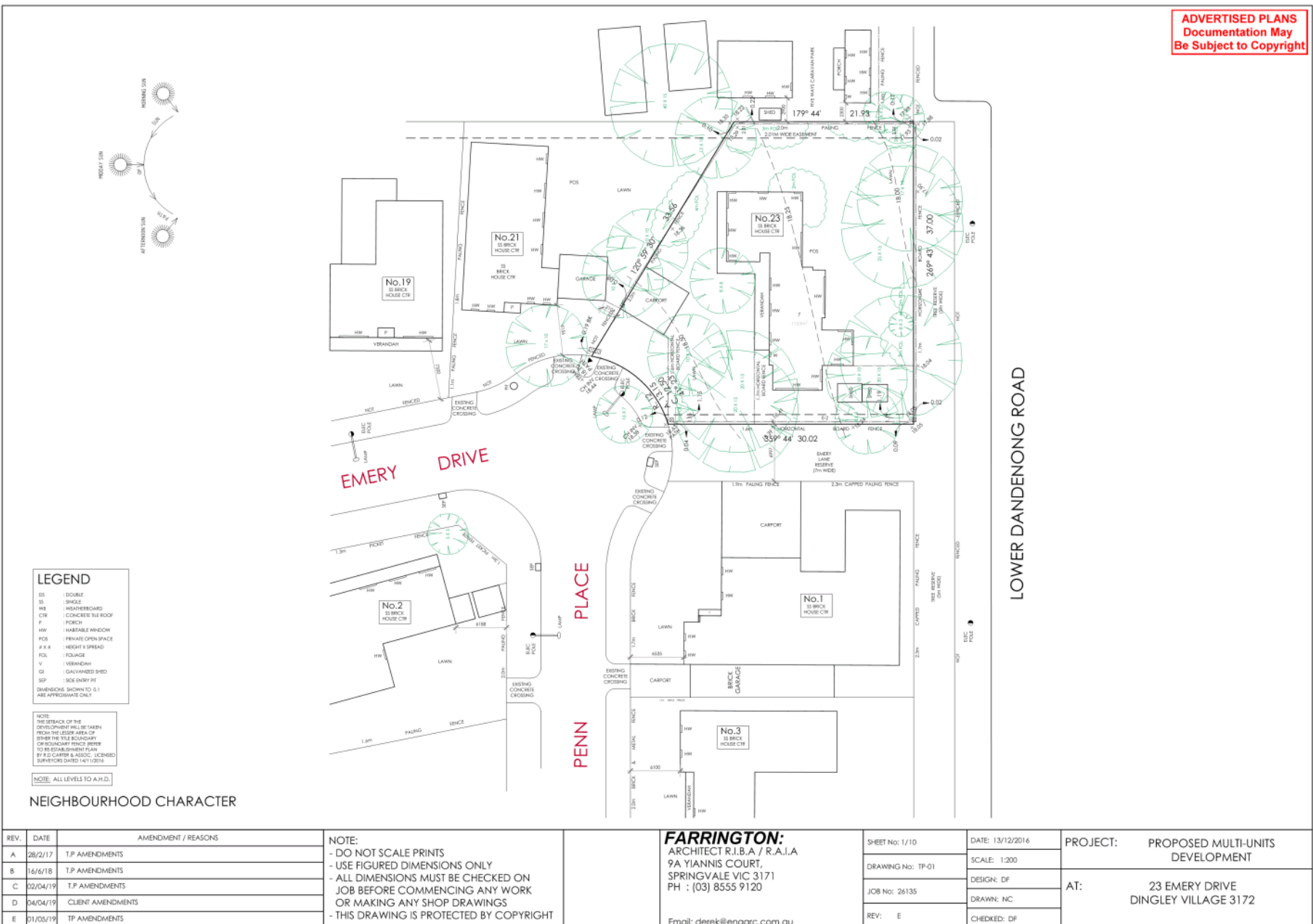
Privacy Notice

Your application and the personal information on this form is collected by the City of Kingston for the purpose of the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, the City of Kingston will not be able to consider your application. Your application will be available at the City of Kingston office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. Personal Information includes;

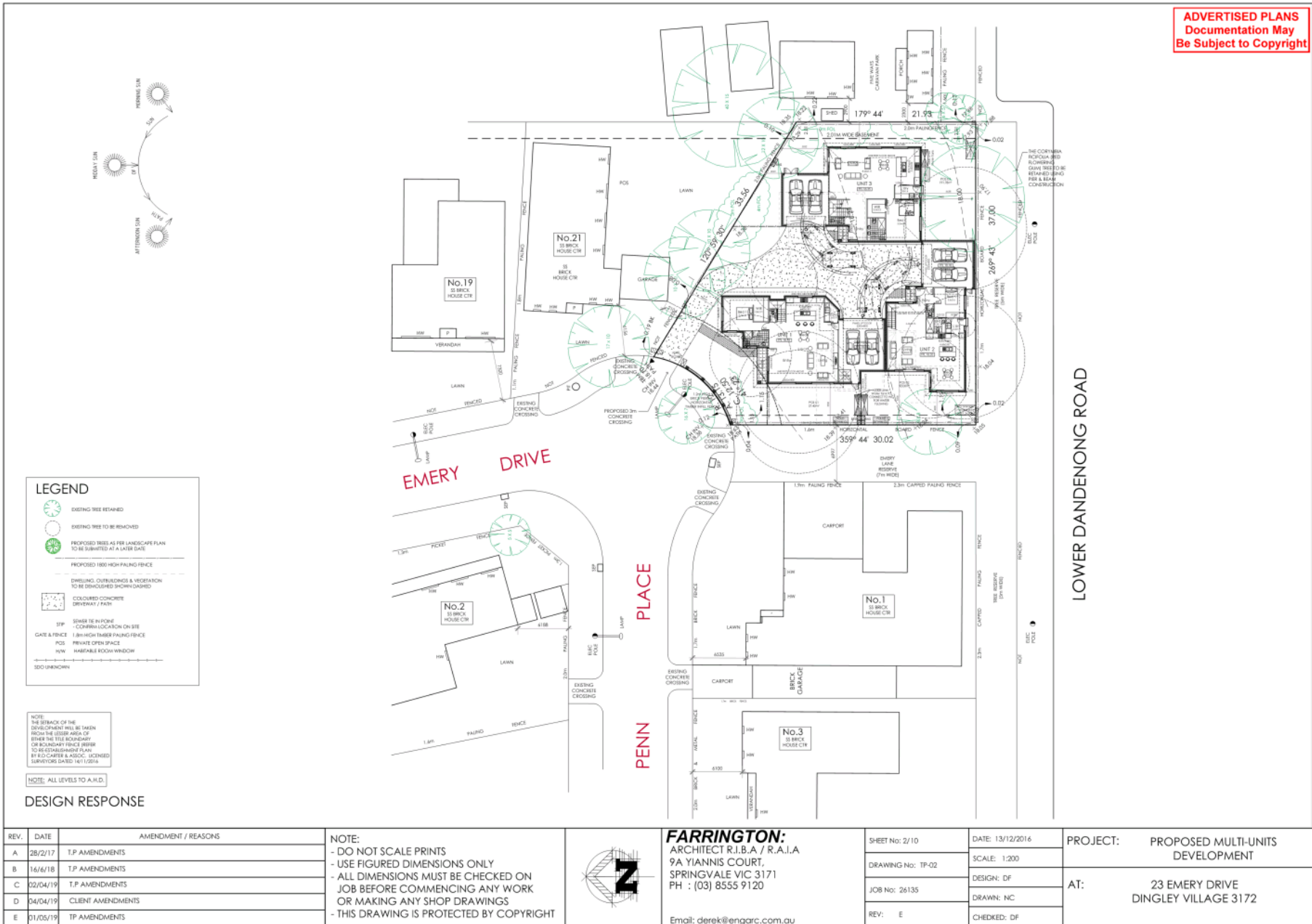
- The name, address or contact details of any third party
- Photographs of a third party or their property
- A third party's opinion about the planning application or related issue

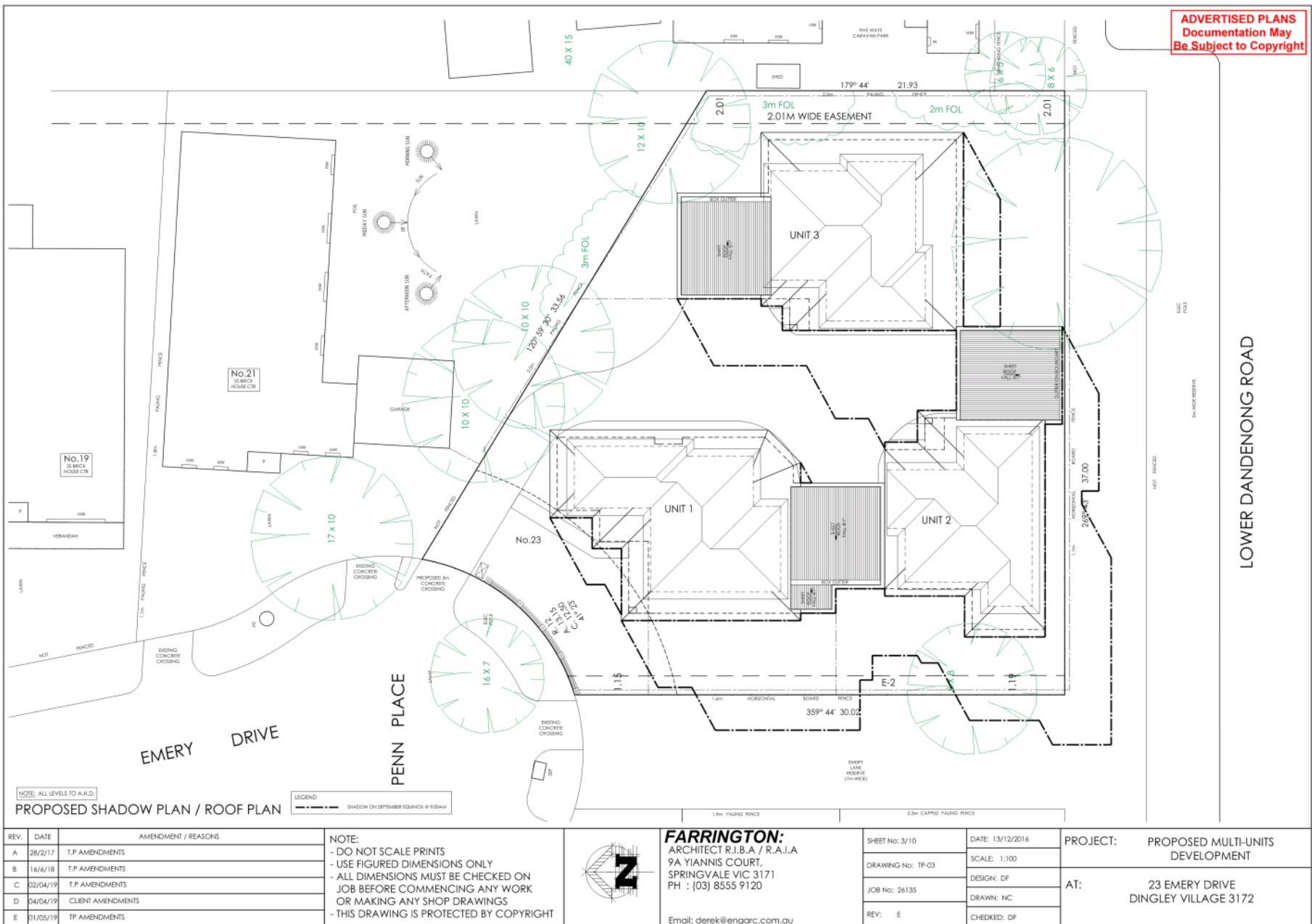
If you have any concerns or wish to request access to your personal information please contact Council's Planning Department on 9581 4131.

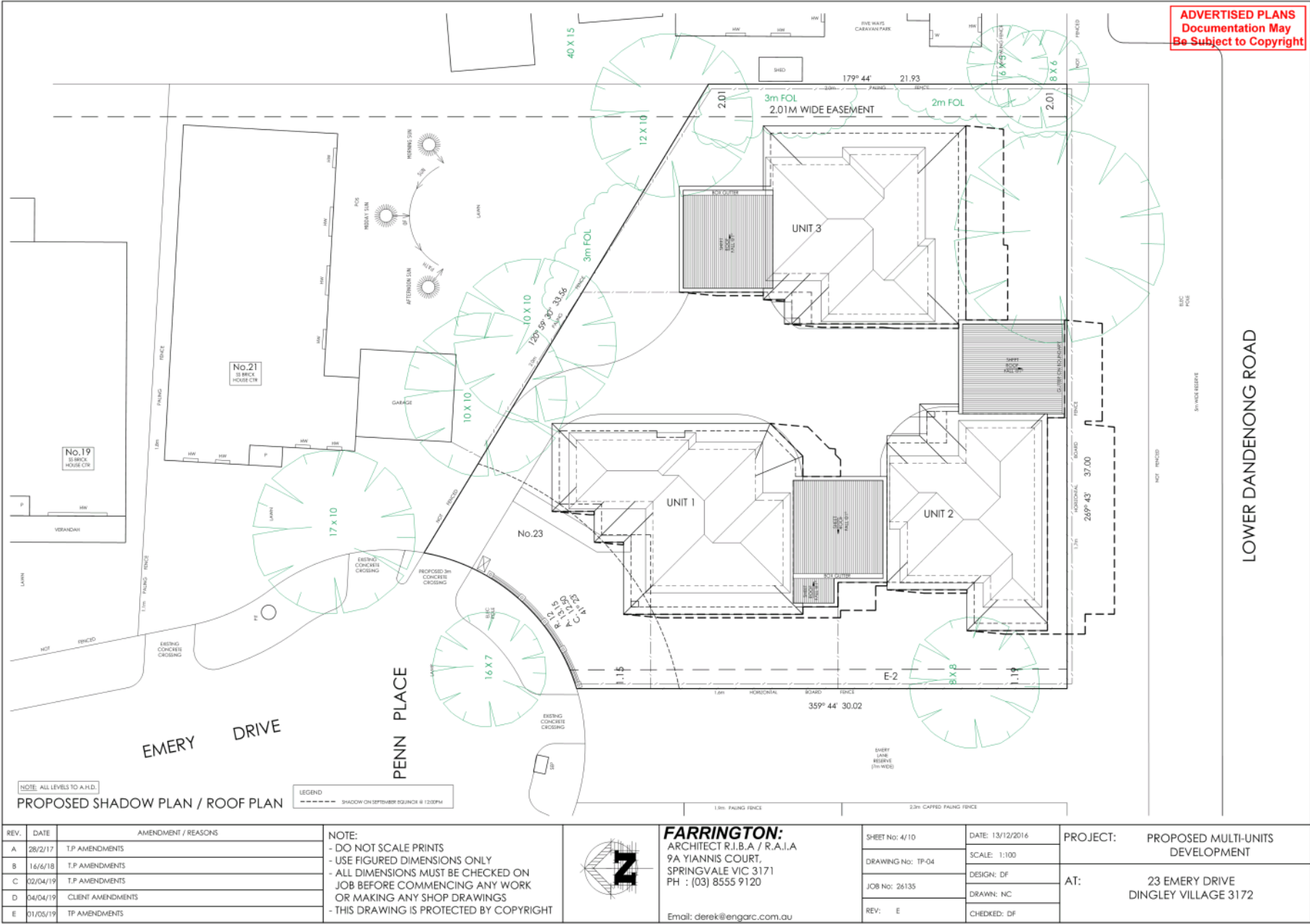
ADVERTISED PLANS
Documentation May
Be Subject to Copyright

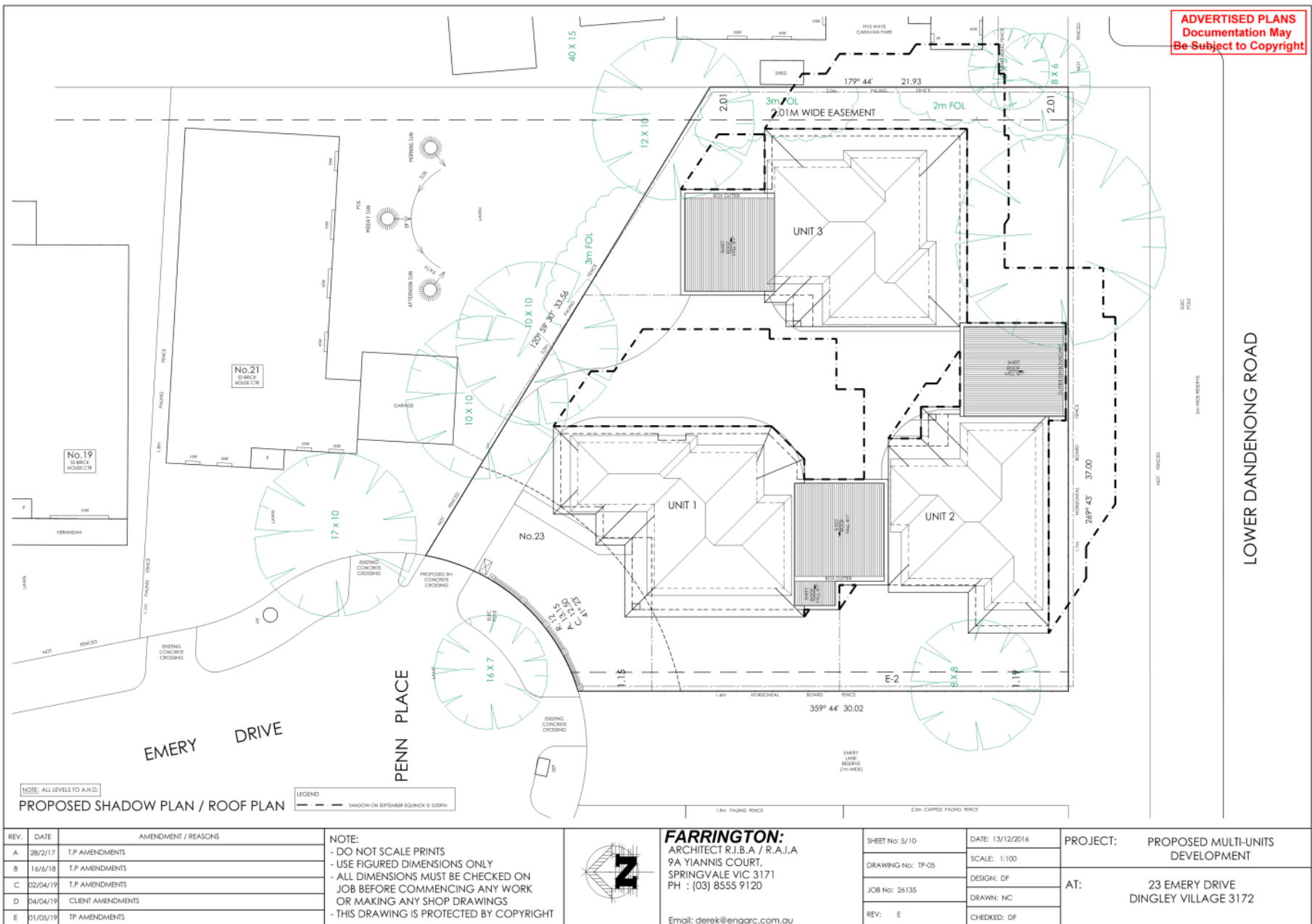


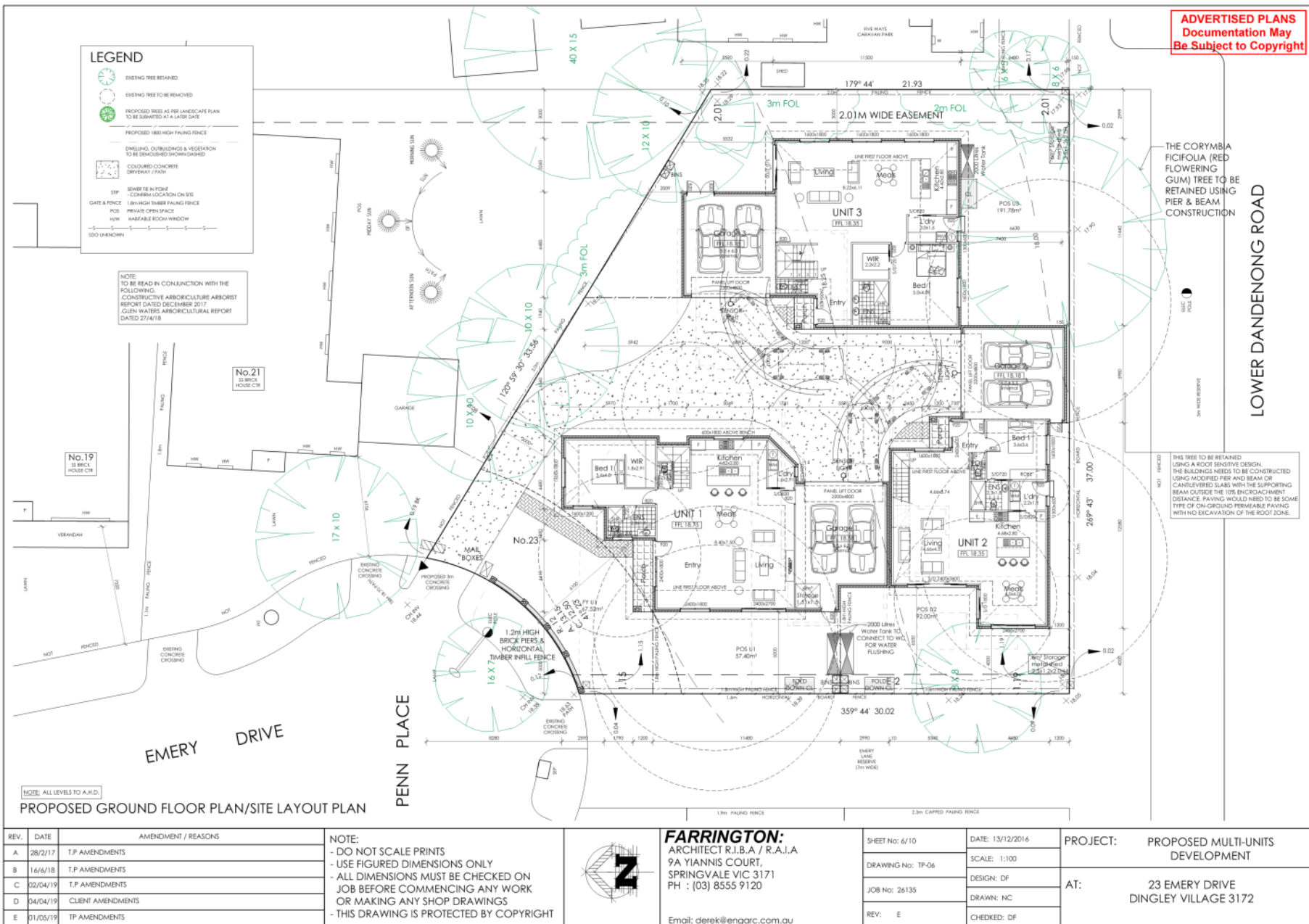
ADVERTISED PLANS
Documentation May
Be Subject to Copyright

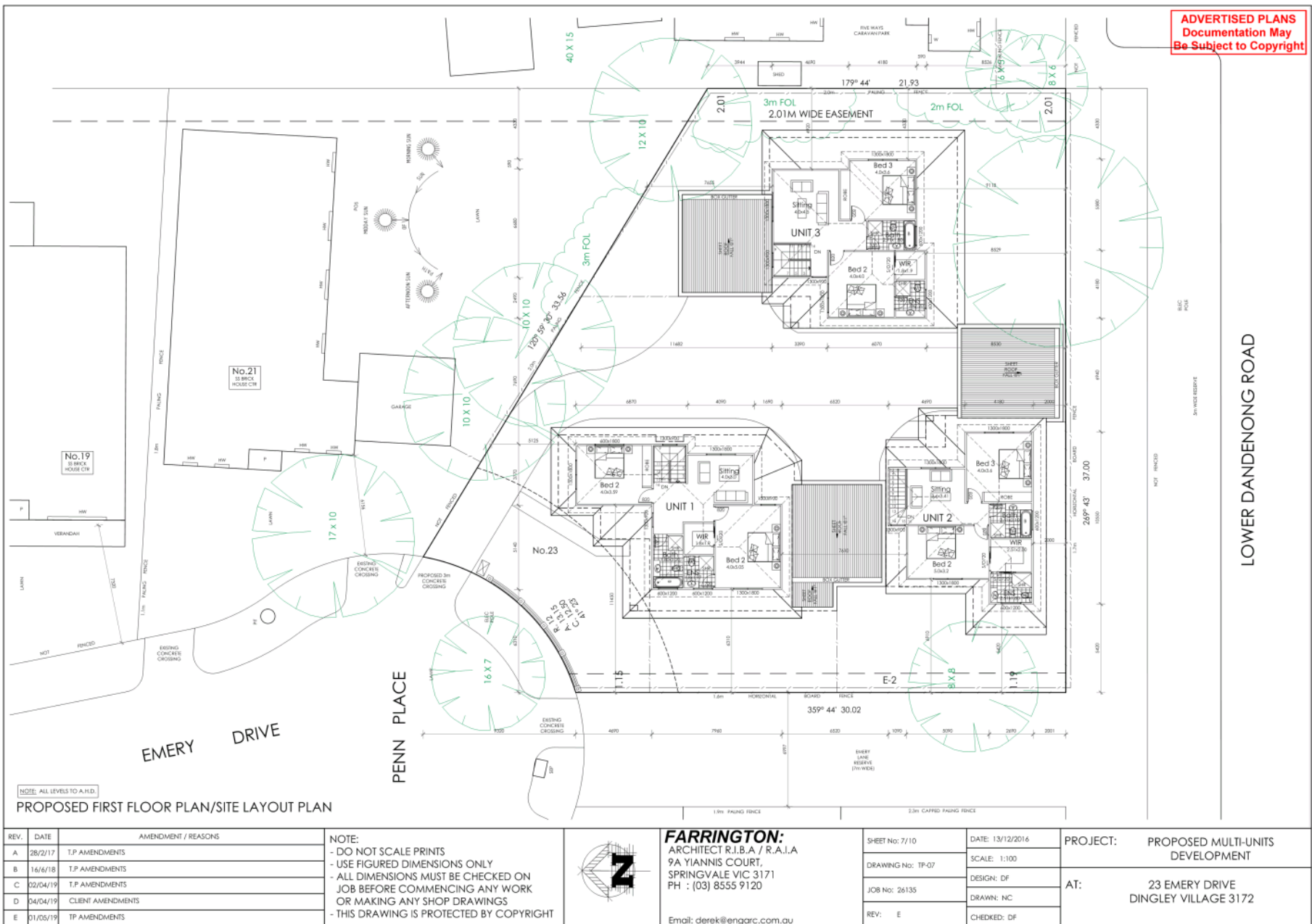




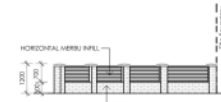








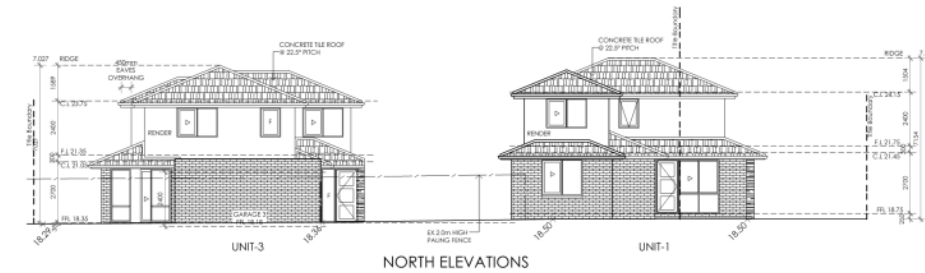
ADVERTISED PLANS
Documentation May
Be Subject to Copyright



FENCE ELEVATION
SCALE 1:100

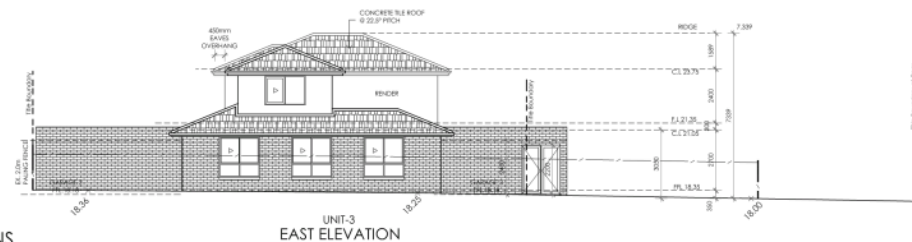


FENCE PLAN
SCALE 1:100



SITE ANALYSIS

SITE AREA	1132.65 m ²		
	UNIT 1	UNIT 2	UNIT 3
GROUND FLOOR	122.95 m ²	106.11 m ²	128.49 m ²
FIRST FLOOR	79.07 m ²	70.56 m ²	77.82 m ²
GARAGE	41.32 m ²	37.45 m ²	37.39 m ²
PORCH/VERANDAH	5.29 m ²	3.32 m ²	3.32 m ²
TOTAL AREA (EXCLUDING FIRST FLOOR)	149.57 m ²	145.88 m ²	148.00 m ²
TOTAL AREA	247.54 m ²	216.44 m ²	245.82 m ²
BUILDING SITE COVERAGE	483.45 m ²	41.94 % of site	
PERMEABLE AREA	487.23 m ²	43.70 % of site	
PRIVATE OPEN SPACE			
	UNIT 1	UNIT 2	UNIT 3
SECLUDED	57.43 m ²	92.09 m ²	191.28 m ²
FRONT	67.52 m ²	N/A	N/A

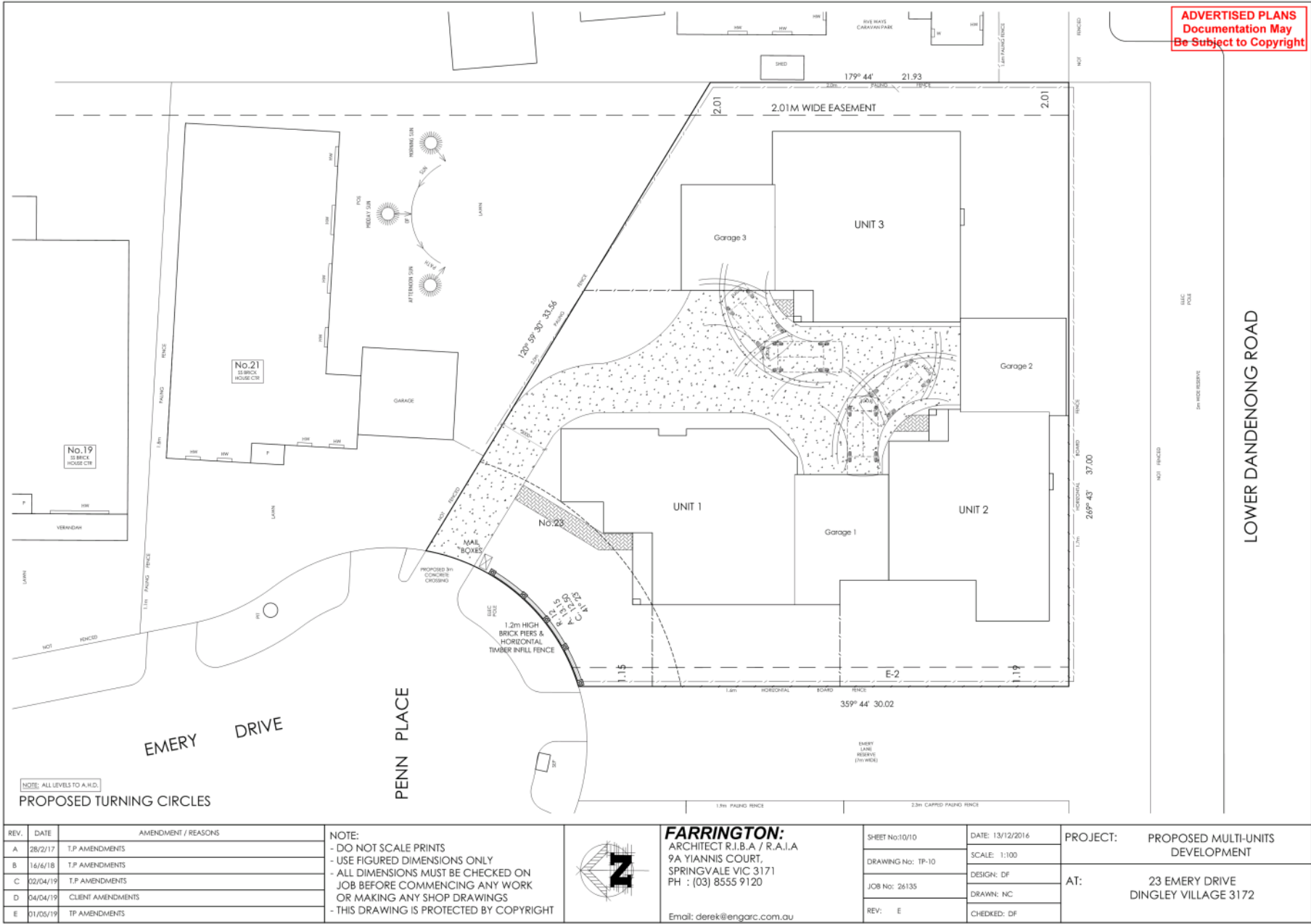


NOTE: ALL LEVELS TO A.H.D.

PROPOSED ELEVATIONS

REV.	DATE	AMENDMENT / REASONS	NOTE:	FARRINGTON: ARCHITECT R.I.B.A / R.A.I.A 9A YIANNIS COURT, SPRINGVALE VIC 3171 PH : (03) 8555 9120 Email: derek@engarc.com.au	SHEET No: B/10	DATE: 13/12/2016	PROJECT: PROPOSED MULTI-UNITS DEVELOPMENT
A	28/2/17	T.P. AMENDMENTS	- DO NOT SCALE PRINTS		DRAWING No: TP-08	SCALE: 1:100	AT: 23 EMERY DRIVE DINGLEY VILLAGE 3172
B	16/6/18	T.P. AMENDMENTS	- USE FIGURED DIMENSIONS ONLY		JOB No: 26135	DESIGN: DF	
C	22/04/19	T.P. AMENDMENTS	- ALL DIMENSIONS MUST BE CHECKED ON JOB BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS		REV: E	DRAWN: NC	
D	24/04/19	CLIENT AMENDMENTS	- THIS DRAWING IS PROTECTED BY COPYRIGHT		CHECKED: DF		
E	01/05/19	TP AMENDMENTS					

REV.	DATE	AMENDMENT / REASONS	NOTE:	FARRINGTON: ARCHITECT R.I.B.A / R.A.I.A 9A YIANNIS COURT, SPRINGVALE VIC 3171 PH : (03) 8555 9120 Email: derek@engarc.com.au	SHEET No: 9/10	DATE: 13/12/2016	PROJECT: PROPOSED MULTI-UNITS DEVELOPMENT AT: 23 EMERY DRIVE DINGLEY VILLAGE 3172
A	28/2/17	T.P. AMENDMENTS	- DO NOT SCALE PRINTS		DRAWING No: TP-09	SCALE: 1:100	
B	16/6/18	T.P. AMENDMENTS	- USE FIGURED DIMENSIONS ONLY			DESIGN: DF	
C	22/04/19	T.P. AMENDMENTS	- ALL DIMENSIONS MUST BE CHECKED ON JOB BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS		JOB No: 26135	DRAWN: NC	
D	04/04/19	CLIENT AMENDMENTS	- THIS DRAWING IS PROTECTED BY COPYRIGHT		REV: E	CHECKED: DF	
E	01/05/19	TP AMENDMENTS					





ARBORIST REPORT

**Pre Development Vegetation Assessment
23 Emery Drive
Dingley Village, VIC 3172**

Prepared for

Mr Hishan Naufal

July, 2019

Prepared by

Adam Hamilton Dip. Arboriculture

Table of Contents

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

Disclaimer & Confidentiality.....	2
Introduction.....	3
1.1 Brief	3
2 Overview.....	3
3 Vegetation survey	4
3.1 Site visit	4
3.2 Methodology	4
3.3 Tree Survey Schedule	5
4 Vegetation protection survey	7
4.1 Overview	7
4.2 Protection zone determination	7
4.3 Tree Protection Zone Schedule	7
5 Tree Protection Plan.....	8
5.1 Site meeting	8
5.2 Establishment of Tree Protection Zones (TPZs)	8
6 Post development vegetation management	9
6.1 Existing trees	9
Appendix 1 – Tree location map.....	10
Appendix 2 - Tree Descriptor	11
Appendix 3 – Native and Indigenous species list	14
Appendix 4 – Common Terms.....	15
References.....	15

Disclaimer & Confidentiality

This information paper is provided to Mr Hishan on a confidential basis and is provided to the recipient strictly on the understanding that its contents will be kept confidential and will not be disclosed to any other party without Constructive Arboriculture giving prior permission in writing. In accepting the proposal the recipient acknowledges that Constructive Arboriculture will suffer consequential loss or damage if the confidential information is disclosed whether directly or indirectly or used in any way by the recipient without the consent of Constructive Arboriculture.

This report paper contains recommendations made by Constructive Arboriculture, which are in relation to only those trees provided within this report.

Due to the nature of trees and the practical limitations in accurately assessing the limitations and structural integrity of all parts of a tree it is not possible to make a completely accurate assessment of the condition of a tree. The recommendations in this report are based on visual assessments and external indicators and there is also some degree of subjectivity. This report is intended to be used as a tool to assist the management of trees located within and surrounding the site. It should be noted that any tree near any structure or property or person(s) poses a risk.

To this extent, Constructive Arboriculture gives no warranty as to the reliability or accuracy of the information nor accepts any responsibility arising in any other way (including by reason of negligence) for errors or omissions herein nor accepts liability for any loss or damage suffered by any person or any other persons placing any reliance on, acting on the basis of, the contents hereof. No party shall be entitled to raise any claim or suit of action on the basis of the contents of this report.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

Introduction

1.1 Brief

The purpose of this report is to provide an assessment of two subject trees located at 23 Emery Drive, Dingley Village.

This report has been prepared by Constructive Arboriculture at the request of Mr Hishan and is based on the following instructions:

1. To inspect and document two subject trees within the site.
2. To provide an objective appraisal of the trees regarding their health, structural stability and suitability for retention.
3. To provide methods of protection for trees, where necessary, in the event of their retention.
4. To provide a list of native and indigenous vegetation to assist with selecting species for proposed landscape plan.

2 Overview

The construction of three (3) dwellings is proposed at 23 Emery Drive, Dingley Village. The existing dwelling is to be demolished.

Two (2) trees were assessed for the purpose of this report, both are located within the site.

One of the trees assessed (located within front set-back) requires removal to facilitate the construction proposal. Tree protection measures have been provided for the other tree assessed (rear set-back), where necessary, in the event that it is retained.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

3 Vegetation survey

3.1 Site visit: Adam Hamilton of Constructive Arboriculture inspected the site on Saturday the 6th of July 2019.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

3.2 Methodology

- Each individually assessed tree has been allocated a unique number followed by an alphabetical reference which identifies ownership and responsibility. S = Tree within site boundaries, N = Tree on neighbouring property, C = Council tree.
- All trees are assessed by visual observations made from ground level only and limited to accessible components without dissection, excavation or probing. Height and canopy spreads are estimated.
- Trunk Diameter at Breast Height (DBH) is measured in metres at 1.4m above ground level; multi-stemmed trees are measured immediately above the root flare.
- Methodology of determining Health, Structure, Age, Retention Suitability and SULE has been provided as an appendix (*Appendix 2*).
- Photographs have been taken and are stored on file. They can be viewed upon request.

3.3 Tree Survey Schedule: The following table is a summary of the data collected for the trees individually assessed.

Tree no.	Botanical name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
4-S	Common Name <i>Robinia psuedoacacia</i> Black Locust	12	14	0.54	1.9	Fair	Poor	Mature	Exotic	Low	Ex	<p>This large tree is located in the front yard of the site towards the street-front. It is within the street frontage and its retention cannot be facilitated.</p> <p>The tree is of fair health with poor structure and possesses limited retention viability.</p> <p>The tree is listing and is significantly weighted in a northern direction. Its canopy is significantly lateral in formation.</p> <p>The lowest canopy branch (extending low over the driveway) is poorly attached. Deep included-bark is present at the union.</p> <p>The tree's trunk is poorly bifurcated at 2.5m above ground level. Included-bark and compression callusing are present at the union. Fracturing of the union is evident.</p> <p>Due to its set-back from the streetscape and due to the size of its defined TPZ (6.48m radius), the tree's retention will have significant implications upon the sites building envelope entitlement; in which the tree is positioned.</p> <p>Ample space is available within the front set-backs and rear set-backs of the proposal to accommodate multiple plantings of semi advanced trees.</p> <p>Due to the tree's limited and declining structural integrity/stability, its removal should be considered regardless of the progression of construction.</p>	<p>Removal recommended.</p> <p>The tree's removal will be required to facilitate the proposed construction proposal.</p>

CONSTRUCTIVE ARBORICULTURE

Ref: 23 Emery Drive, Dingley Village.

5

Tree no.	Botanical name	Height (m)	Canopy spread (m)	DBH (m)	CAB (m)	Health	Structure	Age	Origin	Retention Suitability	SULE	Comments	Arborist's Recommendation
6-S	Common Name <i>Corymbia ficifolia</i> Flowering Gum	14	12	0.85	3.1	Fair	Below average	Mature	Native	Medium	<20	<p>This large tree is located in the rear yard of the close to the southern boundary.</p> <p>The tree is of fair health with below average structure.</p> <p>The tree's trunk is bifurcated at 3m above ground level. The largest and most western of the stems is significantly angled over the adjacent public footpath and low and high voltage powerlines (ABC cabling). The long-term structural integrity of this branch leader is questionable.</p> <p>The tree has been previously fire damaged. Charring of its trunk and partial bark delamination is evident. Internal fracturing of the trunk is indicated by scarring/creasing evident between 0.5m and 2m above ground level.</p> <p>The tree's buttress spans the site boundary and has caused significant displacement/misalignment to the existing boundary fence-line.</p> <p>The construction proposal ('Unit 2' garage and 'Unit 3', located at its closest point approximately 6m north and 5m west of the tree's base, will encroach upon approximately 14% of the tree's defined TPZ (10.2m) and encroachment usually considered significant (>10% AS 4970-2009).</p> <p>However, due to the location of a large Silky-oak (previously assessed as Tree #7) to the west of the tree, no significant roots (from Tree #6) are expected to extend within areas of the proposed 'Unit 2' garage. Furthermore, due to the moderately small and compact rooting habit of this species, minimal root extension (if any) is expected within areas of proposed construction.</p> <p>The tree is suitably distanced from areas of proposed construction and will not be adversely impacted upon in the event that it is retained.</p> <p>As a precautionary measure, prior to the commencement of construction, non-invasive excavation by hand, air-spade or hydro-extraction must be undertaken along the edge of the proposed 'Unit 2' garage and 'Unit 3', where located within the tree's defined TPZ. Roots, if present are to be cleanly severed.</p>	<p>Tree management considerations have been provided for this tree in the Tree Protection Schedule (Schedule 1) in the event of its retention.</p>

CAB=Circumference At Base; DBH=Diameter at Breast Height; SULE=Safe Useful Life Expectancy; Est=Estimated

CONSTRUCTIVE ARBORICULTURE

Ref: 23 Emery Drive, Dingley Village.

4 Vegetation protection survey

4.1 Overview

The survey includes trees assessed that will require the establishment of tree protection measures in the event of their retention.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

4.2 Protection zone determination

4.2.1 Structural Root Zone (SRZ): The SRZ is the critical area around a tree's trunk required for tree stability. The measurement is given in metres as a radius from the centre of a tree's trunk and is calculated with reference to the Australian Standard – Protection of trees on development sites AS 4970-2009.

4.2.2 Tree Protection Zone (TPZ): The Tree Protection Zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The measurement is given in metres as a radius from the centre of a tree's stem at ground level and is calculated with reference to the Australian Standard – Protection of trees on development sites AS 4970-2009.

4.3 Tree Protection Zone Schedule:

Tree no.	Botanical name	Single or Multi-stemmed	Species Tolerance	Diameter Above Root Flare (m)	Structural Root Zone radius AS4970-2009 (m)	DBH (m)	Tree Protection Zone AS4970-2009 (m)	Arborist's recommended placement of TPZs	Comments and recommendations
4-S	<i>Robinia psuedoacacia</i> Black Locust	S	Good	0.59	2.65	0.54	6.48	N/A	The tree's removal is required to facilitate the construction proposal.
6-S	<i>Corymbia ficifolia</i> Flowering Gum	S	Good	0.96	3.25	0.85	10.2	Prior to demolition, establish tree protection fencing at the edge of the tree's defined TPZ that extends within the site. Immediately prior to the commencement of construction modify tree protection fencing and incorporate ground protection to the edge of the construction proposal.	TPZ fencing must be established prior to the commencement of demolition and is to be modified (with the incorporation of ground protection) only immediately prior to the commencement of construction. Prior to the commencement of construction, non-invasive excavation by hand, air-spade or hydro-extraction must be undertaken along the footprint of proposed 'Unit 2' garage and 'Unit 3', where located within the tree's defined TPZ. Roots, if present are to be cleanly severed. These works are to be undertaken and supervised by a suitably qualified arborist.

CONSTRUCTIVE ARBORICULTURE

Ref: 23 Emery Drive, Dingley Village.

7

5 Tree Protection Plan

5.1 Site meeting: It is recommended that a pre development site meeting takes place for the purpose of tree protection awareness, which should be attended by the following people:

- Arboricultural Consultant
- Clients (Developers) Site Manager/Foreman
- Clients Architect and Landscape Architect
- Local Authority Tree Officer
- Local Authority Planning Officer

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

5.2 Establishment of Tree Protection Zones (TPZs):

5.2.1 The protective fencing barriers must be established prior to any site clearance, soil grading or demolition work taking place and before the following:

- Contractor's site occupancy
- Plant and materials delivery
- Demolition of any existing structures
- Construction phase of works
- Utility services installation
- Recommended tree removal and pruning

5.2.2 The area within the TPZs is to be regarded of high importance and tree protection fencing shall not be taken down or relocated at any time without the prior documented approval of the arboricultural consultant or local authority arborist, unless this has already been agreed as part of the planning application consent process and is documented. A layer of organic mulch 10 – 15cm thick should be spread over tree protection zones.

