

Agenda

Planning Committee Meeting

Wednesday, 17th July 2019

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

John Nevins
Chief Executive Officer
Kingston City Council



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, 17 July 2019.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 19 June 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 - June 2019	5
4.2	KP-2017/796 - 53 Beach Road, Mentone	19
4.3	KP-2018/807 - 2 Newington Parade Chelsea	85
4.4	KP-609/2018 - 225 - 249 Old Dandenong Road Heatherton	155
4.5	KP-2019/317 - 22A Randall Avenue Edithvale	201

5. Confidential Items

Nil

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.

community inspired leadership

Planning Committee Meeting

17 July 2019

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - JUNE 2019

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

Town Planning Application Decisions – June, 2019

Approved By: Jonathan Guttman - General Manager, Planning & Development
Author: Ian Nice – Manager, City Development

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	73	73
Notice of Decision	17	17
Refusal to Grant a Permit	3	3
Other - Withdrawn (5) - Prohibited (0) - Permit not required (1) - Lapsed (2) - Failure to Determine (0)	8	8
Total	101	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions June 2019 (Ref 19/129841)  [↓](#)

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 - JUNE 2019

1	Town Planning Application Decisions June 2019	9
---	---	---

Planning Decisions June, 2019							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2018/1006	97 Valetta Street	CARRUM	17/12/2018	3/06/2019	The development of two (2) dwellings and associated works within a Special Building Overlay in accordance with the endorsed plans	Permit	No
KP-2016/97/A	123 Como Parade East	PARKDALE	6/02/2019	4/06/2019	Development of ten (10) dwellings	Permit	No
KP-2018/887	2 40 Oakes Avenue	CLAYTON SOUTH	1/11/2018	4/06/2019	The development of an extension to the existing dwelling on a lot less than 300sqm	Notice of Decision	No
KP-2018/656	21 Fifth Street	PARKDALE	15/08/2018	4/06/2019	The development of two (2) dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-2018/262	126 Como Parade West	PARKDALE	11/04/2018	4/06/2019	Develop the land for the construction of seven (7) double storey dwellings and waiver of visitor space requirements	Notice of Decision	No
KP-2019/159	73 Rae Avenue	EDITHVALE	20/03/2019	4/06/2019	Develop the land for the construction of two (2) dwellings to the rear of an existing, on Land subject to a Special Building Overlay	Notice of Decision	No
KP-2018/921	59 Lochiel Avenue	EDITHVALE	15/11/2018	5/06/2019	The development of two (2) dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-2019/226	1190-1212 Nepean Highway	CHELTENHAM	11/04/2019	5/06/2019	Installation of a pylon sign at the existing motor vehicle dealership	Withdrawn	No
KP-2018/862	5 Courtney Street	CHELTENHAM	24/10/2018	5/06/2019	Develop the land for the construction of one (1) double storey dwelling to the rear of an existing and buildings and works associated with the existing	Permit	No

					dwelling, on land affected by a Special Building Overlay		
KP-2019/82	5 Admirals Quay	PATTERSON LAKES	18/02/2019	5/06/2019	The development of two (2) double storey dwellings (side by side)	Notice of Decision	No
KP-2019/225	7 Ashmore Avenue	MORDIALLOC	10/04/2019	5/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/153	1 20 Collocott Street	MORDIALLOC	20/03/2019	6/06/2019	Consolidation - Add common property to Unit 1A and remove the upper and lower boundaries for Unit 1A	Withdrawn	No
KP-2019/332	5 Ideal Avenue	ASPENDALE	4/06/2019	6/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/209	610-638 Heatherton Road	CLAYTON SOUTH	31/03/2019	6/06/2019	Subdivide the land into 2 lots	Permit	No
KP-2019/342	29 Voltri Street	CHELTENHAM	6/06/2019	6/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/221	25 Rosebank Avenue	CLAYTON SOUTH	9/04/2019	6/06/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2019/250	1 9 Collins Street	MENTONE	29/04/2019	6/06/2019	Sub divide the land into two (2) lots	Permit	No
KP-2014/870	27 Clarevale Street	CLAYTON SOUTH	5/11/2014	7/06/2019	Develop the Land for the Construction of Two (2) Dwellings	Permit Not Required	No
KP-2018/205	248-254 Osborne Avenue	CLAYTON SOUTH	21/03/2018	7/06/2019	The development and use of a concrete batching plant in accordance with the endorsed plans	Permit	Yes
KP-2018/930	Shop 1-2 810-834 Springvale Road	BRAESIDE	20/11/2018	7/06/2019	Change of use application under Clause 63.08 (alternative use)	Refused	No
KP-2018/429/A	1 9-15 Friars Road	MOORABBIN	7/05/2019	11/06/2019	Subdivide the land into nineteen (19) lots	Withdrawn	No
KP-2018/908	12-14 Ashley Park Drive	CHELSEA HEIGHTS	1/11/2018	11/06/2019	The use and development of a storage facility and a reduction of the required car parking spaces	Notice of Decision	No

KP-2018/1012	24 Tennyson Avenue	CLAYTON SOUTH	18/12/2018	11/06/2019	The development of four (4) dwellings	Permit	No
KP-2013/178/A	12 Jean Street	CHELTENHAM	29/11/2018	11/06/2019	Develop the land for the construction of four (4) double-storey dwellings	Permit	No
KP-2018/985	2 Hillston Road	MOORABBIN	7/12/2018	11/06/2019	The development of an extension to the rear of the existing dwelling in a Neighbourhood Character Overlay	Permit	No
KP-2013/237/A	38 Ireland Road	CLAYTON SOUTH	15/03/2019	11/06/2019	Develop the land for the construction of two (2) Dwellings	Lapsed	No
KP-2013/233/B	22 Valetta Street	CARRUM	18/01/2019	12/06/2019	Construction of six (6) dwellings and waiver of one (1) visitor car parking space	Permit	No
KP-2019/164	51-57 Redwood Drive	DINGLEY VILLAGE	22/03/2019	12/06/2019	Develop the land for Construction of buildings and works (replacement cool storage room and a canopy cover)	Permit	No
KP-2016/859	30 Lanark Street	CLAYTON SOUTH	13/10/2016	12/06/2019	Develop the land for the construction of three (3) dwellings	Permit	No
KP-2019/242	21 Ebdon Street	MOORABBIN	23/04/2019	12/06/2019	Subdivide into Two (2) Lots	Permit	No
KP-2018/920	28 Naples Road	MENTONE	15/11/2018	12/06/2019	Alterations and additions to existing dwelling	Notice of Decision	No
KP-2018/975	27 Swanston Street	MENTONE	6/12/2018	13/06/2019	Develop four (4) dwellings in a Special Building Overlay in accordance with the endorsed plans	Permit	No
KP-2018/897	2 19 Chadwell Grove	CHELSEA	5/11/2018	13/06/2019	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2019/131	8 29 Milan Street	MENTONE	13/03/2019	13/06/2019	The construction of a verandah for the existing dwelling	Permit	No
KP-2018/903	5 Illawong Court	PATTERSON LAKES	8/11/2018	13/06/2019	Development of Two (2) Dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2018/867	43 Governor Road	MORDIALLOC	23/10/2018	13/06/2019	Use the land for a micro-brewery and the sale and consumption of	Notice of Decision	No

					liquor for on and off site consumption (General Licence)		
KP-2019/81	1 Troy Street	BONBEACH	18/02/2019	13/06/2019	Construction of two (2) dwellings on a lot	Notice of Decision	No
KP-2016/869/A	1 60 Chelsea Road	CHELSEA	29/05/2018	14/06/2019	Develop the land for the construction of alterations and additions to the existing four (4) dwellings	Permit	No
KP-2016/604/A	22 Charles Street	CHELTENHAM	1/05/2019	17/06/2019	In accordance with the endorsed plans develop the land for the construction of two (2) dwellings	Permit	No
KP-2019/60	334 Boundary Road	DINGLEY VILLAGE	6/02/2019	17/06/2019	The construction and display of internally illuminated business identification signage	Permit	No
KP-2019/350	214 Bourke Road	CLARINDA	7/06/2019	17/06/2019	Construct a fence on land within a Special Building Overlay	Permit	No
KP-2019/80	178-184 Boundary Road	BRAESIDE	15/02/2019	17/06/2019	Use of the land for a retail premises	Permit	No
KP-2019/361	23 Albenca Street	MENTONE	14/06/2019	17/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2014/818/A	4 Gladstone Avenue	ASPENDALE	15/02/2018	17/06/2019	Develop the land for the construction of one (1) dwelling and a reduction of the car parking requirement	Permit	Yes
KP-2019/26	1 468 Station Street	BONBEACH	18/01/2019	18/06/2019	Develop the land for the construction of six (6) dwellings	Notice of Decision	No
KP-2019/365	11 Edgecombe Court	MOORABBIN	17/06/2019	19/06/2019	Buildings and Works in an Industrial Zone	Permit	No
KP-2018/507	1A Foster Street	ASPENDALE	28/06/2018	19/06/2019	Use and development of the land for two storey built form comprising multiple dwellings	Permit	Yes
KP-2018/726	11-13 Nelson Street	MOORABBIN	6/09/2018	19/06/2019	The use of the land for a restricted recreation facility and associated	Permit	No