5.2.3 The fencing shall comprise of interlocked wire mesh panels, well braced by attachment to a scaffolding framework by means of wires or scaffold clamps. It should have top and bottom horizontal bars, with uprights set into the ground or concrete supports at no greater interval than 3m spacing. For larger lengths of tree protection fencing angled bars should be located behind the fencing to act as braces and should be firmly clamped to the top rail and set into the ground, braced as necessary; these shall be spaced at intervals no greater than 6m. All-weather notices should be erected on tree protection fencing with words such as **"Tree Protection Zone Keep Out"**.

5.2.4 Inside the TPZs which are defined by the line of protective fencing, the following should NOT occur:

- Mechanical digging or grading
- Storage of plant equipment and materials
- Vehicular or plant access
- Fire lighting or burning off (should be maintained at more than 20m from any canopy edge)
- Refuelling of machinery, discharge or spillage of any chemical substance
- Construction of hard surfaces

5.2.5 In accordance with water restrictions supplementary watering should be provided to the trees through any dry periods during and after the construction process on a weekly basis when required.

5.2.6 Consideration should be given for appropriate cultural operations. These may include irrigation, or measures to enhance the soil structure and organic nitrogen levels. This should be made the responsibility of landscape contractors and supervised by a qualified horticulturalist.

6 Post development vegetation management

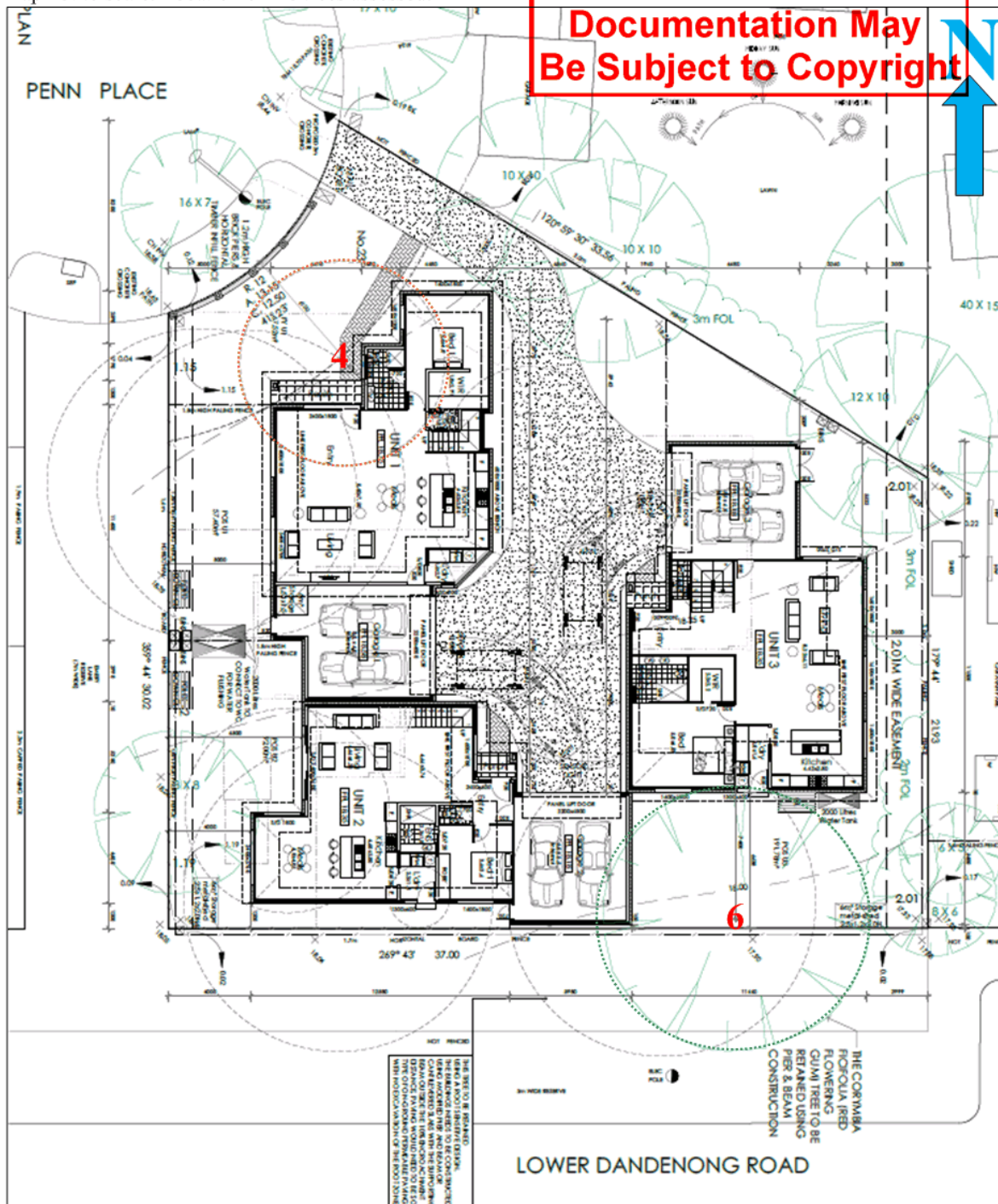
6.1 Existing trees

6.1.1 Trees growing on a site before development takes place may, if adversely affected, be in decline over a period of several years before they die. This varies greatly depending on the age, species and condition of individual tree, soil conditions, climate and the extent of damage incurred during construction. A program of inspections and necessary work for the treatment of symptoms as they develop should be undertaken in conjunction with an arborist. This program may include recommendations for frequency of inspection and beneficial tree work.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

Appendix 1 – Tree location map

Map not to scale. Location of the trees assessed.



Appendix 2 - Tree Descriptor

AGE

<u>Category</u>	<u>Description</u>
Young	Juvenile or recently planted approximately 1-7 years.
Semi Mature	Tree actively growing.
Mature	Tree has reached expected size in situation.
Senescent	Tree is over mature and has started to decline.

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

HEALTH

<u>Category</u>	<u>Description</u>
Excellent	Foliage of tree is entire, with good colour, no sign of pathogens and of good density. Growth indicators are excellent ie. Extension growth of twigs and wound wood development. No canopy die back (deadwood) is evident.
Fair /Good	Foliage of tree is entire, with good colour, very little sign of pathogens and of good density. Growth indicators are good ie. Extension growth of twigs and wound wood development. Minimal die back (deadwood).
Below average	Tree is showing one or more of the following symptoms; < 25% dead wood, minor canopy die back, foliage generally with good colour though some imperfections may be present. Minor pathogen damage present, with growth indicators such as leaf size, canopy density and twig extension growth typical for the species in this location.
Poor	Tree is showing one or more of the following symptoms of tree decline; > 25% deadwood, canopy die back is observable, discoloured or distorted leaves. Pathogens present, stress symptoms are observable as reduced leaf size, extension growth and canopy density.
Dead or dying	Tree is in severe decline; > 55% deadwood, very little foliage, possibly epicormic shoots, minimal extension growth.

STRUCTURE

<u>Category</u>	<u>Description</u>
Good	Trunk and scaffold branches show good taper and attachment with minor or no structural defects. Tree is a good example of the species with a well-developed form showing no obvious root problems or pests and diseases.
Fair	Tree shows some minor structural defects or minor damage to trunk eg. bark missing. There could be cavities present and/or minimal damage to structural roots. Tree could be seen as typical for this species.
Below average	Tree shows many minor or several moderate structural defects, or damage to trunk eg. bark missing, heartwood exposed and newly established decay present, there could be cavities present and/or moderate damage to structural roots.
Poor	There are major structural defects, damage to trunk or bark missing. Co-dominant stems could be present or poor structure with likely points of failure. Girdling or damaged to major roots obvious. Tree is structurally problematic.
Hazardous	Tree is an immediate hazard with potential to fail, this should be rectified as soon as possible.

**ADVERTISED PLANS
Documentation May**

Be Subject to Copyright

RETENTION SUITABILITY

Significance is rated into three levels; **LOW**, **MEDIUM** and **HIGH**.

LOW	The tree is recommended for removal.
MEDIUM	The tree may be retained if it does not hamper the design intent.
HIGH	The tree must be retained and the design must accommodate its long term retention.

SAFE USEFUL LIFE EXPECTANCY - SULE.**LONG SULE:** Trees that appear to be retainable with an acceptable level of risk for more than 40 years.

1. Structurally sound trees located in positions that can accommodate future growth.
2. Storm damaged or defective trees that could be made suitable for retention in the long term by remedial tree surgery.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

ADVERTISED PLANS
Documentation May
Be Subject to Copyright

MEDIUM SULE: Trees that appear to be retainable with an acceptable level of risk for 15 to 40 years.

1. Trees that may only live between 15 and 40 years.
2. Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 40 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damage or defective trees that can be made suitable for retention in the medium term by remedial work.

SHORT SULE: Trees that appear to be retainable with an acceptable level of risk for 5 to 15 years.

1. Trees that may live for 5 to 15 years.
2. Trees that may live for more than 15 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.

EXCEEDED: Trees with a high level of risk that would need removal within the next 5 years.

1. Dead trees.
2. Dying or suppressed and declining trees through disease or inhospitable conditions.
3. Dangerous trees through instability or recent loss of adjacent trees.
4. Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form.
5. Damaged trees that are considered unsafe to retain.
6. Trees that will become dangerous after removal of other trees for the above reasons.
7. Invasive or environmental weed species.

Appendix 3 – Native and Indigenous species list

<u>Common Name</u>	<u>Scientific name</u>
<i>Acacia melanoxylon</i>	Blackwood
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Allocasuarina verticillata</i>	Drooping She-oak
<i>Banksia marginata</i>	Silver Banksia
<i>Eucalyptus viminalis</i>	Manna Gum
<i>Eucalyptus pryoriana</i>	Coastal Manna Gum
<i>Eucalyptus ovata</i>	Swamp Gum
<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint
<i>Eucalyptus cephalocarpa</i>	Silver-leaf Stringybark
<i>Eucalyptus pauciflora</i>	Snow Gum
<i>Indigofera australis</i>	Austral Indigo
<i>Daviesia latifolia</i>	Bitter-Pea Hop
<i>Bossiaea cineria</i>	Showy Bossiaea
<i>Kunzea ericoides</i>	Burgan
<i>Bursaria spinosa</i>	Sweet Bursaria
<i>Correa reflexa</i>	Common Correa
<i>Correa alba</i>	White Correa
<i>Leucophyta brownii</i>	Cushion Bush
<i>Platyloium obtusangulum</i>	Common Flat Pea
<i>Viminaria juncea</i>	Golden Spray
<i>Hibbertia prostrata</i>	Bundled Guinea-flower
<i>Hibbertia stricta</i>	Erect Guinea-flower
<i>Epacris impressa</i>	Common Heath
<i>Allocasuarina pusilla</i>	Dwarf She-oak
<i>Leptospermum myrsinoides</i>	Silky Tea-tree

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

Appendix 4 – Common Terms

**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

Canopy: The part of the crown composed of leaves and small twigs.

Central leader: The main stem or bole of the tree.

Co-dominant: Equal in size and relative importance, usually associated with either trunks or scaffold branches in the crown.

Crown: The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Decay: Process of degradation of wood tissue by fungi and bacteria through the decomposition of cellulose and lignin.

Diameter at Breast Height (DBH): The DBH of a tree is measured at 1.5m above ground level or in the case of multi-stemmed trees, measured at ground level or above a root flare if present. This measurement assists with establishing Tree Protection Zones (TPZs) for vegetation to be retained.

Dieback: Progressive death of twigs and small branches, generally from tip to base.

Drip line: The width of the crown, as measured by the lateral extent of the foliage.

Epicormic growth: Branch development that arises from latent or adventitious buds that occur on stems and branches and as suckers produced at the base of the tree.

Grading: Altering natural terrain and elevation of land, usually through the action of large equipment.

Included Bark: Pattern of development at branch junction where bark is turned inward rather than pushed out.

SULE: Safe Useful Life Expectancy.

TPZ: Tree Protection Zone

References

1. Tree Protection Zone. The Australian Standard AS 4970-2009 – *Protection of trees on construction sites*.
2. R. W. Harris, J. R. Clark & N. P. Matheny., (2004) *Arboriculture – Integrated Management of Landscape Trees, Shrubs and Vines*.
3. J. Coombes., (2000) *Trees*.
4. Botanica's Pocket (1999) *Trees and Shrubs*.

End of report

Planning Committee Meeting

23 October 2019

Agenda Item No: 4.3

KP-2019/257 - 4 BEAR STREET, MORDIALLOC

Contact Officer: Hugh Charlton, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2019/257 - 4 Bear Street, Mordialloc.

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.

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop a four storey mixed use building in a Design and Development Overlay 9 & 10, use the land for a restaurant and for consumption of liquor (restaurant and cafe liquor licence), reduce the car parking requirement for a restaurant, display advertising signage at No. 4 Bear Street, Mordialloc, subject to the conditions contained within this report.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

EXECUTIVE SUMMARY			
Address	4 Bear Street, Mordialloc		
Legal Description	Lot 1 on PS 722271R		
Applicant	Tract consultants		
Planning Officer	Hugh Charlton		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.04 – Mixed Use Zone		
Overlays	Clause 43.02 – Design and Development Overlay 9 & 10 Clause 45.03 – Environmental Audit Overlay		
Particular Provisions	Clause 52.05 – Advertising Signage Clause 52.06 – Car Parking Clause 52.27 – Licensed Premises Clause 52.34 – Bicycle Facilities Clause 53.18 – Stormwater management in urban development Clause 55 – Two or more dwellings and residential buildings		
Permit Trigger/s	Clause 32.04 – 6 – Construct a residential building Clause 32.04 – 2 – Use the land for a restaurant Clause 32.04 – 9 – Buildings and works associated with a section 2 use Clause 43.02 – Construct or carry out Buildings or Works in Design and Development Overlays 9 & 10 Clause 52.06 – Reduce the Car Parking for a restaurant Clause 52.05 – Display advertising signage Clause 52.27 – Consumption of liquor on the premises		
APPLICATION / PROCESS			
Proposal	develop a four storey mixed use building in a Design and Development Overlay 9 & 10, use the land for a restaurant and for consumption of liquor (restaurant and cafe liquor licence), reduce the car parking requirement for a restaurant, display advertising signage		
Reference No.	KP-2019/257	RFI Received	22/7/19
App. Received	1/5/19	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Commenced: 1/8/19	Advertising Completed	Yes 19/8/19
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	7 (TRIM checked on 23/9/19)	Mandatory Building Height requirement	Complies 14m and 4 storeys
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
Aboriginal Cultural Sensitivity Area	YES		
CHMP	EXEMPT		
Considered Plans	CHT Architects, Drawing No's. TP0.00 to TP9.01 inclusive, Revision P4, dated on 19/7/2019		

SITE HISTORY

Planning Permit KP-2010/72 was issued by Council on 7 October 2010 to develop a three (3) storey office, with a reduced car parking requirement pursuant to Clause 52.06 - Car Parking and reduced loading bay requirements pursuant to Clause 52.07 - Loading and Unloading of Vehicles. The permit was not acted on and has since expired.

SUBJECT LAND

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



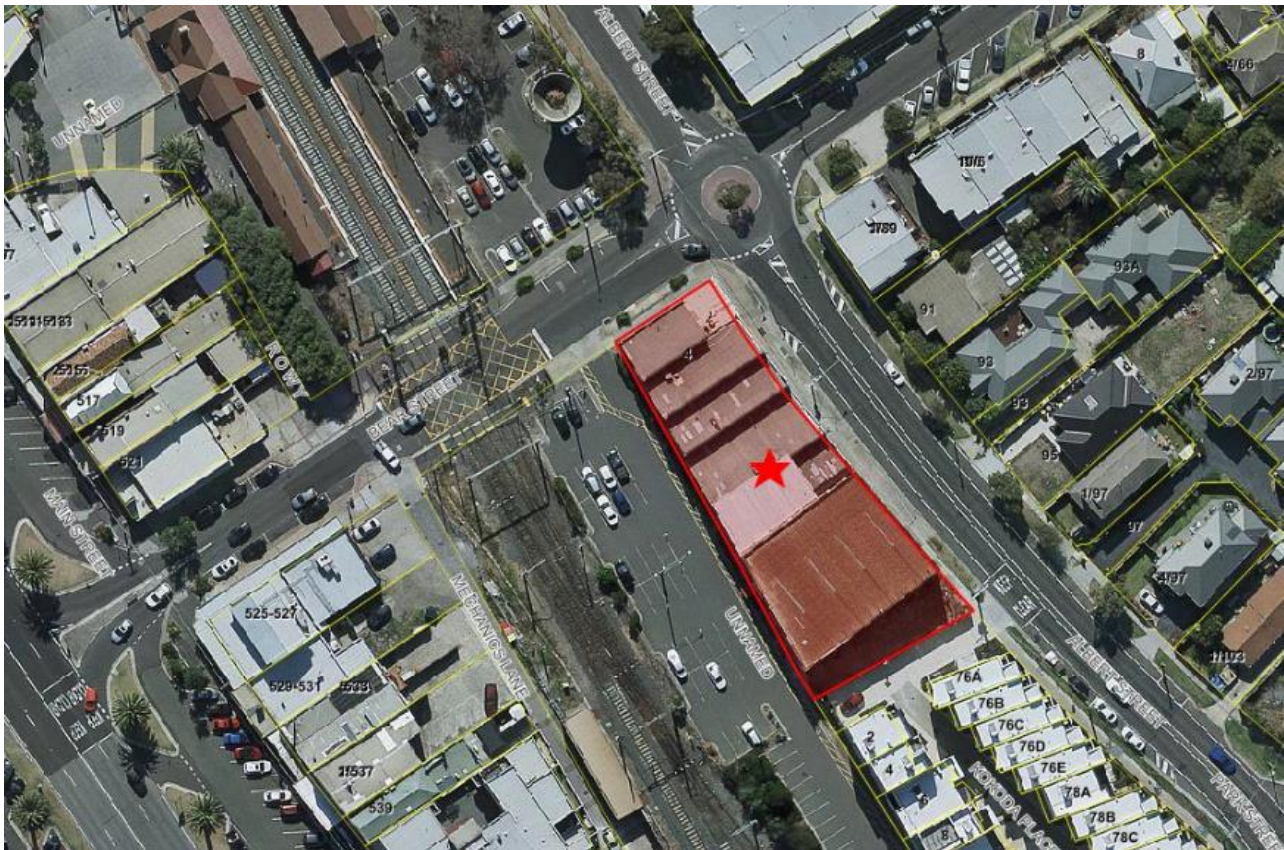
Built form	A single storey, commercial building occupies 100 per cent of the land.		
Lot Size (m²)	1559m ²	Dimensions	Width: 18.5m Length: 69m
Topography	The land is generally flat		
Fencing	None		
Vegetation	Void of any significant vegetation		
Easement(s)	None. The site has an abuttal and access to a 6.2m wide E-2 carriageway easement at the rear, adjacent to the site's south-east property boundary.		

**Footpath
assets /
access**

Two (2) existing crossovers and a power pole adjacent to Albert Street frontage

SURROUNDING LAND

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



North	Bear Street and car parking opposite
East	Albert Street and a range of detached dwellings and residential buildings opposite.
South	Carriageway easement and three storey attached townhouses
West	Victrack land comprising car parking
Describe Neighbourhood Character	Located within the Mordialloc Activity Centre, generally on a transitional area between residential and retail/commercial uses. The site is within close proximity to the Mordialloc railway station and is serviced well by social and physical infrastructure.

PROPOSAL

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

Description	Demolish the existing commercial building and develop a four storey mixed use building in a Design and Development Overlay 9 & 10, use the land for a restaurant and for consumption of liquor (restaurant and cafe liquor licence), reduce the car parking requirement for a restaurant, display advertising signage		
Use	At ground, one restaurant (334m ²) and two tenancies of office (235m ²) Residential dwellings above.		
Storeys	4 storeys and 2 levels of basement car parking		
Maximum building height	14m, to the roof / parapet of the fourth level (see sections) 17.4m overall height to top of rooftop structures (does not constitute maximum building height under Clause 73)		
Bedrooms (including study)	A mix of 44 apartment types are proposed, consisting of: 18 x 1 bedroom dwellings 26 x 2 bedrooms dwellings		
Car parking	56 spaces in total comprising: <ul style="list-style-type: none">▪ 44 residents▪ 7 for office▪ 5 for retail including DDA space▪ 0 residential visitor car parking 21 bicycle parking spaces		
Front setback	0m		
Private Open Space	<ul style="list-style-type: none">▪ Terrace: 24m² - 51m²▪ Balcony: 9.5m² - 12.8m² Communal open space 110m ² is provided on the roof top		
Site Coverage	100%	Permeability	0%
Access	Existing crossovers to Albert Street to be reinstated.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

	Access is via the carriageway easement, shared with the townhouses to the rear.
Vegetation removal/retention	No significant vegetation located on subject site or on neighbouring properties within close proximity to common boundaries
Building materials	A contemporary building form is proposed that includes: metal cladding, brick, timber, perforated metal screening
Restaurant use	<ul style="list-style-type: none"> • 200 patrons • 4 staff • 7am to 11pm, 7 days a week, Monday through Sunday • Restaurant and café liquor licence

PLANNING CONTROLS

Zone / Overlay / Particular Provisions	Rationale
32.04 – MUZ	<p>The proposal accords with the purpose of the Zone by providing a multi-level mixed use development with a range of commercial and retail uses, along with housing at a density that is sufficient to support the vibrancy and vitality of the Mordialloc Activity Centre.</p> <p>In terms of the use, a permit is triggered under this zone to use the land for a restaurant (under retail). Office is an as of right use.</p> <p>The proposal will provide for a genuine mix of retail (restaurant), commercial (office) and residential uses at a density and floor area that is complementary to the role and scale of the nearby Mordialloc Activity Centre. The modest leasable floor space of the tenancies are unlikely to detract from the main centre. These tenancies, combined with a modest restaurant, are envisaged to be occupied by supporting service industries that can provide convenient services and modest employment opportunities that will support the future high level of growth in this area.</p> <p>A condition on permit is recommended to correct the plan notated convenience shop use so it is consistent with the planning supporting documentation which seeks permission for a restaurant:</p> <ul style="list-style-type: none"> a) all plan references to a convenience shop to be correctly notated as restaurant;
43.02 – Design and Development Overlay 9	<p>This overlay includes the following design objectives:</p> <ul style="list-style-type: none"> • <i>To encourage the redevelopment of the land for a mix of residential use and commercial and local services, with the latter preferably located along Bear Street.</i> • <i>To ensure that the combination of uses, their densities, and the scale and character of any redevelopment are compatible with the amenity of the surrounding area.</i>

Zone / Overlay / Particular Provisions	Rationale
	<ul style="list-style-type: none"> • <i>To ensure that the development of the land does not have an adverse impact on local traffic conditions.</i> • <i>To achieve a high quality urban design outcome that is reflective of the site's gateway location to the Mordialloc Activity Centre.</i> • <i>To ensure an appropriate transition between the core commercial centre of Main Street and the surrounding residential environment of the Park Street and Albert Street area.</i> • <i>To ensure that the land is developed in an orderly manner.</i> <p>The proposal meets the design objectives. The built form demonstrably is of high architectural merit and is considered appropriate for the gateway location, supported in full by Council's Urban Designer.</p> <p>It is noted that the restaurant, falling under retail, could be considered outside of the DDO9 preference for commercial and residential uses. This is a key issue raised by objectors, that it is out of centre and a use that is oversaturated in the centre already.</p> <p>The overarching Mordialloc Structure Plan and Clause 22.14 Mordialloc Activity Centre Policy unfortunately do not give further certainty. These policies call for an expansion of the activity centre to the site by a 'large retail attractor' on site and commercial zone, and further retail opportunities and MUZ to the east. However different zones were actually applied, more residential in nature than commercial.</p> <p>Further, development of the surrounding land also covered by the DDO9 for residential has also departed from the commercial/retail contemplated by policy, i.e. the large subdivision of residential townhouses (directly to the south).</p> <p>It is considered that the fundamental guiding land use objective from DDO9 is to ensure <i>'commercial and an appropriate transition between the core commercial centre of Main Street and the surrounding residential environment'</i>.</p> <p>To address this matter, the Permit Applicant has agreed to reduce the activity of the restaurant to provide a more appropriate transitional use to the residential area, which should address objector concerns. This can be achieved by reducing the restaurant hours and patronage. As such the following permit conditions are recommended:</p> <ul style="list-style-type: none"> a) restaurant hours limited to 4pm close each day; b) restaurant patronage to be a maximum of 160 persons at any one time; <p>A patron and noise management plan was also offered by the Permit Applicant, however, given the recommended evolution into a café style operation, this is considered to be onerous and unnecessary to protect the surrounding amenity.</p>

Zone / Overlay / Particular Provisions	Rationale
43.02 – Design and Development Overlay 10	<p>This overlay includes the following design objectives:</p> <ul style="list-style-type: none"> • <i>To reinforce the low rise coastal village form, character, streetscape and heritage of the Mordialloc Activity Centre.</i> • <i>To achieve responsive and sensitively designed development that is of a high quality architectural and urban design standard.</i> • <i>To ensure development has proper regard for the established heritage values, streetscape and development pattern in terms of building design, height, scale, and siting.</i> • <i>To preserve solar access to the foreshore, dwellings, public and private open space and pedestrian paths.</i> • <i>To protect and enhance key views, vistas and landmarks.</i> • <i>In addressing the Design objectives all development proposals must have regard to the Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc (2004).</i> <p>The proposal is considered to meet the DDO14 as follows:</p> <p>The site is located in Precinct A3 which applies a mandatory building height of 14m and 4 storeys. There is also a discretionary requirement that <i>‘Any 4th storey must be recessed and not be clearly visible from Park Street.’</i></p> <p>The proposal meets the expressed requirements of the precinct with a 4 storey and 14m high building proposed. The application includes axonometric images which generally demonstrate that the fourth storey is recessed and not clearly visible from Park Street which is 60m to the south-east.</p> <p>The proposal adequately preserves solar access to a reasonable level, on balance with being developed to the allowable height under the precinct.</p> <p>The on boundary setbacks to all sides appropriately reinforce the street corner and enhance the potential for a landmark built form, and considered appropriate in a location that ties with the centre. Some recession is apparent at ground level, sufficient to reflect the transition at the edge of the centre.</p> <p>The roof top deck is recessed greater than the 2m setbacks from the lower level as sought. There is a pergola which exceeds the preference for a maximum of 1.7m high structures, however this structure is considered acceptable given its central location and modest size thus will be inconspicuous.</p>
45.03 – Environmental Audit Overlay	<p>Given the area’s previous use and development, an EAO has been applied to it and the surrounding MUZ area.</p> <p>As required under Clause 45.03-1, the following will be included as a permit condition:</p> <p>a) <i>Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:</i></p>

Zone / Overlay / Particular Provisions	Rationale																																									
	<div><div>i.</div><div>A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</div></div> <div><div>ii.</div><div>An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use;</div></div>																																									
52.06 Car parking	<p>Amendment VC148 came into force by the State Government on 31 July 2018. This amendment, <i>inter alia</i>, revised certain public parking rates for sites within 400 metres of the Principle Public Transport Network, such as the Mordialloc railway station. Of relevance to this application, the parking rates for residential visitors, office and restaurant are reduced.</p> <p>The following car parking provisions apply, as varied by Amendment C148 as the site is located within the PPTN:</p> <p>The following car parking rates apply:</p> <table><tr><th>Use</th><th>Size/No.</th><th>Statutory Parking Rate</th><th>Car Parking Requirement (Note 1)</th><th>Car Parking Provision</th><th>Shortfall/ Surplus</th></tr><tr><td>One-bedroom apt.</td><td>18</td><td rowspan="2">1 space per one or two-bedroom dwelling</td><td>18</td><td>18</td><td>0</td></tr><tr><td>Two-bedroom apt.</td><td>26</td><td>26</td><td>26</td><td>0</td></tr><tr><td>Residential visitors</td><td>44</td><td>No car parking required</td><td>0</td><td>0</td><td>0</td></tr><tr><td>Restaurant</td><td>337m²</td><td>3.5 car spaces per 100m² Leasable Floor Area</td><td>11</td><td>5</td><td>-6</td></tr><tr><td>Office</td><td>237.2m²</td><td>3 car spaces per 100m² Net Floor Area</td><td>7</td><td>7</td><td>0</td></tr><tr><td colspan="3">TOTAL</td><td>62</td><td>56</td><td>-6</td></tr></table> <p>For the restaurant, 6 of the required 11 car parking spaces are not provided on site, thus a planning permit is required pursuant to Clause 52.06-3 to reduce the requirement. All other parking for residential and office is provided as per the required standard. The Permit Applicant has also offered to accept reduced patronage from 200 to 160 which will also reduce anticipated parking demand, although not the statutory parking rate.</p> <p>The reduction of the restaurant requirement is supported by Council’s Traffic Department based on convenient access to a range of public transport options, availability of parking in the immediate area as demonstrated by the application, and potential reinstatement of 2 additional car spaces in the frontage. Alternative means of transport are also provided by the provision of bicycle parking.</p> <p>As such the proposed parking reductions sought and parking provision is considered appropriate.</p> <p>The traffic issues in the local area, particularly the queuing along the abutting streets is noted, as raised by objectors. Council’s Traffic Department has</p>	Use	Size/No.	Statutory Parking Rate	Car Parking Requirement (Note 1)	Car Parking Provision	Shortfall/ Surplus	One-bedroom apt.	18	1 space per one or two-bedroom dwelling	18	18	0	Two-bedroom apt.	26	26	26	0	Residential visitors	44	No car parking required	0	0	0	Restaurant	337m ²	3.5 car spaces per 100m ² Leasable Floor Area	11	5	-6	Office	237.2m ²	3 car spaces per 100m ² Net Floor Area	7	7	0	TOTAL			62	56	-6
Use	Size/No.	Statutory Parking Rate	Car Parking Requirement (Note 1)	Car Parking Provision	Shortfall/ Surplus																																					
One-bedroom apt.	18	1 space per one or two-bedroom dwelling	18	18	0																																					
Two-bedroom apt.	26		26	26	0																																					
Residential visitors	44	No car parking required	0	0	0																																					
Restaurant	337m ²	3.5 car spaces per 100m ² Leasable Floor Area	11	5	-6																																					
Office	237.2m ²	3 car spaces per 100m ² Net Floor Area	7	7	0																																					
TOTAL			62	56	-6																																					

Zone / Overlay / Particular Provisions	Rationale
	<p>reviewed the applicant submission and the projected potential traffic generation and states that there are no anticipated traffic issues as a result of this development.</p> <p>Clause 52.06 – 9 Design standards including swept paths, splays, parking and access dimensions, headroom and ramp grades, are considered compliant.</p> <p>However access to spaces are not fully compliant due to storage cages, thus require minor alterations by permit condition:</p> <ul style="list-style-type: none"> a) sliding doors to storage cages where accessed via a car space; b) Car parking management plan, and which states the maximum loading bay vehicle size and waste truck maximum permitted size
52.05 – Advertising Signage	<p>This zone is located in Category 3 – High amenity areas. Signage is proposed as follows:</p> <ul style="list-style-type: none"> • Office signage – 2 x 0.5m² internally illuminated, facing Albert Street, one to each tenancy • Restaurant signage – 1.1m² internally illuminated to Bear Street, 1.3m² internally illuminated to Albert Street • Building identification signage – no consent required. <p>The Albert Street signage, located opposite a residential zone and surrounding by residential to the south and east does not accord with the policy intentions under Clause 52.05 or Clause 22.15 Outdoor advertising signage policy.</p> <p>It is considered that alterations are required to ensure that the impact of illumination is reduced to respect the amenity of nearby residents and the amenity of the area. The internal illuminated signage to Albert Street appears out of context with the primarily residential area.</p> <p>The applicant has offered that the restaurant signage facing Albert Street be non-illuminated. It is considered that the office signage should be altered in the same way.</p> <p>Conditions are recommended to require:</p> <ul style="list-style-type: none"> a) restaurant signage to Albert Street be non-illuminated, with the option to provide an additional comparable internally illuminated sign on the western elevation facing the rail line; b) office signage not be internally illuminated, and any external illumination be direct by a low intensity downlight or similar and baffled to avoid light spill, time limited to 9pm; c) all signage to be fully dimensioned and the height from ground dimensioned;
52.27 – Licensed Premises	<p>The application seeks to consume liquor for a Restaurant and liquor licence in association with the restaurant.</p>

Zone / Overlay / Particular Provisions	Rationale																											
	<p>It is noted there is limited cumulative impact of licensed premises given the number of restaurant/café licences within 100m which are typically complemented by the serving of food.</p> <p>The subject site is however situated within a predominantly residential area with sensitive land uses within proximity. The closest dwellings being directly opposite on Albert Street and on land immediately to the south.</p> <p>With the aforementioned recommended condition to reduce the restaurant operating hours to daytime and number patrons, the proposed liquor licence (with licenced hours and patrons adjusted accordingly) is considered acceptable.</p> <p>The use will operate more so as a café, and would be required by the licence to provided seating for 75 per cent of patrons, to serve food alongside the consumption of liquor which reduces the potential likelihood of anti-social behaviour.</p>																											
52.34 Bicycle Facilities	<table><tr><th rowspan="2">Use</th><th rowspan="2">Size/No.</th><th colspan="2">Statutory Bicycle Parking Requirement</th><th rowspan="2">No. Bicycle spaces required</th></tr><tr><th>Resident/ Employees</th><th>Visitors/Customers</th></tr><tr><td>Office</td><td>237.2m² NFA (2 tenancies)</td><td>1 space to each 300m² of NFA, if the NFA >1000m²</td><td>1 space to each 1,000m² of NFA, if the NFA >1000m²</td><td>0 employee 0 customer</td></tr><tr><td>Restaurant</td><td>337m² LFA</td><td>1 space per 100m² LFA</td><td>2 plus 1 to each 200m² of floor area available to the public if floor area available to the public exceeds 400m²</td><td>3 employee 2 customer</td></tr><tr><td>Dwelling</td><td>44 Apartments</td><td>In developments of four or more storeys, 1 to each 5 dwellings</td><td>In developments of four or more storeys, 1 to each 10 dwellings</td><td>9 residents 4 visitors</td></tr><tr><td colspan="4">TOTAL</td><td>18 spaces</td></tr></table> <p>Based on the above, the development is required to provide 18 bicycle spaces, which is met on-site by the provision of 21 bicycle spaces.</p> <p>Based on the above, Council officers agree with the applicant’s assessment that the provision of 21 bicycle spaces in this development exceeds the requirements of Clause 52.34. Further, that the dimensions of the car spaces accord with the requirements of the Bicycle Parking Victoria Handbook and A52890.3-2015</p>	Use	Size/No.	Statutory Bicycle Parking Requirement		No. Bicycle spaces required	Resident/ Employees	Visitors/Customers	Office	237.2m ² NFA (2 tenancies)	1 space to each 300m ² of NFA, if the NFA >1000m ²	1 space to each 1,000m ² of NFA, if the NFA >1000m ²	0 employee 0 customer	Restaurant	337m ² LFA	1 space per 100m ² LFA	2 plus 1 to each 200m ² of floor area available to the public if floor area available to the public exceeds 400m ²	3 employee 2 customer	Dwelling	44 Apartments	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	9 residents 4 visitors	TOTAL				18 spaces
Use	Size/No.			Statutory Bicycle Parking Requirement			No. Bicycle spaces required																					
		Resident/ Employees	Visitors/Customers																									
Office	237.2m ² NFA (2 tenancies)	1 space to each 300m ² of NFA, if the NFA >1000m ²	1 space to each 1,000m ² of NFA, if the NFA >1000m ²	0 employee 0 customer																								
Restaurant	337m ² LFA	1 space per 100m ² LFA	2 plus 1 to each 200m ² of floor area available to the public if floor area available to the public exceeds 400m ²	3 employee 2 customer																								
Dwelling	44 Apartments	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	9 residents 4 visitors																								
TOTAL				18 spaces																								
53.18 – Stormwater management in urban development	<p>It is considered that the proposed development generally complies with this provision and provides 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.</p>																											
55 - ResCode	<p>Assessment provided below.</p>																											

POLICY CONSIDERATIONS

General Provisions

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.

Planning Policy Framework

The Planning Policy Framework sets out the relevant state-wide policies for mixed-use development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage), **Clause 16** (Housing) and **Clause 17** (Economic Development). Essentially, 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).

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.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

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.

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

Clause 15.01-1S encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02-1S** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.

Clause **15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Importantly, the Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity.

However the Permit Applicant has sufficiently demonstrated that significant ground disturbance has already occurred on balance to a material part of the land. Therefore it has been established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan.

Housing objectives are further advanced at **Clause 16** which seek to encourage increased diversity in housing.

Clause 16.01 (Residential Development) seeks to promote a housing market that meets community needs, and is located in areas which offer good access to jobs, services and transport. **Clause 16.01-2R** specifically requires consideration of population growth in locations that are considered major and neighbourhood activity centres, especially those with good public transport connections.

Clause 17 (Economic Development) strives to provide a strong and innovative economy with policy objectives focused on diversification, improving accessibility to employment opportunities, providing development that meets the community's needs for retail, entertainment, office and other commercial services.

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

Relevant objectives and strategies are contained at **Clause 21.05-3: Residential Land Use**. These essentially reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

Clause 21.06 (Retail and Commercial Land Use) is broken into six (6) key objectives. The first of which looks at protecting and strengthening the hierarchy of activity centres. The subject land is located within the Mordialloc Activity Centre, which is identified as a 'Major Activity Centre' within the City of Kingston. The Strategic Direction for the Mordialloc Activity Centre is to:

- *Reinforce the coastal character of Mordialloc by enhancing linkages with the foreshore and the area's tourism potential through the built form and land use.*

Relevant to this application, Objective 4 of **Clause 21.06** seeks to effectively respond to the evolving nature of the commercial (office) market. Whilst this objective essentially concentrates on the supply of office areas within Kingston's activity centres, it is considered that the proposal satisfies its mixed use zoning categorisation by providing alternative uses on the site i.e. retail and office components. Further, it is considered that the proposal responds to the relevant key objectives of this Clause by ensuring that opportunities for core retail type uses continue to be made available within the heart of the Mordialloc Activity Centre.

Clause 22.11 Residential Development Policy extends upon the provision contained at **Clause 21.05** (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character. While the subject site falls outside of the areas designated as increased housing diversity, incremental housing change, minimal housing change, or residential renewal, the design criteria of the policy is applicable to this proposal as it relates to the provision of multi-dwellings in Kingston.

Clause 22.14 – Mordialloc Centre applies a vision for land use, development and infrastructure in the Mordialloc activity centre based on the Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc, 2004. The relevant objectives include:

- *To protect and enhance the existing character, streetscape and heritage of Mordialloc.*
- *To encourage responsive and sensitively designed development.*

- *To protect and enhance current vistas, views and landmarks and where possible and appropriate, to create new views, vistas and landmarks.*
- *To protect the foreshore, dwellings, public and private open space, and pedestrian areas from overshadowing.*
- *To ensure development will contribute to the lively and commercial function of the activity centre.*

22.14-3 General policy - Land use

Where a permit is required for the use of land within the policy area, it is policy to:

- *Encourage active commercial premises at ground level and inactive uses such as offices, and residential at upper levels.*
- *Provide housing opportunities within the Activity Centre to capitalise on the area's transport, open space and retail assets.*
- *Promote a diverse range of housing types and sizes within areas identified for increased residential and mixed development.*
- *Encourage the provision of service and commercial accommodation to address the needs of visitors to Mordialloc and the surrounding region.*
- *Encourage the provision of aged care accommodation.*

Precinct 3: Timber Yard Redevelopment. In addition to the general policies, in the Timber Yard Redevelopment Precinct it is policy to:

- *Draw the commercial core east across Main Street and the railway line through the provision of a new approximately 2000-3000 square metre retail attractor.*
- *Encourage linked retail and commuter trips through the co-location of commuter and retail parking with an upper level deck above the new retail attractor with ramp access from Albert Street.*
- *Promote the development of a mixed use commercial development on the south west corner of the intersection of Bear Street and Albert Street that creates an identifiable gateway.*
- *Ensure the provision of an 8-12 metre reservation east of the railway line to accommodate a future 3rd railway line.*
- *Encourage the provision of aged care housing.*
- *Encourage surveillance of Park Street through the provision of balconies, bays, porches or colonnades from the residences and the provision of individual entrances to the pathway.*
- *Discourage the number of vehicular access points to Park Street.*
- *Encourage the extension of the pedestrian footpath on the west side of Park Street to provide access to the adjoining open space areas.*

The proposal generally complies with the above policy, subject to the recommended permit conditions. The proposal will provide for a genuine mix of retail (restaurant), commercial (office) and residential uses at a density and floor area required to support the role and scale of the nearby Mordialloc Activity Centre and provide for an appropriate transitional development to the residential area beyond. See detailed discussion earlier in the report.

Clause 22.15 – Outdoor advertising signage policy. This policy applies to all land where a planning permit is required to construct or display a sign under the provisions of the Kingston Planning Scheme. This policy provides guidelines for the location, design, size and layout of advertising signs to ensure that advertising is compatible with the character of the area and its local streetscape.

Clause 22.20 – Stormwater Management is applicable to the consideration of medium and large scale developments as specified within Table 1 of 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. Conditions on any permit issued have been recommended by Council's Drainage Engineer to meet the specified requirements.

It is considered that the proposed development generally complies with the above guidelines and 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.

Clause 22.21 Environmentally Sustainable Development (ESD) policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainability Management Plan.

Further, the ESD assessment was referred to Council's ESD officer who supports the SMP subject to minor improvements which have been included within the recommended permit conditions. Subject to condition, the commitments expressed in the SMP report coupled with the proposed development plans and dwelling layouts, will achieve an appropriate best practice ESD standard, meeting the objectives of this policy.

It is considered that the proposed development generally complies 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.

In summary, it is considered that the proposed development generally complies and satisfies the Planning Policy Framework guidelines. Importantly, the proposal delivers on specific objectives relating to the development of larger opportunity sites, which seek to encourage well-designed medium density housing in appropriate locations, as well providing diversity in housing choice to assist in meeting the anticipated future population forecasts.

INTERNAL REFERRALS

Department / Area	Comments / Rationale / Recommended Conditions
Urban Designer	Supports the design response in its current form.
Council's Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to increased landscaped areas above ground.
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 conditions included on any permit issued relating to the crossover reinstatement. This has already been achieved.
Traffic Engineer	No objection raised, subject to conditions included on any permit issued relating to maximum crossover width. This has already been achieved.
Property Service	No objection subject to the development wholly contained within the title boundaries, not over footpath. The development has been altered accordingly.
ESD	No objection raised, subject to conditions included on any permit issued relating to minor improvements to the SMP provided.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

Waste	Satisfied with the Waste Management Plan prepared by Leigh Design dated 8 Feb 19
--------------	--

EXTERNAL REFERRALS

Referral Department	Section 52/55	Determining/ Recommending	Objection	Comments
VicTrack	52	Recommending	None	Subject to conditions included verbatim within the recommendation

OBJECTIONS

Following the commencement of advertising, 7 objection(s) to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Traffic and parking
- Retail/restaurant land use
- Noise from restaurant patrons
- Character
- Overdevelopment
- Visual bulk
- Height
- Overlooking
- Overshadowing
- Wind impacts
- Landscaping & public seating
- Advertising signage
- Toxic materials on site

Not planning considerations:

- Building construction standards
- Views
- Enforcement matters
- Demolition

A planning consultation meeting was held on 3 September with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and 7 residents in attendance. The above-mentioned issues were discussed at length.

Some of the above concerns were resolved at the meeting, where it was agreed to include the following conditions / changes on any permit issued:

- Restaurant Management Plan to manage patron noise, activity, smoking areas etc when leaving premises
- Signage to be non-illuminated along Bear St
- preliminary site assessment re information on site toxicity can be provided
- TM01 timber material or similar , change to TM01 timber, only

However all objections still stand.

FURTHER CONSIDERATION / ANALYSIS

The application considerations have been responded to within the assessment above.

The remaining matters are responded to as follows:

RESPONSE TO GROUNDS OF OBJECTION

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
Wind impacts	Pursuant to the <i>Planning and Environment Act 1987</i> and Kingston Planning Scheme, this concern falls outside of the scope of planning considerations for less than a five storey building.
Landscaping & public seating	Objector(s) were concerned with the seating attracting persons to congregate and result in unsocial behaviour. Fixed public seating in activity areas is a typical urban design feature and said to enhance streetscape appeal. There is no evidence to suggest the seating will be used inappropriately.
Overdevelopment/character	The proposal meets the preferred character set down under DDO9&10 by the provision of a 4 storey development with a recessive 4th level, providing a mixed use development with generally activate uses at ground level and residential above. The intensity of the development is consistent with the purpose to the Mixed Use Zone to provide for housing at higher densities, with an apartment typology that provides sufficient density to capitalise on the strategic benefit and close proximity to an activity centre and rail station.
Traffic and parking	<p>The provision of car parking for residential and office is according to the statutory requirements. The provision of car parking for the restaurant is 6 spaces less than the required 17. The reduction of the restaurant requirement is supported by Council's Traffic Department based on convenient access to a range of public transport options, availability of parking in the immediate area as demonstrated by the application, and potential reinstatement of 2 additional car spaces in the frontage. Alternative means of transport are also provided by the provision of bicycle parking.</p> <p>The traffic issues in the local area, particularly the queuing along the abutting streets is noted, as raised by objectors. Council's Traffic Department has reviewed the applicant submission and the projected potential traffic generation and states that there are no anticipated traffic issues as a result of this development</p>
Visual bulk	The proposal addresses any perceived visual bulk , providing a form that is consistent with the intensity anticipated by the preferred character , with a recessive fourth level.

Ground of Objection	Response
	Overall the proposal achieves a high architectural and urban design standard. Design detail is considered to be at high level and includes metal cladding, enhanced by expressed timber beam design throughout, on a recycled red brick base. Additional architectural features are clearly expressed and provide a consistent and visually interesting design that respects the preferred character.

The permit applicant responded to objector concerns as follows:

In response to what we understood were the key issues raised at that meeting, we propose that the following amendments to the application could be conditioned by Council should it resolve to recommend the issuing of a planning permit.

Proposed changes

- Restaurant
 - Reduction of patronage from 200 to 160 (i.e. a 20% reduction)
 - Patron & Noise Management Plan (or similar) to be endorsed under the permit
 - Albert Street sign to be replaced by a non-illuminated sign of same extent (Condition 1)
 - Illuminated sign to be relocated from Albert Street to the car park interface (Condition 1)
- Car parking
 - Signs to be provided to objectors (at Applicant's cost) articulating 'no parking areas' and explaining that breach of rules will result in penalties
 - It is noted that the reduction of patronage (i.e. by 40 patrons) has also been proposed in part to mitigate car parking demand associated with the Restaurant use
- Cladding / materiality
 - 'Timber or aesthetically similar façade' note to be replaced with 'timber (subject to building regulation compliance)' (Condition 1)
 - Further information relating to the proposed use of 'mass timber' is **enclosed**

Other matters

- Environmental audit (contamination)
 - Environmental audit is not sufficiently progressed but will be provided to Council in fulfilment of a planning permit condition (per the standard Victorian planning process)
- Concerns in respect of potential asbestos contamination are noted. Asbestos materials, if found to be present at the site, must be removed prior to any other demolition or excavation works and they must be removed by a WorkSafe Licensed A or B class removalist in compliance with the following:
 - Victorian Occupational Health & Safety Regulations 2017. Asbestos Division 6;
 - WorkSafe Victoria Removing Asbestos in Workplaces Compliance Code 2018.

Further, the applicant has agreed to reduce the operating hours of the restaurant to daytime only.

Two or more dwellings on a lot and residential buildings in a Mixed Use Zone *****MUST meet the objective, SHOULD meet the standard*****

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
<p>Assessment: As previously discussed in detail, the proposal meets the preferred character set down under DDO9&10 by the provision of a 4 storey development with a recessive 4th level, providing a mixed use development with generally activate uses at ground level and residential above. The intensity of the development is consistent with the purpose to the MUZ to provide for housing at higher densities, with an apartment typology that provides sufficient density to capitalise on the strategic benefit and close proximity to an activity centre and rail station.</p> <p>Further, the proposal is in line with the preferred built form character under Clause 22.14, where the proposal meets the stated objectives by:</p> <ul style="list-style-type: none"> Preserves important views, vistas and landmarks Provides primarily active frontages at ground level Has integrated balconies that have minimum visual impact Achieves a high architectural and urban design standard Utilises design techniques that respect, yet avoid replicating or mimicking historical detailing Highlights the key corner and gateway location through design projection, detailing and massing that presents to both street frontages Consolidates and simplifies vehicular points of access to the rear to off-street car parking facilities 		
Clause 55.02-2 Residential Policy objectives <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. 	Standard B2 <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 	Complies with standard & meets objective

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Assessment: See policy section and response within the body of the report		
Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <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. 	Complies with standard & meets objective
The proposal includes a range of dwelling sizes, floor areas and living arrangements and achieves adequately dwelling diversity.		
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
Assessment: It is recommended that suitable condition(s) be included in any permit issued 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
	<ul style="list-style-type: none"> • Development oriented to front existing/proposed streets 	Complies
	<ul style="list-style-type: none"> • High fencing in front of dwellings should be avoided if practicable. 	Complies
	<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 proposal includes predominantly active uses at street level. Upper level balconies are situated above, enhancing activation and street surveillance. The design response adequately integrates the development with the street. There is no substation shown on plans which can typically impact on street level activation. The applicant has confirmed that a substation will not be required for this development.		
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: 0 metres Proposed: 0 metres	Complies with the standard & meets objective
Assessment: The proposal provides for a 0m street setback to each frontage which is consistent with the prevailing character whilst making efficient use of the land.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
The on-boundary construction proposed to each street is consistent with the existing conditions, the corner developments opposite, and the preferred character set down by DDO10.		
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: 4 storeys and 14 metres by DDO10 Proposed: 4 storeys and 14 metres (see sections)	Complies with the standard & meets objective
<p>Assessment: The proposed height meets the height set down under DDO10 and the objective to Clause 55.03-2. The proposal is respectful of the preferred neighbourhood character with a height and number of storeys that meets policy intentions. Further it is noted the 3 storey office development on this site previously approved by Council.</p> <p>It is noted that the fifth level rooftop deck does not form a storey under the Planning & Environment Act or Kingston Planning Scheme, given it roofs only the necessary areas for stairwell/lift protection and the pergola is fully open. Further, 'building height' as defined under Clause 73 is measured to the roof parapet and does not include the height of the rooftop structures. This is consistent with the interpretation of building height by VCAT notably the question of law raised in <i>Aitken Properties Pty Ltd v Hobsons Bay CC</i> [2016] 1484.</p>		
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: 60%	Meets the objective
<p>Assessment: The proposal achieves a site coverage statistic of 100%, which exceeds the maximum standard specified. The high site coverage is considered to meet the preferred character and respond to the site's features where the existing conditions have a comparably high site coverage. Given the site's proximity to the centre and the local policy intentions to provide for a comparable form to the centre and to provide for housing at higher densities, this site coverage is considered suitable.</p>		
Clause 55.03-4 Permeability & stormwater management 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. To encourage stormwater management that maximises the retention & reuse of stormwater 	Standard B9 At least: 20%	Meets the objective

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Assessment: The permeability figure proposed (i.e. 0%) is less than specified in the Standard.</p> <p>The lack of impervious surfaces reflects the existing conditions which provide no permeability. The proposal will improve on this by collecting rainwater and reusing it, facilitate on-site stormwater infiltration and reducing the impact of increased stormwater run-off on the drainage system, meeting the overarching objectives.</p>		
<p>Clause 55.03-5 Energy Efficiency objectives</p>	<p>N/A for apartment developments.</p>	
<p>Clause 55.03-6 Open Space objective</p>	<p>N/A for apartment developments.</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 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.</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 shared dwelling entry and separate residential foyer.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <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. 	<p>Standard B13 In summary, landscape layout & design should:</p> <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. 	<p>Complies with standard & meets objective subject to condition</p>
<p>Assessment: There are no existing trees or vegetation that will be impacted upon.</p> <p>Council's VMO recommends permit conditions for increased landscaping provision above ground level, green façades and planter boxes, sufficient to meet the relevant objectives.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 55.03-9 Access objective <ul style="list-style-type: none">To ensure the number and design of vehicle crossovers respects the neighbourhood character.	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, orif the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.	Complies
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	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
Assessment: The proposal reinstates two existing crossovers and utilises an existing access point, thus 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 & meets objective subject to condition
	Assessment: The proposal raises no concern with respect to the layout of on-site car parking. Car parking is adequately ventilated mechanically.	
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.	Meets objective
	Assessment: The overarching objective is met. Building on boundary without side and rear setbacks for the first three levels is respectful of the preferred character given the context of the site, identified as part of the activity centre and set aside for intensive development. The fourth level is adequately recessive to meet the preferred character objectives set down under DDO10. Given the separation by the carriageway easement to the south, amenity impacts are limited to adjoining properties and also by the high level of architectural design and detailing.	
Clause 55.04-2 Walls on boundaries objective	Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport	Meets objective

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<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. 	constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary: <ul style="list-style-type: none"> 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. 	
Assessment: The overarching objective is met. The proposed walls on all boundaries reflect the existing conditions and are respectful of the preferred character given the context of the site, identified as part of the activity centre and set aside for intensive development.		
Clause 55.04-3 Daylight to existing windows objective <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	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 3m ² and minimum dimension of 1m clear to the sky.	Complies
	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
Assessment: Given the axis of the allotment and siting of the dwelling(s), the proposal will not have an unreasonable impact upon daylight to existing habitable room 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
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 & meets objective
Assessment: The majority of the shadow generated by the development will fall on land used for car parking on the road network. When measured on the equinox, existing areas of secluded POS will not be significantly overshadowed.		
Clause 55.04-6 Overlooking objective	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	Complies with standard & meets objective

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	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. 	subject to condition
	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
	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
<p>Assessment: Most first and second floor HRW or balconies or terraces with an unobstructed view within 9 metres of an existing HRW or secluded POS have been screened according to the standard.</p> <p>However overlooking is possible into the immediate townhouse to the south-west, to its HRW and balcony (not identified on plan). The townhouse immediately to the south fronting Albert Street has screened windows thus will not be overlooked. To address the overlooking within 9m as per the Standard, the following conditions are required:</p> <ul style="list-style-type: none"> a) screening of the south-facing living room windows to Apt1.12, Apt2.12, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme; b) screening of the south-facing bedroom windows to Apt1.11, Apt2.11, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme; 		
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 subject to condition
<p>Assessment: Subject to the following condition, no unreasonable internal overlooking will occur.</p> <ul style="list-style-type: none"> a) provision of screening between balconies & terraces that adequately limits internal overlooking; 		
Clause 55.04-8 Noise impacts objectives	N/A for apartment developments.	
Clause 55.05-1 Accessibility objective	N/A for apartment developments.	
Clause 55.05-2 Dwelling entry objective	N/A for apartment developments..	

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST 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: The proposed windows are sited appropriately to achieve adequate solar access and natural daylight into habitable rooms.		
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 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 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	Complies with standard & meets objective
Assessment: All dwellings have been provided with adequate POS that meets the area and dimension requirements.		
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
Assessment: There are a low number of dwellings, representing 2 of 44 dwellings, with south facing POS, thus solar access to SPOS is considered compliant.		
Clause 55.05-6 Storage objective	N/A for apartment developments.	
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, 	Complies with standard & meets objective

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	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.	
<p>Assessment: Design detail is considered to be at a high level and includes metal cladding, enhanced by expressed timber beam design throughout, on a recycled red brick base. Additional architectural features are clearly expressed and provide a consistent and visually interesting design that respects the preferred character.</p> <p>The expressed timber beams that articulates each wall have been reduced to a depth of 100mm which is not as desirable in depth as the original proposal. This is a result of needing to be reduced to avoid overhanging title boundaries as required by Council's Property Services Dept and VicTrack.</p>		
<p>Clause 55.06-2 Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. Maximum: A front fence within 3m of a street should not exceed 1.5m for other streets</p>	N/A
<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 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>	Complies with standard & meets objective
<p>Assessment: Where common property is proposed, it is functional, well-designed and capable of efficient management through an owner's corporation arrangement.</p>		
<p>Clause 55.06-4 Site services objectives</p> <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>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.</p>	Complies with standard & meets objective
<p>Assessment: Site services such as bin/recycling enclosures have been nominated on the respective plans and located appropriately.</p> <p>A condition is recommended that</p> <p>a) mailboxes nominated;</p>		
55.07 APARTMENT DEVELOPMENTS		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 55.07-1 Energy efficiency objectives <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	Standard B35/D6 Buildings should be: <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. Living areas and POS should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.	Complies with standard & meets objective subject to condition
<p>Assessment: The proposal is highly energy efficient with acceptable dwelling orientation, living areas and POS have been located on the north side of the development where practicable. Access to daylight is supported for dwellings.</p> <p>To improve the development's overall energy efficiency performance, minor improvements have been recommended by Council's ESD officer to the Sustainable Management Plan.</p>		
Clause 55.07-2 Communal open space objective <ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. 	Standard B36/D7 Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. Communal open space should: <ul style="list-style-type: none"> Be located to: <ul style="list-style-type: none"> Provide passive surveillance opportunities Provide outlook for as many dwellings as practicable Avoid overlooking into habitable rooms and POS of new dwellings. Minimise noise impacts to new & existing dwellings. Be designed to protect any natural features on the site. Maximise landscaping opportunities. Be accessible, useable and capable of efficient management. 	Complies with standard & meets objective
<p>Assessment: Communal space area is provided of 110m² on the top floor terrace and an addition 34m² which exceeds the area requirement above.</p> <p>The communal space is designed and located so that it provides acceptable passive surveillance opportunities, outlooks, minimised overlooking potential into nearby HRWs or POS areas of new dwellings. This space is accessible and allows for efficient management and care abilities.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 55.07-3 Solar access to communal outdoor open space objective <ul style="list-style-type: none"> To allow solar access into communal outdoor open space. 	Standard B37/D8 The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50% or 125m ² , whichever is the lesser, of the primary communal outdoor open space should receive a minimum of 2 hrs of sunlight between 9am-3pm on 21 June.	Complies
Assessment: Communal space area on the rooftop is adequately positioned to exceed the solar access requirements.		
55.07-4 Deep soil areas and canopy trees <ul style="list-style-type: none"> To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect. 	Standard B38/D10 The landscape layout and design should: <ul style="list-style-type: none"> Be responsive to the site context. Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration. Maximise deep soil areas for planting of canopy trees. Integrate planting and water management. Developments should provide the deep soil areas and canopy trees specified in Table B5. If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either: <ul style="list-style-type: none"> Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. Vegetated planters, green roofs or green facades. 	Complies with standard & meets objective subject to condition
Assessment: Given the context of the site, identified as part of the activity centre and set aside for intensive development, it is not appropriate to required deep soil areas. As noted above, if the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either: <ul style="list-style-type: none"> Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. Vegetated planters, green roofs or green facades. Landscaping provision appears inadequate to meet the expectations under Standard for equivalent canopy cover or providing sufficient terrace/rooftop plantings to provide thermal comfort and reduce the urban heat island effect. Council's VMO recommends permit conditions for increased landscaping provision above ground level, green façades and planter boxes, sufficient to meet the relevant objectives.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.07-5 Integrated water & stormwater management objective</p> <ul style="list-style-type: none"> To encourage the use of alternative water sources such as rainwater, stormwater & recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system & filters sediment & waste from stormwater prior to discharge from the site. 	<p>Standard B39/D13</p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>Complies with standard & meets objective</p>
<p>Assessment: In-principle the proposal provides for adequate WSUD considerations. Council's Development Approvals Engineer is supportive and has recommended additional site management to ensure sufficient stormwater management measures are provided.</p>		
<p>Clause 55.07-6 Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. 	<p>Standard B40/D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings & buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas & bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed & constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p>	<p>Complies with standard & meets objective</p>

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.	
<p>Assessment: It is considered that internally, the proposal has given adequate consideration to contain noise sources in the development. The proposal includes a detailed noise assessment and recommendations for design measures to protect future residents from external noise sources given the proximity to a passenger and freight railway line.</p> <p>A condition is recommended to require all commitments of the acoustic report to be shown on plan.</p>		
<p>Clause 55.07-7 Accessibility objective</p> <ul style="list-style-type: none"> To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Standard B41/D17</p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom & the living area. A main bedroom with access to an adaptable bathroom. At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 	Complies with standard & meets objective
<p>Assessment: The design layout demonstrates that at least 50% of dwellings meet the Standard.</p>		
<p>Clause 55.07-8 Building entry and circulation objectives</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	<p>Standard B42/D18</p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable. Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> Clearly distinguish entrances to residential and non-residential areas. Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents. Provide common areas and corridors that: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	Complies with standard & meets objective
<p>Assessment: Communal corridors and entry achieve an inviting space, adequate in dimension, external outlook with ventilation opportunities, and with a nearby stairwell that encourages use.</p>		
<p>Clause 55.07-9 Private open space above ground floor objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B43</p> <p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or 	Complies with standard & meets objective

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD															
	<ul style="list-style-type: none"> A balcony with an area and dimensions specified in Table B8 and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p> <p>Table B8 Balcony size</p> <table> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum dimension</th></tr> <tr> <td>Studio or 1 bedroom dwelling</td><td>8 square metres</td><td>1.8 metres</td></tr> <tr> <td>2 bedroom dwelling</td><td>8 square metres</td><td>2 metres</td></tr> <tr> <td>3 or more bedroom dwelling</td><td>12 square metres</td><td>2.4 metres</td></tr> </table>	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres	3 or more bedroom dwelling	12 square metres	2.4 metres				
Dwelling type	Minimum area	Minimum dimension															
Studio or 1 bedroom dwelling	8 square metres	1.8 metres															
2 bedroom dwelling	8 square metres	2 metres															
3 or more bedroom dwelling	12 square metres	2.4 metres															
<p>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.</p>																	
<p>Clause 55.07-10 Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Standard B44/D20</p> <p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p> <table> <tr> <th>Dwelling type</th><th>Total minimum storage volume</th><th>Minimum storage volume within the dwelling</th></tr> <tr> <td>Studio</td><td>8 cubic metres</td><td>5 cubic metres</td></tr> <tr> <td>1 bedroom dwelling</td><td>10 cubic metres</td><td>6 cubic metres</td></tr> <tr> <td>2 bedroom dwelling</td><td>14 cubic metres</td><td>9 cubic metres</td></tr> <tr> <td>3 or more bedroom dwelling</td><td>18 cubic metres</td><td>12 cubic metres</td></tr> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	<p>Does not meet the objective/standard</p> <p>Can comply subject to condition</p>
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling															
Studio	8 cubic metres	5 cubic metres															
1 bedroom dwelling	10 cubic metres	6 cubic metres															
2 bedroom dwelling	14 cubic metres	9 cubic metres															
3 or more bedroom dwelling	18 cubic metres	12 cubic metres															
<p>Assessment:</p> <p>Each dwelling has adequate and convenient access to usable and secure storage space internally, compliant with the recommended standard.</p> <p>Externally however, the proposal relies on over-bonnet storage which is strongly discouraged as it is impractical for bulky goods, inadequate in capacity, and limits a range of vehicle types as previously discussed. With an efficient rearrangement to the basement, at least 15 more dwellings could be provided with the required 4 or 5 m³ capacity cages in lieu of over bonnet storage. As such it is recommended a condition require:</p> <ol style="list-style-type: none"> additional external storage provided to comply with Standard B44 of Clause 55 of the Kingston Planning Scheme for 2 bedroom dwellings, and at least 3m³ for 1 bedroom dwellings, with any necessary changes to parking layouts; the storage required in the condition above be provided at grade in storage cages for at least all 2 bedroom dwellings, and with the deletion of the maximum amount of over-bonnet storage accordingly; 																	

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD												
c) all storage to be secure and made private with non-transparent walls and doors, notated on plans accordingly;														
Clause 55.07-11 Waste and recycling objectives <ul style="list-style-type: none"> To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	Standard B45/D23 Developments should include dedicated areas for: <ul style="list-style-type: none"> Waste and recycling enclosures which are: <ul style="list-style-type: none"> Adequate in size, durable, waterproof and blend in with the development. Adequately ventilated. Located and designed for convenient access by residents and made easily accessible to people with limited mobility. Adequate facilities for bin washing. These areas should be adequately ventilated. Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: <ul style="list-style-type: none"> Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	Complies with standard & meets objective												
Assessment: Council's Waste Management Officer is satisfied with the Waste Management Plan provided with the application.														
Clause 55.07-12 Functional layout objective <ul style="list-style-type: none"> To ensure dwellings provide functional areas that meet the needs of residents. 	Standard B46/D24 Bedrooms should: <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table D7. Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. Table D7 Bedroom dimensions <table border="1"> <thead> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Single</td><td>2.4m</td><td>2.0m</td></tr> <tr> <td>Double</td><td>2.8m</td><td>2.0m</td></tr> <tr> <td>Master</td><td>3.0m</td><td>2.2m</td></tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Single	2.4m	2.0m	Double	2.8m	2.0m	Master	3.0m	2.2m	Complies with standard & meets objective
Bedroom type	Minimum width	Minimum depth												
Single	2.4m	2.0m												
Double	2.8m	2.0m												
Master	3.0m	2.2m												

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD															
	<table> <tr> <td><i>Main bedroom</i></td><td><i>3 metres</i></td><td><i>3.4 metres</i></td></tr> <tr> <td><i>All other bedrooms</i></td><td><i>3 metres</i></td><td><i>3 metres</i></td></tr> </table> <ul style="list-style-type: none"> Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8. <table> <tr> <td><i>Dwelling type</i></td><td><i>Minimum width</i></td><td><i>Minimum area</i></td></tr> <tr> <td><i>Studio and 1 bedroom dwelling</i></td><td><i>3.3 metres</i></td><td><i>10 sqm</i></td></tr> <tr> <td><i>2 or more bedroom dwelling</i></td><td><i>3.6 metres</i></td><td><i>12 sqm</i></td></tr> </table>	<i>Main bedroom</i>	<i>3 metres</i>	<i>3.4 metres</i>	<i>All other bedrooms</i>	<i>3 metres</i>	<i>3 metres</i>	<i>Dwelling type</i>	<i>Minimum width</i>	<i>Minimum area</i>	<i>Studio and 1 bedroom dwelling</i>	<i>3.3 metres</i>	<i>10 sqm</i>	<i>2 or more bedroom dwelling</i>	<i>3.6 metres</i>	<i>12 sqm</i>	
<i>Main bedroom</i>	<i>3 metres</i>	<i>3.4 metres</i>															
<i>All other bedrooms</i>	<i>3 metres</i>	<i>3 metres</i>															
<i>Dwelling type</i>	<i>Minimum width</i>	<i>Minimum area</i>															
<i>Studio and 1 bedroom dwelling</i>	<i>3.3 metres</i>	<i>10 sqm</i>															
<i>2 or more bedroom dwelling</i>	<i>3.6 metres</i>	<i>12 sqm</i>															
Assessment: All dwellings are compliant in habitable room dimensions and provide functional areas that meet the needs of residents.																	
Clause 55.07-13 Room depth objective <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	Standard B47/D25 Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.	Complies with standard & meets objective															
Assessment: Living room depths to single aspect dwellings are less than the maximum 9m with a generous floor to ceiling height that exceed 2.7m, thus will have adequate daylight access.																	
Clause 55.07-14 Windows objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Standard B48/D26 HRW should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be: <ul style="list-style-type: none"> A minimum width of 1.2 metres. A maximum depth of 1.5 times the width, measured from the external surface of the window. 	Complies with standard & meets objective															
Assessment: All bedrooms have adequate access to daylight, exceeding the minimum standards for light penetration into habitable areas.																	

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 55.07-15 Natural ventilation objectives <ul style="list-style-type: none"> To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. 	Standard B49/D27 The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40% of dwellings should provide effective cross ventilation that has: <ul style="list-style-type: none"> A maximum breeze path through the dwelling of 18 metres. A minimum breeze path through the dwelling of 5 metres. Ventilation openings with approximately the same area. The breeze path is measured between the ventilation openings on different orientations of the dwelling.	Complies with standard & meets objective
Assessment: The floor plans demonstrate appropriate natural ventilation being achieved for all dwellings, in accordance with the Standard.		

CONCLUSION

On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

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.

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 **Clauses 43.02 and 55** of the Kingston Planning Scheme

RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop a four storey mixed use building in a Design and Development Overlay 9 & 10, use the land for a restaurant and for consumption of liquor (restaurant and cafe liquor licence), reduce the car parking requirement for a restaurant, display advertising signage at 4 Bear Street Mordialloc, 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 advertised plans prepared by CHT Architects, Drawing No's. TP0.00 to TP9.01 inclusive, Revision P4, dated on 19/7/2019, but modified to show:
 - a. all plan references to a convenience shop to be correctly notated as restaurant;
 - b. restaurant signage to Albert Street be non-illuminated, with the option to provide an additional comparable internally illuminated sign on the western elevation facing the rail line;
 - c. office signage not be internally illuminated, and any external illumination be direct by a low intensity downlight or similar and baffled to avoid light spill, time limited to 9pm;
 - d. all signage to be fully dimensioned and the height from ground dimensioned;
 - e. screening of the south-facing living room windows to Apt1.12, Apt2.12, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme;
 - f. screening of the south-facing bedroom windows to Apt1.11, Apt2.11, in accordance with Standard B22 of Clause 55 of the Kingston Planning Scheme;
 - g. provision of screening between balconies & terraces that adequately limits internal overlooking in accordance with Standard B23 of Clause 55 of the Kingston Planning Scheme;
 - h. mailboxes nominated in a convenient location;
 - i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development, modified to show 'TM01 timber material or similar' as 'TM01 timber';
 - j. additional external storage provided to comply with Standard B44 of Clause 55 of the Kingston Planning Scheme for 2 bedroom dwellings, and at least 3m³ for 1 bedroom dwellings, with any necessary changes to parking layouts;
 - k. the storage required in the condition above be provided at grade in storage cages for at least all 2 bedroom dwellings, and with the deletion of the maximum amount of over-bonnet storage accordingly;
 - l. all storage to be secure and made private with non-transparent walls and doors, notated on plans accordingly;
 - m. sliding doors to storage cages where accessed via a car space;
 - n. all requirements of VicTrack, in accordance with Conditions 28 to 39 inclusive of this permit;
 - o. the provision of a landscape plan in accordance with the submitted Landscape Plans (L01 & L02) prepared by John Patrick Landscape Architects Pty. Ltd. (dated 19/07/2019, rev. B), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and amended to show:

- ii) A planting schedule specifying botanical names, common names, pot sizes, sizes at maturity, and quantities for all plants, with the species chosen to be to the satisfaction of the Responsible Authority;
 - iii) A survey, including, botanical names of all existing vegetation to be retained or removed;
 - iv) Planter boxes along the perimeter of the Level 3 terraces along the eastern and northern frontages, with the planter box dimensions to be a minimum 0.5m wide and 0.6m deep, to be planted with suitable small shrubs, graminoids or ground covers;
 - v) Green façades located in the three light wells along the eastern frontage, including planter boxes planted with suitable climbing plants and a support system (e.g. cable/trellis);
 - vi) 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);
 - vii) Notes including cross-sectional diagrams showing the dimensions, substrate specifications and drainage for all planter boxes;
 - viii) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation, automated irrigation and any specific maintenance requirements;
- p. provision of the Sustainable Management Plan prepared by Ediface Revision A dated 8/4/19, but modified to show:
- i. each dwelling's private open space provided with an external tap and floor waste;
 - ii. amend report to indicate a commitments to specifying heating, cooling & hot water systems that reflect what has been entered into BESS assessment;
 - iii. include energy efficiency commitments in relation to the non-residential components of the development;
 - iv. indicate in report that all major common area services will be separately submetered;
 - v. clarification of the provision of washing machines and clothes dryers, or altered correctly in BESS to provide star rating or scope out;
 - vi. updated to reflect the current proposal, with the above requirements, and demonstrated to meet or exceed the BESS Best Practice;
 - vii. all relevant or principle commitments identified shown and summarised on plans.
- q. endorsement of the Waste Management Plan prepared by Leigh Design and dated 8 February 2019, updated where required;
- r. uniformity with the commitments and any changes identified within the Marshall Day Acoustic Report, dated 21 June 2019, shown on the plans.

Endorsed Plans

2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

23 October 2019

Drainage and Water Sensitive Urban Design

14. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a. Stormwater Management (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 works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. 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 above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
15. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 14.5L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
16. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
17. The basement structure must be designed to respond to the findings of the GAR and GMP required and constructed to the satisfaction of the Responsible Authority and in accordance with the following:

- a. the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - b. in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
18. In any case where the basement design and construction, as required by above conditions of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority.

Environmental Audit Overlay

19. Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
 - i. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - ii. An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use;

Parking and Traffic Management

20. Prior to the occupation of the development, a Car Parking Management Plan (CPMP) prepared by an appropriately qualified traffic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and form part of this Permit. The Car Parking Management Plan must address, but is not necessarily limited to, all of the following to the satisfaction of the Responsible Authority:
 - a) The number and location of the car parking spaces to each tenancy in accordance with the endorsed plans;
 - b) The maximum vehicle size permitted to load and unload to the satisfaction of the Responsible Authority;
 - c) The maximum vehicle size permitted for waste collection to the satisfaction of the Responsible Authority;
 - d) Policing arrangements and/or formal agreements, including the Owner Corporation or similar; and
 - e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays.
21. The Car Parking Management Plan must be implemented to the satisfaction of the Responsible Authority. No alterations may be made to this plan without the prior written approval of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

22. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space and the nominated unit, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi) In accordance with any Council adopted guidelines for the construction of car parks.
23. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
24. The loading and unloading of goods to and from vehicles must only be carried out in the designated areas on the land.

Waste Management Plan (WMP)

25. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Management Plan (SMP)

26. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Construction Management

27. 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.

VicTrack conditions

28. Amended plans shall be submitted to the satisfaction of the Responsible Authority and VicTrack which removes all encroachments of buildings and works and services over the boundary and amends the ground level door to not open over the boundary.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

29. The Boundary walls and fence must be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable to the satisfaction of the Rail Operator. Costs involved in cleaning and removal of graffiti and associated cost of permit/s for entry to VicTrack land will be borne by the permit holder or body corporate of the land.
30. The permit holder must not, at any time:
 - a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b. store or deposit any waste, soil or other materials on the railway land.
31. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
32. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land. The rail operator contact is: metrositeaccess@metrotrains.com.au
33. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator to ensure that the disruption to train operation within the railway corridor is kept to a minimum during construction and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
34. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
35. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
36. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
37. Building materials (including glass / window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study not to cause reflections or glare that may interfere with train driver operations and avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals.
38. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
39. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.

Infrastructure and Road Works

40. 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.
41. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
42. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
43. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
44. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

45. 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.
46. 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.
47. 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

48. 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.
49. 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

50. 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.
 - c. The use is not started within two (2) years of the completion of the development.
 - d. The use is discontinued for a period of two (2) years.

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.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019


- 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 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:** Prior to the commencement of the development or use you are required to obtain the necessary Council Health Department approvals.
- Note:** Please note for information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>
- Note:** Please note that during basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link: <http://www.kingston.vic.gov.au/Property-and-Development/Construction>

OR

In the event that the Planning Committee wishes to refuse the application, it can do so on the following grounds:

1. The proposal is not consistent with the Mixed Use Zone at Clause 32.04 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. The proposal is not consistent with Clause 43.02 – Design and Development Overlay Schedules 9 and 10.
3. The proposal fails to satisfy the requirements of Clause 58 of the Kingston Planning Scheme.
4. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.
5. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
6. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
7. The provision of car parking for the restaurant is inadequate and fails to comply with Clause 52.06 of the Kingston Planning Scheme.
8. The consumption of liquor on this land is situated inappropriately and would result in adverse amenity impacts and fails to comply with Clause 52.27 of the Kingston Planning Scheme.

Appendices

Appendix 1 - KP-2019/257 - 4 Bear Street Mordialloc - Decision plans for committee
(Ref 19/231219) 

Author/s:	Hugh Charlton, Statutory Planner
Reviewed and Approved By:	Nicole Bartley, Team Leader Statutory Planning Ian Nice, Manager City Development

4.3

KP-2019/257 - 4 BEAR STREET, MORDIALLOC

1	KP-2019/257 - 4 Bear Street Mordialloc - Decision plans for committee.....	145
----------	---	------------

4 BEAR STREET, MORDIALLOC
MIXED-USE DEVELOPMENT

TOWN PLANNING

OVERALL SITE ADDRESS: 4 Bear Street, Mordialloc, VIC



TOWN PLANNING - SHEET LIST

NO.	SHEET NAME	REV.
TP0.00	COVER SHEET	P4
TP0.03	SITE LOCATION	P4
TP0.04	SITE ANALYSIS	P4
TP0.05	SITE CONTEXT	P4
TP0.05A	DESIGN RESPONSES	P4
TP0.06	PRECEDENT IMAGES	P4
TP0.07	BUILDING MASSING CONCEPT	P4
TP1.090	BASEMENT 01 PLAN	P4
TP1.100	GROUND LEVEL PLAN	P4
TP1.100A	GROUND LEVEL PLAN - LICENSED PREMISE	P4
TP1.101	LEVEL 01 PLAN	P4
TP1.101A	LEVEL 01 PLAN - BADS ASSESSMENT	P4
TP1.102	LEVEL 02 PLAN	P4
TP1.102A	LEVEL 02 PLAN - BADS ASSESSMENT	P4
TP1.103	LEVEL 03 PLAN	P4
TP1.103A	LEVEL 03 PLAN - BADS ASSESSMENT	P4
TP1.104	ROOF PLAN	P4
TP1.105	BADS ASSESSMENT SUMMARY	P4
TP1.110	BADS APARTMENT BREAKDOWN	P4
TP1.111	BADS APARTMENT BREAKDOWN	P4
TP1.112	BADS APARTMENT BREAKDOWN	P4
TP2.01	ELEVATIONS - EAST & NORTH	P4
TP2.02	ELEVATIONS - SOUTH & WEST	P4
TP3.01	SECTIONS - SHEET 1	P4
TP3.02	SECTIONS - SHEET 2	P4
TP6.01	SOLAR STUDY	P4
TP6.02	SOLAR STUDY	P4
TP9.00	PROPOSED BUILDING PERSPECTIVES - SHEET 1	P4
TP9.01	PROPOSED BUILDING PERSPECTIVES - SHEET 2	P4



CHT Architects Pty Ltd
ABN 28 108 108 619

CHT Architects Pty Ltd
44 Colson Street
Coleraine VIC 3966
Phone 03 5415 1552
Copyright © CHT 2019
Telephone 03 5415 1547
Facsimile 03 5415 1547
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced wholly or in part without
the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDALB PTY LTD

No.	Date	Notes
1	19/07/2019	PRELIMINARY DESIGN
2	19/07/2019	REVISION
3	19/07/2019	REVISION
4	19/07/2019	REVISION
5	19/07/2019	REVISION
6	19/07/2019	REVISION
7	19/07/2019	REVISION
8	19/07/2019	REVISION
9	19/07/2019	REVISION
10	19/07/2019	REVISION

Title
COVER SHEET
Sheet No.
TP0.00
Revision
P4
Scale
@A1
Date
19/07/2019
Drawn by: DRRW
Checked by: CDR

18091



IMAGE 04: ALBERT ST



IMAGE 05: ALBERT STREET, SAW TOOTH EXISTING ROOF



IMAGE 06: ALBERT STREET



IMAGE 01: BEAR ST



IMAGE 02: BEAR ST NEIGHBOURING CAR PARK



IMAGE 03: BEAR ST, LEVEL CROSSING

MORDIALLOC NEIGHBOURHOOD & SITE DESCRIPTION

MORDIALLOC NEIGHBOURHOOD
MORDIALLOC IS A BEACHSIDE SUBURB IN MELBOURNE VICTORIA LOCATED 24KM SOUTH EAST TO MELBOURNE'S CBD. THE SUBURB COMPRISES OF GREEN SPACES, LOCAL AMENITIES, THE PIER AND GREAT BEACHES

SITE DESCRIPTION
THE SITE IS KNOWN AS THE TIMBER DEVELOPMENT AND HAS LOCAL HISTORY. THE SITE IS LOCATED CLOSE TO MORDIALLOC TRAIN STATION AND BUSES. IT IS WITHIN WALKING DISTANCE OF MORDIALLOC'S MAIN STREET FOR RETAIL AND AMENITY.



CHT Architects Pty Ltd
ABN 28 108 058 819

CHT Architects Pty Ltd
44 Colwell Street
Collegewell VIC 3006
Phone 03 9415 1552
Collegewell VIC 3006
Telephone 03 9415 1547
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced wholly or in part without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

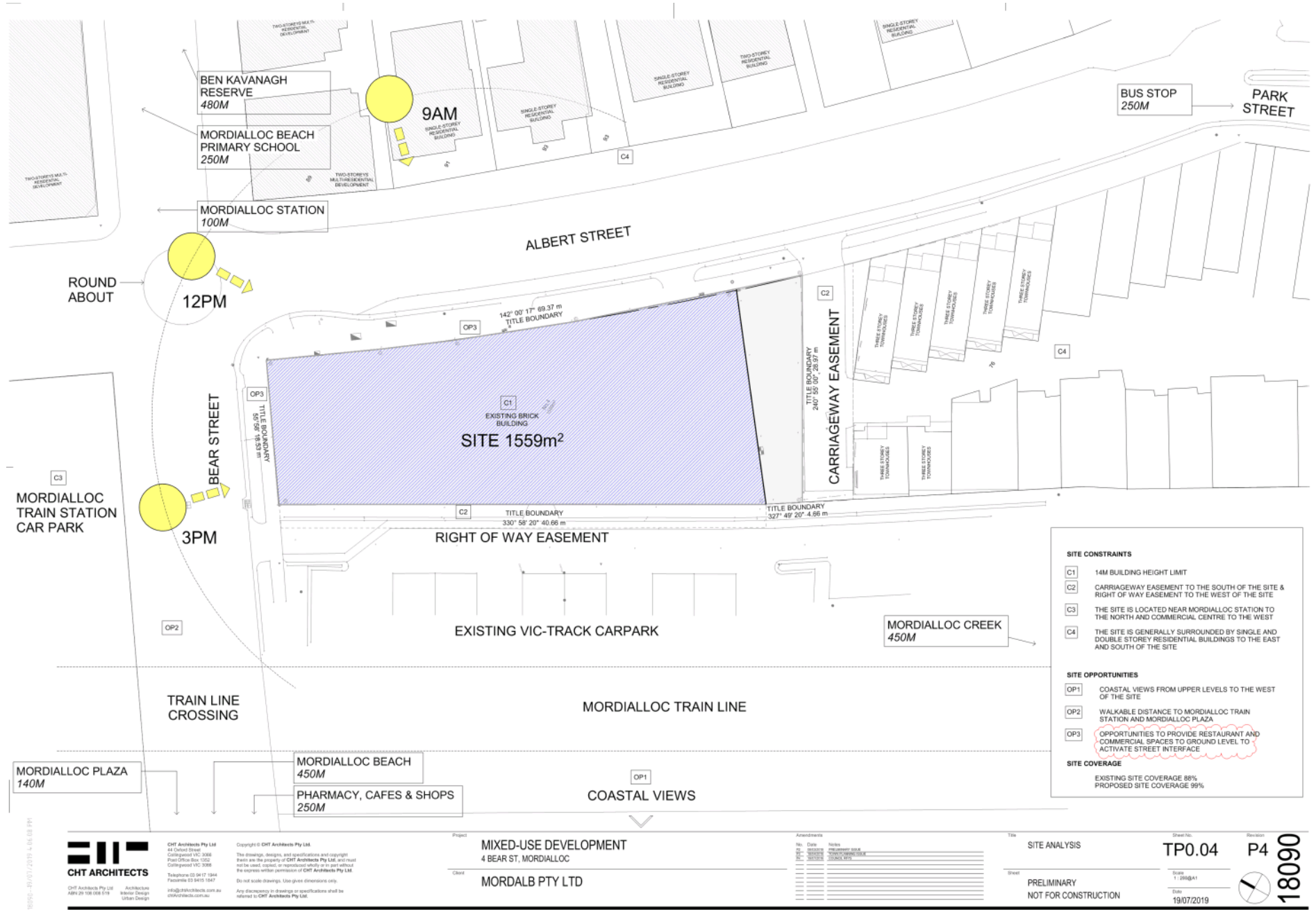
Amendments		
No.	Date	Notes
1	2019/07/19	PRELIMINARY DRAWING
2	2019/07/19	REVISION
3	2019/07/19	REVISION
4	2019/07/19	REVISION
5	2019/07/19	REVISION
6	2019/07/19	REVISION
7	2019/07/19	REVISION
8	2019/07/19	REVISION
9	2019/07/19	REVISION
10	2019/07/19	REVISION

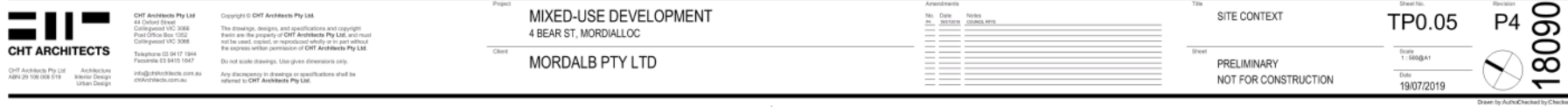
Title
SITE LOCATION
Street
PRELIMINARY
NOT FOR CONSTRUCTION

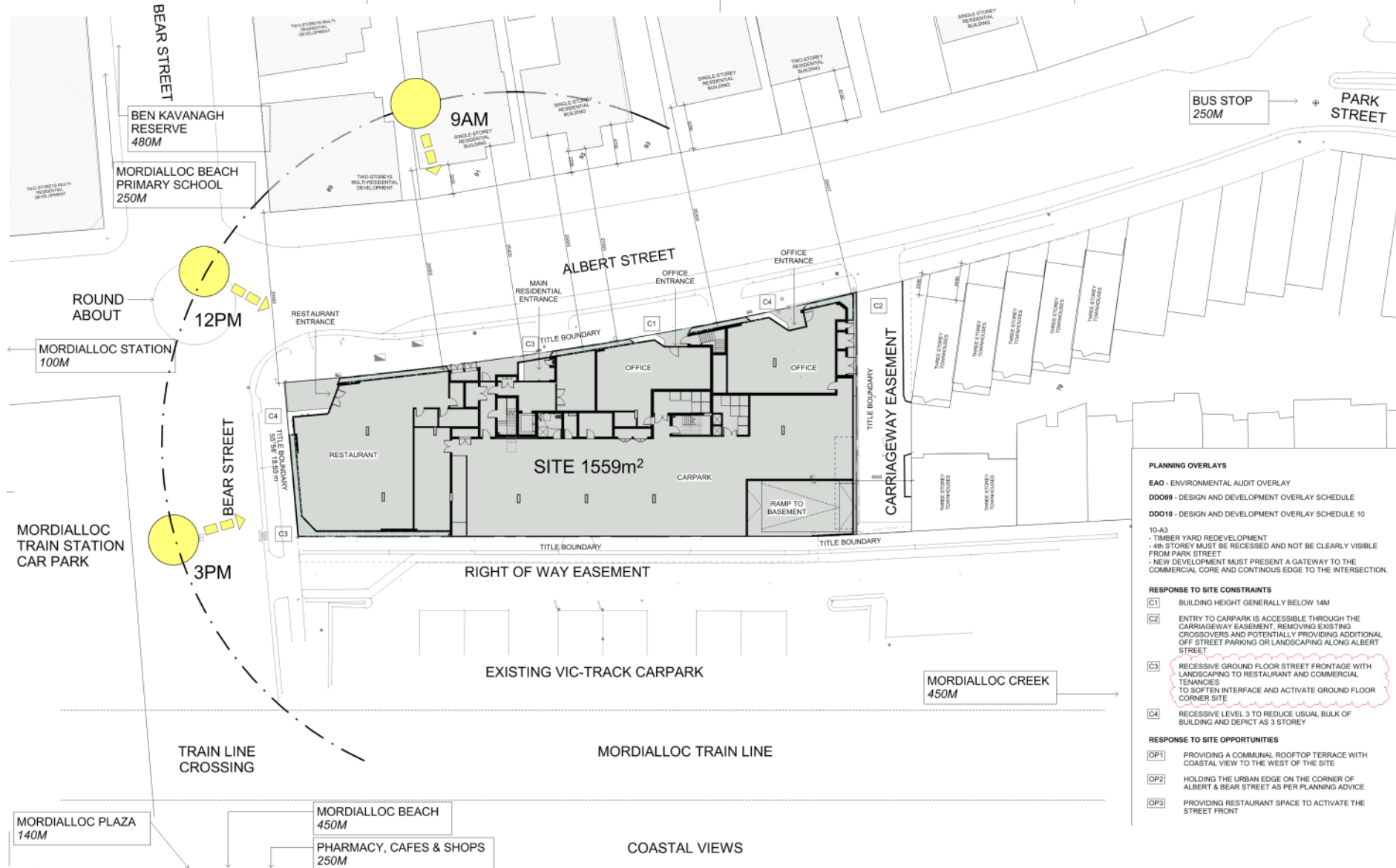
Sheet No.
TP0.03
Scale
As indicated
Date
19/07/2019

Revision
P4
18091

Drawn by: [Name] Checked by: [Name]







CHT Architects Pty Ltd
ABN 28 108 058 819

CHT Architects Pty Ltd
44 Colson Street
Glenview VIC 3046
Post Office Box 1052
Glenview VIC 3046
Telephone 03 9417 1944
Facsimile 03 9415 1047
info@chthome.com.au
chthome.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright therein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced wholly or in part without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project **MIXED-USE DEVELOPMENT**
4 BEAR ST, MORDIALLOC
Client **MORDIALB PTY LTD**

No.	Date	Notes
1	19/07/2019	DESIGN RESPONSES
2	19/07/2019	PRELIMINARY
3	19/07/2019	NOT FOR CONSTRUCTION

DESIGN RESPONSES
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No. **TP0.05A**
Revision **P4**
Date **19/07/2019**

18081

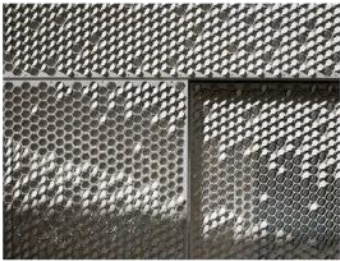
LOCAL ARCHITECTURE CHARACTERISTICS
& MASSING STRATEGIES



SAW-TOOTH ROOF SILHOUETTE TO EXPRESS "STACKING"



EXPOSING THE STRUCTURAL TIMBER ELEMENTS



PROPOSING TO RE-USE THE EXISTING BRICK WORK FROM THE SITE OR RECYCLED BRICKWORK.