					works in accordance with the endorsed plans		
KP-1996/638/A	2 155 Balcombe Road	MENTONE	16/03/2018	19/06/2019	Extension to an existing dwelling.	Permit	Yes
KP-2018/752	45 Tennyson Avenue	CLAYTON SOUTH	17/09/2018	19/06/2019	In accordance with the endorsed plans Develop the Land for the Construction of four (4) double storey dwellings	Permit	Yes
KP-2017/8/A	26-28 Roberna Street	MOORABBIN	9/05/2019	20/06/2019	Use the land for a Indoor Recreation facility (Boxing Gym)	Permit	No
KP-2019/285	127 Howard Road	DINGLEY VILLAGE	15/05/2019	21/06/2019	Construct a fence on land within a Special Building Overlay	Permit	No
KP-2019/46	7 Wimborne Avenue	CHELSEA	1/02/2019	21/06/2019	The development of two (2) dwellings	Permit	No
KP-2017/983	86 Albert Street	MORDIALLOC	18/12/2017	24/06/2019	Develop the land for the construction of five (5) dwellings with basement car parking and associated works	Permit	Yes
KP-2019/236	32-60 Linton Street	MOORABBIN	15/04/2019	24/06/2019	Construction of a grandstand, pool complex, scoreboard and associated car parking	Notice of Decision	No
KP-2018/405	69 Riviera Street	MENTONE	28/05/2018	24/06/2019	The development of four (4) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2019/366	36 Melrose Street	PARKDALE	18/06/2019	24/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/286	2 11 Royal Parade	PARKDALE	15/05/2019	24/06/2019	Construction of a verandah for the existing dwelling	Permit	No
KP-2019/264	5 Kingswood Road	CHELTENHAM	6/05/2019	24/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/304	1440 Centre Road	CLAYTON SOUTH	22/05/2019	24/06/2019	Subdivide the Land into Eight (8) Lots	Permit	No
KP-2019/194	15 Foy Avenue	CHELSEA	2/04/2019	24/06/2019	Subdivide the Land into Two (2) Lots	Permit	No

KP-2019/252	20 Murdock Street	CLAYTON SOUTH	30/04/2019	24/06/2019	Develop the land for the construction of building and works associated with a warehouse	Permit	No
KP-2019/70	104 Station Street	ASPENDALE	11/02/2019	24/06/2019	The development of nineteen (19) dwellings and basement parking	Refused	No
KP-2019/292	1365 Nepean Highway	CHELtenham	14/05/2019	24/06/2019	Construct one internally illuminated promotion sign and one internally illuminated electronic promotion sign on the bus shelter	Permit	No
KP-2018/455	37 Robert Street	PARKDALE	6/06/2018	25/06/2019	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2018/730	1 29-31 Patty Street	MENTONE	10/09/2018	25/06/2019	Develop the Land for the Construction of four (4) double storey Dwellings	Notice of Decision	No
KP-2019/301	17 Bevan Avenue	CLAYTON SOUTH	20/05/2019	25/06/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2018/1014	7 Sydney Street	CLAYTON SOUTH	18/12/2018	25/06/2019	The development of two (2) dwellings	Permit	No
KP-2018/801	101 Station Street	ASPENDALE	4/10/2018	25/06/2019	Develop the Land for the Construction of six (6) Dwellings comprising five (5) three storey and one (1) double storey	Refused	No
KP-1990/1939/A	2 16 Field Avenue	EDITHVALE	20/12/2018	25/06/2019	Dual Occupancy (The construction and use of two detached houses).	Permit	No
KP-2019/188	1 Snowy Court	CLAYTON SOUTH	31/03/2019	25/06/2019	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2019/174	14 Station Road	CHELtenham	26/03/2019	25/06/2019	To use the existing food and drink premise for the sale and consumption of liquor	Lapsed	No
KP-2019/206	11 Collins Street	MENTONE	4/04/2019	25/06/2019	Develop the land for the construction two (2) dwellings	Notice of Decision	No
KP-2019/9	35 Parnell Street	CHELtenham	8/01/2019	26/06/2019	Construct two (2) dwellings	Permit	No
KP-2019/148	7 Graham Road	CARRUM	19/03/2019	26/06/2019	Subdivide the Land into Four (4) Lots	Permit	No

KP-2006/516/A	8 Levanswell Road	MOORABBIN	24/05/2019	26/06/2019	DOG DAY CARE - Changes to the conditions of the permit	Withdrawn	No
KP-2019/364	1 6-8 Shenfield Avenue	BONBEACH	14/06/2019	26/06/2019	Construction of a Front Fence	Permit	No
KP-2019/190	43 Garden Boulevard	DINGLEY VILLAGE	29/03/2019	26/06/2019	Change of Use to a Council Depot	Permit	No
KP-2019/187	310-314 Highett Road	HIGHETT	29/03/2019	26/06/2019	Display of one electronic sign	Permit	No
KP-2019/276	40 Golden Avenue	BONBEACH	13/05/2019	27/06/2019	Subdivide the Land into Six (6) Lots	Permit	No
KP-2018/558	60 Church Road	CARRUM	12/07/2018	27/06/2019	Develop the land for construction of six (6) dwellings	Permit	No
KP-2019/331	1 Tilley Street	CHELTENHAM	4/06/2019	27/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/333	15 Rica Street	MOORABBIN	4/06/2019	27/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/37	Warehouse 1 80 Mills Road	BRAESIDE	22/01/2019	27/06/2019	Use of the land for a gymnasium and internal buildings and works (extend the mezzanine floor space)	Notice of Decision	No
KP-2019/385	28 Fifth Street	PARKDALE	26/06/2019	27/06/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/218	9 Wetland Drive	PATTERSON LAKES	8/04/2019	27/06/2019	The construction of a fence in a land subject to inundation overlay	Withdrawn	No
KP-2019/265	40-46 Canterbury Road	BRAESIDE	3/05/2019	28/06/2019	Develop the land for the construction of a Warehouse on Land Subject to Inundation Overlay	Permit	No
KP-2019/205	1239-1241 Nepean Highway	CHELTENHAM	3/04/2019	28/06/2019	The development of the land for the construction and display of two (2) internally illuminated static promotion signs,	Permit	No
KP-2019/124	47 Elsie Grove	EDITHVALE	5/03/2019	28/06/2019	The development of two dwellings (double storey side by side)	Permit	No
KP-2019/289	416A Warrigal Road	HEATHERTON	14/05/2019	28/06/2019	Construct one internally illuminated promotion sign and one internally	Permit	No

					illuminated electronic promotion sign on the bus shelter		
KP-2019/290	299 Centre Dandenong Road	CHELTENHAM	14/05/2019	28/06/2019	Construction of one internally illuminated promotion sign and one internally illuminated electronic promotion sign on the bus shelter	Permit	No
KP-2019/293	1128-1134 Nepean Highway	HIGHETT	14/05/2019	28/06/2019	Construct one internally illuminated promotion sign and one internally illuminated electronic promotion sign on the bus shelter	Permit	No
KP-2019/294	363-365 Warrigal Road	CHELTENHAM	14/05/2019	28/06/2019	Construct one internally illuminated promotion sign and one internally illuminated electronic promotion sign on the bus shelter	Permit	No
KP-2019/6	57 Rosebank Avenue	CLAYTON SOUTH	4/01/2019	28/06/2019	The development of two (2) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2000/1075/A	11 Hall Mark Road	MORDIALLOC	4/06/2018	28/06/2019	To construct alterations and additions and to use the Totalisator Building for the purpose of a convenience restaurant, convenience shop, take away food premises and temporary office pursuant to Clause 43.01-6, with reduced car parking requirements pursuant to Clause 52.06 of the Kingston Planning S	Permit	No
KP-2015/543/A	44 Mount View Street	ASPENDALE	12/03/2019	28/06/2019	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2019/251	1033 Nepean Highway	MOORABBIN	29/04/2019	28/06/2019	The construction of two (2) internally illuminated static promotion signs	Permit	No
KP-2014/201/A	70 Ella Grove	CHELSEA	13/06/2019	28/06/2019	Develop the Land for the Construction of Three (3) Dwellings	Permit	No
KP-2019/215	51 Golden Avenue	CHELSEA	8/04/2019	28/06/2019	Subdivide the Land into Five (5) Lots	Permit	No

KP-2019/302	46 Church Road	CARRUM	20/05/2019	28/06/2019	Subdivide the Land into Four (4) Lots	Permit	No
-------------	----------------	--------	------------	------------	---------------------------------------	--------	----

Planning Committee Meeting

17 July 2019

Agenda Item No: 4.2

KP-2017/796 - 53 BEACH ROAD, MENTONE

Contact Officer: Andrew Stubbings, Senior Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. Kp-2017/796 - 53 Beach Road, Mentone.

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 the construction of two (2) dwellings and alter access to land adjacent to a road zone category 1 at No. 53 Beach Road, Mentone, subject to the conditions contained within this report.

This application requires a decision by Council, following a call in by Councillor Gledhill.