CONTEMPORARY ARCHITECTURAL
PRECEDENTS & MASSING STRATEGIES



HORIZONTAL STAGGERING AS "STACKING" OF MASSES



"VERTICAL STACKING" AND EMPHASIS ON TIMBER ELEMENTS



"3 DIMENSIONAL STACKING" AND THE USE OF SCREENS TO DEFINE MASS & VOID



CHT ARCHITECTS
441 COLLEGE STREET
MORIALLOC VIC 3190

CHT Architects Pty Ltd
441 College Street
Mordialloc VIC 3190
Phone: 03 9415 1047
Fax: 03 9415 1047
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced in any form without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project
**MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC**
Client
MORDIALB PTY LTD

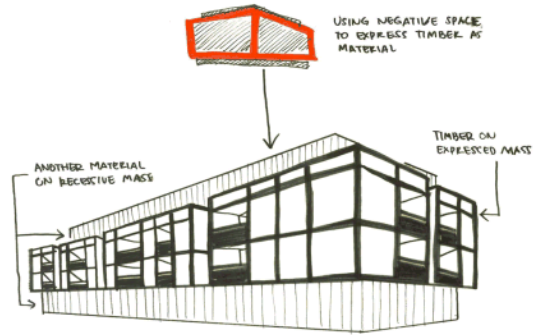
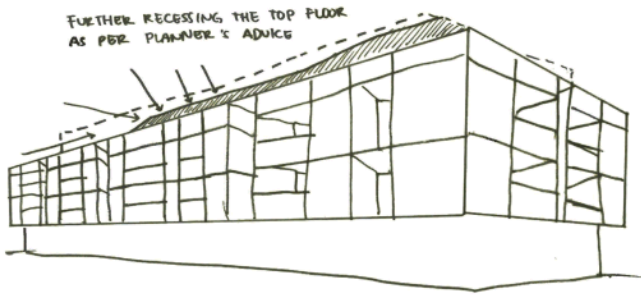
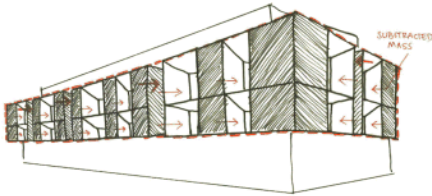
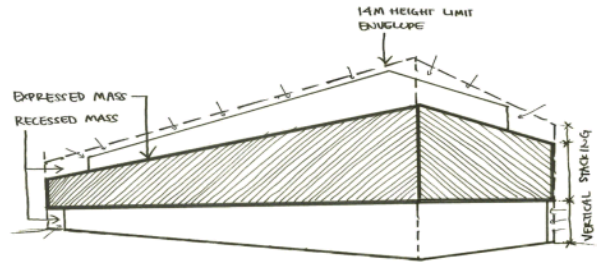
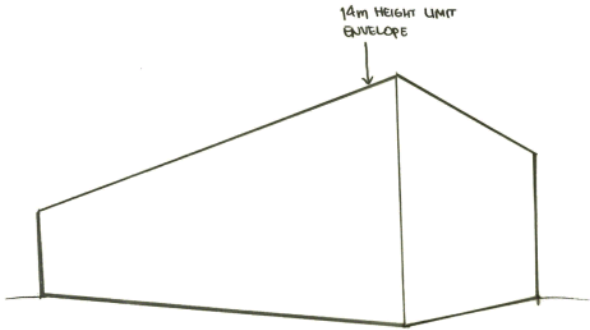
Revisions	
No.	Date
1	19/07/2019
2	19/07/2019
3	19/07/2019
4	19/07/2019
5	19/07/2019
6	19/07/2019
7	19/07/2019
8	19/07/2019
9	19/07/2019
10	19/07/2019

Title
PRECEDENT IMAGES
Sheet
**PRELIMINARY
NOT FOR CONSTRUCTION**

Sheet No.
TP0.06
Scale
1 : 50A1
Date
19/07/2019

Revision
P4
18090

Drawn by: RUTH/Checked by: CHUCK



CHT ARCHITECTS
CHT Architects Pty Ltd
ABN 28 108 058 819

CHT Architects Pty Ltd
44 Colson Street
Coleraine VIC 3066
Post Office Box 1052
Coleraine VIC 3069
Telephone 02 9417 1944
Facsimile 63 9415 1847
info@chtarchitects.com.au
chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced wholly or in part without
the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

Amendments	
No.	Date
1	19/07/2019
2	19/07/2019
3	19/07/2019
4	19/07/2019
5	19/07/2019
6	19/07/2019
7	19/07/2019
8	19/07/2019
9	19/07/2019
10	19/07/2019

Title
BUILDING MASSING CONCEPT
Sheet No.
TP0.07
Revision
P4
Scale
1 : 200A1
Date
19/07/2019

Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

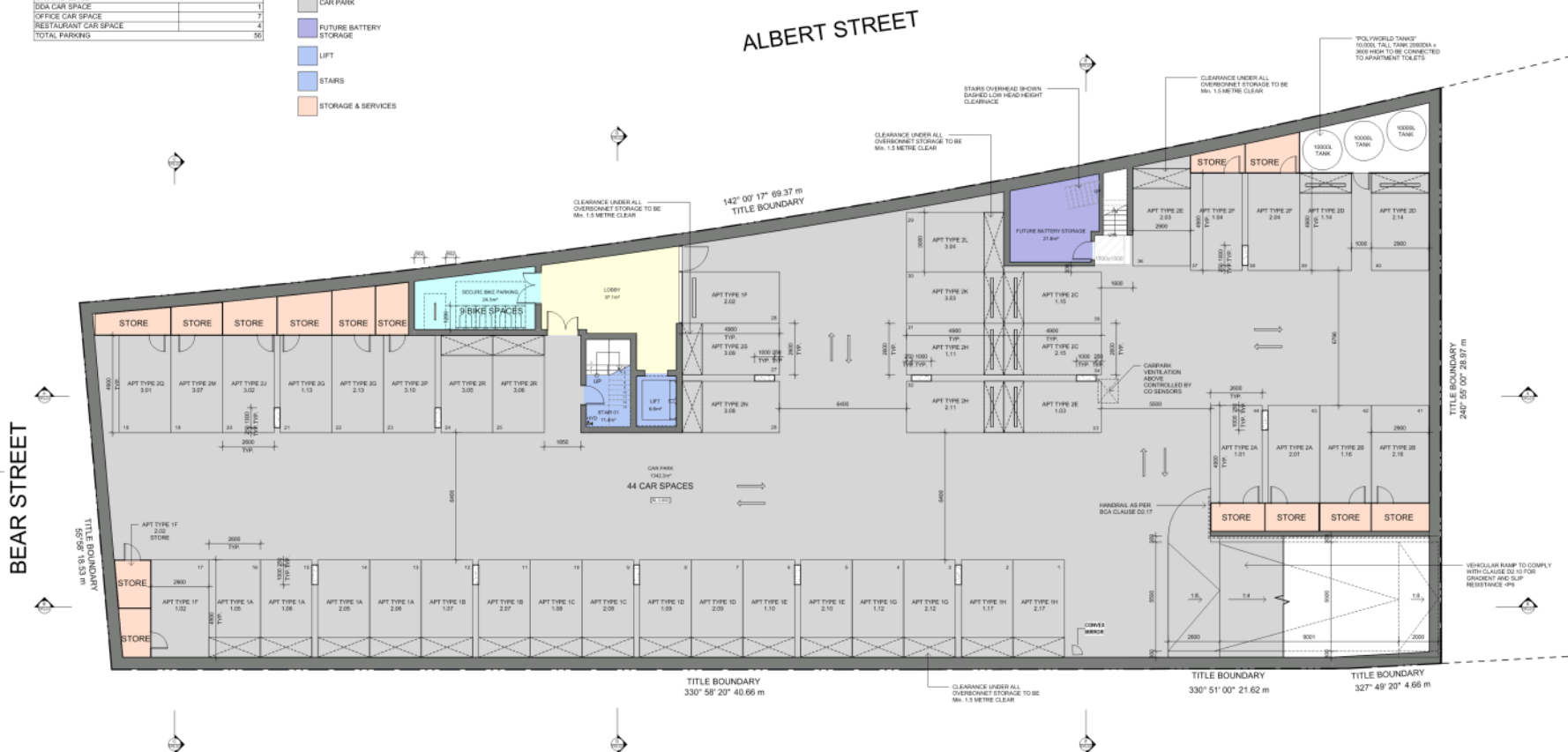
180901

Drawn by: [blank] Checked by: [blank]

TP - PARKING SCHEDULE	
USE	NUMBER
BASEMENT 01	
RESIDENTIAL CAR SPACE	44
GROUND LEVEL	
DDA CAR SPACE	1
OFFICE CAR SPACE	7
RESTAURANT CAR SPACE	4
TOTAL PARKINGS	56

LEGEND

- AIRLOCK
- BIKE PARKING
- CAR PARK
- FUTURE BATTERY STORAGE
- LIFT
- STAIRS
- STORAGE & SERVICES



GENERAL NOTES

BUILDING AND LIFT COVE TO BE DESIGNED TO ACCORD WITH INTERNAL RUMBLE REQUIREMENTS OF PART 5.5.5.4.

ALL BUILDING ENVELOPE GLAZING TO BE AS PER ACOUSTIC REPORT TO ACHIEVE HIGH PERFORMANCE ACOUSTIC REQUIREMENTS. REFER TO ACOUSTIC REPORT.

BUILDING ENVELOPE WALLS TO PROVIDE ACOUSTIC PROTECTION AS PER THE ACOUSTIC REPORT.

DESIGN AND INSTALLATION OF LOUNGE TO INCLUDE COORDINATE WITH FURNITURE, FLOORING, SEALING TO ENSURE ACHIEVE ACOUSTIC REQUIREMENTS NOT TO BE LOST.

BUILDING DESIGN TO COMPLY WITH ACOUSTIC REQUIREMENTS NOT TO AFFECT TRAFFIC OPERATIONS.



CHT Architects Pty Ltd
44 Collier Street
Geelong VIC 3206
Phone 03 5241 1000
Fax 03 5241 1047
info@chtarchitects.com.au
www.chtarchitects.com.au

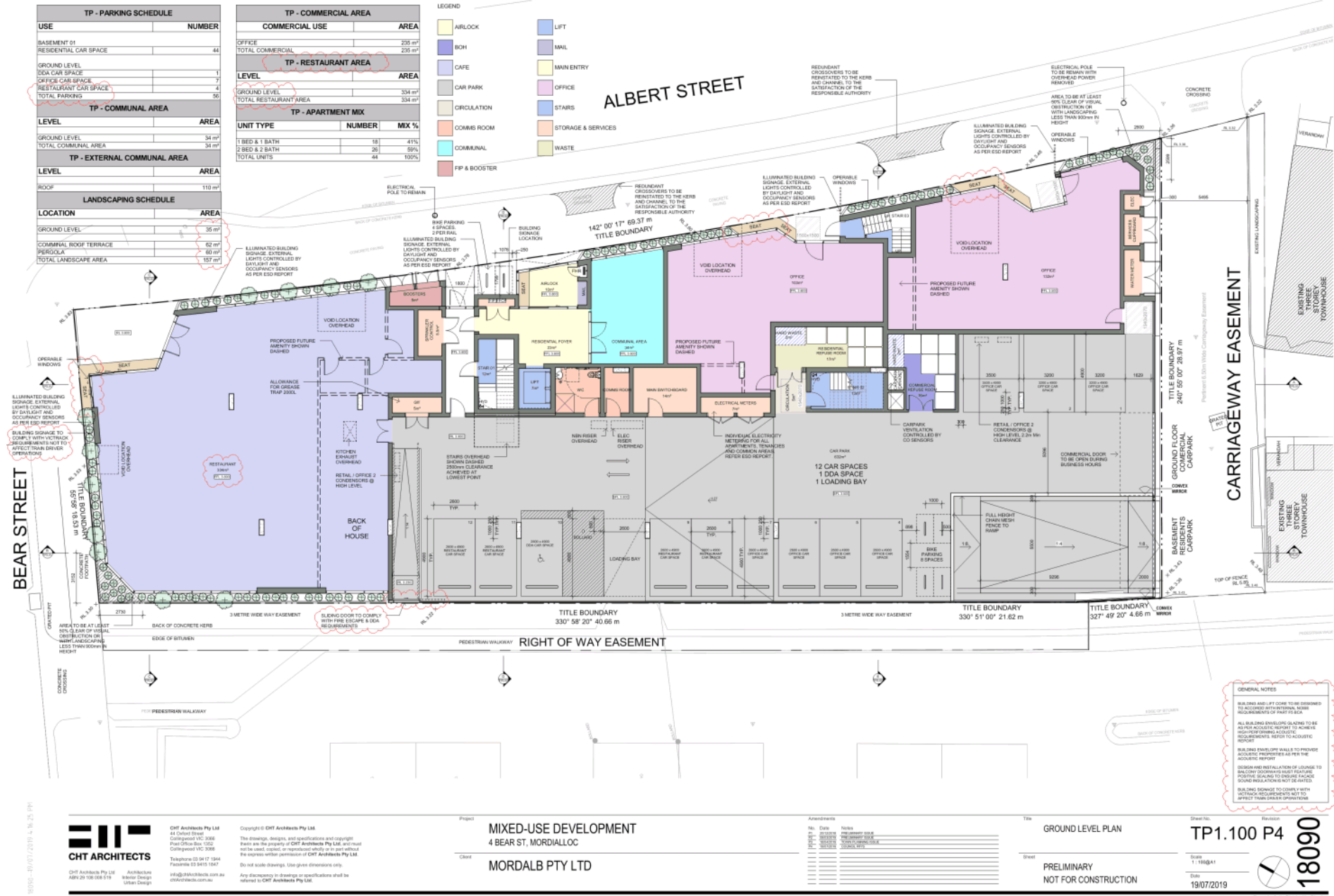
Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced in any way without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project: **MIXED-USE DEVELOPMENT**
4 BEAR ST, MORDIALLOC
Client: **MORDIALB PTY LTD**

Amendment	No.	Date	Notes
1	01	19/07/2019	PRELIMINARY
2	02	19/07/2019	REVISION
3	03	19/07/2019	REVISION
4	04	19/07/2019	REVISION
5	05	19/07/2019	REVISION
6	06	19/07/2019	REVISION
7	07	19/07/2019	REVISION
8	08	19/07/2019	REVISION
9	09	19/07/2019	REVISION
10	10	19/07/2019	REVISION

Title: **BASEMENT 01 PLAN**
Sheet: **TP1.090**
Scale: **1:100 @ A1**
Date: **19/07/2019**
Drawn by: **Architect/Checked by: Checker**

Revision: **P4**
06081





TP - APARTMENT BREAKDOWN		
UNIT TYPE		NUMBER
LEVEL 01 PLAN		
1 BED & 1 BATH		9
2 BED & 2 BATH		9
		17
LEVEL 02 PLAN		
1 BED & 1 BATH		9
2 BED & 2 BATH		9
		17
LEVEL 03 PLAN		
2 BED & 2 BATH		10
		10
TOTAL UNITS		44
TP - APT GFA (EXCLUDING BALCONIES)		
LEVEL		AREA
LEVEL 01 PLAN		
LEVEL 01 PLAN		1140 m ²
LEVEL 02 PLAN		1131 m ²
LEVEL 03 PLAN		887 m ²
TOTAL GFA		3059 m ²

TP - APARTMENT MIX		
UNIT TYPE	NUMBER	MIX %
1 BED & 1 BATH	18	41%
2 BED & 2 BATH	26	59%
TOTAL UNITS	44	100%

TP - NSA (EXCLUDING BALCONIES)		
LEVEL		AREA
LEVEL 02 PLAN		1131 sqm
LEVEL 03 PLAN		1131 sqm
LEVEL 03 PLAN		807 sqm
TOTAL NSA		3068 sqm

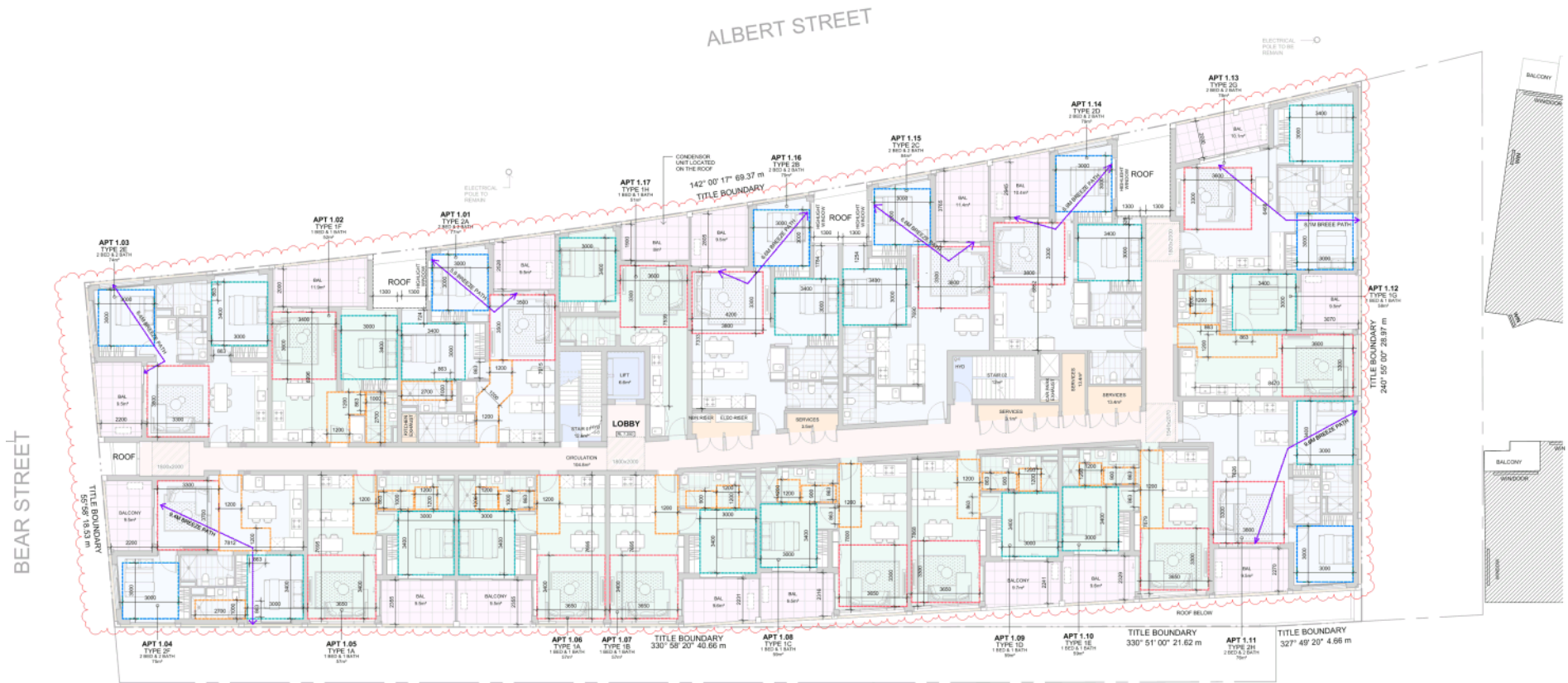
TP - BALCONY AREAS		
LEVEL		AREA
Not Provided		0 sqm
LEVEL 02 PLAN		159 sqm
LEVEL 02 PLAN		167 sqm
LEVEL 03 PLAN		305 sqm

LEGEND

- 1 BED & 1 BATH
- 2 BED & 2 BATH
- BALCONY
- CIRCULATION
- LIFT
- SERVICES
- STAIRS



GENERAL NOTES
BUILDING AND LIFT CORNE TO BE DESIGNED TO ACCORD WITH INTERNAL NOISE REQUIREMENTS OF PART 5 BCA
ALL BUILDING ENVELOPE GLAZING TO BE AS PER ACOUSTIC REPORT TO ACHIEVE HIGH PERFORMING ACOUSTIC REQUIREMENTS. REFER TO ACOUSTIC REPORT
BUILDING ENVELOPE WALLS TO PROVIDE ACOUSTIC PROPERTIES AS PER THE ACOUSTIC REPORT
DESIGN AND INSTALLATION OF LOUNGE TO BALCONY DOORWAYS MUST FEATURE POSITIVE SEALING TO ENSURE ACADE SOUND INSULATION IS NOT DEGRADED.
BUILDING SOUNDING TO COMPLY WITH VIBRATION REQUIREMENTS NOT TO AFFECT TRAFFIC DRIVER OPERATIONS



GENERAL NOTES

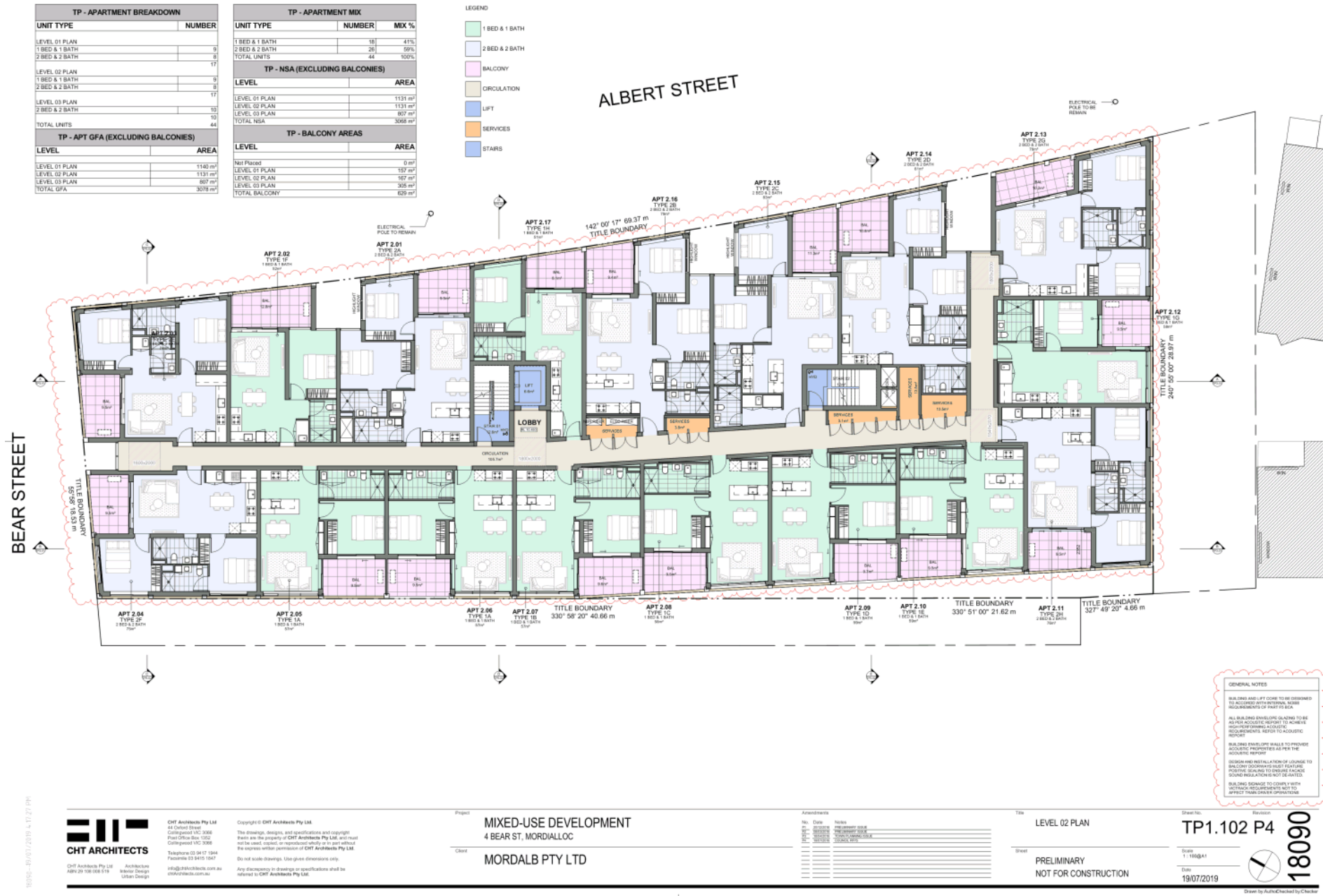
BUILDING AND LIFT CORE TO BE DESIGNED TO ACCORD WITH INTERNAL NOISE REQUIREMENTS OF FMAT FS BCA

ALL BUILDING ENVELOPE GLAZING TO BE AS PER ACOUSTIC REPORT TO ACHIEVE HIGH PERFORMING ACOUSTIC REQUIREMENTS. REFER TO ACOUSTIC REPORT

BUILDING ENVELOPE WALLS TO PROVIDE ACOUSTIC PROPERTIES AS PER THE ACOUSTIC REPORT

DESIGN AND INSTALLATION OF LOUNGE TO BALCONY DOORWAYS MUST FEATURE POSITIVE SEALING TO ENSURE FAKAGE SOUND INSULATION IS NOT DEGRADED.

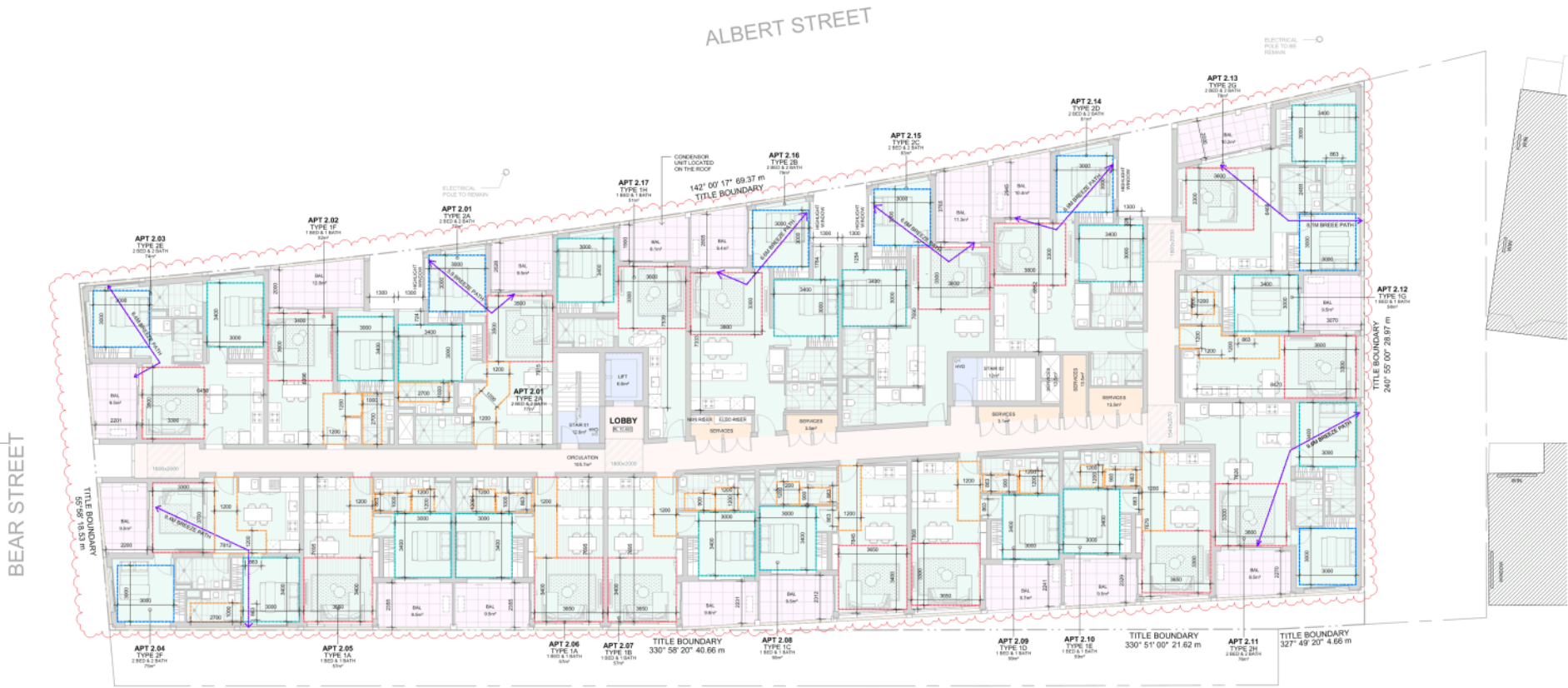
BUILDING SENSAGE TO COMPLY WITH VETCRACK REQUIREMENTS NOT TO AFFECT TRAIN DRIVER OPERATIONS



CHT Architects Pty Ltd
ABN 28 108 058 874

CHT Architects Pty Ltd
41 Collier Street
Geelong VIC 3220
Phone 03 5241 1000
Fax 03 5241 1047
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced in any way without the
express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.



GENERAL NOTES

- BUILDING AND LOT COVER TO BE DETERMINED BY ACCORDANCE WITH INTERNAL NUMBER REQUIREMENTS OF PART 3.2.2.1.
- ALL BUILDING ENVELOPE GLAZING TO BE AS PER ACUSTIC REPORT TO ACHIEVE HIGH PERFORMANCE ACUSTIC REQUIREMENTS. REPORT TO ACUSTIC REPORT.
- BUILDING ENVELOPE WALLS TO PROVIDE ACUSTIC PROTECTION AS PER THE ACUSTIC REPORT.
- DESIGN AND INSTALLATION OF LOUNGE TO BUILDING COORDINATE WITH BUILDING PORTFOLIO. GLAZING TO ENSURE ACHIEVE ACUSTIC PERFORMANCE NOT TO AFFECT BUILDING PERFORMANCE.
- BUILDING DESIGN TO COMPLY WITH ACUSTIC REQUIREMENTS NOT TO AFFECT BUILDING PERFORMANCE.



CHT Architects Pty Ltd
44 Collier Street
Geelong VIC 3220
Phone: 03 5241 1000
Fax: 03 5241 1001
Email: info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced in any form without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project: **MIXED-USE DEVELOPMENT**
4 BEAR ST, MORDIALLOC

Client: **MORDIALB PTY LTD**

No.	Date	Notes
1	19/07/2019	ISSUED FOR CONSTRUCTION
2	19/07/2019	ISSUED FOR CONSTRUCTION
3	19/07/2019	ISSUED FOR CONSTRUCTION
4	19/07/2019	ISSUED FOR CONSTRUCTION
5	19/07/2019	ISSUED FOR CONSTRUCTION
6	19/07/2019	ISSUED FOR CONSTRUCTION
7	19/07/2019	ISSUED FOR CONSTRUCTION
8	19/07/2019	ISSUED FOR CONSTRUCTION
9	19/07/2019	ISSUED FOR CONSTRUCTION
10	19/07/2019	ISSUED FOR CONSTRUCTION

Title: **LEVEL 02 PLAN - BADS ASSESSMENT**

Sheet: **PRELIMINARY**
NOT FOR CONSTRUCTION

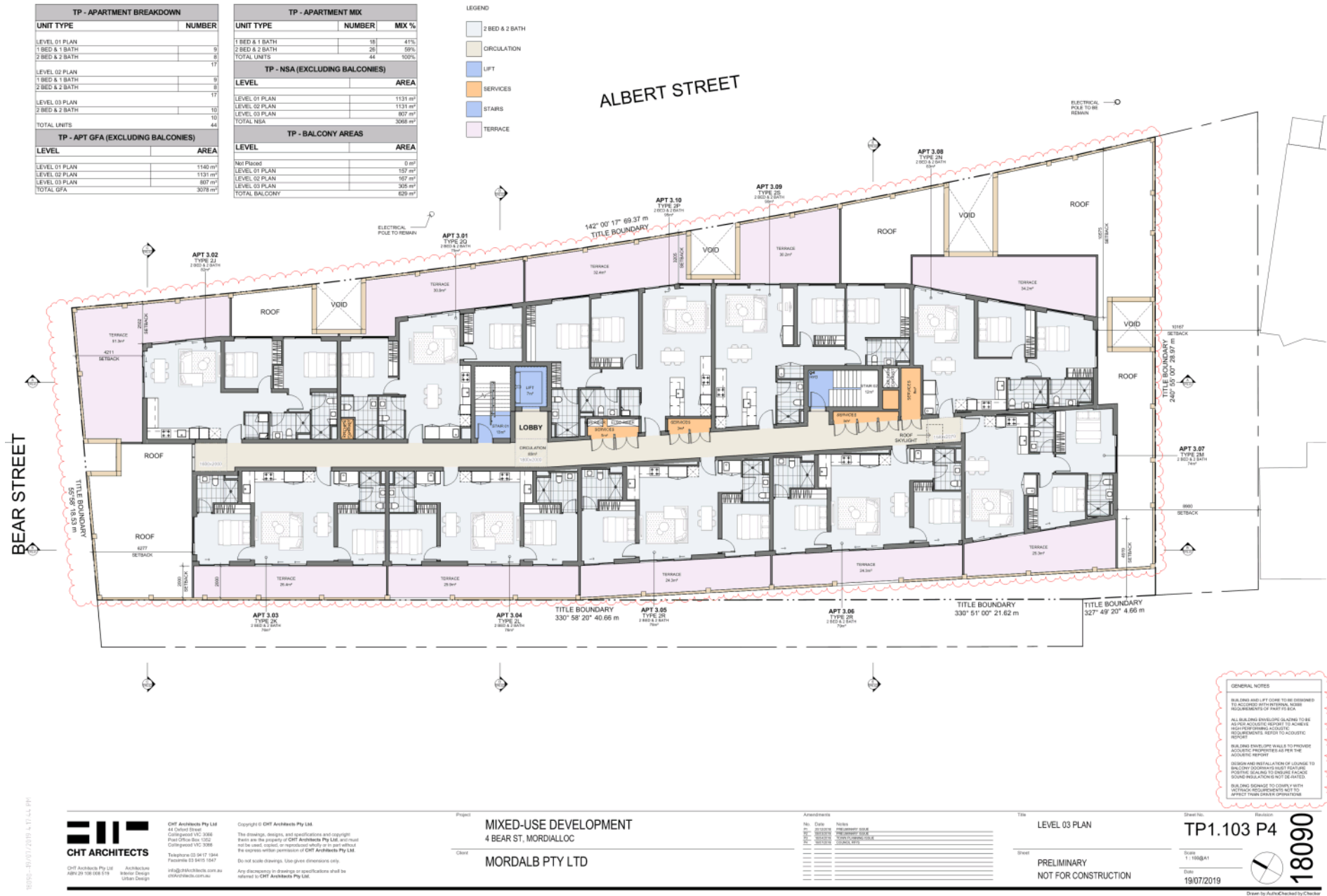
Sheet No.: **TP1.102A P4**

Scale: **1:100@A1**

Date: **19/07/2019**

Drawn by: **Author/Checked by: Checker**

19/07/2019 10:07:10 AM - 10/08/2019



CHT Architects Pty Ltd
ABN 28 108 058 874

CHT Architects Pty Ltd
41 Colson Street
Geelong VIC 3220
Post Office Box 1052
Geelong VIC 3220
Telephone 03 5415 1047
Facsimile 03 5415 1047
info@chtarchitects.com.au
chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced wholly or in part without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

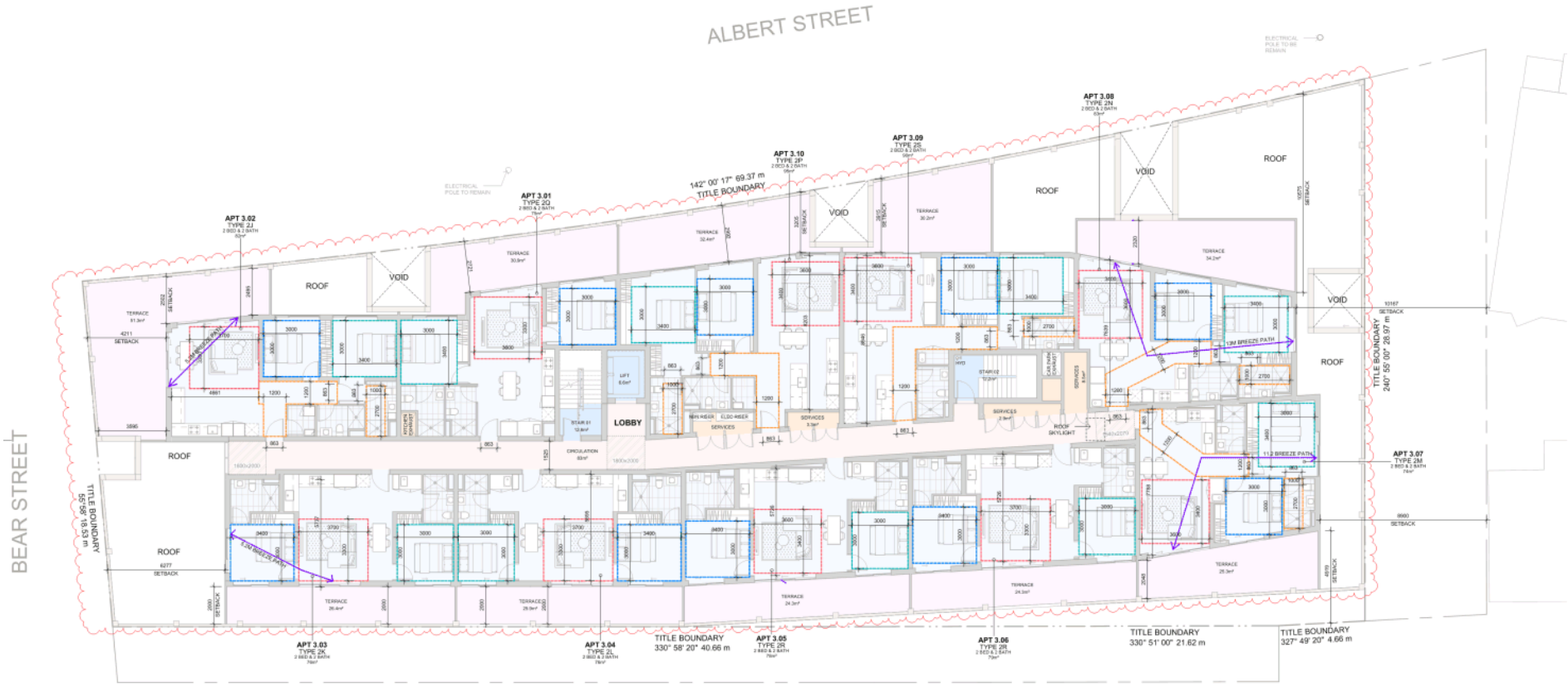
Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

No.	Date	Notes	Revision
01	19/07/2019	PRELIMINARY DRAWING	
02	19/07/2019	REVISION: 100% DEVELOPMENT	
03	19/07/2019	REVISION: 100% DEVELOPMENT	
04	19/07/2019	REVISION: 100% DEVELOPMENT	
05	19/07/2019	REVISION: 100% DEVELOPMENT	
06	19/07/2019	REVISION: 100% DEVELOPMENT	
07	19/07/2019	REVISION: 100% DEVELOPMENT	
08	19/07/2019	REVISION: 100% DEVELOPMENT	
09	19/07/2019	REVISION: 100% DEVELOPMENT	
10	19/07/2019	REVISION: 100% DEVELOPMENT	

Title
LEVEL 03 PLAN
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.
TP1.103 P4
Scale
1:100@A1
Date
19/07/2019

Drawn by
18081
Checked by
18081



GENERAL NOTES

- BUILDING AND LIFT CORES TO BE DESIGNED TO ACCORD WITH INTERNAL MASS REQUIREMENTS OF PART 5.2.4.2.
- ALL BUILDING ENVELOPE SEALING TO BE AS PER ACOUSTIC REPORT TO ACHIEVE HIGH PERFORMANCE ACOUSTIC REQUIREMENTS. REFER TO ACOUSTIC REPORT.
- BUILDING ENVELOPE WALLS TO PROVIDE ACOUSTIC PROTECTION AS PER THE ACOUSTIC REPORT.
- DESIGN AND INSTALLATION OF LOUNGE TO BALCONY CONNECTIONS MUST INCLUDE POSITIVE SEALING TO ENSURE ACHIEVE ACOUSTIC REQUIREMENTS NOT TO EXCEED.
- BUILDING SEALING TO COMPLY WITH ACOUSTIC REQUIREMENTS NOT TO AFFECT TRAFFIC OPERATIONS.



CHT Architects Pty Ltd
 44 Collier Street
 Camberwell VIC 3185
 Phone 03 9594 1555
 Fax 03 9594 1556
 Email info@chtarchitects.com.au
 Website www.chtarchitects.com.au

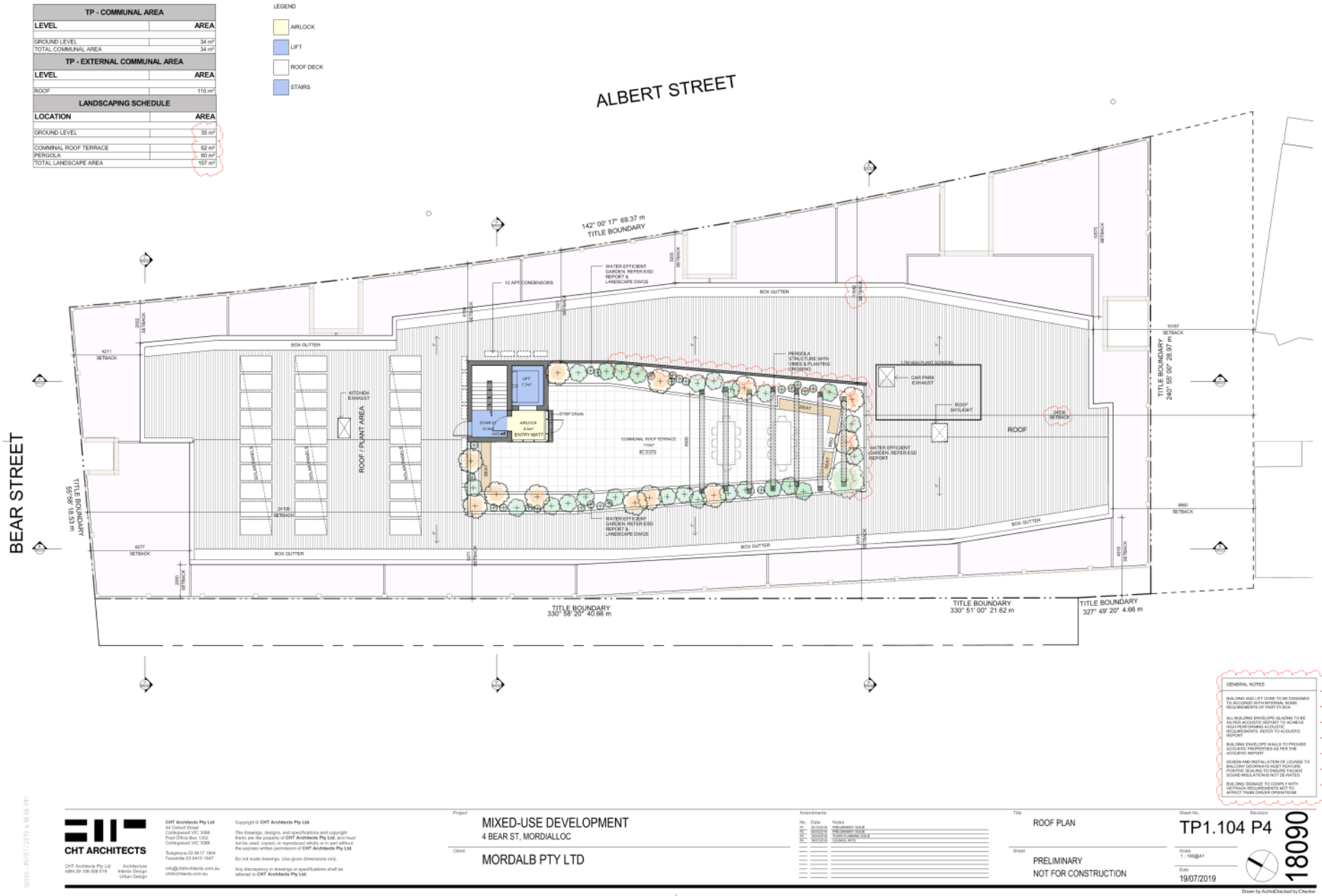
Copyright © CHT Architects Pty Ltd.
 The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced wholly or in part without the express written permission of CHT Architects Pty Ltd.
 Do not scale drawings. Use given dimensions only.
 Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

MIXED-USE DEVELOPMENT
 4 BEAR ST, MORDIALLOC
MORDIALB PTY LTD

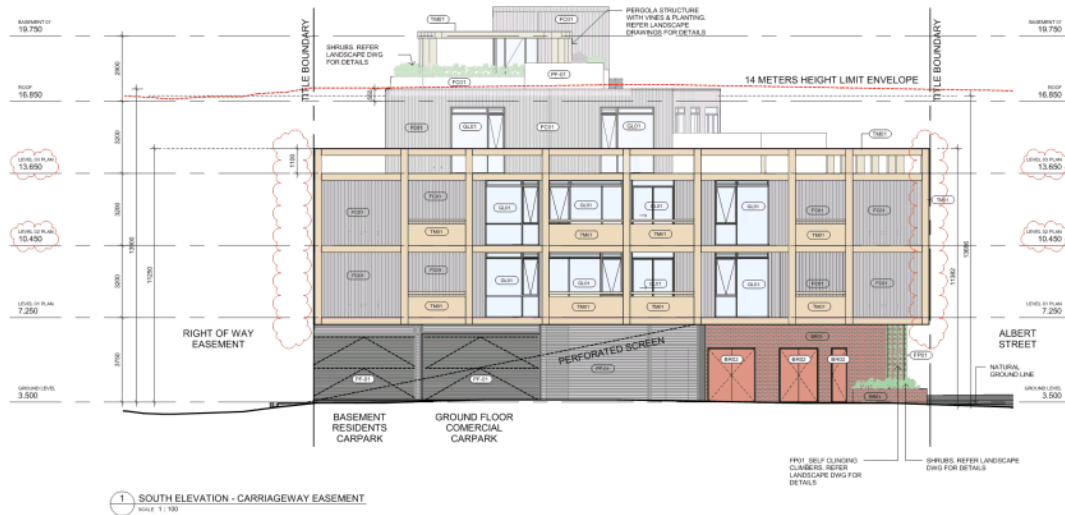
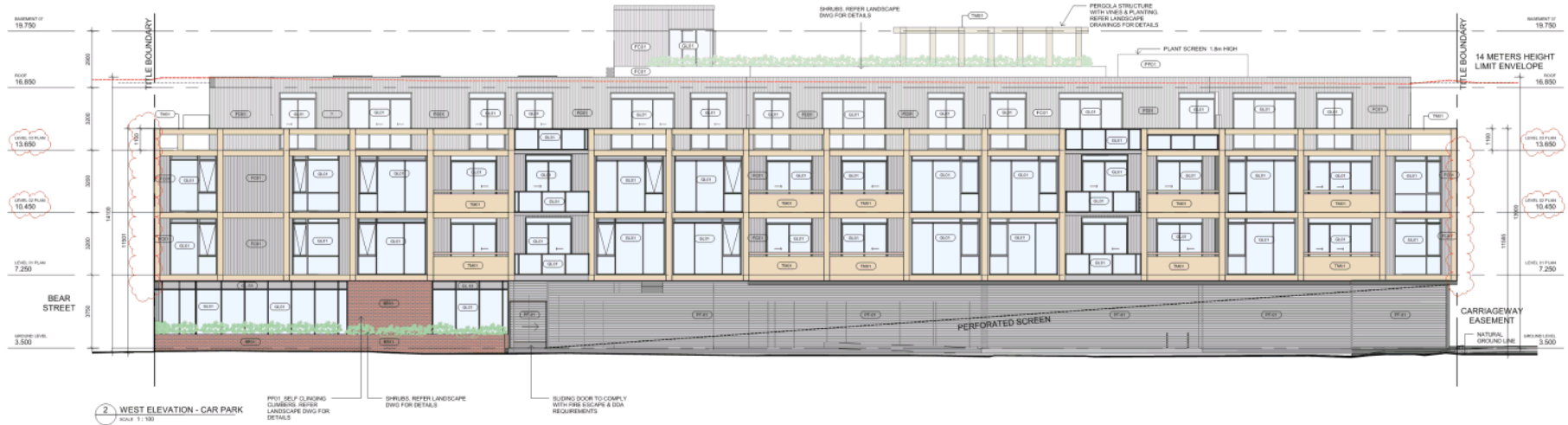
No.	Date	Notes
1	19/07/2019	ISSUED FOR REVIEW
2	19/07/2019	FOR REVIEW
3	19/07/2019	FOR REVIEW
4	19/07/2019	FOR REVIEW
5	19/07/2019	FOR REVIEW
6	19/07/2019	FOR REVIEW
7	19/07/2019	FOR REVIEW
8	19/07/2019	FOR REVIEW
9	19/07/2019	FOR REVIEW
10	19/07/2019	FOR REVIEW







LEVEL 03 PLAN - BADS ASSESSMENT
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No. **TP1.103A P4**
 Scale **1:100@A1**
 Date **19/07/2019**
 Drawn by **AutoCAD** Checked by **Checker**







MATERIALS SCHEDULE					
					
BR01 - RECYCLED BRICK	TM01 - TIMBER OR AESTHETICALLY SIMILAR FACADE ATTACHMENT	LV01 - PERFORATED SCREEN - PERFORATION PATTERN TO BE CONFIRMED	PP01 - SELF CLIMBING CLIMBERS	FO01 - MID GREY WITH PAINT FINISH	BR01 - SERVICES DOORS COLOUR TO MATCH BRICK COLOUR
GL01 - DOUBLE GLAZING CLEAR GLASS	GL02 - SHOWERING, FIBRE GLASS	GL03 - OBSOURED GLASS			



CHT Architects Pty Ltd
ABN 28 108 058 619

CHT Architects Pty Ltd
44 Collier Street
Coleraine VIC 3066
Phone 03 9415 1055
Fax 03 9415 1047
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced in any way without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

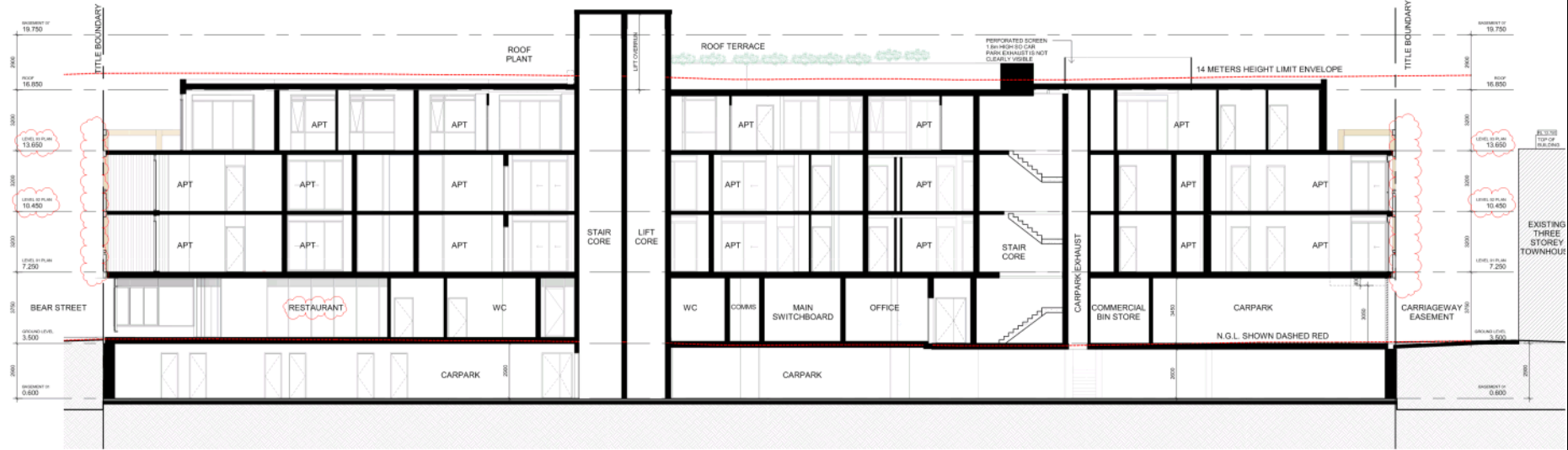
No.	Date	Notes
01	2019/07/19	PRELIMINARY DESIGN
02	2019/07/19	REVISED DESIGN
03	2019/07/19	REVISED DESIGN
04	2019/07/19	REVISED DESIGN
05	2019/07/19	REVISED DESIGN
06	2019/07/19	REVISED DESIGN
07	2019/07/19	REVISED DESIGN
08	2019/07/19	REVISED DESIGN
09	2019/07/19	REVISED DESIGN
10	2019/07/19	REVISED DESIGN

ELEVATIONS - SOUTH & WEST
PRELIMINARY
NOT FOR CONSTRUCTION

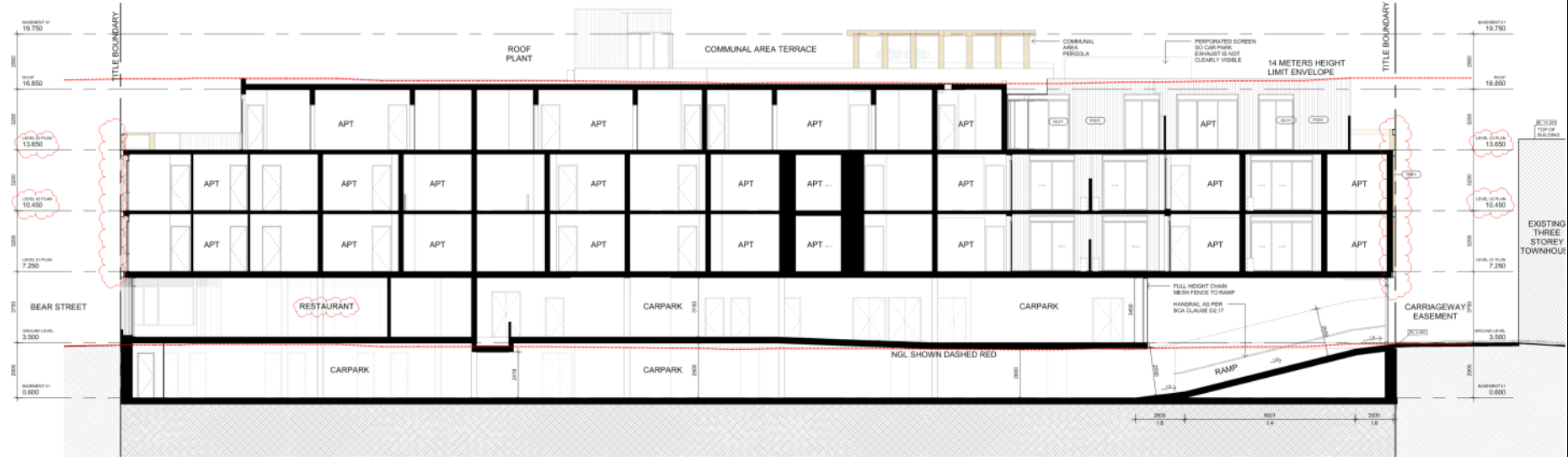
Sheet No.
TP2.02
Revision
P4
Scale
1:100/A1
Date
19/07/2019

18081

Drawn by: [Name] Checked by: [Name]



A SECTION A-A
SCALE 1:100



B SECTION B-B
SCALE 1:100



CHT Architects Pty Ltd
ABN 28 108 058 819

CHT Architects Pty Ltd
44 Colson Street
Camberwell VIC 3066
Post Office Box 1052
Camberwell VIC 3066
Telephone 03 9417 1944
Facsimile 03 9415 1047
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced in any form without the
express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

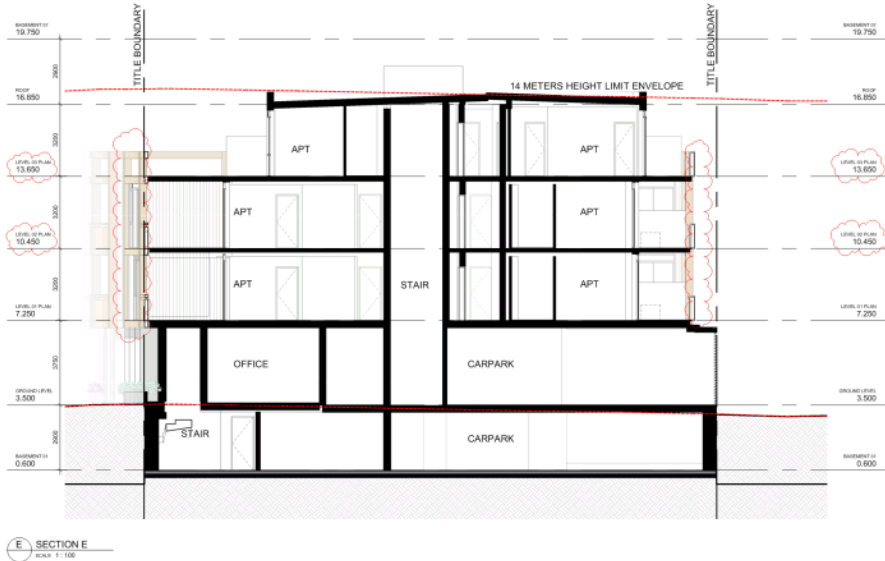
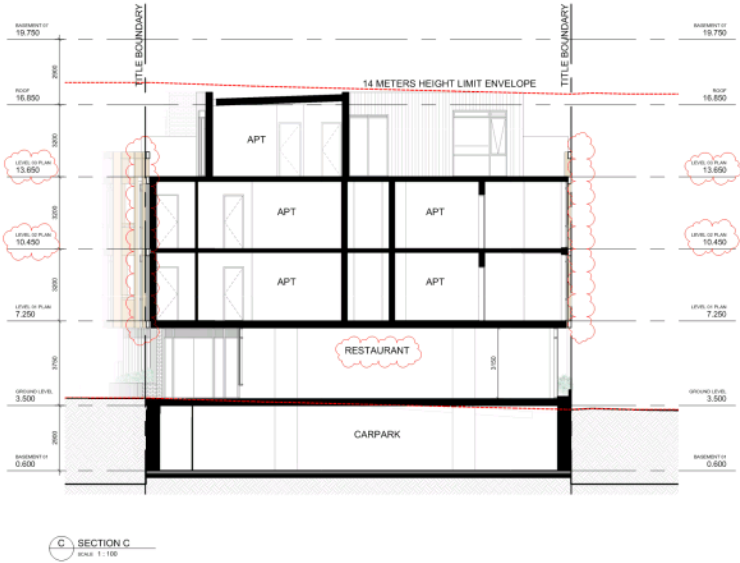
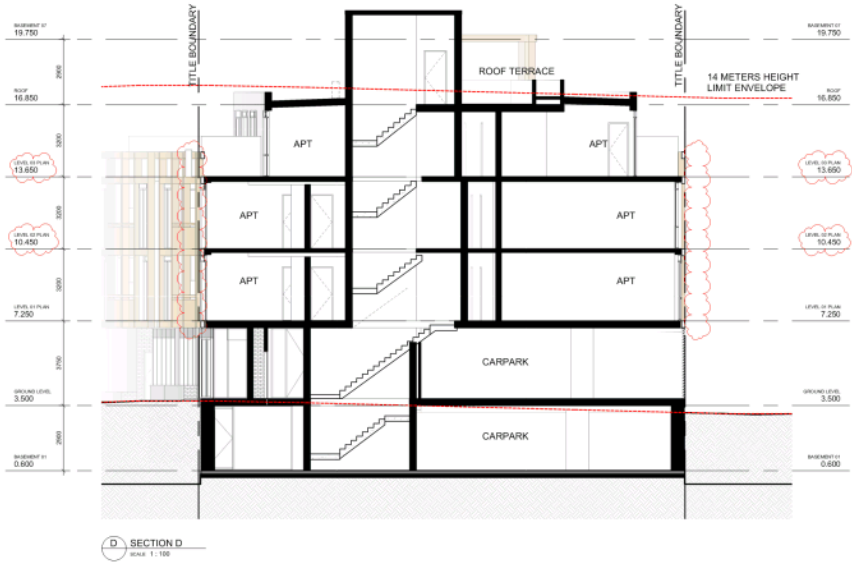
No.	Date	Notes
1	19/07/2019	PRELIMINARY DRAWING
2	19/07/2019	REVISION: 1.00
3	19/07/2019	REVISION: 1.01
4	19/07/2019	REVISION: 1.02
5	19/07/2019	REVISION: 1.03
6	19/07/2019	REVISION: 1.04
7	19/07/2019	REVISION: 1.05
8	19/07/2019	REVISION: 1.06
9	19/07/2019	REVISION: 1.07
10	19/07/2019	REVISION: 1.08
11	19/07/2019	REVISION: 1.09
12	19/07/2019	REVISION: 1.10
13	19/07/2019	REVISION: 1.11
14	19/07/2019	REVISION: 1.12
15	19/07/2019	REVISION: 1.13
16	19/07/2019	REVISION: 1.14
17	19/07/2019	REVISION: 1.15
18	19/07/2019	REVISION: 1.16
19	19/07/2019	REVISION: 1.17
20	19/07/2019	REVISION: 1.18
21	19/07/2019	REVISION: 1.19
22	19/07/2019	REVISION: 1.20
23	19/07/2019	REVISION: 1.21
24	19/07/2019	REVISION: 1.22
25	19/07/2019	REVISION: 1.23
26	19/07/2019	REVISION: 1.24
27	19/07/2019	REVISION: 1.25
28	19/07/2019	REVISION: 1.26
29	19/07/2019	REVISION: 1.27
30	19/07/2019	REVISION: 1.28
31	19/07/2019	REVISION: 1.29
32	19/07/2019	REVISION: 1.30
33	19/07/2019	REVISION: 1.31
34	19/07/2019	REVISION: 1.32
35	19/07/2019	REVISION: 1.33
36	19/07/2019	REVISION: 1.34
37	19/07/2019	REVISION: 1.35
38	19/07/2019	REVISION: 1.36
39	19/07/2019	REVISION: 1.37
40	19/07/2019	REVISION: 1.38
41	19/07/2019	REVISION: 1.39
42	19/07/2019	REVISION: 1.40
43	19/07/2019	REVISION: 1.41
44	19/07/2019	REVISION: 1.42
45	19/07/2019	REVISION: 1.43
46	19/07/2019	REVISION: 1.44
47	19/07/2019	REVISION: 1.45
48	19/07/2019	REVISION: 1.46
49	19/07/2019	REVISION: 1.47
50	19/07/2019	REVISION: 1.48
51	19/07/2019	REVISION: 1.49
52	19/07/2019	REVISION: 1.50
53	19/07/2019	REVISION: 1.51
54	19/07/2019	REVISION: 1.52
55	19/07/2019	REVISION: 1.53
56	19/07/2019	REVISION: 1.54
57	19/07/2019	REVISION: 1.55
58	19/07/2019	REVISION: 1.56
59	19/07/2019	REVISION: 1.57
60	19/07/2019	REVISION: 1.58
61	19/07/2019	REVISION: 1.59
62	19/07/2019	REVISION: 1.60
63	19/07/2019	REVISION: 1.61
64	19/07/2019	REVISION: 1.62
65	19/07/2019	REVISION: 1.63
66	19/07/2019	REVISION: 1.64
67	19/07/2019	REVISION: 1.65
68	19/07/2019	REVISION: 1.66
69	19/07/2019	REVISION: 1.67
70	19/07/2019	REVISION: 1.68
71	19/07/2019	REVISION: 1.69
72	19/07/2019	REVISION: 1.70
73	19/07/2019	REVISION: 1.71
74	19/07/2019	REVISION: 1.72
75	19/07/2019	REVISION: 1.73
76	19/07/2019	REVISION: 1.74
77	19/07/2019	REVISION: 1.75
78	19/07/2019	REVISION: 1.76
79	19/07/2019	REVISION: 1.77
80	19/07/2019	REVISION: 1.78
81	19/07/2019	REVISION: 1.79
82	19/07/2019	REVISION: 1.80
83	19/07/2019	REVISION: 1.81
84	19/07/2019	REVISION: 1.82
85	19/07/2019	REVISION: 1.83
86	19/07/2019	REVISION: 1.84
87	19/07/2019	REVISION: 1.85
88	19/07/2019	REVISION: 1.86
89	19/07/2019	REVISION: 1.87
90	19/07/2019	REVISION: 1.88
91	19/07/2019	REVISION: 1.89
92	19/07/2019	REVISION: 1.90
93	19/07/2019	REVISION: 1.91
94	19/07/2019	REVISION: 1.92
95	19/07/2019	REVISION: 1.93
96	19/07/2019	REVISION: 1.94
97	19/07/2019	REVISION: 1.95
98	19/07/2019	REVISION: 1.96
99	19/07/2019	REVISION: 1.97
100	19/07/2019	REVISION: 1.98
101	19/07/2019	REVISION: 1.99
102	19/07/2019	REVISION: 2.00

SECTIONS - SHEET 1
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No. TP3.01 P4
Scale 1:100@A1
Date 19/07/2019

18091

Drawn by: [Name] Checked by: [Name]



CHT Architects Pty Ltd
ABN 28 108 058 819

CHT Architects Pty Ltd
44 Collier Street
Camberwell VIC 3066
Phone 03 9594 1555
Copyright VIC 3066
Telephone 03 9415 1047
Facsimile 03 9415 1047
info@chtarchitects.com.au
chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced wholly or in part without
the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

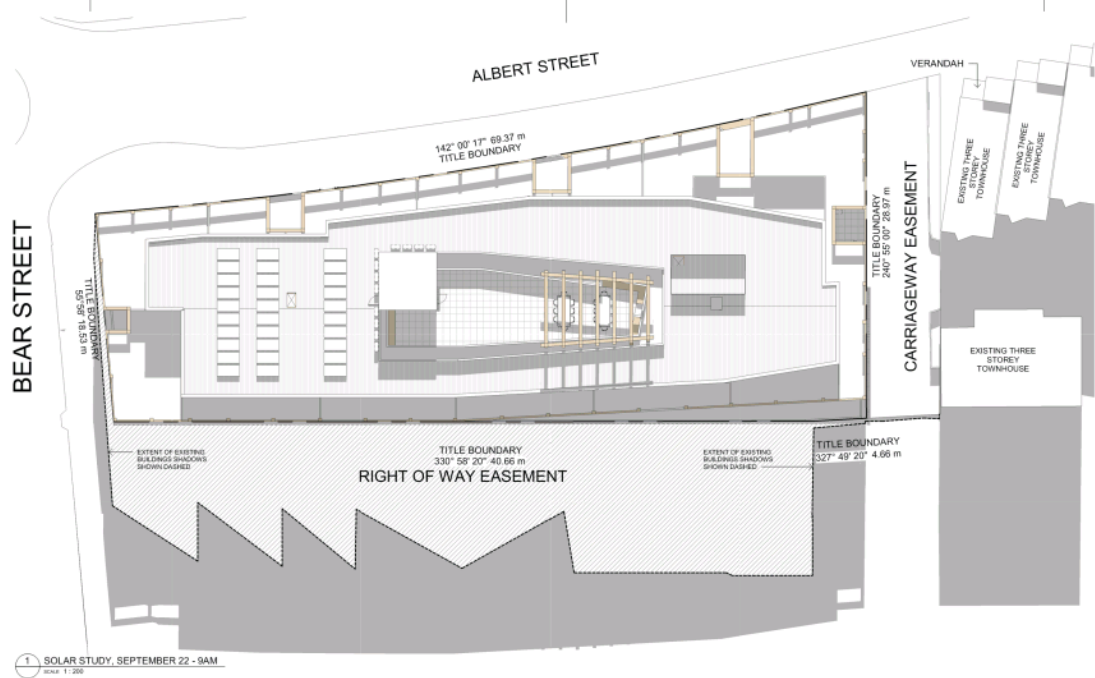
Amendments		
No.	Date	Notes
1	19/07/2019	PRELIMINARY DESIGN
2	19/07/2019	REVISION
3	19/07/2019	REVISION
4	19/07/2019	REVISION
5	19/07/2019	REVISION
6	19/07/2019	REVISION
7	19/07/2019	REVISION
8	19/07/2019	REVISION
9	19/07/2019	REVISION
10	19/07/2019	REVISION

Title
SECTIONS - SHEET 2
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

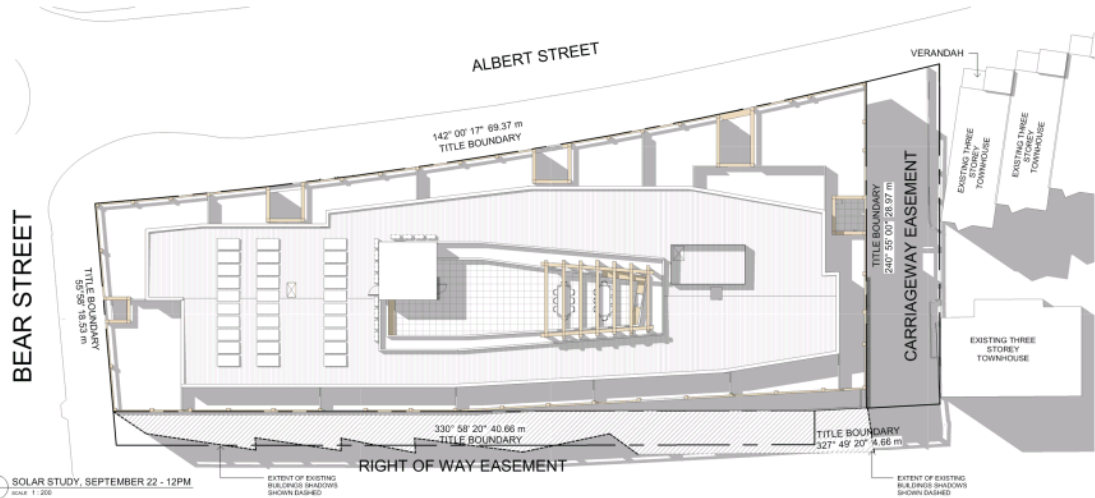
Sheet No.
TP3.02
Scale
1:100@A1
Date
19/07/2019

Revision
P4
18081

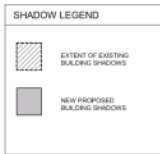
Drawn by: RUTH/Checked by: CHECKER



1 SOLAR STUDY, SEPTEMBER 22 - 9AM
SCALE 1:200



2 SOLAR STUDY, SEPTEMBER 22 - 12PM
SCALE 1:200



CHT Architects Pty Ltd
ABN 28 108 058 619

CHT Architects Pty Ltd
44 Colson Street
Carrigraw VIC 3086
Phone 03 9415 1552
Carrigraw VIC 3086
Telephone 03 9415 1544
Facsimile 03 9415 1547
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced wholly or in part without
the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDALB PTY LTD

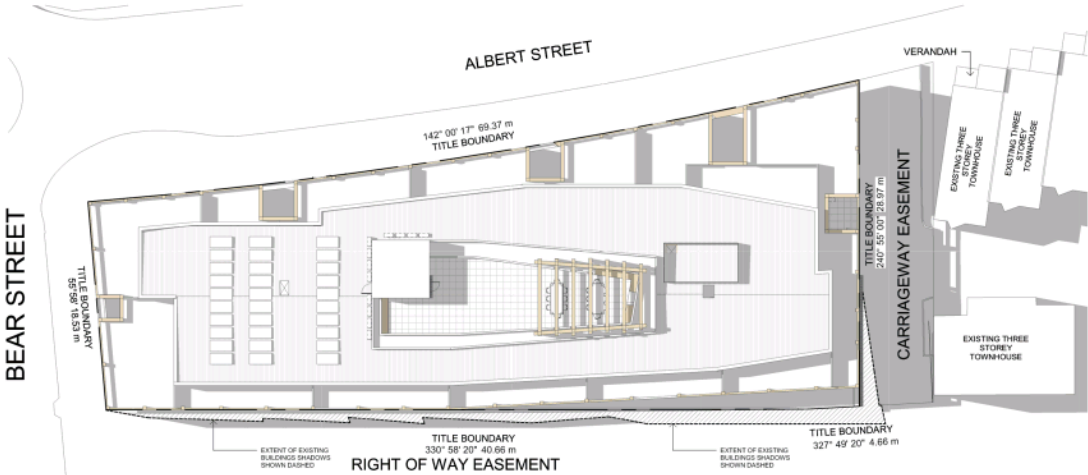
No.	Date	Notes
1	19/07/2019	PRELIMINARY DESIGN
2	19/07/2019	REVISION
3	19/07/2019	REVISION
4	19/07/2019	REVISION
5	19/07/2019	REVISION
6	19/07/2019	REVISION
7	19/07/2019	REVISION
8	19/07/2019	REVISION
9	19/07/2019	REVISION
10	19/07/2019	REVISION

Title
SOLAR STUDY
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

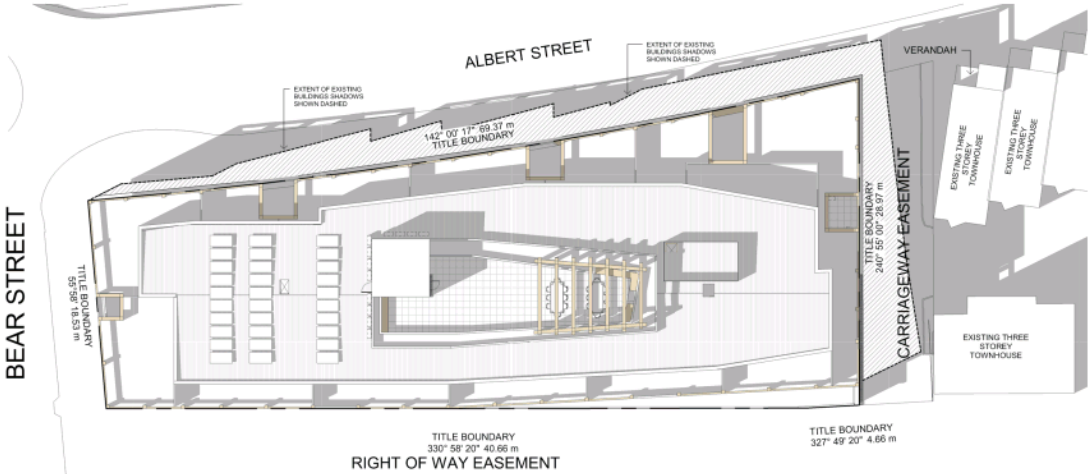
Sheet No.
TP6.01
Scale
1:200@A1
Date
19/07/2019

Revision
P4
18081

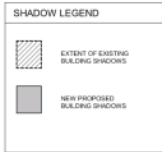
Drawn by/Author/Checked by/Checker



1 SOLAR STUDY, SEPTEMBER 22 - 1PM
SCALE: 1:200



2 SOLAR STUDY, SEPTEMBER 22 - 3PM
SCALE: 1:200



CHT Architects Pty Ltd
ABN 20 108 058 619

CHT Architects Pty Ltd
44 Colson Street
Caulfield VIC 3066
Phone: 03 9594 1555
Cell: 0412 241 1944
Fax: 03 9594 1547
info@chtarchitects.com.au
www.chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright herein are the property of CHT Architects Pty Ltd, and must not be used, copied, or reproduced wholly or in part without the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDALB PTY LTD

Amendments		Notes	
No.	Date	By	Notes
1	19/07/2019	CHT	PRELIMINARY DESIGN
2	19/07/2019	CHT	REVISION
3	19/07/2019	CHT	REVISION
4	19/07/2019	CHT	REVISION
5	19/07/2019	CHT	REVISION
6	19/07/2019	CHT	REVISION
7	19/07/2019	CHT	REVISION
8	19/07/2019	CHT	REVISION
9	19/07/2019	CHT	REVISION
10	19/07/2019	CHT	REVISION

Title
SOLAR STUDY
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.
TP6.02
Scale
1:200@A1
Date
19/07/2019

Revision
P4
18081

Drawn by: [Signature] Checked by: [Signature]



18090



1 3D VIEW FROM ACROSS THE STREET
SCALE



2 3D VIEW FROM ALBERT ST
SCALE



3 3D VIEW FROM PARK/ALBERT
SCALE



4 ALBERT/PARK REFERENCING VIEWS



CHT Architects Pty Ltd
ABN 20 108 108 619

CHT Architects Pty Ltd
44 Collier Street
Coleraine VIC 3066
Post Office Box 1252
Coleraine VIC 3066
Telephone 03 9417 1947
Facsimile 03 9415 1047
info@chtarchitects.com.au
chtarchitects.com.au

Copyright © CHT Architects Pty Ltd.
The drawings, designs, and specifications and copyright
herein are the property of CHT Architects Pty Ltd, and must
not be used, copied, or reproduced wholly or in part without
the express written permission of CHT Architects Pty Ltd.
Do not scale drawings. Use given dimensions only.
Any discrepancy in drawings or specifications shall be
referred to CHT Architects Pty Ltd.

Project
MIXED-USE DEVELOPMENT
4 BEAR ST, MORDIALLOC
Client
MORDIALB PTY LTD

Amendments		
No.	Date	Notes
01	2019/07/20	Initial design
02	2019/07/20	Revised design
03	2019/07/20	Revised design
04	2019/07/20	Revised design
05	2019/07/20	Revised design
06	2019/07/20	Revised design
07	2019/07/20	Revised design
08	2019/07/20	Revised design
09	2019/07/20	Revised design
10	2019/07/20	Revised design

Title
PROPOSED BUILDING
PERSPECTIVES - SHEET 2
Sheet
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No.
TP9.01
Scale
1:100
Date
19/07/2019

Revision
P4

18090

Drawn by: [Name] Checked by: [Name]

Planning Committee Meeting

23 October 2019

Agenda Item No: 4.4

KP-2018/1021 - 2 ISABELLA STREET, PARKDALE

Contact Officer: Tim Yildirim, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP1021/2018 - 2 Isabella Street, Parkdale.

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.

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for three (3) dwellings on land in a Special Building Overlay, at No. 2 Isabella Street, Parkdale, subject to the conditions contained within this report.

This application requires a decision by Council, following a call in by Councillor Rosemary West, stating the following reasons:

- Unreasonable impact on the amenity of residents.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

EXECUTIVE SUMMARY			
Address	2 Isabella Street, Parkdale		
Legal Description	Lot 2 on PS 021365		
Applicant	Jesse Ant Architects		
Planning Officer	Tim Yildirim		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential Zone (Schedule 2)		
Overlays	Clause 43.02 – Design and Development Overlay (Schedule 5) Clause 44.05 – Special Building Overlay		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot Clause 44.05 – Construct or carry out Buildings or Works in a Special Building Overlay		
APPLICATION / PROCESS			
Proposal	The development of three (3) double storey dwellings on land in a Special Building Overlay		
Reference No.	KP-2018/1021	RFI Received	19 June 2019
App. Received	24 Dec 2018	App. Amended	23 July 2019
Site inspection	Yes		
S.52 Advertising	Commenced: 5 August 2019	Advertising Completed	22 August 2019
S.55 Referrals	Melbourne Water		
Internal referrals	Yes		
Objection(s)	Seven (7)		
Mandatory Garden area requirement	646m ² Complies - 30%	Mandatory Building Height requirement	Complies (7.9m)
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	No		
Considered Plans	Jess Ant Architects; Project No. 18-055; dated 18/07/2019; submitted to Council on 23/07/2019.		

1.0 RELEVANT LAND HISTORY

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

2.0 SITE PARTICULARS

Built form	A single storey, brick veneer, dwelling and associated building (shed) occupies the land. The existing dwelling is set back 7.6m from its Isabella Street frontage.
Size (m²)	646m ²
Topography	The land is generally flat.
Fencing	1.1 metre high vertical metal fencing extends along both frontages.
Vegetation	There are several small exotic trees and fruit trees located on the subject site. None of these trees are worthy of retention.
Easement(s)	One (1) 1.83 metre wide easement and one (1) 2.74 metre wide easement adjacent to the side (north-east) property boundary.
Footpath assets / access	One (1) existing crossover adjacent to the north-east (side) common boundary. No power poles or bollards are located along the frontage. There are three (3) juvenile street trees along the Isabella Street road reserve.
Covenant(s) / Restrictions	There appears to be no restrictions listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

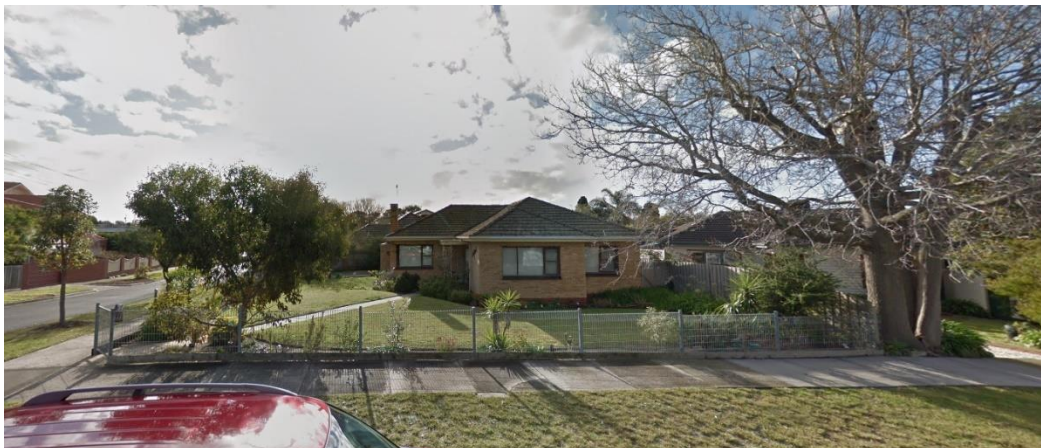
3.1 The following map illustrates the subject site in its surrounding context.



Isabella Street interface:



Blanche Avenue interface:



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

North-east	No. 4 Rupert Street which houses a single storey rendered brick dwelling with complex hipped roofing. The dwelling offers a front setback of 5.4 metres to Isabella Street and is enclosed via a 1.8 metre high brick pillar with iron infill fence. The dwelling is set back 1.6 metres from the common boundary and there are three (3) habitable room windows facing the subject site.
North-west	Isabella Street, followed by No. 1B Blanche Avenue, which houses a single storey brick dwelling with complex hipped roofing. A front setback of 2.0 metres is offered to Isabella Street and there is an associated 1.6 metre high timber paling fence. This fence transitions to a 0.8 metre high brick fence adjacent to Blanche Avenue.
South-east	No. 3 Blanche Avenue, which houses a single storey weatherboard dwelling with complex hipped roofing. A front setback of 5.9 metres is provided to Blanche Avenue and there is an associated 1.8 metre high timber picket fence. A setback of 3.3 metres is provided to the shared boundary with the subject site and there are noted to be two (2) habitable room windows facing this direction.
South-west	Road, followed by No. 6 Blanche Avenue which houses a single storey brick dwelling with simple gabled roofing. A front setback of 5.7 metres is offered to Blanche Avenue and there is no associated front fencing.

3.3 The surrounding area generally comprises of residential zoned and developed land, in all directions. The commercial component (zoned and used for commercial purposes) of Parkers Road is situated approximately 153 metres to the north-west of the subject site. Parkdale Railway Station is situated approximately 256 metres to the south-west of the subject site. Como Parade, and associated commercial zoned and used land, is situated approximately 289 metres to the south-west of the subject site.

4.0 PROPOSAL

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

Description	Demolish the existing dwelling and associated outbuildings on the land to develop the land for the construction of three (3) dwellings on land in a Special Building Overlay.
Storeys	Double storey
Maximum building height	7.9 metres
Bedrooms (including study)	3 bedrooms per dwelling
Car parking	6 spaces in total, 2 per dwelling

Front setback	6.0m		
Private Open Space	Dwelling 1 77.2m ²	Dwelling 2 92.8m ²	Dwelling 3 103.3m ²
Site Coverage	47.1%	Permeability	50.3%
Access	Existing crossover to be reinstated with two (2) new crossovers proposed towards the site's north-west (front) property boundary and one (1) new crossover along the sites south-west (front) property boundary.		
Vegetation removal/retention	<p>There is a large, mature <i>Liquidambar styraciflua</i> (Liquidambar) located on the neighbouring property to the south-east (3 Blanche Avenue).</p> <p>A root investigation was undertaken along the outer edge of the proposed crossover, following preliminary recommendations by Council's Vegetation Management Officer. The Tree Root Investigation Report prepared by Paul Jameson noted the presence of several structural roots within areas of proposed construction and recommended several changes to the proposal.</p> <p>The proposed plans have been amended in line with these recommendations and Council Officers are satisfied that the neighbouring Liquidambar will remain viable provided it is protected during development.</p>		
Building materials	Brick, render, feature garage door panel and tile roofing.		

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 2): Pursuant to Clause 32.08-4 of the Kingston Planning Scheme a planning permit is required to construct two (2) or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme. Schedule 2 to the General Residential Zone includes a variation to one (1) standard within Clause 55.

Overlay

- 5.2 Design and Development Overlay: Pursuant to Clause 43.02, a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Schedule 5 to the Design and Development Overlay specifies that a planning permit is required to construct a building or construct or carry out works, which exceed 25 metres in height. As the proposal is limited to 7.9 metres in overall height, no planning permit is required under the Design and Development Overlay.
- 5.3 Special Building Overlay: Pursuant to Clause 44.05 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.

Particular Provisions

- 5.4 **Clause 52.06 - Car Parking** contains the following residential car parking rates:

1 space to each 1 or 2 bedroom dwelling

2 spaces to each 3 or more bedroom dwelling

1 visitor space for every 5 dwellings

This equates to a parking requirement of six (6) spaces for the proposed development.

As the required number of car parking spaces is provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3.

Clause 52.06 – 8 Design standards, includes vehicle movements, access and tandem space dimensions have been reviewed and are considered compliant.

There are concerns resting with the garaging dimension associated with Dwelling 1. Whilst the required 6.0 metre internal car park length has been provided for, the storage area and laundry within the garage are proposed with doors which open into this 6.0 metre car parking area. Accordingly, the associated doors result in unreasonable encroachment to the car parking area. A condition of any permit issued is to require the provision of sliding doors (or similar) to the storage and laundry areas within the garage of Dwelling 1, so as not to encroach within the required 6.0 metre car park length.

A condition of any permit issued is to require the provision of corner splays in accordance with Clause 52.06-9 – mail boxes are required to be no greater than 900mm in height in these splay areas.

Subject to conditions on any permit issued, the proposal satisfies the Design Standards pertaining to Clause 52.06-8.

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

General Provisions

- 5.6 The Decision Guidelines of **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.

6.0 RELEVANT POLICIES

6.1 Planning Policy Framework (PPF)

- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

6.2 Local Planning Policy Framework (LPP)

- Clause 21.05 Residential Land Use
- Clause 22.11 Residential Development Policy
- Clause 22.20 Stormwater Management
- Clause 22.21 Environmentally Sustainable Development (ESD)

Other

- 6.3 Neighbourhood Character Area Guidelines (Incorporated Document under **Clause 21.05** – Residential Land Use of the LPPF). The land is located within Area 22 of the Neighbourhood Character Guidelines.
- 6.4 Design Contextual Housing Guidelines (April 2003 – reference document within **Clause 22.11** – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

7.0 ADVERTISING

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Seven (7) objections to the proposal were received. The grounds of objection raised are summarised as follows:
- Loss of privacy / overlooking
 - Visual bulk
 - Overdevelopment
 - Overshadowing
 - Damage to tree at front of property
 - Noise
 - Car parking
 - On-street congestion
 - Safety concerns
 - Location of external heating and cooling units
 - Street flooding

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 11 September 2019 with the relevant Planning Officer, two (2) of the Central Ward Councillor(s), the Permit Applicant and six (6) objectors in attendance. The above-mentioned issues were discussed at length.
- 8.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 SECTION 50A– AMENDMENT TO PLANS

- 9.1 Following preliminary review of the application, the Permit Applicant lodged amended plans on 26 July 2019, pursuant to Section 50A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:
- Proposed Dwelling 1 and 2 garages further recessed by 500mm; and
 - The first floor separation between proposed Dwelling 1 and 2 has been increased, to provide for a 3.3 metre separation to a portion of the first floor.
- 9.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

10.0 REFERRALS

- 10.1 The application was referred as set out in the tables below.

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to provision of a landscape plan, tree protection and management plan, and removal and payment for street tree removal.
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 conditions included on any permit issued relating to the crossover/footpath design, the council road network and the proposed crossover being outside the 6.0 metre corner tangent.
ESD Officer	No objection, subject to provision of Sustainable Design Assessment.

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Melbourne Water	55	Determining	No	Subject to conditions included verbatim within the recommendation

11.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 11.2 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.*

- 11.3 **Clause 11.01-1R1** (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.

- 11.4 **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.
- 11.5 **Clause 13** (Environmental Risks and Amenity) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 11.6 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.7 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. The provisions of **Clause 15.02** (Sustainable Development) promotes energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.8 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.9 The Subject Land **is not** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.10 Housing objectives are further advanced at **Clause 16**. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as **Clause 11**, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.
- 11.11 The policies contained within **Clause 16.01-3S** (Housing diversity) encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing. **Clause 16.01-4S** (Housing affordability) raises the objective of delivering more affordable housing closer to jobs, transport and services.

- 11.12 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 abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.13 The City of Kingston's MSS at **Clause 21.05 - Residential Land Use** of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 11.14 Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:
- To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.
 - To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
 - To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.
 - To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
 - To ensure residential development does not exceed known physical infrastructure capacities.
 - To recognise and response to special housing needs within the community.
- 11.15 Council's Local Planning Policy at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.16 **Clause 22.11 - Residential Development Policy** extends upon the provision contained at **Clause 21.05 - Residential Land Use**, relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

- 11.17 Relevant objectives in **Clause 22.11-2** Residential Development Policy include:
- To promote 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 MSS.
 - To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.
 - To promote on-site car parking which is adequate to meet the anticipated needs of future residents.
 - To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.
 - To limit the amount and impact of increased stormwater runoff on local drainage systems.
 - To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.
- 11.18 **Clause 22.19 (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.
- 11.19 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.
- 11.20 The subject site is located in area 6E (Parkdale South and West), which is a Land Contribution Preferred Area on Map 1 of this clause.
- 11.21 Whilst the subject site is located in an area where the preferred approach would be to require a 'land' contribution over 'cash', this is not deemed a viable or appropriate option as the subject site is one of a 'standard' sized allotment. The ability to set land aside for public open space purposes generally results from larger/consolidated parcels of land, large opportunistic/strategic sites, land that adjoins existing open space areas or the like. Based on the application before Council, it is not feasible to achieve a 'land' contribution in this instance. It is therefore recommended that a 'cash' contribution be considered in lieu of land at the subdivision stage.
- 11.22 **Clause 22.20 – Stormwater Management** is applicable to the consideration of medium and large scale developments as specified within Table 1 of 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.

- 11.23 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

- 11.24 **.Clause 22.21 Environmentally Sustainable Development (ESD)** policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS). This ESD assessment adopts a number of measures which will improve the overall environmental efficiency of the proposed dwellings by ensuring that the development adopts ESD initiatives including: Thermal Performance Measures, Heating and Cooling Systems, Hot Water Heating, Internal and External Lighting, Energy Efficient Appliances, Gas Cooktops, Water Efficient Fittings and Rainwater collection measures. The adopted measures satisfy the Objectives of Clause 22.21-2 by achieving best practice in environmentally sustainable development. The appropriate assessment method (BESS) has been used and the adopted initiatives are reasonable having regard to the type and scale of the development.

Further, the ESD assessment was referred to Council's ESD officer who has advised that assessment satisfies Council's expectation in relation to ESD for a development of this scale.

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.

Zoning Provisions

- 11.25 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%

- 11.26 It is considered that the proposal in its current format complies with the mandatory garden area requirement. A minimum of 12.4% of garden area has been provided for each proposed dwelling, resulting in a total of 42.6% of garden area for the entire lot.

Overlay Provisions

- 11.27 The subject site is located within a Special Building Overlay.
- 11.28 The purpose of this Overlay is to identify land in urban areas liable to inundation by overland flows from the urban drainage system and to ensure that development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

11.29 The proposal complies with the Overlay's relevant Decision Guidelines and is deemed appropriate for the following reasons:

- The proposal will be in accordance with the comments provided from the relevant floodplain management authority (Melbourne Water), subject to conditions on any permit issued.