EXECUTIVE SUMMARY			
Address	53 Beach Road, Mentone		
Legal Description	Lot 1 on PS 389907L		
Applicant	Lowe Design and Build		
Planning Officer	Andrew Stubbings		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 3 Zone		
Overlays	Clause 43.02: Design and Development Overlay Schedule 1		
Particular Provisions	Clause 55 – To construct or extend two dwellings on a lot Clause 52.06 – Car Parking Clause 52.29 - Land Adjacent to a Road Zone, Category 1 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	Two (2) dwellings and alter access to land adjacent to a road zone category 1		
Reference No.	KP-2017/796	RFI Received	Yes
App. Received	Yes	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Yes	Advertising Completed	Yes
S.55 Referrals	VicRoads		
Internal referrals	Yes		
Objection(s)	Eighteen (18) objections and three (3) letters of support		
Lot Size	Each lot 650.3m ²	Mandatory Building Height requirement	Complies
Mandatory Garden area requirement	Complies > 35%		
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
Aboriginal Cultural Sensitivity Area	YES		
CHMP	EXEMPT		
Considered Plans	Prepared by Lowe Design and Build Drawing No's. TP.01 – TP.12 inclusive, dated 20/6/2019, submitted on 20 June 2019		

1.0 RELEVANT LAND HISTORY

- 1.1 Council records indicate that there is no relevant planning history relating to this site.
- 1.2 Council's Planning Enforcement Unit conducted a review of a claim by the Objector from that illegal vegetation removal was undertaken on the subject site prior to the lodgement of the current planning application. Council's Vegetation Department's investigation conclude the tree in question did not require a Local Law permit for its removal.
- 1.3 Additional parcel of land added to North-East corner of block has been acquired by the applicant (who is the owner of No. 53 and 54 Beach Road, Mentone) to assist with egressing Unit 2 /laneway. Additional parcel of land effectively enables all vehicles to perform a 3-point turn and exit the laneway in a forward direction – Revised title has been issued incorporating the additional said land.

2.0 SITE PARTICULARS

- 2.1 The subject site is located on the north side of Beach Road, Mentone, approximately 60 metres north-west of its intersection with Plummer Road. The allotment is parallelogram in shape with a frontage width of 15.24 metres, a maximum site depth of 45.72 metres resulting in an overall area of 650m². The topography of the land features is characterized by a slight fall towards Beach Road with an overall site level difference of approximately 1.0 metre. No significant vegetation exists on the subject land.
- 2.2 At present, the site is occupied by a single-storey brick veneer dwelling with an associated outbuilding (detached brick car garage). The existing development on the land features a minimum front building setback of 5.8 metres from Beach Road. Vehicle access to the site is currently available via a single crossover located at Beach Road in addition to rear access from the adjoining right-of-way which extends west of Plummer Road.
- 2.3 A 1.8 metre high brick fence is featured along the site's street frontage. No street trees exist within the adjoining road reserve at Beach Road.
- 2.4 No easements are contained within the property. There appear to be no restrictions registered on the Certificate of Title issued for the subject land.

3.0 SURROUNDING ENVIRONS

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



- 3.2 The surrounding area typically comprises of a combination of older housing stock comprising single dwellings on single allotments with more recent examples of contemporary medium density housing, including the existing two (2) dwelling development located on the adjoining site at No. 52 Beach Road.
- 3.3 The subject site is located within reasonable proximity to the Mentone Railway Station (approximately 900 metres to the north-east) and the Mentone Activity Centre. The surrounding residential area is well serviced by public transport (including bus routes along Charman Road to the west and Mentone Parade to the east), primary and secondary schools, community facilities and public reserves.
- 3.4 Land directly abutting the subject site and opposite is described as follows:

North (Rear): ROW, No. 1A Plummer Road & No. 51 Beach Road (Opposite) – The 3.0 metre wide gravel laneway is accessed from Plummer Road to the east and currently provides vehicle access to three (3) properties including the subject site. A double-storey weatherboard clad dwelling occupies the property at No. 1A Plummer Road whilst a single-storey dwelling exists on the land referred to as No. 51 Beach Road. However, recent planning approval has been issued to develop the site at No. 51 Beach Road for three (3)

dwellings under Planning Permit No. KP-679/2016 which was issued by Council on the 22nd November, 2017.

East (Side): No. 54 Beach Road – A double-storey rendered brick dwelling occupies this property. An in-ground swimming pool is also located within the rear private open space area. The existing development on this site features a minimum front building setback of 6.50 metres from Beach Road.

South (Front): Beach Road and Mentone Foreshore Reserve (Opposite) – This land forms part of the Public Park & Recreation Zone. It is also noted that Beach Road is identified as a Road Zone Category 1.

West: No. 52 Beach Road – Two (2) double-storey rendered brick dwellings occupy this property and have been constructed in a tandem arrangement. The existing development on this site is characterised by a minimum front building setback of only 5.3 metres which can be largely attributed to the large front-facing balcony.

4.0 PROPOSAL

4.1 It is proposed to develop the subject land for two (2) double-storey dwellings and to alter access to land adjacent to a Road Zone Category 1 with associated works, generally in accordance with the revised plans received by Council on the 20 June, 2019. The existing dwelling, front fence and associated outbuilding (car garage) would be demolished as a part of this application.

4.2 A summary of the proposed development is, as follows:

Dwelling No.	No. of Bedrooms	Total Floor Area (m²)	Total Private Open Space Area (m²)	No. of Car Parking Spaces
1	3	279.09	Min. 82.79m ² , including 22.79m ² balcony	4
2	3	198.69	Min. 74.4m ² , including 14.4m ² balcony	2

4.3 A total of six (6) on-site car parking spaces would be provided, with Dwelling 1 to feature a basement car parking area accommodating up to four (4) car spaces and a double car garage to be provided for Dwelling 2 at the rear. All vehicles associated with Dwelling 1 would access the site from Beach Road requiring the existing crossover to be widened to 5.25 metres. Dwelling 2 is to be accessed via the adjoining laneway at the rear in accordance with recommendations made by VicRoads.

4.4 External building materials for the proposed dwellings would comprise of a combination of blockwork, rendered blockwork/masonry, rendered foamboard cladding and Sycon Axon vertical wall cladding. No details have been specified for the type of roofing materials to be used.

4.5 A 2.0 metre high rendered brick fence with aluminum gate access is to be erected along the site's Beach Road frontage. The existing orange brick front fence is to be demolished.

- 4.6 The proposal has an overall site coverage of 50.31%, permeability of 33.68% and garden area of 39.41%.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 3): Pursuant to Clause 32.08 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 three (3) Standards.

Overlay

- 5.2 Design & Development Overlay: Pursuant to Clause 43.02 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.

No additional permit triggers are affected by the proposal based on the requirements under Schedule 1 (Urban Coastal Height Control Area) of the Overlay.

Particular Provisions

- 5.3 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; and
- 1 visitor space for every 5 dwellings.

This equates to a parking requirement of four (4) car spaces, with no formal requirement to provide a dedicated on-site visitor car space. A total of six (6) on site car parking spaces would be accommodated as a part of the proposed development, including up to four (4) vehicles to be parked within the basement area associated with Dwelling 1.

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 of the Scheme.

- 5.4 Clause 52.29 – Land Adjacent to a Road Zone Category 1: A planning permit is also required to create or alter access to land adjacent to a Road Zone Category 1. VicRoads support the proposed access point along Beach Road subject to conditions.
- 5.5 Clause 53.18 – Stormwater Management in Urban Development: It is considered that the proposed development generally complies 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.
- 5.6 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).

6 POLICY CONSIDERATIONS

General Provisions

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

Planning Policy Framework

- 6.2 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).
- 6.3 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.
- 6.4 Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 6.9 The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity, however the proposed activity is exempt from requiring a Cultural Heritage Management Plan, as the development of three or more dwellings on a lot is (reg.10 of the Aboriginal Heritage Regulations 2018:

less than 0.11 hectares in size; and

not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River. This is demonstrated by the online heritage mapping tool hosted by Aboriginal Victoria which calculates the site as 220 metres away from coastal waters.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

- 6.10 Housing objectives are further advanced at Clause 16 which seek to encourage increased diversity in housing.
- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 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. The subject site is in an area designated for increased housing diversity, which states:

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

- 6.16 It is noted that the site is not within convenient walking distance of public transport and activity centres. With comparison to existing density and lot size, the application proposes 2 lots at a ratio of 1 dwelling per 325m² of site area. The subdivision pattern of multi-dwelling development in the surrounding area exhibits a broader pattern, each lot at least 250m² in area which is considered typical of incremental housing change.
- 6.17 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.

- 6.18 The proposed density and typology is considered appropriate to reflect Council's preferred character of increased housing diversity in a location within convenient walking distance of public transport and activity centres.
- 6.19 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.
- 6.20 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.
- 6.21 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 (BESS/STORM). Further, the SMP assessment was referred to Council's ESD officer who has advised of no objection subject to conditions included on any permit issued.
- 6.22 It is considered that the proposed development generally complies and satisfies the Planning Policy Framework guidelines, which aim to encourage well-designed medium density housing in appropriate locations. A further assessment of the proposal's measure against stormwater management is found within the Clause 55 assessment, later within this report.

7 ADVERTISING

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and/or occupiers and by maintaining two (2) public notices on the site for fourteen (14) days. The advertising process was satisfactorily completed and a total of eighteen (18) objections and three (3) letter of support were received to the original proposal.

The main grounds of objection are, as follows:

- Car parking/traffic congestion;
- Use of right-of-way (safety);
- Neighbourhood character;
- Overshadowing;
- Overlooking;
- Site coverage;
- Garden area;
- Noise impacts (garage door);
- Proposed future carriageway easement; and
- Construction management issues.

PLANNING CONSULTATION MEETING

- 7.2 A Planning Consultation Meeting was held on the 9th August, 2018, with a Planning Officer, the Owner, three (3) representatives on behalf of the Permit Applicant, a Ward Councillor and seven (7) Objectors in attendance. The above-mentioned issues were discussed at length.
- 7.3 The above concerns were unable to be resolved at the meeting and all of the objections still stand.

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

- 8.1 Following the preliminary conference meeting the Permit Applicant lodged amended plans on 20 June 2019 pursuant to Section 50 / 50A / 57A of the *Planning and Environment Act 1987* the amended plans incorporated the following changes:

- Additional parcel of land added to North-East corner of block to assist with egressing Unit 2 /laneway. Additional parcel of land effectively enables all vehicles to perform a 3-point turn and exit the laneway in a forward direction – Revised title has been issued incorporating the additional said land (Title enclosed).
- Area calculations/documentation revised to reflect the increased Site Area
- (658m² in lieu of 649.62m²);
- WSUD Plan updated.
- Garden Areas Plan updated.
- Permeability & Site Coverage calculations updated.
- Swept paths added to plans demonstrating vehicles can enter & exit Unit 2 Garage. All vehicles can exit site/laneway in a forward direction – as per Traffic Engineers Report.
- Bio-Retention diagram & information provided on TP-10.
- Landscape plan provided in accord with revised plans.
- Annotation added for type of Garage door & motor for Unit 2 Garage.
- Annotation added to baffle any external lights for Unit 2 driveway.
- Highlight window added to Unit 1 first floor east facing wall over staircase.
- Window added to Unit 1 first floor living room (both living room windows fitted with external screens to 1.7m in lieu of obscure glass).

The plans have been circulated to Ward Councillors, objectors and supporters of this proposal.

- 8.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

9 REFERRALS

- 9.1 The application was referred to the following internal referral authorities:

- Council's Development Engineer – no objection, subject to a number of permit conditions including a requirement for the provision of stormwater management and on-site waste water treatment.
- Council's Infrastructure Engineer no objection subject to conditions.
- Council's Roads and Drains Department – no objection to the proposed works, subject to a number of standard conditions on any permit issued.

- Council's Traffic Engineering Department – no objection to the revised plans. The Department has also offered a detailed response to each of the Objector concerns regarding the use of the existing ROW and the impact of the proposed development on the adjoining properties. Further to this, it is highlighted that the use of the rear laneway for Dwelling 2 satisfies all technical requirements for access under Clause 52.06 (Car Parking) and AS2890.1 2004 Part 1 Off-Street Car Parking.
- Council's Vegetation Management Officer / Street Trees – no objection, subject to the inclusion of suitable permit conditions including a landscape plan and associated planting schedule for the subject site. It is acknowledged that the proposed development would not result in the removal of any significant vegetation from the property.

9.2 Pursuant to Clause 66.02 of the Scheme, the application was required to be referred to the following external authority:

- VicRoads - raised no objection to the application, subject to the inclusion of two (2) conditions on any permit issued regarding the proposed alterations of the existing access point at Beach Road. It is also noted that "*VicRoads does not support vehicular access to the second (rear) dwelling via Beach Road and it is VicRoads preference to have access to the rear dwelling via the ROW*".

Zoning Provisions

9.3 The mandatory height requirement of 9 metres (and not more than 3 storeys) under Schedule 3 to the General Residential Zone has been satisfied by the proposal, with a maximum overall building height of 7.66 metres proposed. Additionally, the mandatory requirement for the provision of minimum garden area associated with new dwellings under Clause 32.08-4 of the Scheme is applicable to this application as it was lodged after the introduction of Amendment VC110 on the 27th March, 2017. The proposal satisfies the minimum requirement of greater than 35% garden area.

Overlay Provisions

9.4 Design & Development Overlay: Pursuant to Clause 43.02-2 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.

The design objectives of Schedule 1 (Urban Coastal Height Control Area) to this Overlay include:

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

9.5 The proposed development is considered to satisfy the requirements to be met prior to the granting of a permit, which includes allowing a building no greater than two (2) storeys in height (which may include a basement car park with a maximum height of 1.2 metres above natural ground level). The submitted elevation plans show that no part of the proposed dwellings would project more than two (2) storeys above the existing natural ground level at any point and, as such, satisfies the maximum building height requirements under the DDO1.

10 CLAUSE 55 (RESCODE ASSESSMENT)

- 10.1 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.
- 10.2 It is noted that the application achieves a high level of compliance with the ResCode provisions.

Standard of the Kingston Planning Scheme

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

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <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>Standard B1</p> <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. 	<p>Complies with standard & meets objective.</p>
<p>Assessment: The built form and scale associated with the proposed development, including the double-storey dwelling at the rear of the site, is considered appropriate given its high level of compliance under Clause 22.11 (Residential Development Policy) and Clause 55 (ResCode) of the Planning Scheme. Further to this, the size and architectural style of the new dwellings is consistent with recent examples of medium density housing along this section of Beach Road.</p>		
<p>Clause 55.02-2 Residential Policy objectives</p>	<p>Standard B2</p> <ul style="list-style-type: none"> • An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard & meets objective.</p>

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 		
<p>Assessment: The proposal is consistent with all relevant sections of the PPF & LPPF (including Council’s MSS) and local planning policies, namely Council’s Residential Development Policy under Clause 22.11 of the Kingston Planning Scheme. The subject site is located within an area targeted for “incremental housing change” and would result in a net increase in one (1) dwelling on the lot.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A.</p>
<p>Assessment: Not applicable.</p>		
<p>Clause 55.02-4 Infrastructure objectives</p>	<p>Standard B4</p> <ul style="list-style-type: none"> Connection to reticulated services/sewerage, electricity, gas and drainage services Capacity of infrastructure and utility services should not be exceeded unreasonably Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	<p>Complies with standard & meets objective (subject to conditions on any permit issued).</p>

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 		
<p>Assessment: It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	Complies. Dwelling 2 would also be provided with a pedestrian link to Beach Road.
	<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. The existing high front fence would be replaced with a similar front fence due to the property fronting Beach Road.
	<ul style="list-style-type: none"> Development next to existing public open space should be laid out to complement the open space. 	Complies. The proposed development would feature an outlook to the Mentone foreshore reserve (directly opposite).
<p>Assessment: See above.</p>		
<p>Clause 55.03-1 Street setback objective</p>	<p>Standard B6</p>	Complies with standard & meets objective.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<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>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: 5.68 metres.</p>	
<p>Assessment: The proposal meets the setback distance specified in this Standard.</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</p> <p>Maximum: 7.66 metres (9 metres and no more than 3 storeys under GRZ3)</p>	<p>Complies with standard & meets objective.</p>
<p>Assessment: 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</p> <p>Maximum: GRZ3 – 50%.</p>	<p>Variation sought to standard & meets objective.</p>
<p>Assessment: Variation required. The proposal marginally exceeds the maximum site coverage requirement of this Standard, with a site coverage of 50.31% calculated for the proposed development. A minor variation to this Standard is considered reasonable given that it would not detract from the existing neighbourhood character associated with development along Beach Road. It would also be responsive to the existing features and physical constraints of the subject site.</p>		
<p>Clause 55.03-4 Permeability & stormwater management objectives</p>	<p>Standard B9</p> <p>At least: 20%</p>	<p>Complies with standard & meets objective.</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<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 		
<p>Assessment: The permeability figure proposed (i.e. 33.68%) 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. Siting & design should also ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. 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>	Complies with standard & meets objective.
<p>Assessment: The internal layout of all dwellings has been designed to maximise on energy efficiency principles.</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. 	N/A
<p>Assessment: There is no communal private open space adjoining the site.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> • To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting should not create unsafe spaces along streets and accessways</p> <p>Good lighting, visibility and surveillance of car parks and internal accessways should be achieved.</p> <p>Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objective.</p>
<p>Assessment: The proposal provides an acceptable level of consideration for safety & security for residents. In part, this is evidenced by the highly visibly, identifiable & attainable dwelling entries.</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</p> <p>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 conditions on any permit issued).</p>
<p>Assessment: The application provides adequate space for meaningful planting of 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>	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	<p>Complies with standard & meets objective (subject to conditions on</p>

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 		any permit issued).
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies with standard & meets objective (subject to conditions on any permit issued).
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies with standard & meets objective (subject to conditions on any permit issued).
	The number of access points to a road in a Road Zone should be minimised.	Complies. The existing access point at Beach Road is to be retained but modified.
	Access for service, emergency and delivery vehicles must be provided.	Complies.
<p>Assessment: Refer to Section 6.0 of this report. The proposal raises no concern with respect to traffic or access related matters.</p>		
<p>Clause 55.03-10 Parking location objectives</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments 	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed. <p>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.</p>	Complies with standard & meets objective.
<p>Assessment: Refer to Section 6.0 of this report. The proposal raises no concern with respect to the layout and design of on-site car parking, including the proposed basement car parking area associated with Dwelling 1.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.04-1 Side and rear setbacks objective</p> <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. 	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <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. 	<p>Variation sought to standard & meets objective.</p>
<p>Assessment: Variation required. The proposed minimum upper floor level side building setback associated with the new dwellings falls marginally short of the 1.86 metre setback requirement, being nominated as to be only 1.83 metres from the site's west (side) property boundary. A minor variation to this Standard is considered reasonable as the reduced side building setback of Dwelling 1 would be located directly opposite the car garage of Unit 1, 52 Beach Road. It is also noted that there are no habitable room windows of this dwelling that would have a direct look towards the subject site. Overall, the proposal satisfies and in some cases exceeds the formula to Standard B17.</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, 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>Complies with standard & meets objective.</p>
<p>Assessment: The proposal satisfies and in some cases exceeds the requirement of this schedule.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p>	<p>Complies with standard & meets objective.</p>
	<p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least</p>	<p>Complies with standard &</p>