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 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 2. *****MUST meet the objective, SHOULD meet the standard*****

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
<p>Assessment: The proposal responds to the multi-dwelling character of the area, existing residential character and features of the site, by:</p> <ul style="list-style-type: none"> Proposing building envelopes that are generally detached from the title boundaries and recessed from the lower level. Generous side and rear setbacks are offered, at both ground and first floor, providing appropriate recession, particularly from sensitive interfaces (habitable room windows and areas of Secluded Private Open Space). Garaging is subservient, being only single space widths and recessed behind the front wall of dwellings proposed. Architectural form and materials incorporate typical characteristics such as complex hipped roofing, exposed and rendered brick. Residual materials and finishes include feature garage door panels, which are generally reflective of more recent forms of residential development. 		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> Double storey built form appropriately aligns with existing adjacent built form. <p>The subject site is located within a predominantly residential area where the following characteristics are prevalent:</p> <ul style="list-style-type: none"> Walls of white weatherboard and tiled roofing of various colours makes for major character contributions to the area. Residual features include modulated building footprints, complex hipped roofing, dual and tri-vertical window arrangements, varied front boundaries and porch feature, however these are noted to make neither major, nor critical, character contributions. <p>Despite white weatherboard making a major character contribution, there are noted to be a number of dwellings of substantial brick appearance, particularly where adjacent to the subject site. Please see the Appendix of Report for existing brick dwellings in the vicinity of the subject site.</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</p>
<p>Assessment: Section 11.2 of this report outlines the policy foundation of Clause 22.11, which is based on the principles outlined in the <i>Kingston Residential Strategy (September 2000)</i> and <i>Kingston Neighbourhood Character Guidelines (August 2007)</i>. In unity with the policy premise of the <i>Kingston Residential Strategy</i>, Clause 22.11 seeks 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 MSS</p> <p>Clause 22.11 nominates the site and its surrounds in a General Residential Zone Schedule 2 area for Increased Housing, and states:</p> <p style="padding-left: 40px;"><i>Encourage increased residential densities and a wider diversity in housing types and sizes in areas which are within convenient walking distance of public transport and activity centres. These areas are identified for 'increased housing diversity' on the Residential Framework Plan within the MSS.</i></p> <p>The proposal will achieve further urban consolidation generally consistent with Planning Policy and Local Planning Policy Frameworks. The subject site is in an area designated for "increased density", resulting in a net increase of two (2) additional dwellings on this allotment.</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</p>	<p>Standard B3</p>	<p>N/A</p>

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <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. 	
Assessment: Not applicable as less than ten (10) dwellings proposed.		
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, subject to conditions included on any permit issued.
Assessment: It is recommended that suitable condition(s) be included in any permit issued 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
	<ul style="list-style-type: none"> Development oriented to front existing/proposed streets 	Complies
	<ul style="list-style-type: none"> High fencing in front of dwellings should be avoided if practicable. 	Variation sought
	<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 connectivity with vehicles access providing exclusive access/egress point(s). Dwelling 1 and 3 are orientated to front Blanche Avenue and Dwelling 2 is orientated to front Isabella Street. High front fencing is proposed to enclose the Secluded Private Open Space area associated with Dwelling 1, however no front fencing is proposed along the remaining allotment frontages, thus allowing for suitable surveillance of the streetscape.		
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 <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 5.9 metres</p>	Complies
Assessment: Where the site is a corner allotment: <p>Front setback requirement: <i>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></p> <p>Side setback requirement:</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p><i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></p> <p>Porch features: <i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i></p> <p>The applicant has determined that Blanche Avenue is to be considered as the front setback. The adjoining dwelling, at No. 3 Blanche Avenue, offers a front setback of 5.9 metres, thus a minimum front setback of 5.9 metres is required.</p> <p>Dwelling 3 offers a front setback of 7.0 metres to Blanche Avenue (not including porch). As the porch is proposed at a height of 3.6 metres and encroaches only 1.5 metres into the required setback, Dwelling 3 satisfies the required front setback pertaining to Standard B6.</p> <p>Dwelling 1 offers a front setback of 6.0 metres to Blanche Avenue (not including porch). The proposed porch encroaches 1.0 metres within the required front setback and is proposed at a maximum height of 3.6 metres above Natural Ground Level, thus satisfying the requirement of Standard B6.</p> <p>Dwelling 2 is required to be set back a minimum of 3.0 metres from the Isabella Street, side frontage. Dwelling 2 offers a minimum side setback of 3.0 metres to Isabella Street (not including porch). The porch is proposed within 1.0 metre of the required side setback and is proposed at a maximum height of 3.6 metres above Natural Ground Level, thus satisfying the requirements of Standard B6.</p> <p>The proposal meets the setback distance specified in this Standard and satisfies the Objective of Clause 55.03-1.</p>		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7 Maximum: 9 metres (11 metres and no more than 3 storeys under GRZ2)</p>	<p>Complies</p>
<p>Assessment: The maximum building height proposed is 7.9 metres. The proposal meets the heights parameters specified in this Standard.</p>		
<p>Clause 55.03-3 Site Coverage objective</p> <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. 	<p>Standard B8 Maximum: GRZ2 – 60%</p>	<p>Complies</p>
<p>Assessment: The proposal achieves a site coverage statistic of 47.1%, which meets this Standard.</p>		
<p>Clause 55.03-4 Permeability objectives</p> <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. 	<p>Standard B9 At least: 20%</p>	<p>Complies</p>

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Assessment: The permeability figure proposed (50.3%) exceeds that specified in 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
Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles. All dwellings are offered a degree of northerly orientated solar access, including main living areas and Secluded Private Open Space. This, coupled with additional windows facing residual orientations and substantial open place living arrangements, allows for both direct and passive solar access opportunities throughout all times of day. The proposal makes appropriate use of natural light and reduces reliance on fossil fuel energies, whilst ensuring existing adjoining property efficiency is not detrimentally impacted.		
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
Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. In part, this is evidenced by the highly visible, identifiable & attainable dwelling entries. Passive surveillance opportunities are afforded to each dwelling proposed, in the form of habitable rooms and associated windows providing outlook to the streetscape and internal accessways, at both ground and first floor levels. The design response provides for the safety and security of residents and the property.		
Clause 55.03-8 Landscaping objectives	Standard B13 In summary, landscape layout & design should:	Complies, subject to conditions included on any permit issued.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 	
<p>Assessment: The proposed design response ensures the retention of the established <i>Liquid amber styraciflua</i> (Sweet Gum) on the adjoining property known as No. 3 Blanche Avenue (subject to conditions on any permit issued). Furthermore, the proposal also seeks to retain two additional trees situated at No. 3 Blanche Avenue. These two (2) trees are known as <i>Olea europaea</i> (Olive).</p> <p>Four (4) additional trees are nominated to be retained along the north-east property boundary, contained within the subject site. These trees are known as <i>Morus alba</i> (White Mulberry), <i>Pittosporum undulatum</i> (Sweet Pittosporum) and two (2) <i>Acer negundo</i> (Box Alder).</p> <p>Council's Vegetation Management Officers have assessed the remaining landscaping onsite, which is nominated for removal, and has advised these trees are not worthy for retention.</p> <p>The proposal suitably retains trees which form part of the streetscape character and provides adequate space for the planting of additional various species, including canopy trees. As a condition of any permit issued, a detailed landscape plan will be required.</p>		
<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 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. 	Complies
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	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
<p>Assessment: The proposal raises no concern with respect to traffic or access related matters. Each dwelling is provided with a single width crossover only. Dwelling 1 is provided with a 3.0 metre wide crossover, and Dwelling 2 and 3 are provided with crossovers at a width of 3.05 metres. This results in a total crossover width of 11.4% along Isabella Street and 34.8% along Blanche Avenue, for frontages less than 20 metres in width (26.8 metres and 17.4 metres, respectively). The location of crossovers maximises retention of on-street car parking opportunities, along both street interfaces. Service, emergency and delivery vehicles are considered to be able to access each dwelling, should the future need arise.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE		STANDARD				LEVEL OF COMPLIANCE
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
Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking. Convenient access is offered to each dwelling, by way of direct pedestrian access via the respective garages.						
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
Assessment:						
Maximum ground floor wall height	Minimum required setback	Minimum proposed setback	Maximum first floor wall height	Minimum required setback	Minimum proposed setback	
3.5 metres	1.0 metre	1.0 metres	6.4 metres	1.84 metres	2.0 metres	
The proposal satisfies and in all cases exceeds the formula to Standard B17.						
Clause 55.04-2 Walls on boundaries objective <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.		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: <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.				Complies
Assessment: Dwelling 3 contains a Sitting Room wall within 200mm of the side (south-east) property boundary for a length of 5.7 metres and at an average height of 2.9 metres, with a maximum height of 3.1 metres. The proposal satisfies the requirement of this schedule. The location of the wall on boundary, adjacent to the adjoining properties internal driveway, and being situated away from areas of Secluded Private Open Space and habitable room windows, will ensure no unreasonable amenity impacts to the adjoining property at No. 3 Blanche Avenue. Walls on boundary form part of an established character in the locality. Whilst not an exhaustive list, there are six (6) properties opposite the subject site on Blanche Avenue which contain walls on boundary (No's 4, 6, 8, 10, 12 and 18 Blanche Avenue). Thus, the Objective of Clause 55.04-2 is met.						

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE		STANDARD				LEVEL OF COMPLIANCE
Clause 55.04-3 Daylight to existing windows objective <ul style="list-style-type: none">To allow adequate daylight into existing habitable room windows.	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 3m ² and minimum dimension of 1m clear to the sky.				Complies	
	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	
Assessment:						
Maximum ground floor wall height	Minimum required setback	Minimum proposed setback	Maximum first floor wall height	Minimum required setback	Minimum proposed setback	
3.5 metres	1.75 metres	5.4 metres	6.4 metres	3.2 metres	7.2 metres	
The proposal provides for adequate setbacks and exceeds the minimum requirements of Standard B19. The proposal satisfies Standard B19 and the Objective of Clause 55.04-3, to allow adequate daylight into existing habitable room 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)				Complies	
Assessment: In considering Standard B20 and that <i>a north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east</i> , there are two (2) north facing windows associated with the property at No. 3 Blanche Avenue.						
Required setbacks:						
Maximum ground floor wall height	Minimum required setback	Minimum proposed setback	Maximum first floor wall height	Minimum required setback	Minimum proposed setback	
3.5 metres	1.0 metre	7.8 metres	6.4 metres	2.68 metres	8.0 metres	
The setbacks to the built form proposed, specifically in regard to the interface with the north facing Habitable Room Windows at No. 3 Blanche Avenue accord with this standard.						
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	
Assessment: Given the orientation of the allotment, envisaged shadows to be cast fall wholly onto the adjoining south-east property at No. 3 Blanche Avenue. At 9.00am, shadows are cast internally to the subject site.						

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>At 10.00am, the south-east (side) common fence casts a shadow greater than what is generated by the proposal.</p> <p>At 12.00pm, shadows fall into the adjoining property at No. 3 Blanche Avenue, however this fall wholly on to the associated internal vehicle driveway.</p> <p>At 3.00pm, shadows fall on to the adjoining property at No. 3 Blanche Avenue. The shadows generated partially fall into the associated Secluded Private Open Space of the adjoining dwelling. Despite this, at 3.00pm, a Secluded Private Open Space area in excess of 150m² (minimum dimension 3.0 metres) will receive sunlight.</p> <p>Accordingly, the proposal satisfies Standard B21 by ensuring a minimum Secluded Private Open Space area of 40m² receives at least 5 hours of sunlight between 9.00am & 3.00pm on 22 September.</p> <p>The proposed development does not result in an unreasonable level of overshadowing to any existing SPOS areas.</p>		
<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</p> <p>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. 	<p>Complies, subject to conditions on any permit issued.</p>
	<p>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.</p>	<p>Complies</p>
	<p>Screens used to obscure a view should be:</p> <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. 	<p>N/A</p>
<p>Assessment: All first floor Habitable Room Windows that are orientated towards a common boundary have been screened accordingly (obscure glazing to a height of 1.7 metres above Finished Floor Level). A condition of any permit issued is to require these obscured windows to be nominated at a transparency no greater than 25%. Further, all first floor habitable room windows proposed with obscure screening are fixed to a height of 1.7 metres, thus ensuring no unreasonable overlooking occurs.</p> <p>With respect to the ground floor component, a maximum Finished Floor Level of 0.7 metres above Natural Ground Level is proposed. Further, the allotment is enclosed via minimum 1.9 metre high common boundary fencing. With respect to Standard B22:</p> <ul style="list-style-type: none"> <i>this standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i> <p>The proposal satisfies Standard B22 and achieves the Objective of Clause 55.04-6.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
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
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, subject to conditions on any permit issued.
Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed. Any future noise to be generated on site is considered normal in a residential context. A condition of any permit issued is to require the location of all external heating and/or cooling units.		
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
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. Excessive stepping elements are avoided at the point of entry and standard dwelling amenities are afforded at ground level. It is considered that stairs can be retrospectively equipped with stair lift mechanisms, should future resident need arise.		
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
Assessment: The proposed entries to all dwellings are clearly visible from the public realm. A sense of personal address and transitional space around the entry is offered through variations in façade materials and colours, and supply of porch features.		
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
Assessment: It is considered that all proposed windows allow for adequate solar access and natural daylight into primary and secondary living areas.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
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 GRZ2 - 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. 25m², a min. dimension of 3m and convenient access from a living room, or A balcony of 8m² with a min. width of 1.6m and convenient access from a living room, or A roof-top area of 10m² with a min. width of 2m and convenient access from a living room. 	Complies
Assessment: Dwelling 1: 30.6m ² SPOS (minimum dimension 3.0 metres) plus additional 46.5m ² POS. Dwelling 2: 61.2m ² SPOS (minimum dimension 3.0 metres) plus additional 25.5m ² POS. Dwelling 3: 60m ² SPOS (minimum dimension 3.0 metres) plus additional 36.8m ² POS. Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and would service the social, recreational and passive needs of future residents.		
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. 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
Assessment: No south facing POS is proposed as part of this development.		
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
Assessment: Each dwelling is provided with external secure storage areas in accordance with Standard B30. Dwelling 1 is provided with 6m ³ externally accessible storage within the garage. Dwelling 2 is provided with secure external storage in the form of 4.5m ³ over bonnet storage within the garage and an additional 1.5m ³ within the SPOS area, thus equating to the required 6m ³ . Dwelling 3 is also provided with storage within the garage, at 2.6m ³ , with an additional 3.4m ³ within the rear SPOS, thus equating to the required 6m ³ . Secure storage areas have been provided for each dwelling within their respective garage/POS areas.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
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
Assessment: The proposed development is generally consistent with the existing and evolving nature of the surrounding residential area within this part of Parkdale. The design and siting of the proposal ensures that the development will not result in unreasonable amenity impacts to surrounding properties. The use of material and design detail is reflective of the emerging building forms in the surrounding area, including, but limited to, the three (3) double storey development at 122A Parkers Road / 2A & 2B Eveline Avenue situated 120 metres to the south-west of the subject site. The design response also makes appropriate architectural reference to the existing housing stock, in the form of façade articulation, window and door proportions, roof form, porch features and visually compatible garage provision and arrangement. Furthermore, façade articulation coupled with landscaping alleviates hard surfacing. It is concluded that the proposal, subject to conditions on any permit issued, has been carefully considered to produce a site responsive design evidently drawing upon existing design features of the neighbourhood, whilst addressing the site constraints, in a manner which ensures no unreasonable material detriment to adjoining properties.		
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, subject to conditions on any permit issued
	Schedule to GR22: 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
Assessment: A 2.0m high front fence is proposed, which is consistent with the trend of front fencing heights in the immediate area and meets the standard to the Zone. There is an established rhythm of high front fences along both Blanche Avenue and Isabella Street. The proposal seeks to construct a front fence in order to enclose the Secluded Private Open Space of proposed Dwelling 2. Whilst the fencing in principal is supported, the proposed paling fence is more akin to common boundary fencing and, as such, is not considered a suitable response to the preferred front fencing character in the neighbourhood. A condition of any permit issued is to require the front fence associated with Dwelling 2, to have its materials revised to incorporate high quality materials (i.e. brick pillar with slat infills). Subject to conditions on any permit issued, the Objective of Clause 55.06-2 is met.		
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.		

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

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.
Assessment: It is understood that all the facilities required for the development can be accommodated within the development. Site services such as clotheslines, mailboxes and bin storage locations have been nominated on the respective plans and located appropriately.		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 The objector concerns have largely been addressed in the body of this report.

13.2 The following objector concerns, however, remain outstanding:

Ground(s)	Response
Damage to tree at front of property	<p>The <i>Liquid amber styraciflua</i> (Sweet Gum) on the adjoining property known as No. 3 Blanche Avenue is nominated to be retained as part of this application. Council's Vegetation Management Officer's, upon conducting a preliminary assessment of the site and surrounds requested additional information in the form of a Hydro-excavation Root Investigation along all areas of encroachment (proposed crossover, driveway and building footprint) within the Tree Protection Zone of the Sweet Gum. Council's Vegetation Management Officers were also present on site during the undertaking of the root investigation, to oversee and inspect the results.</p> <p>The Tree Root Investigation Report prepared by Paul Jameson noted the presence of several structural roots within areas of proposed construction and recommended several changes to the proposal.</p> <p>The proposed plans have been amended in line with these recommendations and Council is satisfied that the neighbouring Liquidambar will remain viable provided it is protected during development.</p> <p>Furthermore, the submission and endorsement of a Tree Management Plan will be a condition of any permit issued.</p>
On-street congestion	This is not a relevant planning consideration under the provisions of the Planning Scheme, nor the <i>Planning and Environment Act 1987</i> .
Street flooding	The site is subject to a Special Building Overlay, whereby Melbourne Water is the Relevant Floodplain Management Authority. Subject to conditions included on any permit issued, Melbourne Water does not object to the proposal. Council's Development Engineers have assessed the proposal and require the inclusion of a condition on any permit issued which restricts stormwater discharge to the maximum allowable flowrate of 5.9L/s. Accordingly, subject to conditions on any permit issued, the proposal will not result in detrimental impacts to the surrounding local drainage network.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

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 55** of the Kingston Planning Scheme

15.0 RECOMMENDATION

- 15.1 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 on land subject to a Special Building Overlay at 2 Isabella Street, Parkdale, 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 advertised plans prepared by Jess Ant Architects, Project No. 18-055, dated 18/07/2019, submitted to Council on 23/07/2019, but modified to show:
 - a. a notation on the Ground Floor Plan which reads: 'vehicle crossings must be constructed at a 90 degree alignment with the kerb on Blanche Avenue and Isabella Street and all internal driveways must align with the existing / proposed vehicle crossing';
 - b. the 2000L rainwater tank, to each dwelling, nominated to have water re-used for toilet flushing;
 - c. the provision of sliding doors (or similar) to the storage and laundry areas within the garage of Dwelling 1, so as not to encroach within the required 6.0 metre car park length;
 - d. the provision of corner splays in accordance with Clause 52.06-9. Mail boxes are required to be no greater than 900mm in corner splay areas and must be shown on the Elevation Plan;
 - e. all first floor obscured habitable room windows, where required in accordance with Standard B22, nominated to be no greater than 25% transparent;
 - f. the front fence associated with Dwelling 2, revised to incorporate high quality materials (i.e. brick pillar with slat infills);
 - g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - h. the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

- 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 with all plants to be to the satisfaction of the Responsible Authority;
- 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. 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;
- iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
- v. 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);
- vi. One (1) native canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted in the front setback of Unit 1;
- vii. One (1) native canopy tree capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the front setback of Unit 2;
- viii. One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the secluded private open space of each dwelling;
- ix. 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;
- x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
- xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- i. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan;
- j. Any changes as required by Condition 4;
- k. The submission of a Sustainable Design Assessment to the satisfaction of the Responsible Authority, as required by Condition 10; and
- l. Any changes required by Conditions 11 – 17 (Melbourne Water Conditions).

Endorsed Plans

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

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

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 Management and Protection Plan

4. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
- a. A Tree Management Plan (written report) must provide details of:
 - i. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - ii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iii. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - iv. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - v. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - vi. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - vii. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - viii. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. A notation to refer to the Tree Management Plan.
5. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

6. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Trees

7. Prior to the construction of any crossovers as shown on the endorsed development plans, the north-eastern-most *Corymbia ficifolia* (Red-flowering Gum) street tree located in the Isabella Street 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 5.9L/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 a 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.

Melbourne Water Conditions

11. The dwelling/s must be constructed with finished floor levels set no lower than 15.13 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 14.83m to AHD.
12. The garage/s must be constructed with finished floor levels set no lower than 14.83 metres to Australian Height Datum (AHD).
13. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
14. Any new verandah(s) /decking(s) must be constructed with unenclosed foundations to allow for the passage of overland flows.
15. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
16. All open space within the property (outside building envelopes) must be set at existing natural surface level so as not to obstruct the passage of overland flows.
17. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Infrastructure and Road Works

18. 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.
19. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
20. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
21. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
22. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
23. All front and side fences must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

24. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

25. 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.
26. 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

27. 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.
28. 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.

Time Limits

29. 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:** It is noted the development includes fences to be built over the easement. Separate consent from Council and any other relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.
- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** 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:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water Customer Service on telephone 131722.

**City of Kingston
Planning Committee Meeting**

Agenda

23 October 2019

Note: The applicable flood level for the property is 14.83 metres to Australian Height Datum (AHD).

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 fee for removal of the street tree (Asset ID 38249) from the nature strip is \$698.25 (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 owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.


Or in the event that the Planning Committee determines to refuse the application, it could do so on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

Appendix A: Brick Dwellings in Vicinity of Subject Site:



Appendices

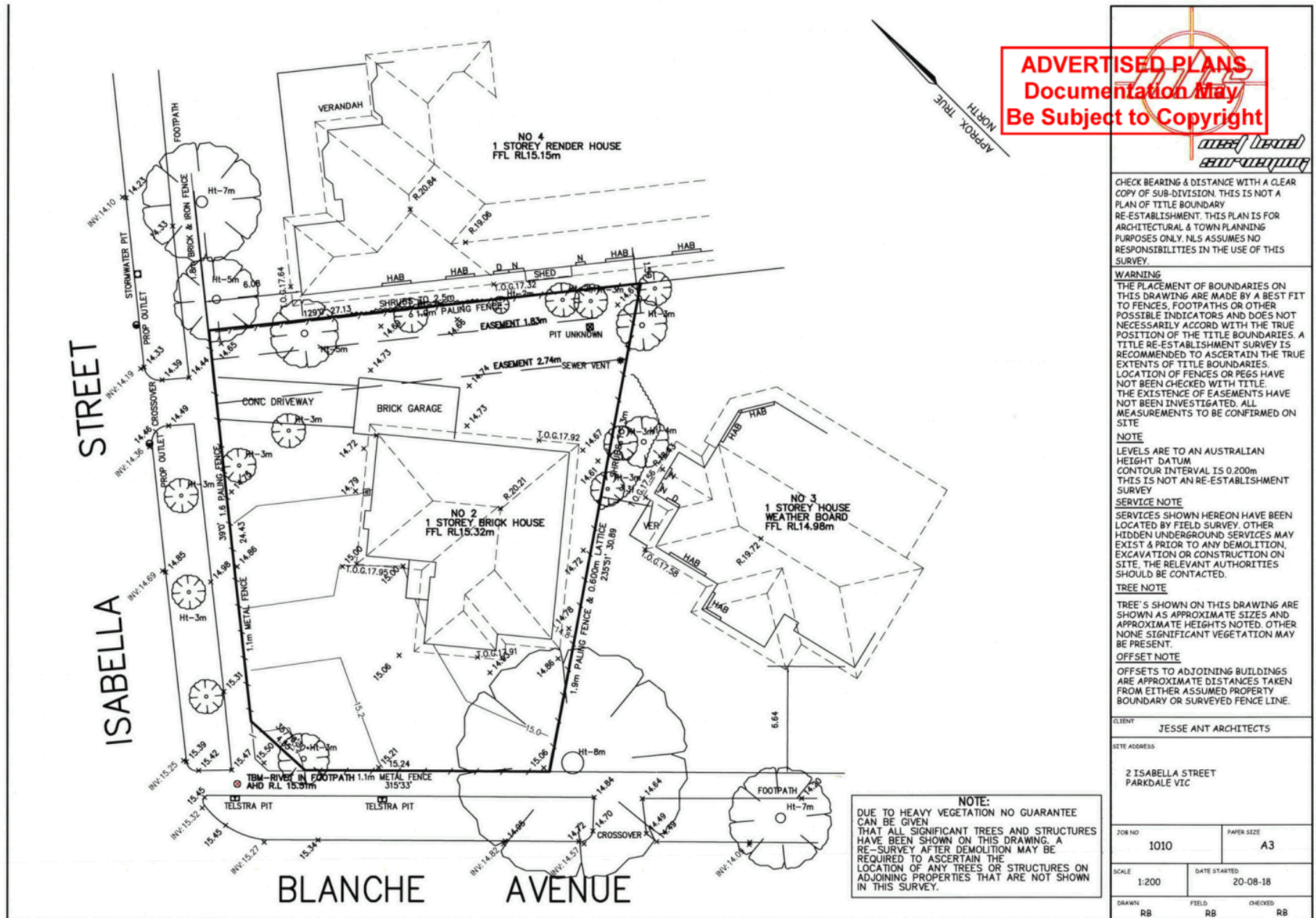
Appendix 1 - KP-2018/1021 - 2 Isabella Street, PARKDALE VIC 3195 - Advertised Plans (considered plans and attachment to Council Report) (Ref 19/228040) 

Author/s: Tim Yildirim, Statutory Planner
Reviewed and Approved By: Jeremy Hopkins, Team Leader Statutory Planning
Ian Nice, Manager City Development

4.4

KP-2018/1021 - 2 ISABELLA STREET, PARKDALE

- 1 KP-2018/1021 - 2 Isabella Street, PARKDALE VIC 3195 -
Advertised Plans (considered plans and attachment to
Council Report)..... 207



PROPOSAL FOR 3 DOUBLE STOREY TOWNHOUSES
AT 2 ISABELLA STREET, PARKDALE

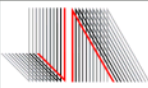
TOWN PLANNING DRAWING

LIST OF ADVERTISED PLANS
Documentation May
Be Subject to Copyright

- TP00 - COVER SHEET
- TP01 - SITE LOCATION PLAN
- TP02 - NEIGHBORHOOD CHARACTER
- TP03 - DESIGN RESPONSE
- TP04 - DEMOLITION PLAN
- TP05 - STREETScape
- TP06 - GROUND FLOOR PLAN
- TP07 - FIRST FLOOR PLAN
- TP08 - ROOF PLAN
- TP09 - PROPOSED ELEVATIONS
- TP10 - PROPOSED ELEVATIONS
- TP11 - SHADOW DIAGRAMS
- TP12 - SHADOW DIAGRAMS

Notes

- ALL NOT TO SCALE FROM DRAWINGS
- SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORK COMMENCEMENT.
- ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, LANDSCAPE ARCHITECTURAL DRAWINGS.
- LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORK COMMENCEMENT.



JESSE ANT ARCHITECTS
6 / 1153-1157 Burke Road, Kew VIC 3101
Ph: (03) 9817 6788
Email: info@jesseantarchitects.com.au; www.jesseantarchitects.com.au
ABN: 29 469 352 797

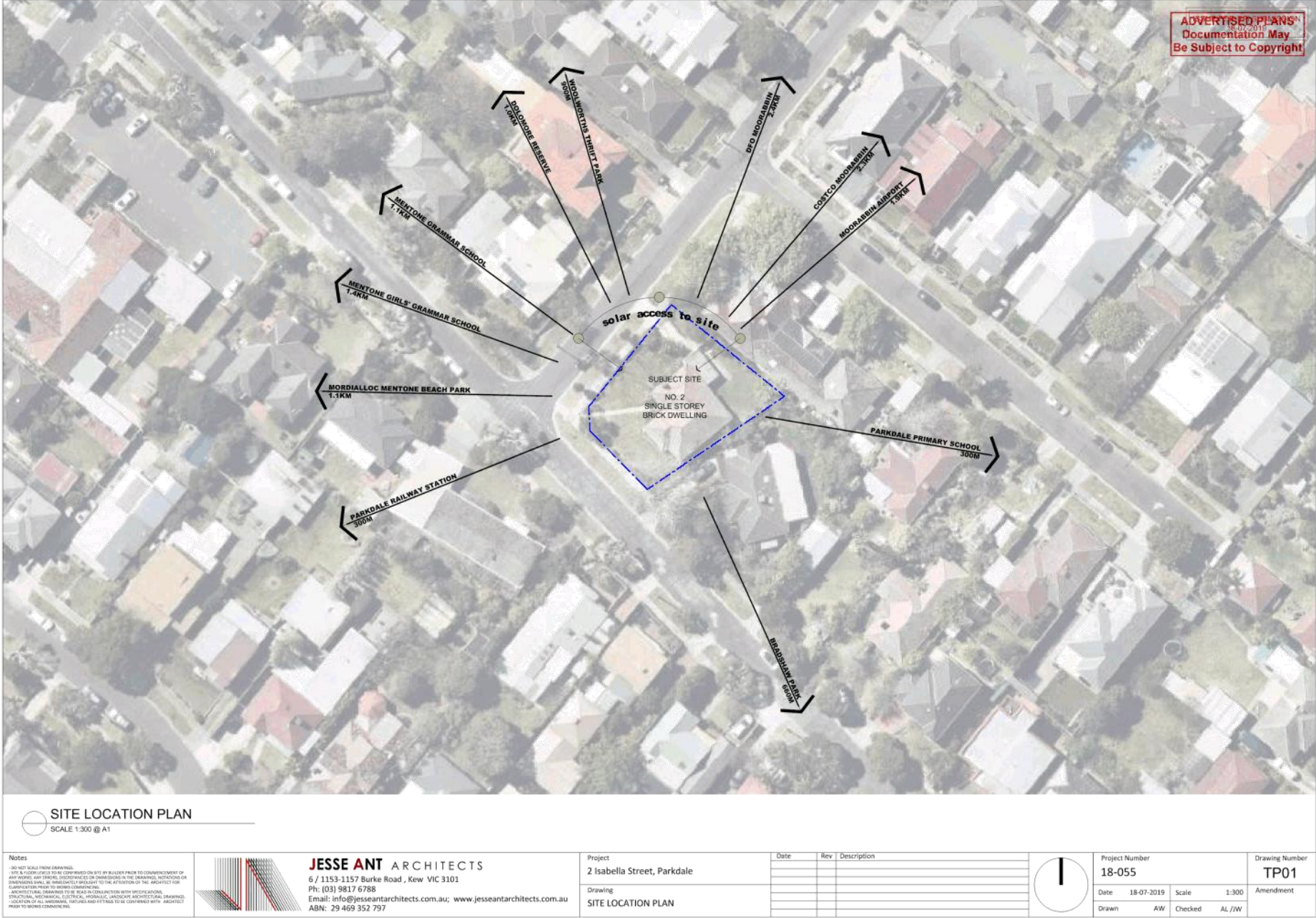
Project
2 Isabella Street, Parkdale

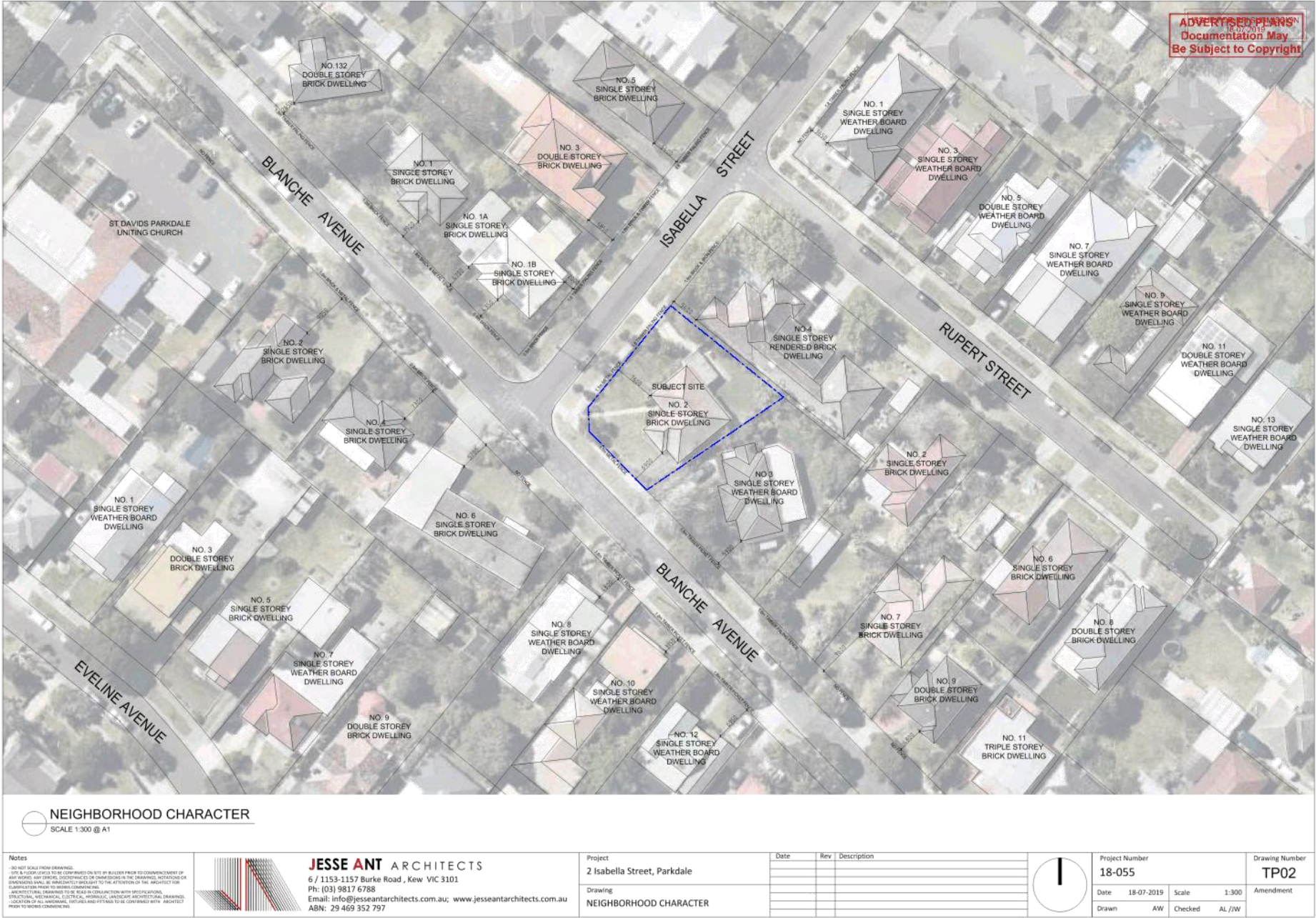
Drawing
COVER SHEET

Date	Rev	Description

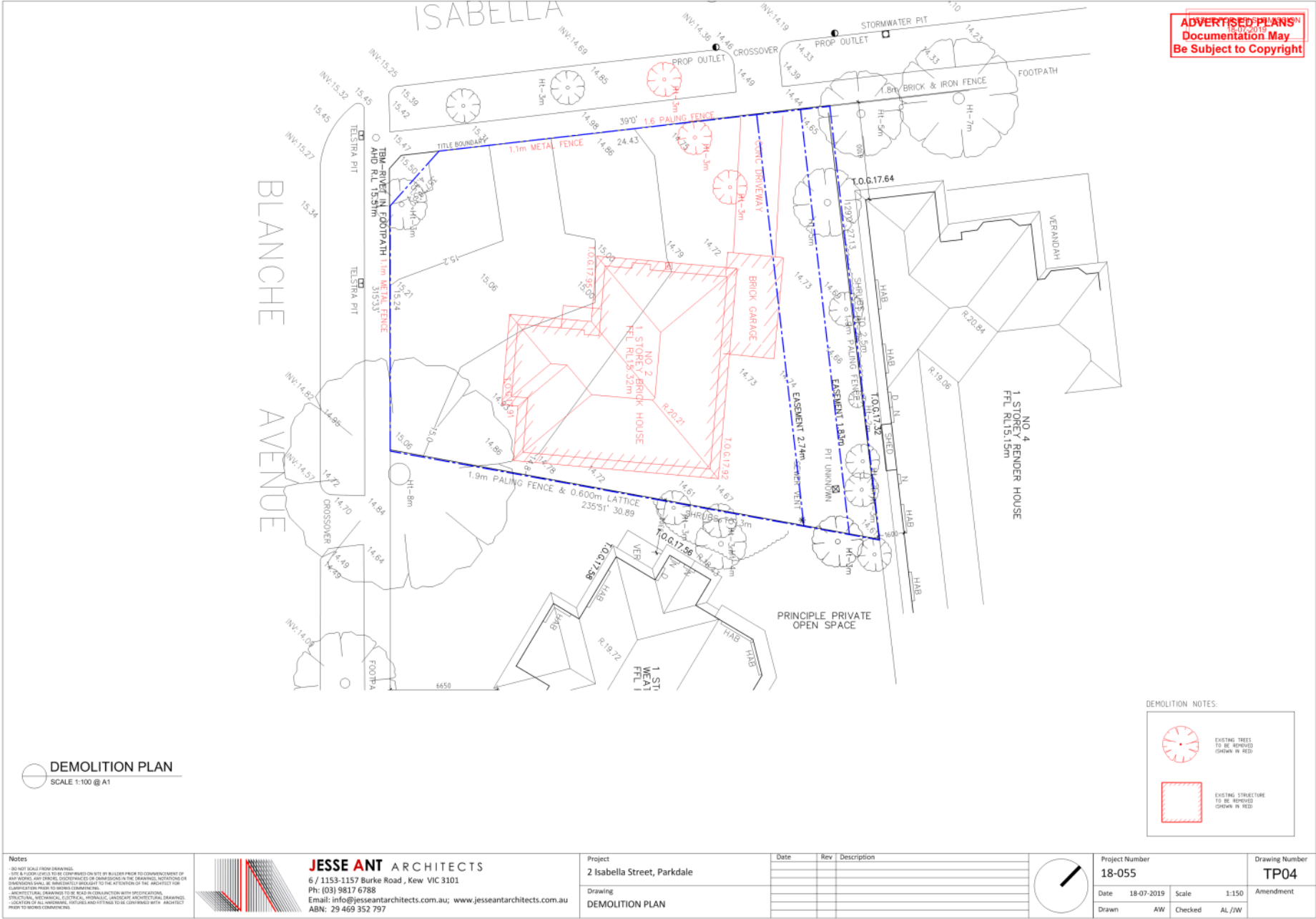


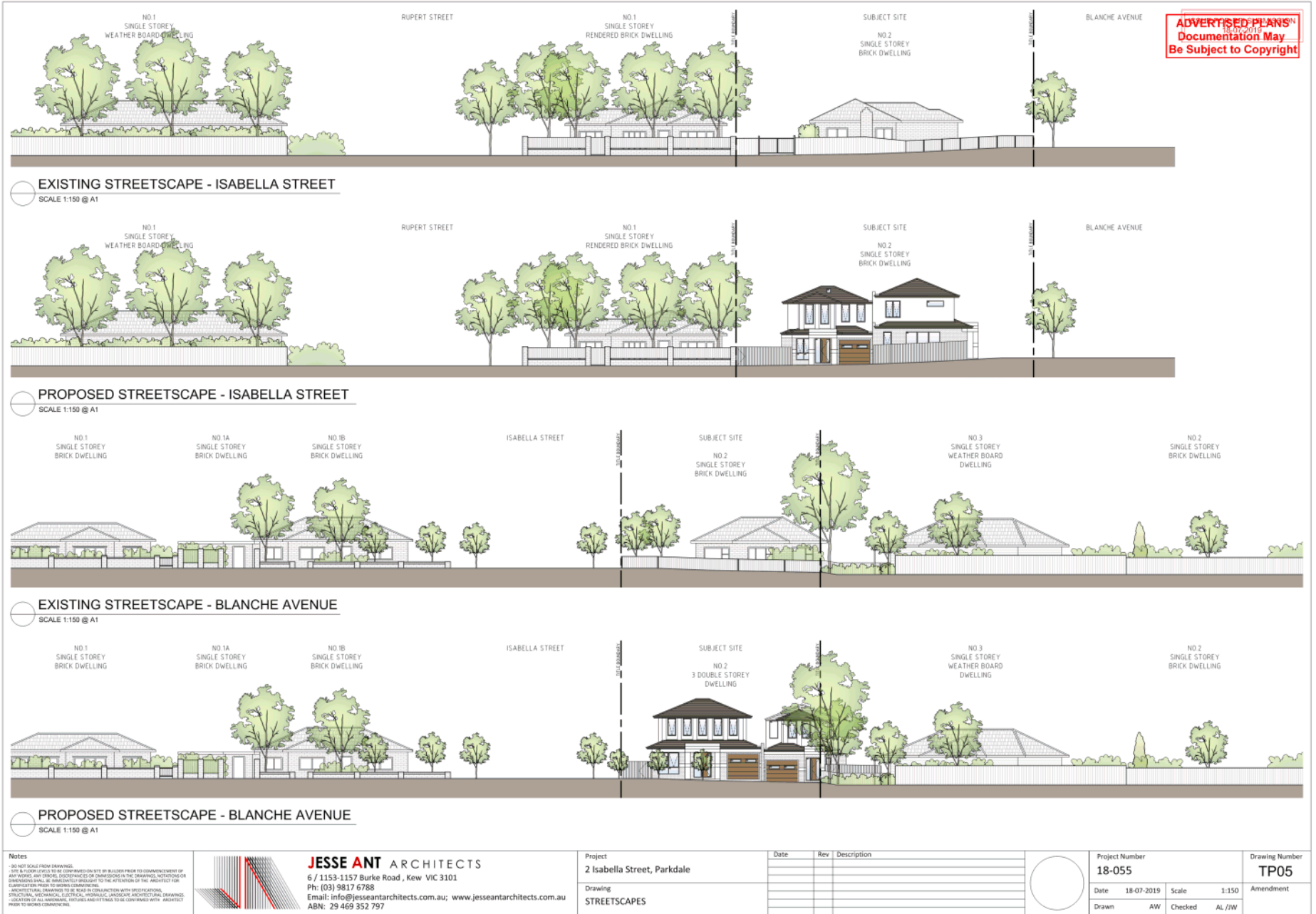
Project Number 18-055		Drawing Number TP00	
Date	18-07-2019	Scale	Amendment
Drawn	AW	Checked	AL / JW





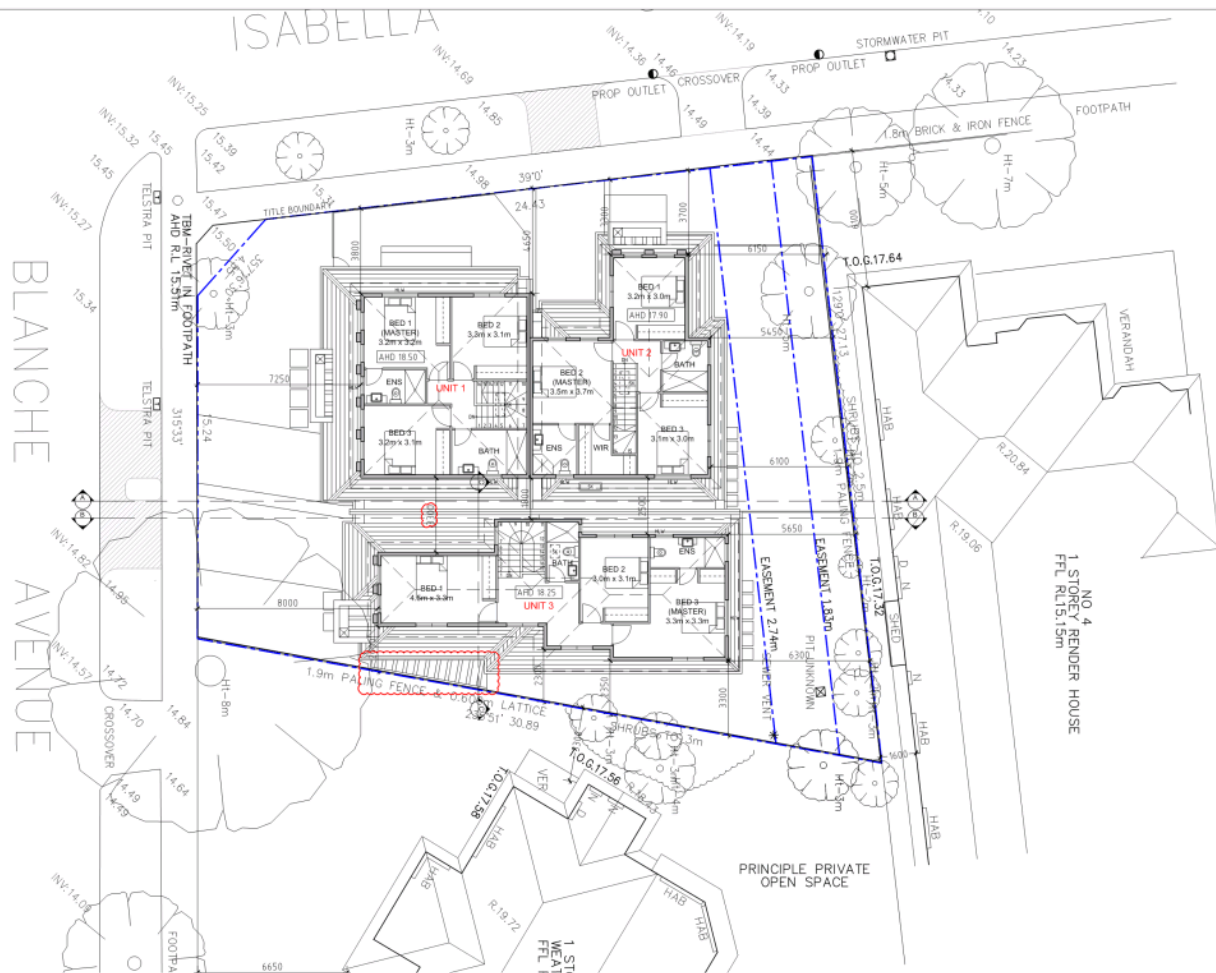








ADVERTISED PLANS
Documentation May
Be Subject to Copyright



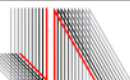
FIRST FLOOR PLAN
SCALE 1:100 @ A1

NOTES

- GLAZING WILL BE CHOSEN IN ACCORDANCE WITH THE ENERGY RATING REQUIREMENTS AT THE BUILDING APPROVAL STAGE. HOWEVER, AS MINIMUM DOUBLE GLAZING WILL BE PROVIDED TO ALL LIVING AREAS AND BEDROOMS.

Notes

20 MET SCALE FROM DRAWING.
SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES OR DISAGREEMENTS IN THE DRAWING, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORK COMMENCEMENT.
ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, LANDSCAPE ARCHITECTURE DRAWINGS.
LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORK COMMENCEMENT.