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	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.	meets objective.
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.
Assessment: Not applicable, as the subject site is located on the north side of Beach Road.		
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 proposed development does not result in an unreasonable level of overshadowing to any existing SPOS areas.		
Clause 55.04-6 Overlooking objective <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either: <ul style="list-style-type: none"> Offset a minimum of 1.5m from the edge of one window to the edge of the other. Have sill heights of at least 1.7m above floor level. Have fixed, obscure glazing in any part of the window below 1.7m above floor level. Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	Complies with standard & meets objective.
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	Complies with standard & meets objective.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	<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. 	Complies with standard & meets objective.
Assessment: All first floor HRW and balcony areas that are orientated towards a common boundary have been screened accordingly.		
<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>	Complies with standard & meets objective.
Assessment: No unreasonable internal overlooking will occur.		
<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>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	Complies with standard & meets objective.
Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed.		
<p>Clause 55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> • To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Standard B25</p> <p>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.</p>	Complies with standard & meets objective.
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility.		

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with standard & meets objective.
<p>Assessment: The proposed entries to all dwellings are clearly visible from the public realm.</p>		
<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <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.
<p>Assessment: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.</p>		
<p>Clause 55.05-4 Private open space 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 B28 GRZ3 – A dwelling or residential building should have POS consisting of:</p> <ul style="list-style-type: none"> An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 40m², a min. dimension of 5m and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level POS area of 20m² with a minimum width of 3m is required to be provided for each additional bedroom, with a max. of 80m² of POS required for the dwelling. 	Complies with standard & meets objective.
<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 55.05-5 Solar Access to Open Space</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	Complies with standard & meets objective.
	<p>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.</p>	Complies with standard & meets objective.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 		
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 with standard & meets objective.
Assessment: Secure storage areas have been provided for each dwelling within their respective basement car parking area or POS areas.		
Clause 55.06-1 Design Detail objective <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	Standard B31 The design of buildings, including: <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies with standard & meets objective.
Assessment: The design detail associated with the proposed dwellings is consistent with that of existing residential development along this section of Beach Road.		
Clause 55.06-2 Front fences objective <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	Complies with standard & meets objective.
	Schedule to GRZ3: A front fence within 3m of a street should not exceed 2m for streets in a RDZ1 or 1.2m for other streets.	Complies with standard & meets objective.
Assessment: A 2.0 metre high rendered brick fence would be constructed along the site's Beach Road frontage.		
Clause 55.06-3 Common property objectives	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

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<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. 		
Assessment: No common property is proposed as part of this development.		
<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.
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.		

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

11 RESPONSE TO GROUNDS OF OBJECTIONS

- 11.1 The Objectors' concerns have largely been addressed in the attached *Appendix A* and, where necessary, further elaborated on in the assessment above.
- 11.2 A summary of the remaining concerns and response to each valid ground is provided as follows:

11.3 A summary of the remaining concerns and response to each valid ground is provided as follows:

- **Car Parking/Traffic Congestion**

The proposed development would exceed the minimum requirement for on-site car parking as specified under Clause 52.06 (Car Parking) of the Scheme, which includes the provision of a basement car parking area for Dwelling 1 to accommodate up to four (4) vehicles. Council's Traffic Engineers have also offered conditional support to the proposal and have advised that the number of vehicle movements likely to be generated by each dwelling during peak periods would be only 0.65 per hour. It is also considered that the amount of traffic generated by the new dwellings is acceptable within the rear laneway given that it only serves three (3) properties (including the subject site) and would be able to accommodate vehicles without a passing area.

Council's Traffic Engineer provides further comments to the objection raised:

'I have perused the relevant sections of the planning application and objections of local residents.

1. *The objector has raised a number of safety and access concerns regarding the proposed development at 53 Beach Road using the Right of Way (ROWY). These concerns are summarised below:*
 - a. *Lack of passing opportunities for a vehicle/vehicle and vehicle/pedestrian conflict along the ROWY.*
 - b. *Access to the proposed garage on the ROWY poses a risk to public safety by creating vehicle/pedestrian conflict zone mainly due to the property of 1a Plummer Road is located very close to the ROWY*
 - c. *The existing vehicle crossing serving ROWY is located very close to the neighbouring vehicle crossings of 1 Plumber Road and 57 Beach Road, and the proposed development will result in additional traffic at the location, conflicting with the access of neighbouring properties.*
 - d. *The proposed development does not provide a convenient and safe pedestrian access between garage and the unit it serves, and the development lacks high quality pedestrian access for residents and visitors of Unit 2.*
 - e. *The swept path diagram provided shows vehicles are too close to the property boundary of 1a Plummer Road, and encroachment is highly likely. The swept path showed that vehicles making a corrective movement when entering into the garage.*
 - f. *No swept path has been provided for vehicles parking in front of the garage of Unit 2.*
 - g. *A previous development at 52 Beach Road proposed to use the ROWY for access was rejected by Council and the access was relocated to Beach Road. The precedent should be followed with the proposal.*
 - h. *Construction of the 53 Beach Road must not be conducted from the ROWY as it impacts on the safety and access of 1a Plummer Road.*
 - i. *The proposed development has not considered loading/unloading requirement.*
 - j. *Lack of lighting for the vehicle access.*
 - k. *The condition of the ROWY does not encourage sustainable travel.*
2. *In response to the concerns raised Traffic Department provides the following comments:*
 - a. *In accordance with Australian/New Zealand Standard 2890.1 2004, Part 1 Off-Street Car Parking, section 3.2. the access facility is classified as category 1 based on Table 3.1, and the minimum width required is 3m according to table 3.2. Section 3.2.2 requires that a passing area is to be provided every 30m if the traffic movements in*

the access driveway is greater than 30 movements per hour during peak hours (in and out combined). RTA Guide to Traffic Generating Developments provides traffic generation rate for townhouses (three or more bedrooms) at 6.5 vehicle trips per dwelling per day, and 0.65 vehicle trips per dwelling per peak hour. Given the existing ROWY services three properties, the peak hour traffic generation is in the order of 1.95 vehicle trips per hour. The amount of traffic using the ROWY is not significant, and the 3m width is sufficient to accommodate the amount of traffic without a passing area. The following laneways located in other parts of Kingston carry the similar amount of traffic with a 3m wide laneway provision that lacks passing opportunities, and perform satisfactorily.

- i. Parkers Lane, Parkdale*
 - ii. Peiter Lane, Parkdale*
 - iii. Venice Lane, Mentone*
 - iv. ROW behind 351 to 347 Nepean highway, Chelsea*
 - v. ROW 2-16 Centreway, Mordialloc*
 - vi. Harding Lane, Bonbeach*
- b. As stated in the response 2a. the likelihood of a pedestrian and vehicle conflict along the ROW is low, and this applies to the area outside the garage of Unit 2 of the proposed development. In addition, the swept path diagram demonstrated that there is sufficient space to allow a vehicle to access the garage of Unit 2. Pedestrians sightline triangles measuring 2m wide and 2.5m deep have also been provided in accordance with the Planning Scheme requirements.*
 - c. The vehicle crossing of the ROW will provide access to three properties including the proposed development, and the adjacent crossings will only provide access to 57 Beach Road and 1 Plumber Road which are single dwelling houses. The peak traffic generation is estimated to be 1.95 vehicle trips per hour for the ROWY, and 0.85 vehicle trips per hour for 57 Beach Road and 1 Plumber Road. As such the combine peak traffic movements for the three vehicle crossings are estimated at 3.65 or 4 movements per hour. The amount of traffic using the three vehicle crossings is considered to be low, and majority of the traffic is generated by the existing properties, with the development contributing less than 1 movement per peak hour (0.65). As such, any conflict at the location will be low, and the proposed development will have a negligible contribution impact.*
 - d. The proposed development of Unit 2 has the main pedestrian access located on Beach Road. The secondary access is located off the driveway and providing access to the private open space. Pedestrian can also access the property from the garage directly into the property via garage entrance door. It is considered that the main access on Beach Road will be used predominantly by the visitors, and the secondary access along with garage access will be used by the property owners. As such, the pedestrian access to the property is considered adequate and safe.*
 - e. The swept path analysis provided by TraffixGroup dated 3rd May 2018 is sufficient, and it demonstrates that the vehicles can enter and exit the site in a safe and convenient manner. The number of maneuverers required to access the garage comply with the requirements set out under the Australian/New Zealand Standard 2890.1 2004. There is sufficient clearance shown between the ingress/egress vehicle body and the property boundary of 1a Plumber Road, i.e. 300mm.*
 - f. Swept path diagram is not required to be provided to show a vehicle parking in front of the garage of Unit 2, as the space is not a designated parking space, and sufficient parking has been provided in accordance with the Planning Scheme requirement.*
 - g. It is noted that a previously proposed similar development at 52 Beach Road, Mentone was refused, and a concern was raised regarding the length of the ROWY which the proposed development accessed onto and a lack of passing opportunities along the ROWY. It is noted that the previously traffic assessment was conducted based on the Kingston Planning Scheme in 2005. The assessment criteria was different from the current Planning Scheme. In particular, a requirement under*

section 55.03-9 Standard 14 of the 2005 Planning Scheme requires Council to consider relevant standards of Clause 56 for developments with accessways longer than 60m or serving more than 40 dwellings. This requirement is no longer present in the current Planning Scheme and it is noted that officers are required to assess a planning application against the current scheme, not on precedents set by decisions under a previous scheme.

- h. Construction Management Plan will be required for the proposed development, and Council will be assessing the construction methodology of the development prior to the commencement of the construction activities. The Construction Management Plan requires builder to consider and minimise impact to the neighbouring properties.*
 - i. Loading and unloading is generally considered for manufacture, servicing, storage or sale of goods or materials. Residential development does not require provision of designated loading area.*
 - j. It is recommended that the conditions of the permit include the driveway between the laneway and the garage must be well lit and secure.*
 - k. Council's Infrastructure Department will assess the impact of the proposed development and negotiate with the developer to explore options to improve the laneway if warranted.*
3. *The proposed development must provide sufficient lighting for the its driveway, and the location of the lights must not result the lighting spills into the neighbouring property on the laneway.*
4. *Construction Management Plan is required to be supplied and endorsed by Council prior to the commencement of work'.*

• **Use of Right-of-Way**

The Objector from No. 1A Plummer Road to the rear (north) has expressed particular concern with regarding the potential safety implications associated with the use of the existing right-of-way, with respect to pedestrian access. Council's Traffic Engineers have provided a detailed written response to all of the Objector's concerns regarding traffic impacts associated with the proposed development and notably the use of the laneway. Importantly, the revised plans demonstrate that the proposed development achieves full compliance with the technical requirements of Clause 52.06 (Car Parking) and the relevant specifications relating to off-street car parking under AS2890.1:2004. Further to this, it is advised that the likelihood of pedestrian and vehicle conflict within the laneway is low in front of the rear of Dwelling 2 which is to be located directly opposite the dwelling entry area of No. 1A Plummer Road. Pedestrian sight lines have also been incorporated into the design of the rear access to Dwelling 2 in accordance with the Planning Scheme.

The Objector has also queried the appropriateness of the use of the laneway for vehicle access to Dwelling 2 given that a similar development previously sought for the adjoining property at No. 52 Beach Road was refused on this basis in 2005. However, Council officers wish to highlight that the planning requirements for access at that time (which required consideration of the use of accessways more than 60 metres long and serving more than 40 dwellings under Clause 55.03) is no longer applicable under the Kingston Planning Scheme.

- **Neighbourhood Character**

The built form and scale associated with the proposed development, including the double-storey dwelling at the rear of the site, is considered appropriate given its high level of compliance under Clause 22.11 (Residential Development Policy) and Clause 55 (ResCode) of the Planning Scheme. Further to this, the size and architectural style of the new dwellings is consistent with recent examples of medium density housing along this section of Beach Road.

- **Overshadowing**

Shadow diagrams submitted with the revised plans demonstrate a high level of compliance with the technical requirements under *Standard B21 – Overshadowing* of the Scheme. This can also be partly attributed to the subject site being located on the north side of Beach Road.

- **Overlooking**

The proposed development satisfies the relevant requirements under Standard B22 – Overlooking under Clause 55 of the Scheme, with particular regard to the location and visual screening treatment nominated for each of the upper floor level balcony areas.

- **Site Coverage**

Whilst the proposed development would marginally exceed the technical requirements of *Standard B8 – Site Coverage* under Clause 55, Council officers consider that a minor variation to this requirement would still ensure that the design objective of the Standard is met.

- **Garden Area Requirement**

The garden area calculation for the proposed development was queried by an Objector at the Planning Consultation Meeting held by the respective stakeholders. Further to this meeting, the Applicant provided details of how the calculation of 35% is achieved for the subject site as a part of a written response to Council dated the 20 June 2019.

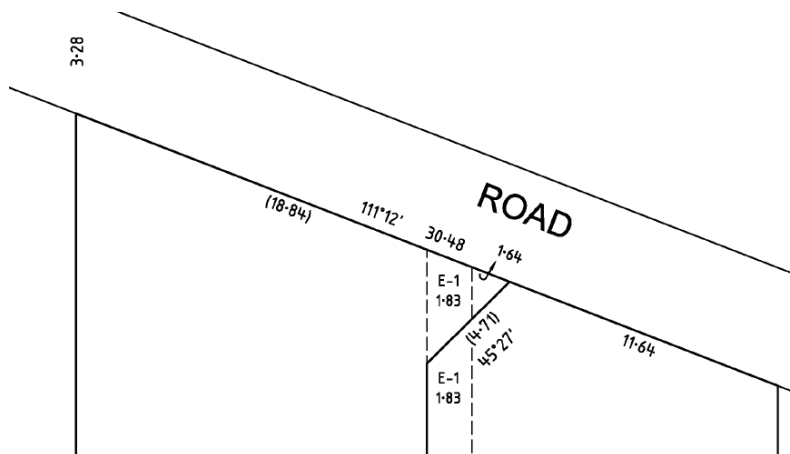
- **Noise Impacts**

The proposal should not result in an excessive level of noise as a result of the two (2) dwellings on the site and is considered appropriate within the context of an established residential area. It is also noted that a standard condition of any permit issued would require details of the location of any external heating and/or cooling units associated with the proposed development.

The issue of noise associated with the mechanical operation of the garage door of Dwelling 2 at the rear of the site. However, the Applicant has since clarified the type of garage door to be installed which has been specifically designed for residential development and is described as “smooth and quiet”.

- **Proposed Future Carriageway Easement**

Additional parcel of land added to North-East corner of block to assist with egressing Unit 2 /laneway. Additional parcel of land effectively enables all vehicles to perform a 3-point turn and exit the laneway in a forward direction – Revised title has been issued incorporating the additional said land (refer to below). Site Area increased to 658 square metres.



- **Construction Management Issues**

Council's Traffic Engineers have recommended that a condition of any permit issued should require the provision of a Construction Management Plan (CMP) to be submitted and approved by Council prior to the commencement of any approved development for the subject site. It is to the satisfaction of Council's Construction Management Officer if the Right Of Way is to be used or there be restricted access for construction deliveries during the build.

12 CONCLUSION:

- 12.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to Section 60(1) of The Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.
- 12.3 The proposed development is considered appropriate for the site, subject to conditions, as evidenced by:
 - The compatibility of the design and siting with the surrounding area;
 - The mitigation of off-site amenity impacts; and
 - A suitable level of compliance with all relevant policies, including Clause 22.11 (Council's Residential Development Policy), Clause 52.06 (Car Parking), Clause 52.29 (Land Adjacent to a Road Zone Category 1) and Clause 55 (ResCode) of the Kingston Planning Scheme.

13.0 RECOMMENDATION

13.1 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 two (2) double storey dwellings and alter access to a Road Zone Category 1 at No. 53 Beach Road, Mentone subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 20 June 2019, but modified to show:
 - a) the provision of a landscape plan in accordance with the submitted development plan and with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees 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, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;
 - vi. The provision of two (2) indigenous canopy trees within the front setback of the property that will reach a minimum mature height of eight (8) metres and spread of six (6) metres, with species chosen to be approved by the Responsible Authority;
 - vii. The provision of one (1) indigenous canopy tree within the private open space of each dwelling that is capable of reaching at least six (6) metres in height with a canopy spread of four (4) metres at maturity, with species chosen to be approved by the Responsible Authority;
 - viii. 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;
 - ix. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - x. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - xi. 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.
 - b. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004;

- c. the provision of the required 150mm high apex above the existing back of footpath level along the entire Beach Road frontage of the subject site;
- d. the provision of baffled security lighting adjacent to the basement access ramp and the pedestrian pathway on the western side of the proposed development;
- e. the provision of baffled security lighting adjacent to the garage of dwelling 2 of the proposed development;
- f. the internal driveway must at least 500mm from the side boundary at the site's front property boundary;
- g. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- h. the location of all external heating and/or cooling units for the proposed dwellings; and
- i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.

Endorsed Plans

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

Conditions required by VicRoads

3. Prior to the commencement of use or occupation, a sealed access crossover as at least 5.25 metres wide at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres front he edge of the road must be constructed to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
4. Vehicles must enter and exit the land in a forward direction at all times.

Construction Management

5. Prior to the commencement of any buildings and works on the land (including demolition), 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, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). 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 (Note: Detail the expected use and times of the day deliveries are expected to utilise the Right Of Way)
- 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. The use /or restricted use of the Right Of Way for deliveries is to be to the satisfaction of Council's Construction Management Officer.

Drainage and Water Sensitive Urban Design

6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

- a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per Conditions 6a), 6b) & 6c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum 150mm above the back of footpath level along the entire Beach Road frontage of the site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
9. 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.
10. The basement structure must be designed to respond to the findings of the GAR and GMP required under Condition 9 of this permit and constructed to the satisfaction of the Responsible Authority.