JESSE ANT ARCHITECTS
6 / 1153-1157 Burke Road, Kew VIC 3101
Ph: (03) 9817 6788
Email: info@jesseantarchitects.com.au; www.jesseantarchitects.com.au
ABN: 29 469 352 797

Project
2 Isabella Street, Parkdale

Drawing
FIRST FLOOR PLAN

Date Rev Description

Date	Rev	Description



Project Number

18-055

Date

18-07-2019

Drawn

AW

Checked

AL

/JW

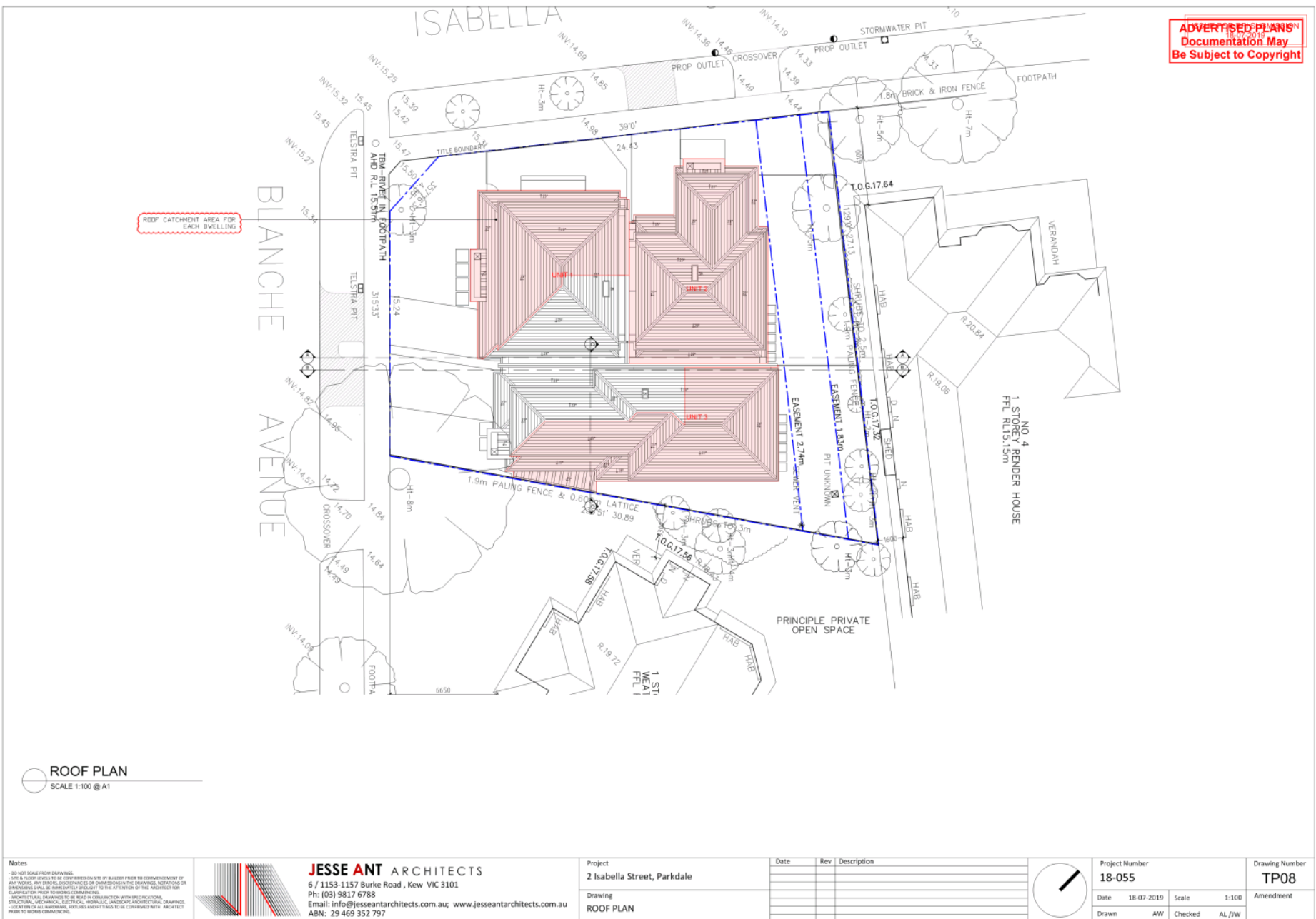
Scale

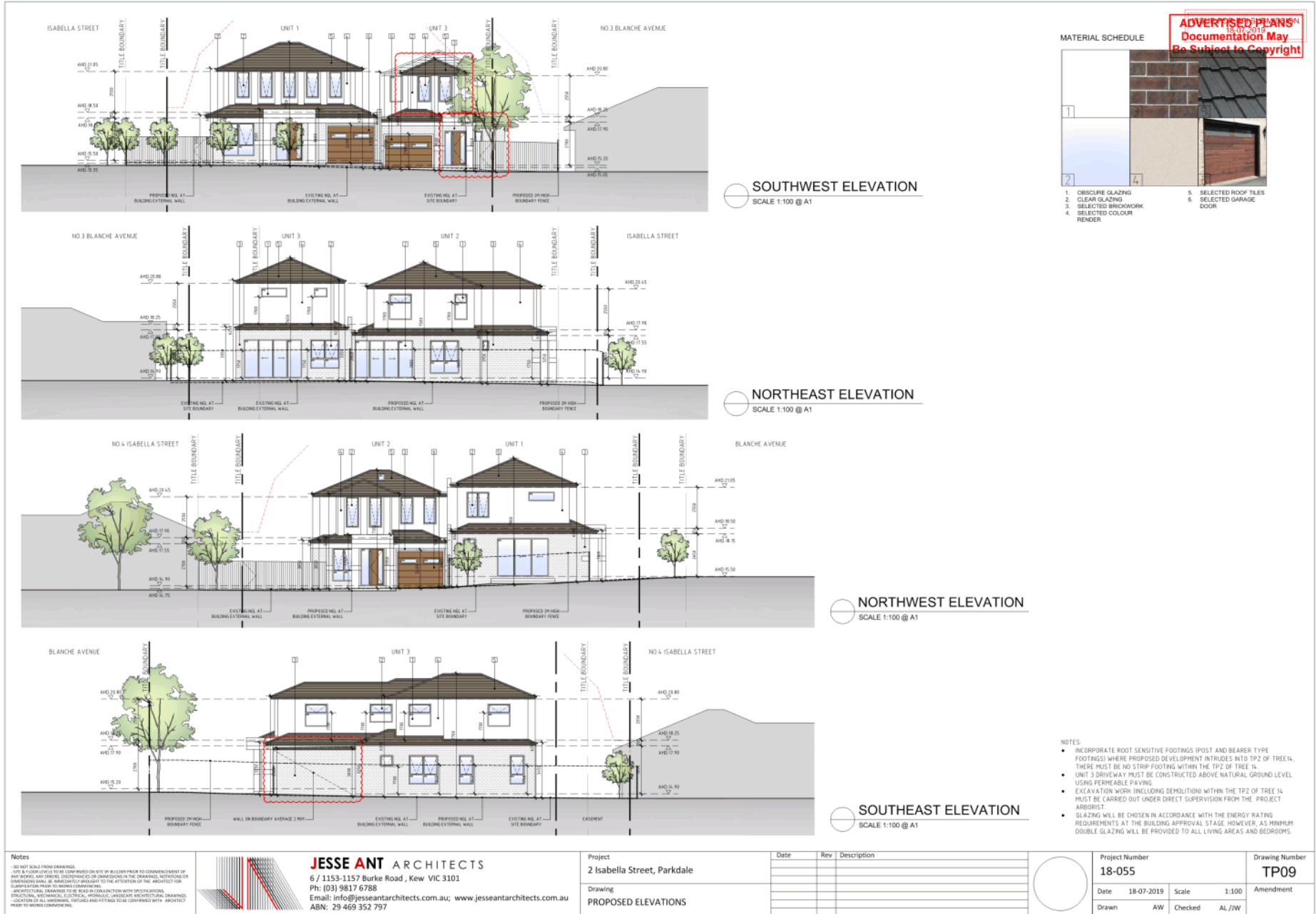
1:100

Drawing Number

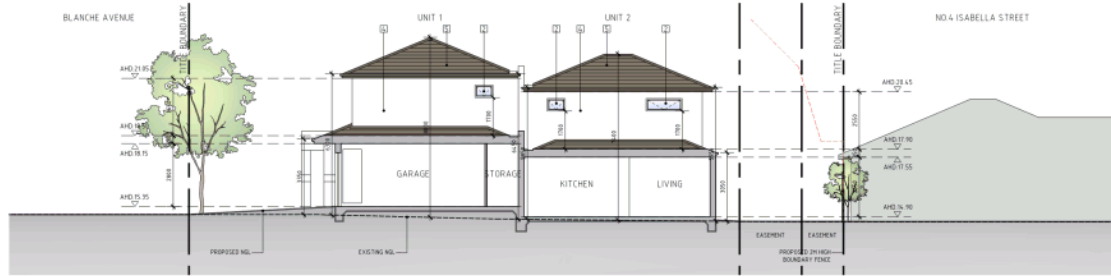
TP07

Amendment

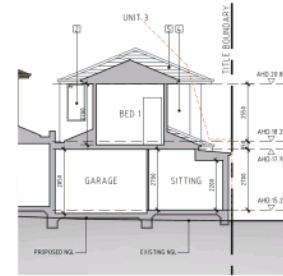




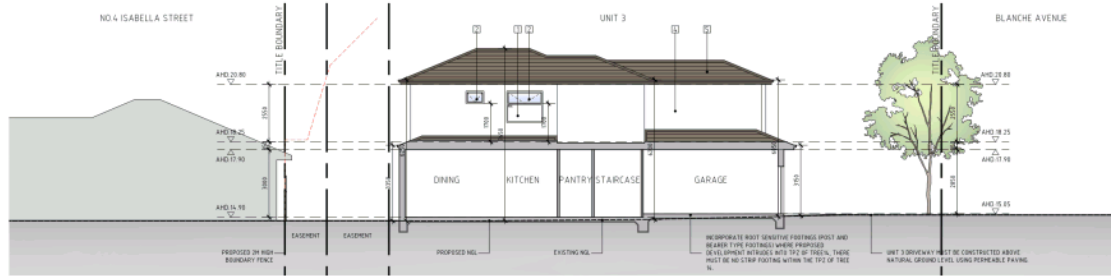
ADVERTISED PLANS
18-07-2019
Documentation May
Be Subject to Copyright



SECTION AA - UNIT 1&2 SOUTHEAST ELEVATION
SCALE 1:100 @ A1



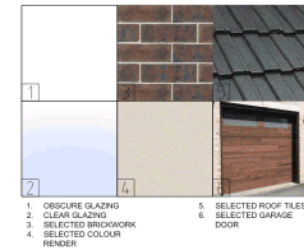
SECTION CC - UNIT 3
SCALE 1:100 @ A1



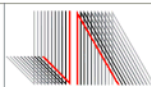
SECTION BB - UNIT 3 NORTHWEST ELEVATION
SCALE 1:100 @ A1

- NOTES:
- INCORPORATE ROOT SENSITIVE FOOTINGS (POST AND BEARER TYPE FOOTINGS) WHERE PROPOSED DEVELOPMENT INTRUSION INTO TPZ OF TREE 14. THERE MUST BE NO STRIP FOOTING WITHIN THE TPZ OF TREE 14.
 - UNIT 3 DRIVEWAY MUST BE CONSTRUCTED ABOVE NATURAL GROUND LEVEL USING PERMEABLE PAVING.
 - EXCAVATION WORK (INCLUDING DEMOLITION) WITHIN THE TPZ OF TREE 14 MUST BE CARRIED OUT UNDER DIRECT SUPERVISION FROM THE PROJECT ARBORIST.
 - GLAZING WILL BE CHOSEN IN ACCORDANCE WITH THE ENERGY RATING REQUIREMENTS AT THE BUILDING APPROVAL STAGE. HOWEVER, AS MINIMUM DOUBLE GLAZING WILL BE PROVIDED TO ALL LIVING AREAS AND BEDROOMS.

MATERIAL SCHEDULE



Notes
- ALL NOT SCALE FROM DRAWING.
- SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORK. ANY CHANGES, CORRECTIONS OR OMISSIONS IN THE DRAWING, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY REPORTED TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORK COMMENCEMENT.
- ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, LANDSCAPE ARCHITECTURAL DRAWINGS.
- LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORK COMMENCEMENT.



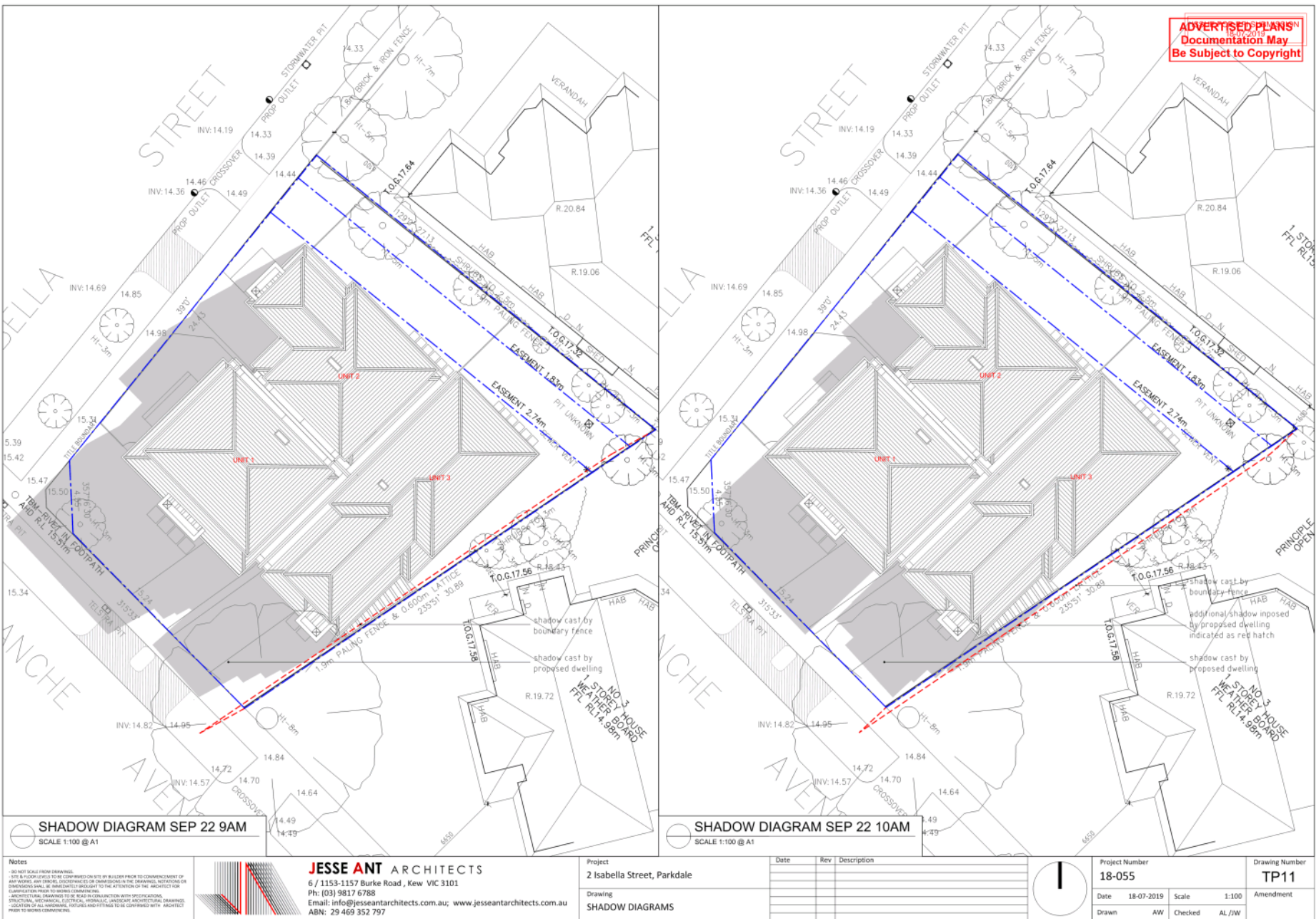
JESSE ANT ARCHITECTS
6 / 1153-1157 Burke Road, Kew VIC 3101
Ph (03) 9817 6788
Email: info@jesseantarchitects.com.au; www.jesseantarchitects.com.au
ABN: 29 469 352 797

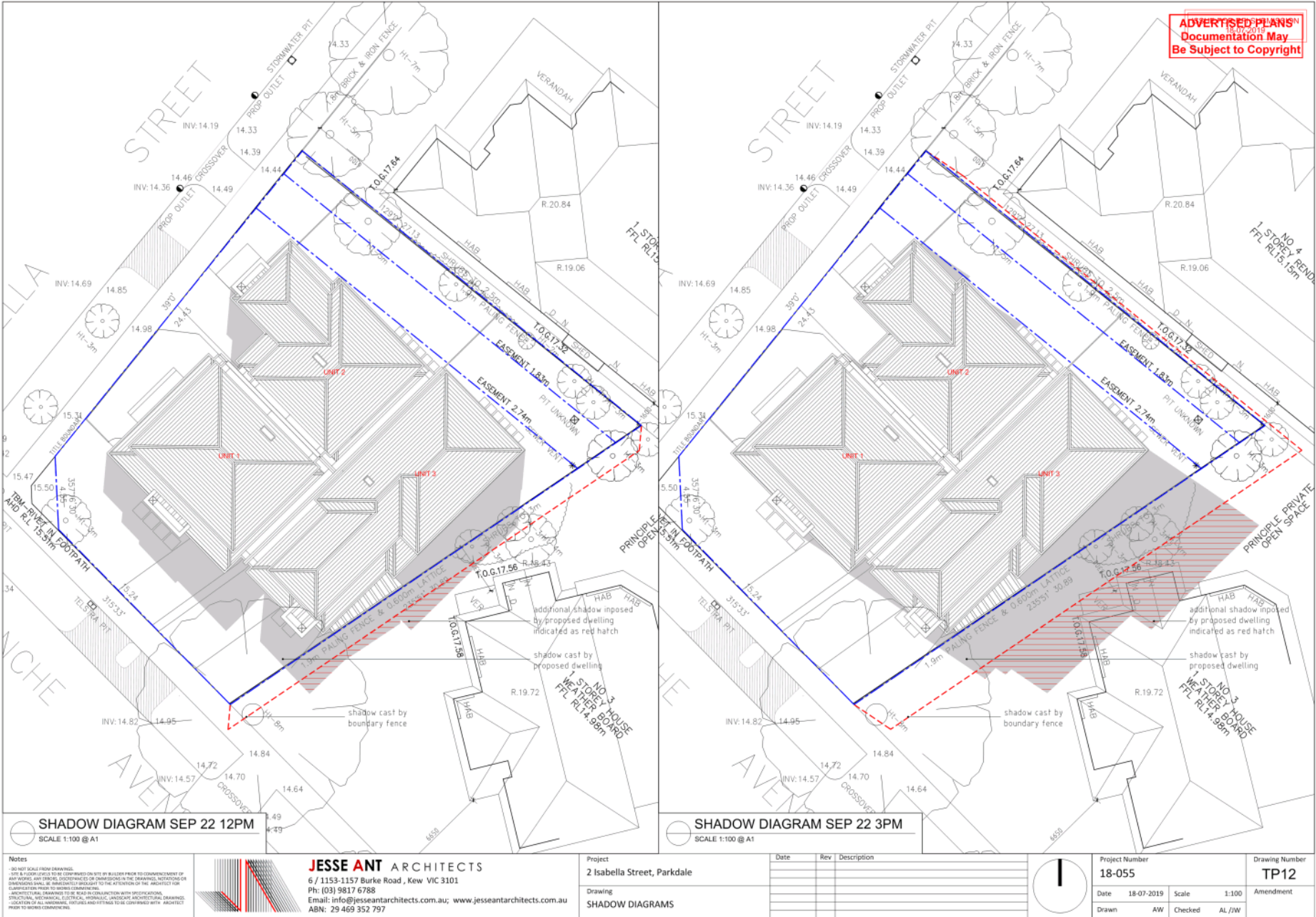
Project
2 Isabella Street, Parkdale
Drawing
PROPOSED ELEVATIONS

Date	Rev	Description



Project Number 18-055	Drawing Number TP10
Date 18-07-2019	Scale 1:100
Drawn AW	Checked AL/JW
	Amendment





Planning Committee Meeting

23 October 2019

Agenda Item No: 4.5

KP-2019/287 - 269-275 CENTRE DANDENONG ROAD, DINGLEY VILLAGE

Contact Officer: James Leonard, Senior Statutory and Business Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2019/287 – 269-275 Centre Dandenong Road, Dingley Village.

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.

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Removal of Covenant E592137 contained within CP107036 Vol. 9257 Fol. 334 at 269-275 Centre Dandenong Road, Dingley Village, subject to the condition contained within this report.

1. Executive Summary

Address	269-275 Centre Dandenong Road, Dingley Village		
Legal Description	CP107036 Vol. 9257 Fol. 334		
Applicant	Rogers & Every Lawyers		
Planning Officer	James Leonard		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential Zone Schedule 3		
Overlays	Clause 44.05 – Special Building Overlay		
Particular Provisions	Clause 52.02 – Easements, Restrictions and Reserves		
Permit Trigger/s	Clause 52.02 – A permit is required to create, vary or remove an easement or restriction.		
APPLICATION / PROCESS			
Proposal	Removal of Covenant E592137 contained within CP107036 Vol. 9257 Fol. 334		
Reference No.	KP-2019/287	RFI Received	01/08/2019
App. Received	15/05/2019	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Yes	Advertising Completed	26/08/2019
	Commenced		
	08/08/2019		
S.55 Referrals	N/A		
Internal referrals	N/A		
Objection(s)	Two (2). Trim checked 11/09/2019		
LEGISLATIVE			
Covenant/other Restriction	Yes – Covenant E592137		
Aboriginal Cultural Sensitivity Area	Yes		
CHMP	Exempt		

2. Proposal

Planning permission is sought for the removal of Covenant E592137 (the covenant) from the subject site. The covenant burdens the land contained within Plan of Consolidation 107036 by restricting the land to be used only for a Place of Recreation and Public Resort.

3. Permit Triggers

Clause 52.02 Easements, Restrictions and Reserves.

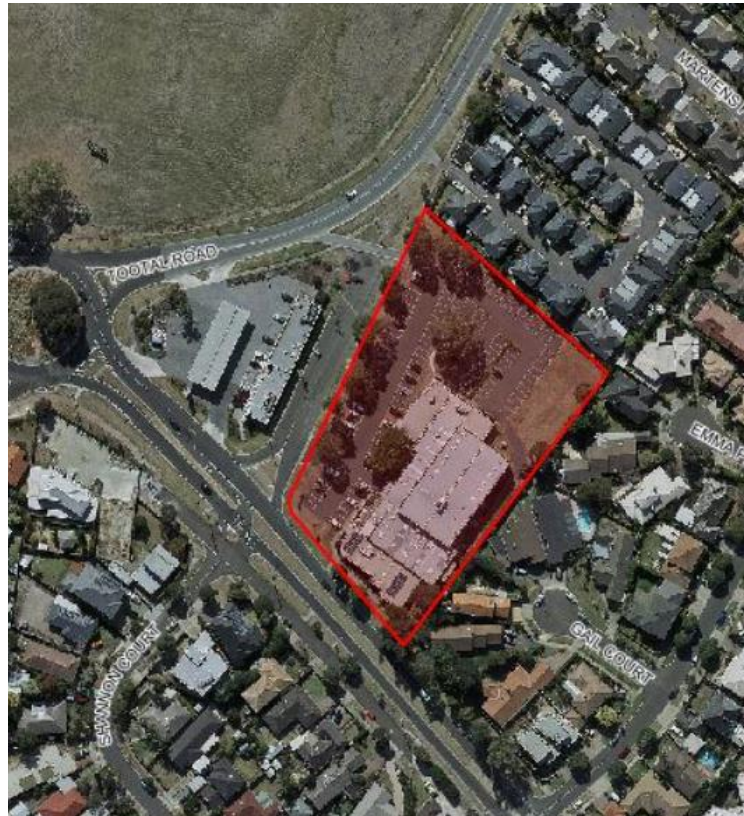
- A planning permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction.

4. Subject Site

The land burdened by the covenant is contained in CP107036 Vol. 9257 Fol. 334.

The site is located on the north side of Centre Dandenong Road (ex north east corner with the former part of Tootal Road), Dingley Village. The land is privately owned and is currently occupied by a health club incorporating a pool, a chiropractic clinic and associated car parking.

The following aerial image is obtained from Councils GIS Mapping, September 2019:



1. The land which is the subject of the covenant is now part of the land comprised in Certificate of Land Volume 9257 Folio 334 and Tangoro Pty Ltd has been the registered proprietor of that titled land since 17th February 2004.

5. Planning History

In 2004 Council issued a Planning Permit to remove this Covenant (Planning Application KP-2004/323) however, the applicant did not register the covenant removal with the titles office prior to the expiry of the permit. Consequently, the covenant remains on the title.

6. Covenant Background

The covenant was placed on the parcel of land by Mobil Oil Australia in 1972 and prohibits the use of the land for anything other than a Place of Recreation and Public Resort, i.e. public open space.

At the time the covenant was placed on the land, Mobil Oil Australia was the proprietor of the land and adjoining allotments. These allotments are now identified as the petrol station, Tootal Road reserve and a small tree reserve, all of which have benefit to the covenant.

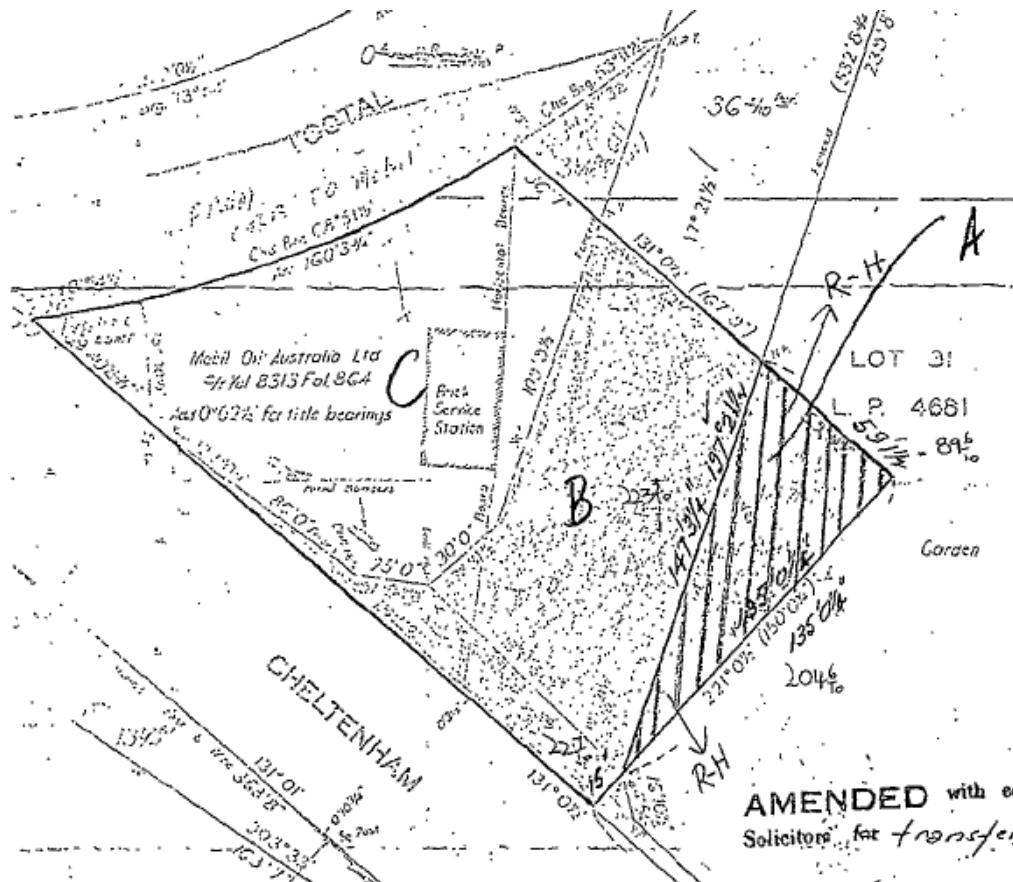
Over time, and with the realignment of Tootal Road, Mobil Oil Australia is no longer the registered proprietor of any of the parcels which are beneficiaries to the covenant, with two of the three benefiting parcels being transferred to the City of Kingston, and the parcel of land which occupies the petrol station subsequently transferred to Juspat Pty Ltd.

A review of the parent titles indicates the land in the surrounding area was transferred to the City of Springvale, for the purpose of the Tootal Road realignment, which at the time ran between the subject site and the then Mobil Petrol Station. After completion of the road realignment, the parcel of land was sold and transferred, from the City of Springvale to the then owners of the land. This transfer occurred in 1975.

7. Burdened Land

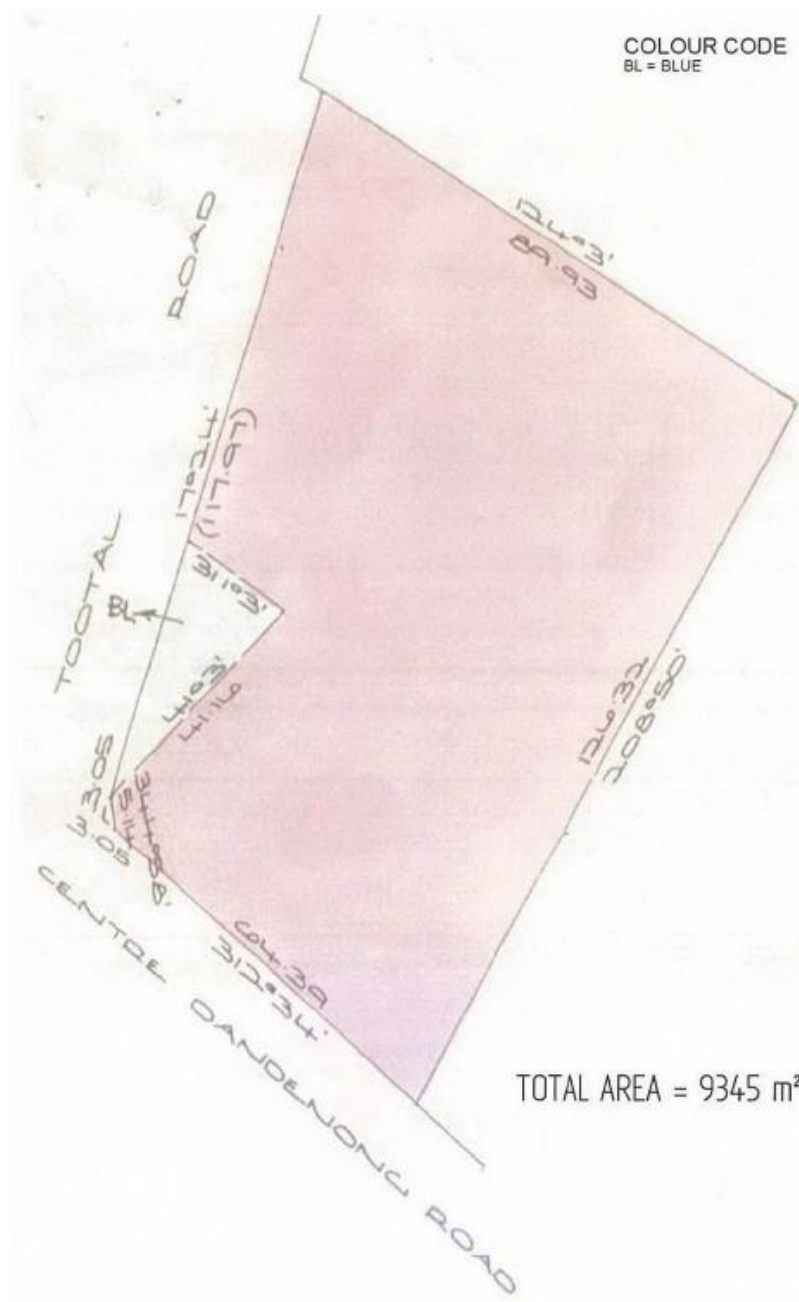
The excerpt below identifies the land which was originally burdened by the covenant in dark pink.

The land burdened by the covenant was subsequently subdivided into three (3) lots - the hatched land 'A', 'B' and 'C' (shown in excerpt below):

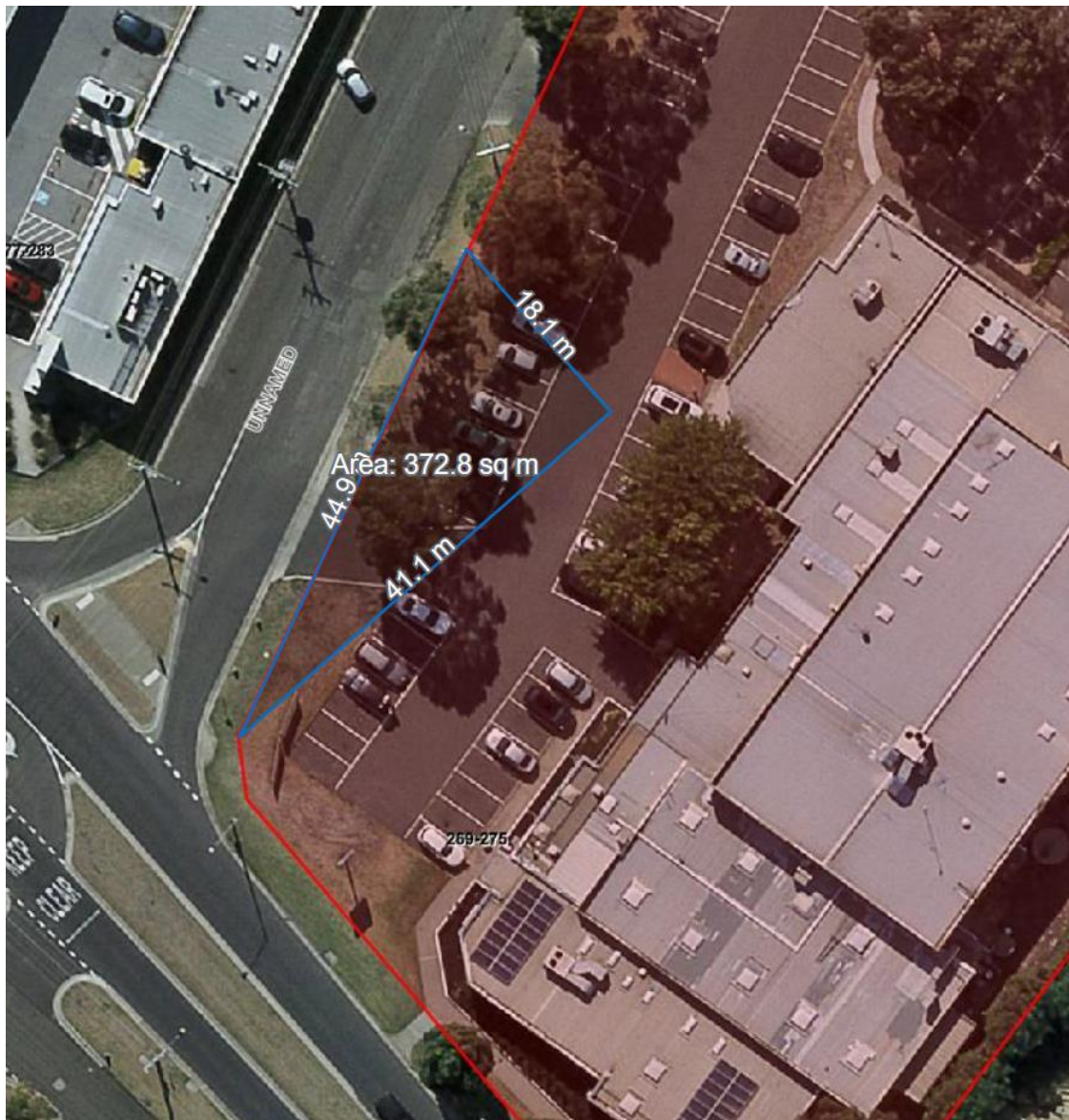


Tootal Road and Centre Dandenong Road were subsequently realigned and Lot A (above) was consolidated with the adjoining land to the north and east. This resulted in Plan of Consolidation number CP107036 which remains current.

The section of the Consolidated Plan still burdened by the covenant is shown marked 'BL' below.



The following is an **approximate** overlaid outline of the area burdened by the covenant imposed on a current aerial photograph. This demonstrates how the site is affected by the covenant, which primarily includes car parking and landscaping associated with the fitness centre.



As per the approximate overlay above, it is identified that only part of the front of the site was intended to be burdened by the covenant with the majority of the site including the location of the health club and clinic building not affected by the covenant. The subject site has an area of approximately 9336m². The burdened land affects approximately 370m², or 4% of the overall site. The balance of the land which is approximately 8966m² is not burdened by the covenant.

8. Surrounding Land

The following map illustrates the subject site in its surrounding context, with the subject site being located within the General Residential Zone Schedule 3.



North	18 / 65-67 Tootal Road, Dingley Village 19 / 65-67 Tootal Road, Dingley Village 21 / 65-67 Tootal Road, Dingley Village 23 / 65-67 Tootal Road, Dingley Village 25 / 65-67 Tootal Road, Dingley Village
East	Tree Reserve 3 Gail Court, Dingle Village 4 Gail Court, Dingle Village 5 Gail Court, Dingle Village 6 Gail Court, Dingle Village 5 Emma Place, Dingley Village 6 Emma Place, Dingley Village
South	Centre Dandenong Road 1 Shannon Court, Dingley Village 2 Shannon Court, Dingley Village 234 Centre Dandenong Road, Dingley Village 236 Centre Dandenong Road, Dingley Village
West	Unnamed Road Reserve (Formerly Tootal Road) 277-283 Centre Dandenong Road, Dingley Village 71 Tootal Road, Dingley Village Tootal Road

9. Advertising

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers, sending notices to all beneficiaries, maintaining two notices on site for fourteen (14) days and placing notice in the relevant local newspaper in accordance with the requirements of Section 52 of the *Planning and Environment Act 1987*.

10. Objections

Two (2) objections to the proposal were received. The grounds of objection raised are summarised as follows:

- Reduced quality of lifestyle from the closure of the existing Gym;
- Increased development;
- Traffic congestion.

Neither of the objectors are beneficiaries to the covenant; nonetheless these objections have been considered under the relevant decision guidelines. Refer to Section 11, below, for a discussion regarding objections from non-benefiting parties.

The application is solely for the removal of the covenant. No development is currently proposed. As the existing gym is privately owned and operated, the covenant does not prohibit the gym from ceasing operation. Council does not have the ability to require the gym to continue operation.

Any objection to over-development or increased traffic congestion would need to be addressed through a future planning application to develop the land, if one is proposed. The application to remove the covenant alone does not have any impact to the current development of the site, and traffic congestion within the immediate area.

11. Consideration of affected people

Under the Kingston Planning Scheme, a permit is required pursuant to Clause 52.02 to vary or remove a restriction from title. A restriction has the same meaning as in the *Subdivision Act 1988* and means a restrictive covenant which can be registered or recorded in the Register under the *Transfer of Land Act 1958*.

Before deciding on an application, Council must consider the following under Clause 52.02:

- The interests of **affected people**; and
- The decision guidelines in **Clause 65** of the Scheme.

In this case, affected people are considered to be primarily the owners of land benefiting from the covenant. In a recent decision relating to the variation of a restrictive covenant in *Potter v Macedon Ranges SC & Ors* the Tribunal adopted the findings of DP Gibson in *Hill v Campaspe SC* in relation to persons who were not beneficiaries to the covenant but were affected:

In Hill v Campaspe SC DP Gibson concluded that it was 'not only objectors who have a right to enforce a covenant or who are owners of land benefited by the covenant [that] can be parties to a proceeding to review a permit application to vary or remove a restriction under clause 52.02'. DP Gibson concluded there is nothing in the planning scheme that limits the right of third parties to object to such a permit application, there is no limitation on third party rights of notice and review in respect of applications under clause 52.02 and therefore there is no reason why persons who do not have the benefit of a covenant may object to its removal or variation. In reaching this conclusion DP Gibson considered removal or variation of a covenant under the legislation is not limited to only the effect on property law rights and where a proposal, is not barred by section 60(5) a question arises under clause 52.02 as to whether, as a matter of discretion, and on the basis of the planning merits in relation to clause 52.02 a permit should be granted.

Therefore, objections to the proposed covenant removal can be considered from all parties, including those who are not beneficiaries of the covenant, as they are affected people. The content of those objections is discussed at Section 10, above.

12. Beneficiaries of the covenant

The second category of affected people is those parties benefiting from the covenant. Furthermore, Section 60(5) of the *Planning and Environment Act 1987* states:

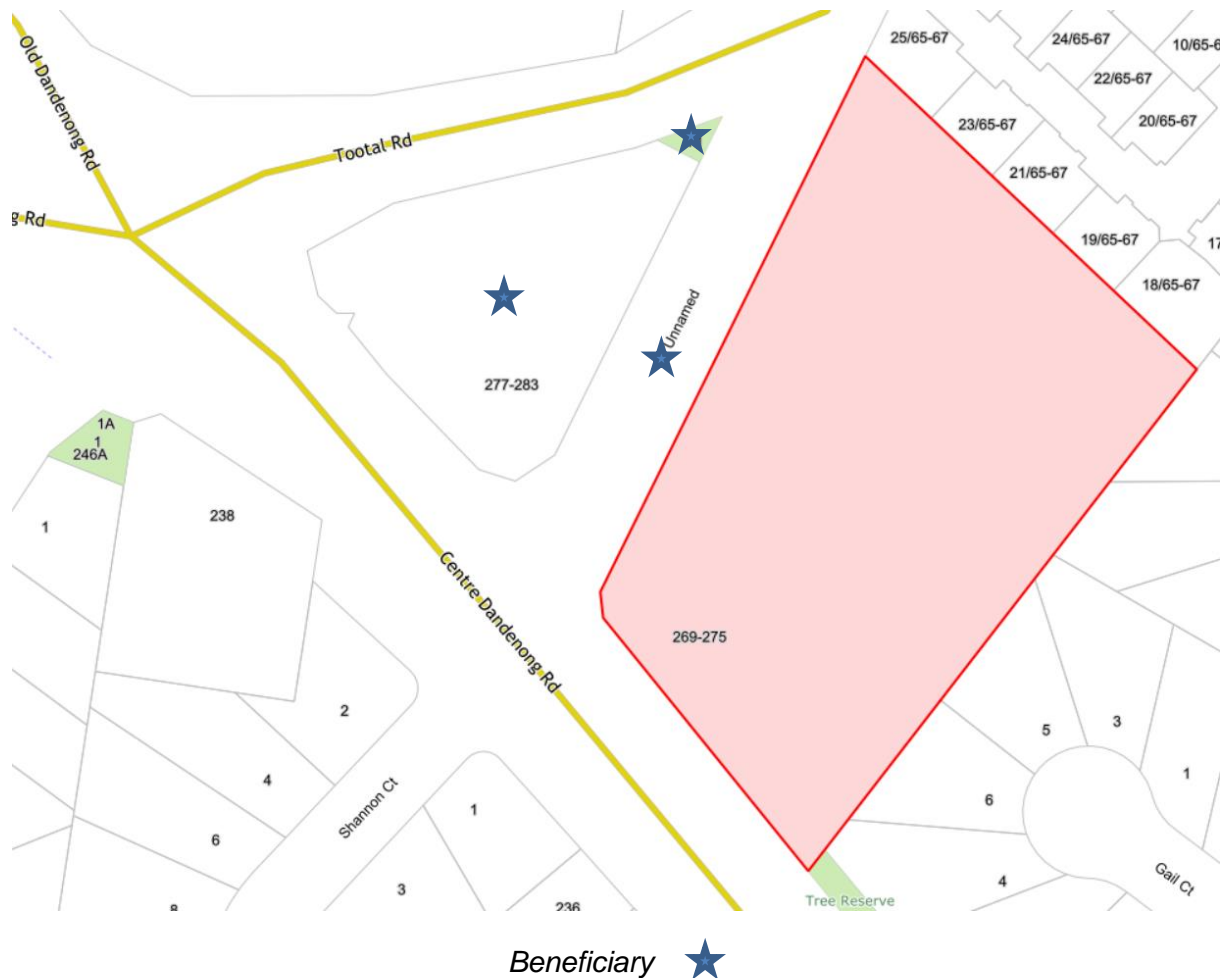
The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—

- a. the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) **will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and***
- b. if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

The beneficiaries are identified as ‘the transferors and their executors and the registered proprietor or proprietors from time to time of each and every lot on the said plan of subdivision save and except for the lot hereby transferred’.

As above, a search of the parent title confirms that the benefited land has been subdivided and is now the land in Certificates of Title:

Land Description	Volume / Folio	Property Address	Owner
Lot 2 PS 540349	Vol. 10934 Fol. 904	‘Tootals Road Reserve’ – 71 Tootal Road	Kingston City Council
Road R1 on PS 540349	Vol. 10934 Fol. 905	Tootal Road	Kingston City Council
Lot 1 PS 540349	Vol. 10934 Fol. 906	277-283 Centre Dandenong Road	Juspat Pty Ltd



No objection has been received by a beneficiary of the covenant. This is one factor in determining whether these affected people are likely to suffer any detriment of any kind (including any perceived detriment) from the removal of the covenant.

Given the lack of objections from benefiting parties and the grounds of objection outlined by the other affected objector parties, Council considers it unlikely that an affected party will suffer detriment (including perceived detriment) from the removal of the covenant.

Council must also consider the decision guidelines contained in Clause 65 of the Scheme. These are considerations that also determine whether affected parties are likely to suffer detriment as a result of the proposal.

13. Clause 65.01

In addition to Clause 52.02 of the Scheme, Council must consider, as appropriate, the decision guidelines of Clause 65.01:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

In respect to the covenant itself, it prohibits the use of the land for anything other than a place of recreation and public resort i.e. public open space. The subsequent consolidated of the land resulting in the parcel becoming part of the main body of land occupied by the fitness centre, and since developed with car parking and landscaping.

In recommending support for the removal of the covenant in 2004, Council's planning officer stated the following:

In respect to the covenant itself, it appears that it prohibits the use of the land for anything other than a place of recreation and public resort ie. public open space. It appears that the land was meant to be transferred to (former) City of Springvale for that purpose, however this never proceeded and in fact the land was consolidated into the main body of land occupied by the fitness centre, and since developed with car parking and landscaping. It is not likely to be ever be required for public open space purposes, nor is it of a size really suitable for such use. There is no real reason to require retention of the covenant.

It is considered the variation to restrictive covenant is reasonable on the following basis:

- The planning controls affecting the subject site (GRZ3, SBO) ensure that any potential future development, or change of use is likely to require a planning permit and have a design response that is responsive of the surrounding Dingley Village character, whilst being bound by the applicable planning controls at the time of assessment.
- In removing or varying any covenant, it is orderly planning and appropriate that the Responsible Authority have consideration for any future planning application which could result from the approval of such a variation or deletion. Removing the restrictive covenant may allow the future development of the site into residential dwellings, however the General Residential Zone Schedule 3 stipulates what can and cannot occur on the subject land with or without planning approval.
- The development potential of the site is not significantly increased by removing the restrictive covenant. The developable area only increases by approximately 370m², with majority of the site currently able to be developed in accordance with the provisions of the applicable planning provisions. Any future development on the subject site would be subject to further planning permission.
- It is considered to be unlikely the burdened land would ever be required for public open space purposes, nor is it of a size that is considered to be suitable for such use.

14. Conclusion

On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

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.

15. Recommendation

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit for the Removal of Covenant E592137 contained within CP107036 Vol. 9257 Fol. 334 at 269-275 Centre Dandenong Road, Dingley Village, subject to the following condition:


This permit will expire if the covenant variation has not been registered by on title within 2 years of the 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 period referred to in this condition.

Or in the event that the Planning Committee determines to refuse the application, it could do so on the following ground:

1. The Responsible Authority is not satisfied that the beneficiaries of the covenant will be unlikely to suffer any detriment, including any perceived detriment as a consequence of the removal of the covenant.

Appendices

Appendix 1 - KP-2019/287 - 269-275 Centre Dandenong Road, Dingley Village -
Considered Plans and Documents (Ref 19/235413)  [Download](#)

Author/s:	James Leonard, Senior Statutory and Business Planner
Reviewed and Approved By:	Jennifer Roche, Team Leader Statutory Planning Ian Nice, Manager City Development

4.5

KP-2019/287 - 269-275 CENTRE DANDENONG ROAD, DINGLEY VILLAGE

- 1 KP-2019/287 - 269-275 Centre Dandenong Road, Dingley
Village - Considered Plans and Documents..... 237

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

THE LAND AFFECTED BY THE APPLICATION IS LOCATED AT:	269-275 Centre Dandenong Road, DINGLEY VILLAGE VIC 3172
THE APPLICATION IS FOR A PERMIT TO:	Removal of Covenant E592137 (which restricts the land to be used only for a place of recreation and public resort) contained within CP107036 Vol. 9257 Fol. 334
THE APPLICATION REFERENCE NUMBER IS:	KP-2019/287
THE APPLICANT FOR THE PERMIT IS:	Rogers & Every Lawyers
YOU MAY LOOK AT THE APPLICATION AND ANY DOCUMENTS THAT SUPPORT THE APPLICATION AT THE OFFICE OF THE RESPONSIBLE AUTHORITY: This can be done during office hours and is free of charge	City of Kingston Municipal Offices Cheltenham Office: 1230 Nepean Highway, Cheltenham 3192 During office hours 8.30am - 5pm OR www.kingston.vic.gov.au/link/planning

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must :

- **be made to the Responsible Authority in writing,**
- **include the reasons for the objection, and**
- **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

THE RESPONSIBLE AUTHORITY WILL NOT DECIDE ON THE APPLICATION BEFORE:	26-Aug-2019
--	--------------------

If you object, the Responsible Authority will tell you of its decision.

Privacy Notification: The personal information provided in a submission/objection is collected for planning purposes in accordance with the Planning & Environment Act 1987 (the Act). The public may view an objection or submission in accordance with Section 57 of the Act whilst the planning application is current. In accordance with the "Improving Access to Planning Documents" Practice Note dated December, 1999, a copy of your submission will be made available on request. If you fail to provide contact details your objection may not be considered. For information regarding access to Planning documents please contact Council's Planning Department on 1300 653 356.

19/95213

**Planning Enquiries**

Phone: (03) 9581 4131

Web: www.kingston.vic.gov.auEmail: info@kingston.vic.gov.au

Office Use Only - Application No:

Date Lodged: / /

Application for Planning Permit

Privacy notice - any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of the planning process under the *Planning and Environment Act 1987*. If you have any concerns please contact Council's Planning Department on 9581 4131.

Need Help? - If you need help to complete this form, read: *How to complete the application for planning permit form* available at www.kingston.vic.gov.au/planning

Questions marked with an asterisk (*) are mandatory and must be completed

1. Pre-application meeting

Has there been a pre-application meeting with a council planning officer?

☒ No

If 'yes', with whom?

☐ Yes

Date:

dd/mm/yyyy

2. The Land *

Address of the land. Complete the street address and one of the formal land descriptions.

Street Address *

Unit No.:

St No. 269-275

St Name: CENTRE DANDENONG ROAD

Suburb: DINGLEY VILLAGE

Postcode: 3172

Formal Land Description *

A

Lot No.:

☐

Lodged Plan

☐

Title Plan

☒

Plan of Subdivision

No.: CP107036

Complete either A or B.

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

This information can be found on the certificate of title

3. Description of Land *

Describe how the land is used and development now

e.g. vacant, single dwelling, three dwellings, shop, factory, medical centre, with two practitioners, licensed restaurant with 80 seats.

CHIROPRACTIC CENTRE + GYMNASIUM.

4. Plan of the Land *



Attach a plan of the existing conditions. Photos are also helpful.

5. The Proposal *

You must give full details of your proposal and attach the information required to assess the application. Lack of detail, insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit?

If you need help about the proposal, read: *How to complete the application for planning permit form.*

The removal of a covenant E 592137 from Certificate of Title Volume 9257 folio 334 being the land in Plan of Consolidation CP 107036.

6. Additional Information



Attach additional information providing details of the proposal, including:

☐

Any information required by the planning scheme, requested by Council or outlined in a council planning permit checklist.

☐

Plans and elevations showing the layout and details of the proposal

☐

If required, a description of the likely effect of the proposal (e.g. traffic, noise, environmental impacts).



Note

Contact council or refer to council planning permit checklists for more information about council's requirements

7. Title Information *

Attach a full, current copy of title information, not older than 90 days, for each individual parcel of land, forming the subject site.

Encumbrances on title?

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

☐

No, go to Question 8.

☒

Yes, Attach a copy of the document (instrument) specifying the details of the encumbrance.



Does the proposal breach, in any way, the encumbrance on title?

☒

No, go to Question 8.

☐

Yes, contact council for advice on how to proceed before continuing with this application.

**Note**

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61 (4) and 62 of the *Planning and Environment Act 1987*). Contact Council and/or an appropriately qualified person for advice.

8. Costs of Buildings and Works/permit fee *

All applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact Council to determine the appropriate fee.

Estimate cost of development for which the permit is required? *

Cost \$

Nil

Write 'Nil' if no development is proposed (eg. Change of use, subdivision, removal of covenant, liquor licence)

**Note**

You may be required to verify this estimate

Is a Metropolitan Planning Levy (MPL) certificate required? *

Is the estimated cost of the development greater than \$1 million?

☒

No, go to Question 9.

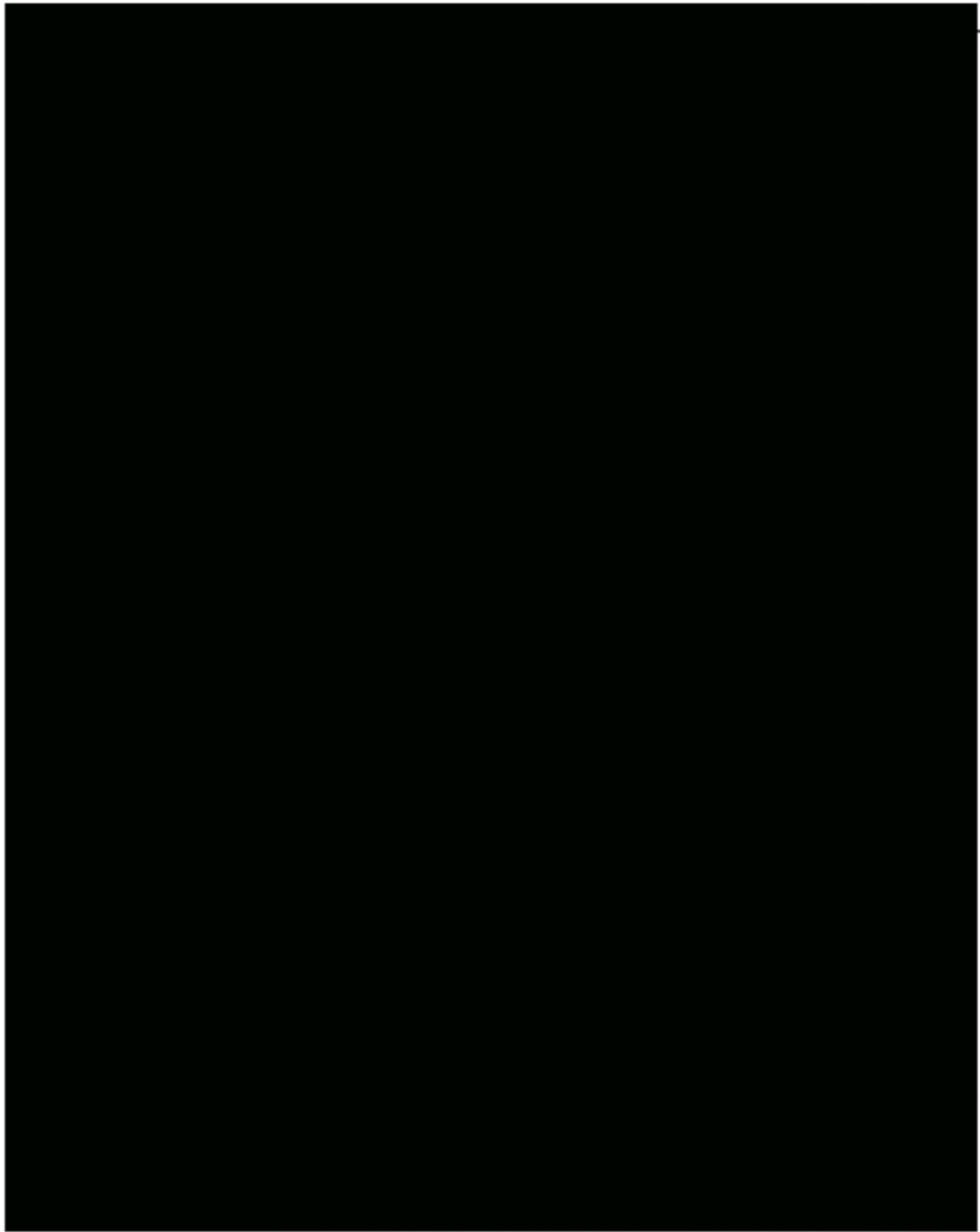
☐

Yes, Attach a valid copy of the MPL Certificate

**Note**

If a MPL is applicable, a planning application **must** be accompanied by the MPL certificate. This is a requirement of section 3 of the *Planning and Environment Act 1987*. For more information on the MPL visit www.sro.vic.gov.au

19/95213

**10. Declaration ***

**This form must be signed
by the applicant**

Remember it is against
the law to provide false or
misleading information, which
could result in a heavy fine
and cancellation of the permit.



I declare that all the information in this application is true and correct
and the owner (if not myself) has been advised of the permit
application.

Signature:

Date: 07/03/19

dd/mm/yyyy

11. Information checklist

Have you:



Filled in the form completely?



Included the application fee? (Contact council to determine the appropriate fee).



Provided all necessary supporting information and documents?



Provided a copy of full title, no older than 3 months, for each individual parcel of land forming the subject site?



Provided a plan of existing site conditions?



Included plans showing the layout and details of the proposal?



Provided all information required by the planning scheme, requested by Council or outlined in a council planning permit checklist?



Where required, provided a description of the likely effect of the proposal (e.g. traffic, noise, environmental impacts)?



If applicable, included a current MPL Certificate. Note: a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office. Once expired, the certificate becomes invalid and cannot be used. Failure to comply means the application is void.



Completed Kingston's relevant Council Planning Permit Checklist?



Signed the Declaration (section 10 of this form)?

12. Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

By Post

City Development
Kingston City Council
PO Box 1000, Mentone, VIC 3194

In Person

Level 1, 1230 Nepean Highway, Cheltenham VIC 3194

Contact Information

T (03) 9581 4131

E info@kingston.vic.gov.au

Rogers & Every

L A W Y E R S

71 Bull Street Bendigo
PO Box 524 Bendigo 3552
Ausdoc DX 55012 Bendigo

By email – info@kingston.vic.gov.au

Telephone: (03) 5445 5500
Fax: (03) 5443 0540

Our Ref: TAR:KMF:20190241
Email: t.rogers@rogersevery.com.au

1 August 2019

Manager - Statutory Planning
City of Kingston
PO Box 1000
MENTONE VIC 3194

Dear Sir,

Re: **Application No: KP-2019/287**
Proposal: Removal of Covenant E592137
Address: 269-275 Centre Dandenong Road, Dingley Village VIC 3172

We wish to acknowledge receipt of your letter dated 29 May 2019.

We confirm that Covenant E592137 exists and the land burdened by the covenant is the land delineated and coloured blue on CP107036 a copy of which plan is attached as Attachment 1. The burdened land is also shown as Lot A on the Plan attached hereto and marked Attachment 2.

We confirm that the benefited land was originally FIRSTLY that part of Lot 31 on LP 4681 being the land untransferred in Certificate of Title Volume 8313 Folio 864 SECONDLY the land in Volume 8856 Folio 865 and THIRDLY the land in Volume 8930 Folio 449.

Please find attached historical title searches for Volume 8313 Folio 864, Volume 8856 Folio 865 and Volume 8930 Folio 449.

We confirm that the benefited land has been subdivided and is now the land in Certificates of Title Volume 10934 Folios 904, 905 and 906.

The registered proprietor of the land in Volume 10934 Folio 904 is Kingston City Council. The registered proprietor of land in Volume 10934 Folio 905 is Kingston City Council. The registered proprietor of the land in Volume 10934 Folio 906 is Justpat Pty Ltd.

Please find attached copies of current title searches for Volume 10934 Folio 904, 905 and 906.

Please also find attached copy of current company search for Duncombe & Co Pty Ltd (formerly known as Justpat Pty Ltd).

We confirm that Mobil Oil Australia Limited does not now have any proprietary interest in the benefited land.

Elmore Branch Office: 56 Hervey Street Elmore (Visit Thursdays) Telephone: (03) 5432 6013
R & E Lawyers Pty Ltd ACN 159 273 480 ABN 34 159 273 480
Directors: Timothy Rogers LLB • Tandy Jackson LLB • John Cole and Helen Henshall (Fellows of the Institute of Legal Executives (Vic))
Lawyer: Alicia McGlashan LLB

Rogers & Every

- 2 -

1 August 2019

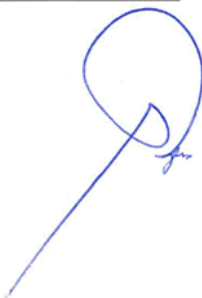
Please find attached our letter to Mobil Oil Australia Limited dated 4 July 2019.

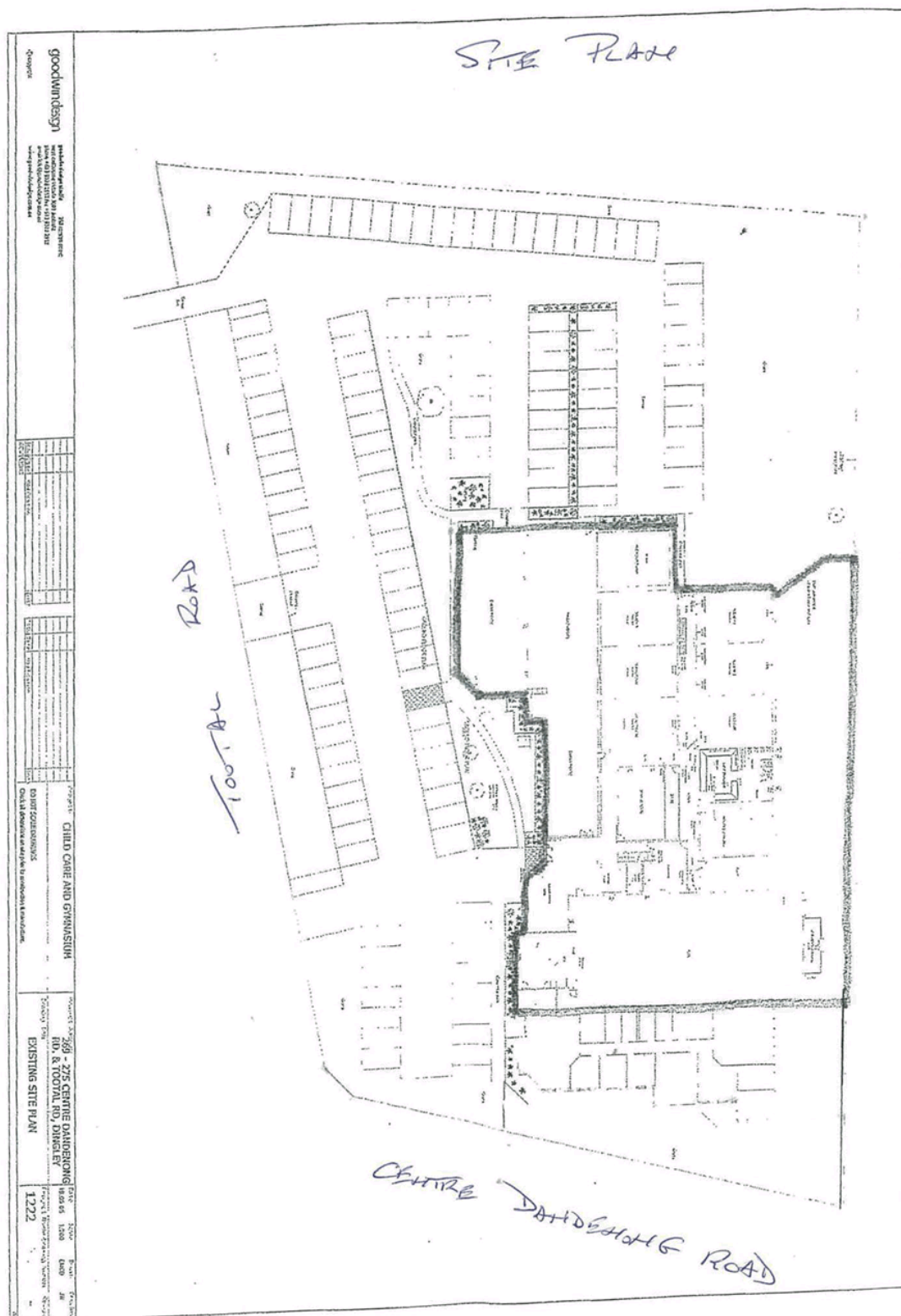
We confirm that we have not received any response to our letter from Mobil Oil Australia Limited.

Please review the attached information and advise us of your further requirements.

Yours faithfully,
ROGERS & EVERY

Per:





19/95213

Register Search Statement - Volume 9257 Folio 334

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09257 FOLIO 334Security no : 124076320606X
Produced 26/02/2019 04:10 PM

LAND DESCRIPTION

Land in Plan of Consolidation 107036.
PARENT TITLES :
Volume 08972 Folio 763 Volume 09164 Folio 058
Created by instrument CP107036 01/03/1978

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TANGORO PTY LTD of LEVEL 7 390 ST KILDA ROAD MELBOURNE VIC 3004
AC848689L 10/05/2004

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ226558A 08/09/2017
ING BANK (AUSTRALIA) LTD

COVENANT as to part E592137 07/09/1972

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE CP107036 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
Delivered at 26/02/2019, for Order Number 55678061. Your reference: TAR 20190241 Tangoro.

19/95213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:54 Page 1 of 12

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

E592137

E592137

REGD

(2-6, 8-7431. NOV-6-72

MACPHERSON ROBINSON & CO.

VICTORIA.

TRANSFER OF LAND.

MADE AVAILABLE
TO ISSUE TO

A. Robinson & Co.

MOBIL OIL AUSTRALIA LIMITED of 2 City Road, Melbourne, formerly VACUUM OIL COMPANY PROPRIETARY LIMITED (hereinafter called "the Transferor") being registered as the Proprietor of an estate in fee simple in the land hereinafter described subject to encumbrances notified hereunder in consideration of the desire of the Transferor to dedicate the land to be transferred as a place of public resort DO HEREBY TRANSFER to the MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF SPRINGVALE (hereinafter called "the Transferee") ALL its estate and interest in ALL THAT piece of land coloured red on the map hereon being part of Lot 31 on Plan of Subdivision No. 4681 Parish of Mordialloc and being part of the land described in Certificate of Title Volume 8313 Folio 864 and the Transferee for itself and its transferees in title, the registered proprietor or proprietors for the time being of the land hereby transferred DOTH HEREBY COVENANT with the said Mobil Oil Australia Limited and its transferees, the registered proprietor or proprietors for the time being of first the land remaining untransferred in Certificate of Title Volume 8313 Folio 864 and secondly the whole of the land comprised in Certificates of Title Volume 8856 Folio 865, and Volume 8930 Folio 449 that the transferee and the registered proprietor or proprietors for the time being of the land hereby transferred shall not at any time hereafter use or permit the said land to be used for other than a place of recreation and public resort and this covenant shall run with the land hereby transferred and shall be noted on the Certificate of Title to be issued therefrom as an encumbrance affecting the same and every part thereof.

DATED the 7th day of September, 1972.

THE COMMON SEAL of MOBIL OIL)
AUSTRALIA LTD. was hereto affixed)
 in the presence of:)

[Signature] DIRECTOR

[Signature] SECRETARY

THE COMMON SEAL of THE MAYOR COUNCILLORS)
 AND CITIZENS OF THE CITY OF SPRINGVALE)
 was hereto affixed in the presence of:

[Signature]

Councillor.

[Signature]

Councillor.

[Signature]

Town Clerk.

ENCUMBRANCES REFERRED TO:

As set out on the face of the said Certificate of Title.



E592137-1-6

AMENDED with consent
 Solicitors for
[Signature] 1/1/73

1/4 8313-864 (PT)

BEING PT LOT 31

ON LP 4681 AND

BEING PART

C.R. ONE SEC. 20

PSH MORDIALLOC

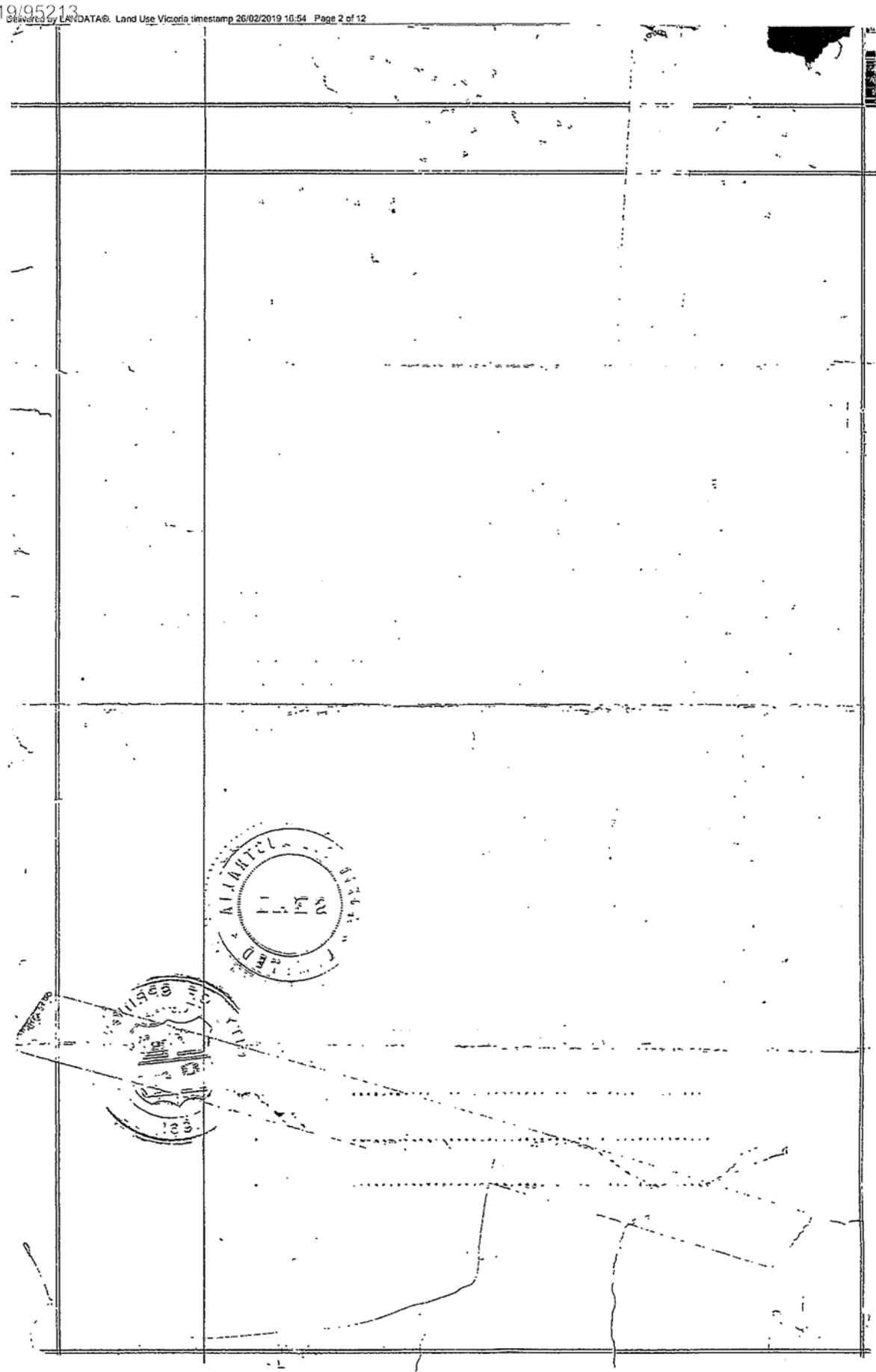
CNTY BOURKE

REGD CHARTERED PLAN 80

ENCUMBRANCE

CREATED HEREIN

Drafts, checked.
 1/4/73
 1/4/73
 1/4/73



19/95213

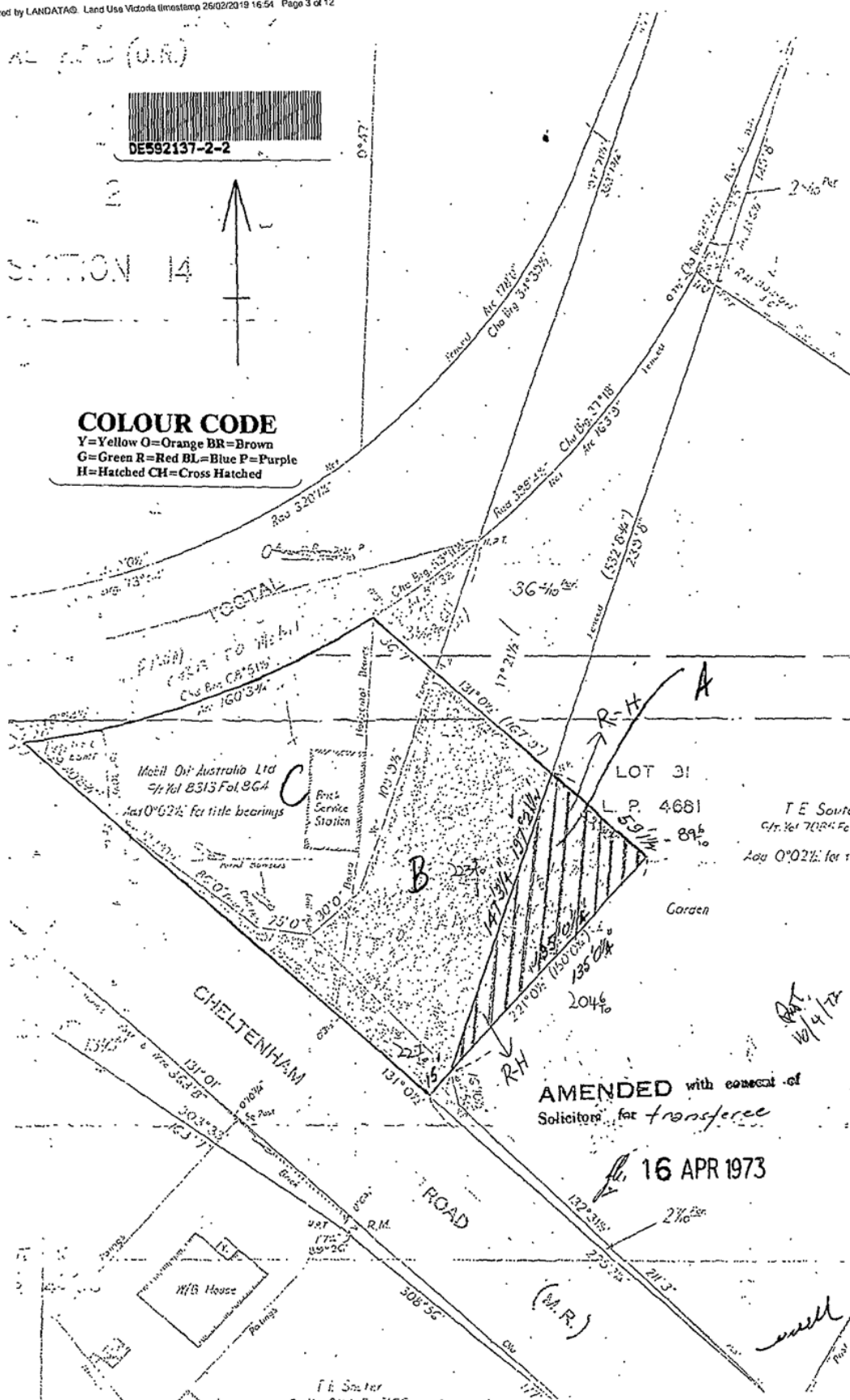
$$K \subset \mathbb{R}^n \subset (0, \infty)$$

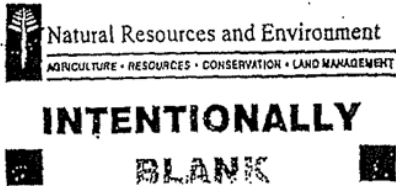

DE592137-2-2

SECTION 15.

COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched





19/95213

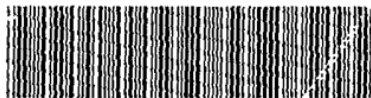
Delivered by LANDATA®: Land Use Victoria timestamp: 26/02/2019 10:54 Page 5 of 12

Ell,


Please Close Areas marked
A, B, C and total of
CH. 8313-864. - Use links.

Attach closures.

BAH 17/4/13.



DE592137-3-9

 Natural Resources and Environment
AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT
**INTENTIONALLY
BLANK**

19/95213

Delivered by LANDATA® Land Use Victoria timestamp 28/02/2019 16:54 Page 7 of 12

Application No. _____

Corr. No. _____

Subdivision No. _____

Date. ____/____/19____

TOWNSHIP OR CITY _____

(Surveyor)

PARISH OF _____

Allot. _____ Sec. _____ Computer _____


Bearing	Distance	N.	S.	E.	W.	D.M.	Area
<u>41° 0' 1/2"</u>							
33° 21'	223.1	204.4			89.5		
90° 0'	89.6			89.6			
180° 0'	204.6		204.5				
		204.4	204.5	89.6	89.5		
8°							
86° 0'	130.3	9.1		130.0			
56° 54'	37.4	20.7		31.7			
6° 31'	45.5	45.2		5.2			
336° 21'	166.3	152.3		(109.2)	66.7		
90° 0'	(109.2)			110.7			
156° 21'	223.1		204.4	89.5			
180° 0'	22.7		22.7				
270° 0'	248.4				248.4		
		227.3	227.1	367.1	365.6		
				(365.6)			
S = R							
Rnd		Ar	Q	1/2	Chad	Tring	Chad Ring
603.6	242.4	23° 3' 25"	17° 31' 42"				241.2
27° 50'	241.2	213.3		112.6			
90° 0'	55.4			55.4			
156° 21'	166.3		152.3	66.7			
186° 31'	45.5		45.2	5.2			
236° 54'	37.4		20.7	31.7			
266° 0'	130.3		9.1	130.0			
270° 0'	61.7			61.7			
133° 5' 17"	15.3	13.4		6.4			
		227.2	227.3	234.8	235.0		

DE592137-4-5

-PL

19/95213

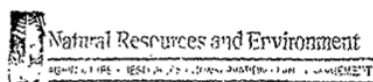
Delivered by LANDATA® Land Use Victoria timestamp 26/02/2019 16:54 Page 8 of 12

 Natural Resources and Environment
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT
**INTENTIONALLY
BLANK**

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:55 Page 9 of 12

19/95213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:55 Page 10 of 12



**INTENTIONALLY
BLANK**

19/95213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:55 Page 11 of 12



19/95213

Delivered by LANDATA5: Land Use Victoria timestamp 26/02/2019 16:55 Page 12 of 12

To the Registrar of Titles,

Please register this Transfer and
upon completion forward Transferor's
Title to lodging party and
return Certificate of Title Volume 8313
Folio 864 to Mess Arthur Robinson & Co

Arthur Robinson & Co

MACPHERSON ROBINSON & CO.,
Solicitors,
178 Queen Street,
Melbourne, 3000.
67-8288 RA.

TRANSFER OF LAND

CITY OF SPRINGVALE

-to-

MOBIL OIL AUSTRALIA LIMITED

DATED 1972.

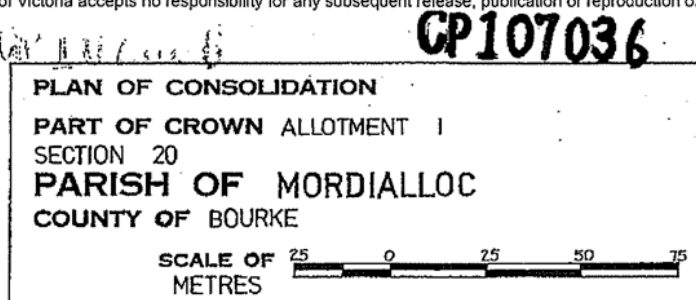
A memorandum of the within Instrument
has been entered in the Register Book
Vol. 8313 Fol. 864



19/95213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:55 Page 1 of 2

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.



CP107036
EDITION 1

SEE SHEET 2 FOR DIAGRAM

Accept.
 Feas #22
 Plan
 CH's MA
 NP 17/1/71

APPROVED

John McCormack
 17.3.71 8.55
 VOL. 9257 FOL. 334

SEAL & ENDORSEMENT OF MUNICIPALITY	SURVEYORS CERTIFICATION
<p>Sealed Pursuant to the provisions of Sec. 569 A & B of the Local Gov. Act</p> <p>The Council of the City of Springvale herewith approve of this plan of Consolidation pursuant to Section 569AB of the Local Government Act 1959.</p> <p>Signed this <u>22ND</u> day of <u>August</u> <u>1977</u>, and sealed in the presence of</p> <p>..... COUNCILLOR</p> <p>..... COUNCILLOR</p> <p><i>K. Williams</i> TOWN CLERK</p>	<p>I certify that this plan has been made by me or under my immediate supervision and accords with title.</p> <p><i>A. Houghton</i> LICENSED SURVEYOR</p> <p>DATED <u>9th August 1977</u></p>

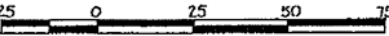
19/05/213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:24 Page 1 of 2

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

CP107036

PLAN OF CONSOLIDATION
PART OF CROWN ALLOTMENT 1
SECTION 20
PARISH OF MORDIALLOC
COUNTY OF BOURKE

SCALE OF METRES 

CP107036
EDITION 1

SEE SHEET 2 FOR DIAGRAM

Accept.
Feas #22
Plan.
CH's MA.

NR
17/1/77

APPROVED

McComack
17.3.78 *1.55*
 VOL. 9257 FOL. 334

SEAL & ENDORSEMENT OF MUNICIPALITY	SURVEYORS CERTIFICATION
<p>Sealed Pursuant to the provisions of Sec. 569 A & B of the Local Gov. Act</p> <p>The Council of the City of Springvale herewith approve of this plan of Consolidation pursuant to Section 569AB of the Local Government Act 1959.</p> <p>Signed this <u>22nd</u> day of <u>August</u> <u>1977</u> and sealed in the presence of</p> <p>..... COUNCILLOR</p> <p>..... COUNCILLOR</p> <p><i>B. Williams</i> TOWN CLERK</p>	<p>I certify that this plan has been made by me or under my immediate supervision and accords with title.</p> <p><i>R. Houghton</i> LICENSED SURVEYOR</p> <p>DATED <u>9th August 1977</u></p>

19/95213

Delivered by LANDATA®. Land Use Victoria timestamp 26/02/2019 16:24 Page 2 of 2



Register Search Statement - Volume 10934 Folio 904

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10934 FOLIO 904

Security no : 124077896662T
Produced 12/06/2019 05:04 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 540349S.

PARENT TITLES :

Volume 08313 Folio 864 Volume 08856 Folio 865 Volume 08930 Folio 449
Volume 10322 Folio 958 to Volume 10322 Folio 959
Created by instrument PS540349S 05/04/2006

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

KINGSTON CITY COUNCIL of 1230 NEPEAN HIGHWAY CHELTENHAM VIC 3192
AS122332Q 30/04/2019

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS540349S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AS122332Q	RECTIFY PROPRIETORSHIP	Registered	30/04/2019
AS122364B	RECTIFY PROP. DERIVATION	Registered	30/04/2019
AS122410W	AMEND pCT TO eCT	Registered	30/04/2019

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: "TOOTALS ROAD RESERVE" 71 TOOTAL ROAD DINGLEY VILLAGE VIC 3172

ADMINISTRATIVE NOTICES

NIL

eCT Control 09871Q KINGSTON CITY COUNCIL
Effective from 30/04/2019

DOCUMENT END

Register Search Statement - Volume 10934 Folio 905

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10934 FOLIO 905

Security no : 124077896664R
Produced 12/06/2019 05:04 PM

LAND DESCRIPTION

Road R1 on Plan of Subdivision 540349S.

PARENT TITLES :

Volume 08313 Folio 864 Volume 08856 Folio 865 Volume 08930 Folio 449
Volume 10322 Folio 958 to Volume 10322 Folio 959
Created by instrument PS540349S 05/04/2006

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

KINGSTON CITY COUNCIL of 1230 NEPEAN HIGHWAY CHELTENHAM VIC 3192
AS122332Q 30/04/2019

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS540349S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AS122332Q	RECTIFY PROPRIETORSHIP	Registered	30/04/2019
AS122364B	RECTIFY PROP. DERIVATION	Registered	30/04/2019
AS122410W	AMEND pCT TO eCT	Registered	30/04/2019

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 09871Q KINGSTON CITY COUNCIL
Effective from 30/04/2019

DOCUMENT END

Register Search Statement - Volume 10934 Folio 906

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10934 FOLIO 906

Security no : 124077896659W
Produced 12/06/2019 05:04 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 540349S.

PARENT TITLES :

Volume 08313 Folio 864 Volume 08856 Folio 865 Volume 08930 Folio 449
Volume 10322 Folio 958 to Volume 10322 Folio 959
Created by instrument PS540349S 05/04/2006

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JUSPAT PTY LTD of 118 MALCOLM ROAD BRAESIDE VIC 3195
AE747056Y 24/11/2006

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM528489T 03/02/2016
NATIONAL AUSTRALIA BANK LTD

MORTGAGE AN511308M 01/02/2017
JAYITH PTY LTD

MORTGAGE AN511309K 01/02/2017
LYNJUS PTY LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS540349S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)



ADMINISTRATIVE NOTICES

NIL

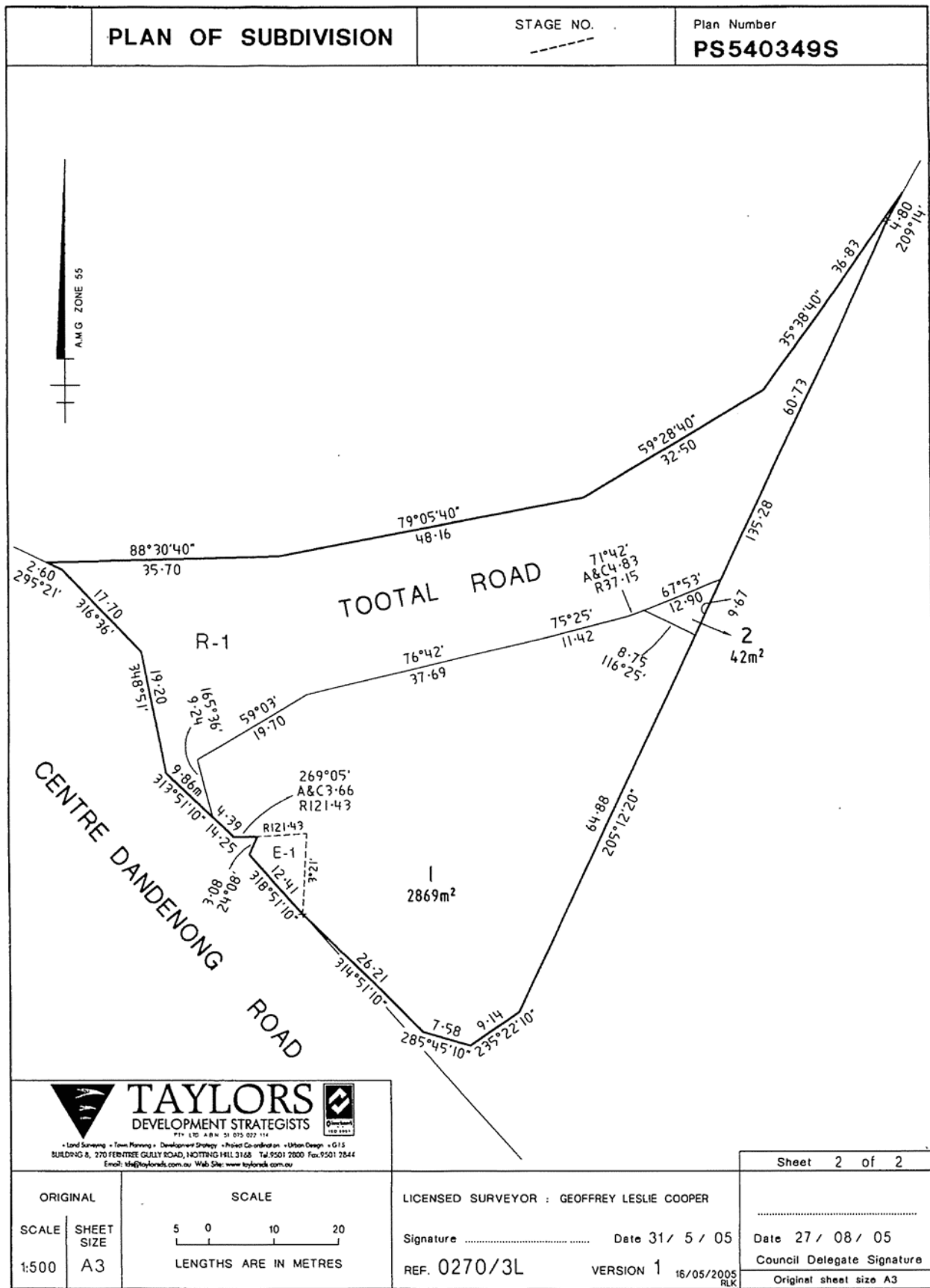
eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED

Delivered by LANDATA®. Land Use Victoria timestamp 12/06/2019 17:20 Page 1 of 2

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

PLAN OF SUBDIVISION		STAGE NO. -----	LR use only. EDITION 1	Plan Number PS 540349S
Location of Land Parish: MORDIALLOC Township: ----- Section: 14 Crown Allotment: 2 (PART) & Part of Former Government Road Crown Allotment: 1 (PART) Section 20 Title Reference: Vol 8856 Fol 865 Vol 10322 Fol 958 Vol 8930 Fol 449 Vol 8313 Fol 864 Vol 10322 Fol 959 Last Plan Reference: Lots 1 & 2 on PS 404674S TP 250884W TP 707689 TP 422495 Postal Address: 277-283 Centre Dandenong Road DINGLEY VILLAGE 3172 AMG Co-ordinates E 334 820 Zone: 55 (of approx centre of plan) N 5 795 300		Council Certificate and Endorsement Council Name: Kingston City Council Ref. KS114/05 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has has not been made. (iii) The requirement has been satisfied (iii) The requirement is to be satisfied in Stage Council delegate Council seal Date 27 / 08 / 05 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads and/ or Reserve				
Identifier	Council / Body / Person	Notations		
Road R-1	Kingston City Council	Staging This is not a staged subdivision. Planning Permit No. Depth Limitation 15.24m below the surface applies to C/T's Vol 9083 Fol 551, Vol 8967 Fol 776 & Vol 8930 Fol 449		
Area of Site: 5422m ² No. of Lots: 2		Survey This plan is based on survey.		
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	Powerline	See Diag	C/E C369723	S.E.C.V.
				LR use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 1 / 3 / 06 LR use only PLAN REGISTERED TIME 9:53am DATE 5 / 4 / 2006  Assistant Registrar of Titles Sheet 1 of 2
		LICENSED SURVEYOR : GEOFFREY LESLIE COOPER Signature _____ Date 31 / 05 / 05 REF. 0270/3L VERSION 1 16/05/2005 RLK		
		Date 27 / 08 / 05 Council Delegate Signature Original sheet size A3		

Delivered by LANDATA®. Land Use Victoria timestamp 12/06/2019 17:20 Page 2 of 2



5. Confidential Items

5 Confidential Items

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the Local Government Act 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

5.1 KP18/507 - 1A & 5 Foster Street Aspendale - VCAT application lodged and Council position sought

Agenda item 5.1 KP18/507 - 1A & 5 Foster Street Aspendale - VCAT application lodged and Council position sought is designated confidential as it relates to proposed developments (s89 2e)

RECOMMENDATION

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

5.1 KP18/507 - 1A & 5 Foster Street Aspendale - VCAT application lodged and Council position sought

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)