Parking and Traffic Management

11. Prior to the occupation of each dwelling hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
 - e. Clearly signposted/marked as resident, employee, disabled or visitor parking.
 - f. Line-marked to indicate each car space and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

Infrastructure and Road Works

12. 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.
13. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Beach Road and all internal driveways must align with the existing / proposed vehicle crossing.
14. Prior to the commencement of the development hereby approved, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
15. The internal driveway must be at least 500mm from the side boundary at the front boundary.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
18. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
19. All front and side fences must be contained wholly within the title property boundaries of the subject land.
- General amenity conditions**
20. 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 be concealed from the street, unless with the further written consent of the Responsible Authority.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

21. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
 22. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
 23. Lighting
Exterior lighting must be installed in such positions as to effectively illuminate all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land, to the satisfaction of the Responsible Authority.
 24. Completion of Works
Prior to the occupation of each dwelling 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 each dwelling 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.
 26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 27. Time Limits
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:** No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986* and any other relevant acts or regulations created under those Acts.
- Note:** The owner(s), occupiers and visitors of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.
- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.
- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to

determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

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*).

OR

In the event that the Planning Committee wishes to oppose the Officer Recommendation to support the application, it can do so on the following grounds:

1. The proposal is contrary to the Increased Housing Change Areas policy direction included in Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
2. The proposal does not align with the character policies and objectives of the Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposed development fails to satisfy Standard B8 (Site Coverage) and B17 (Side and Rear Setbacks) of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme.
4. Vehicle access to dwelling 2 via the Right of Way creates unacceptable safety risk to occupants at No. 1a Plummer Road, Mentone.

Appendices

Appendix 1 - KP-2017/796 - 53 Beach Road, MENTONE VIC 3194 - Planning Applications -COUNCIL PLANS (Ref 19/124648)  [↓](#)

Author/s: Andrew Stubbings, Senior Planner

Reviewed and Approved By: Ian Nice, Manager City Development

4.2

KP-2017/796 - 53 BEACH ROAD, MENTONE

1	KP-2017/796 - 53 Beach Road, MENTONE VIC 3194 - Planning Applications -COUNCIL PLANS	57
---	---	----

**53 BEACH ROAD, MENTONE
TWO UNIT DEVELOPMENT
KEVIN AND PAM BROADBENT
TOWN PLANNING**

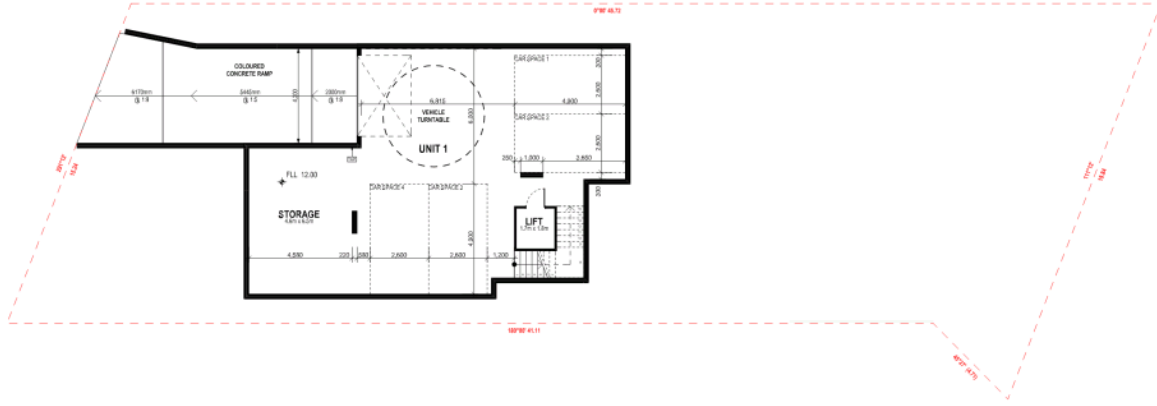
DRAWING INDEX	
DRAWING No:	DRAWING:
TP 00	COVER PAGE
TP 01	EXISTING CONDITIONS
TP 02	DESIGN RESPONSE
TP 03	BASEMENT & SECTION
TP 04	GROUND FLOOR PLAN
TP 05	FIRST FLOOR PLAN
TP 06	ROOF PLAN & FRONT FENCE DETAIL
TP 07	ELEVATIONS
TP 08	SHADOW DIAGRAM
TP 09	SHADOW DIAGRAM
TP 10	W.E.U.D & STREETSCAPE PLAN
TP 11	GARDEN AREA & RAMP DETAIL
TP 12	OVERSHADOWING CROSS SECTIONS





40 South Road
Melbourne VIC 3004
T: 03 9592 3883
F: 03 9592 3883
WWW.LOWEDESIGN.COM

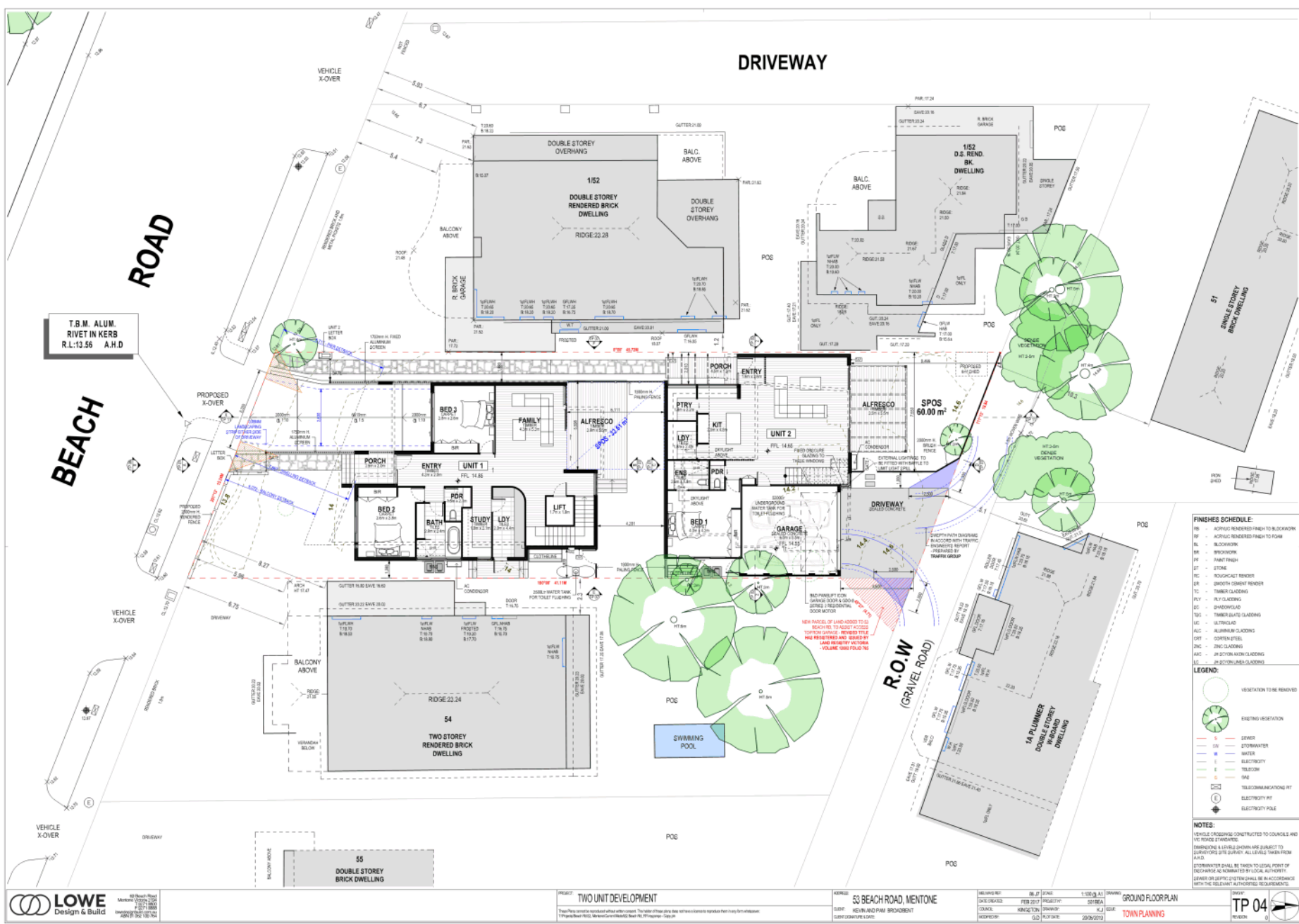




① BASEMENT



② SECTION



T.B.M. ALUM.
R.L:13.56 A.H.D

BEACH ROAD

DRIVEWAY

R.O.W (GRAVEL ROAD)

FINISHES SCHEDULE:

- BR - ACRYLIC RENDERED FINISH TO BLOCKWORK
- RF - ACRYLIC RENDERED FINISH TO FOAM
- BR - BLOCKWORK
- BR - BRICKWORK
- PF - PAINT FINISH
- ST - STONE
- RC - ROUGHCAST RENDER
- ER - SMOOTH CONCRETE RENDER
- TY - TIMBER CLADDING
- PL - POLY CLADDING
- EC - SHOWERGLASS
- TL - TIMBER GLAZE CLADDING
- ALG - ALUMINIUM CLADDING
- GRF - GYPSUM STEEL
- ZNC - ZINC CLADDING
- ACC - AN-SONIC ROOF CLADDING
- GC - AN-SONIC GLAZE CLADDING

LEGEND:

- (Green circle with slash) VEGETATION TO BE REMOVED
- (Green circle) EXISTING VEGETATION
- (Blue line) SEWER
- (Blue line with 'W') ESTIMATED WATER
- (Blue line with 'E') ELECTRICITY
- (Blue line with 'T') TELEPHONE
- (Blue line with 'S') FIBRE
- (Blue line with 'RT') TELECOMMUNICATIONS RT
- (Blue line with 'RIT') ELECTRICITY RIT
- (Blue line with 'P') ELECTRICITY POLE

NOTES:
VEHICLE CROSSINGS CONSTRUCTED TO COUNCILS AND VET. ROAD STANDARDS.
TERMINAL LEVELS (SLOPES) ARE SUBJECT TO SURVEYORS SITE SURVEY. ALL LEVELS TAKEN FROM A.S.L.
ESTIMATED WATER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE AS NOTIFIED BY LOCAL AUTHORITY.
SEWER OR WATER SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORITY REQUIREMENTS.

LOWE
Design & Build

40 South Road
Mentone VIC 3194
Tel: 03 9591 9883
Fax: 03 9591 9884
ABN 61 952 130 764

PROJECT: TWO UNIT DEVELOPMENT

This Plan is prepared in accordance with the relevant Victorian Building Regulations. The title of this plan is without liability to the extent that it is not a true and correct copy of the original plan.

ADDRESS: 53 BEACH ROAD, MENTONE

DESIGNER: KEVIN AND PAUL BROOKHURST

CLIENT/OWNER: KEVIN AND PAUL BROOKHURST

SCALE: 1:100 (A1)

DATE: 26/09/2019

PROJECT NO: 1901

DATE: 26/09/2019

SCALE: 1:100 (A1)

DATE: 26/09/2019

GROUND FLOOR PLAN

TOWN PLANNING

TP 04

REVISION



T.B.M. ALUM.
R.I.:13.56 A.H.D

BEACH ROAD

DRIVEWAY

R.O.W.
(GRAVEL ROAD)

FINISHES SCHEDULE:

- BR - ACRYLIC RENDERED FINISH TO BLOCKWORK
- RF - ACRYLIC RENDERED FINISH TO FOAM
- BL - BLOCKWORK
- BS - BRICKWORK
- PF - PAINT FINISH
- ST - STONE
- TR - TRICKERCAST RENDER
- CR - GROUT COARSE RENDER
- TC - TIMBER CLADDING
- PL - POLY CLADDING
- EC - SHOWERGLASS
- TL - TIMBER SLATE CLADDING
- ZC - ZINC CLADDING
- AC - ANODISED ALUMINIUM CLADDING
- GC - ANODISED ALUMINIUM CLADDING

LEGEND:

- (Green circle with slash) VEGETATION TO BE REMOVED
- (Green circle) EXISTING VEGETATION
- (Red line) KERB
- (Blue line) STORMWATER
- (Blue line) WATER
- (Black line) ELECTRICITY
- (Black line) TELEVISION
- (Black line) GAS
- (Black line) TELECOMMUNICATIONS PIT
- (Black line) ELECTRICITY PIT
- (Black line) ELECTRICITY POLE

NOTES:

VEHICLE CROSSINGS CONSTRUCTED TO COUNCILS AND VIC. ROAD STANDARDS.

TEMPORARY LEVELS (DRAINAGE) ARE SUBJECT TO SURVEYORS SITE SURVEY. ALL LEVELS TAKEN FROM A.S.M.

STORMWATER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE AS MONITORED BY LOCAL AUTHORITY.

LEVELS ON BERTH CENTER SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORIZED REQUIREMENTS.

LOWE
Design & Build

40 South Road
Mentone VIC 3194
Tel: 03 9594 1000
Fax: 03 9594 1001
www.lowe.com.au

PROJECT: TWO UNIT DEVELOPMENT

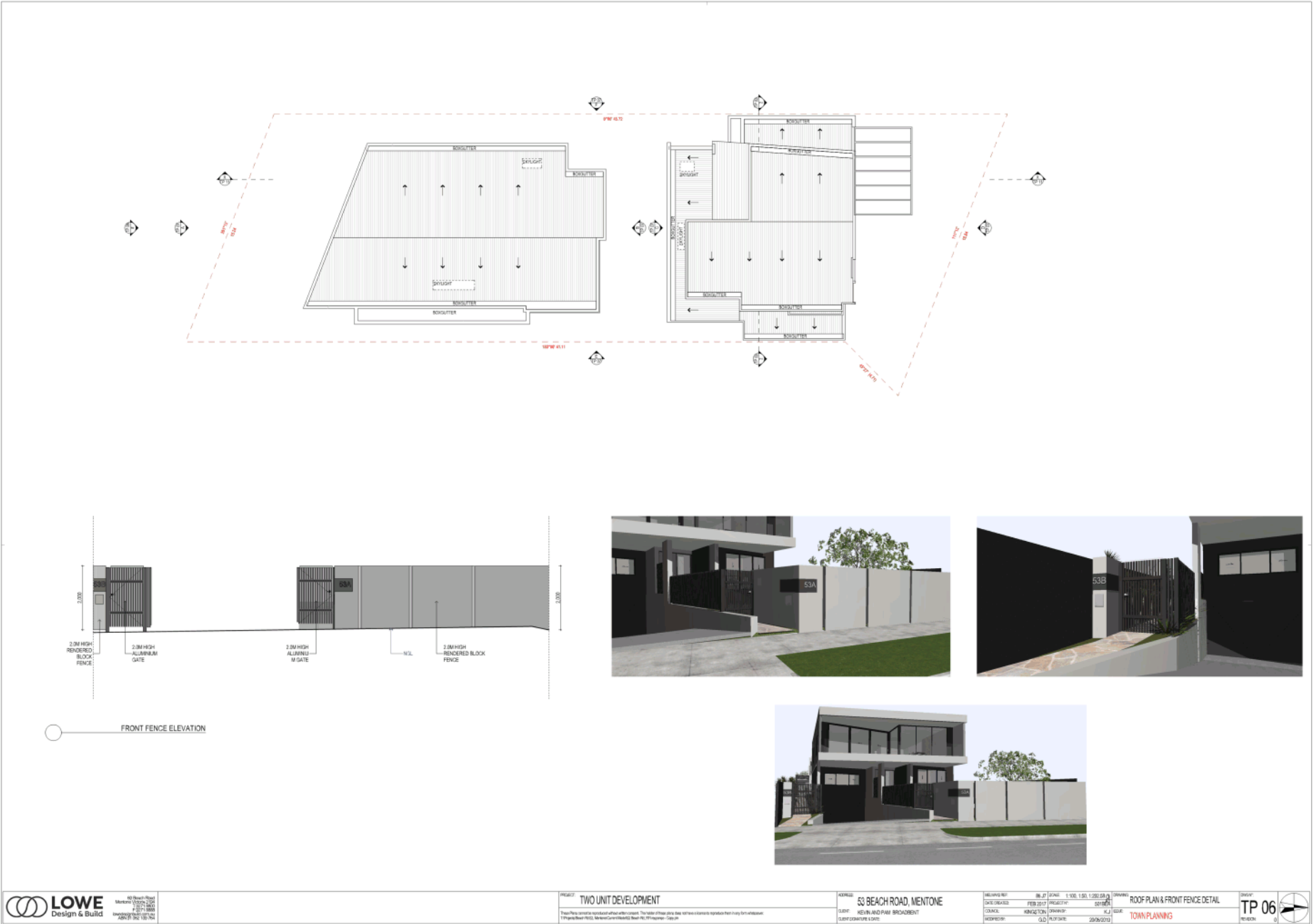
This Plan is prepared in accordance with the relevant standards. The client is responsible for ensuring that the information provided is correct and that the information is not used for any other purpose.

ADDRESS: 53 BEACH ROAD, MENTONE
CLIENT: KEVIN AND PAUL BROOKHURST
CLIENT REFERENCE: 53/2017

DRAWING NO: 98_07_ZONE
DATE: FEB 2017
SCALE: 1:100
DRAWN BY: J. JONES
CHECKED BY: K. JONES
DATE: 26/02/2017

FIRST FLOOR PLAN
TOWN PLANNING

TP 05
REVISION



LOWE
Design & Build

40 Beach Road
Mentone VIC 3194
P 03 9593 8888
F 03 9593 8888
www.lowebuild.com.au
ABN 51 952 135 754

PROJECT: **TWO UNIT DEVELOPMENT**

These Plans are intended to be used in conjunction with other documents. The holder of these plans shall not be liable to anyone for any loss or damage arising from the use of these plans.

ADDRESS: **53 BEACH ROAD, MENTONE**

CLIENT: **KEVIN AND PAUL BROCKHOFF**

CLIENT/DATE: **1/1/2017**

DRAWING NO: **06_01** DATE: **1/1/2017** SCALE: **1:100** 1/2017/06/01

DATE ISSUED: **1/1/2017** PROJECT NO: **061901**

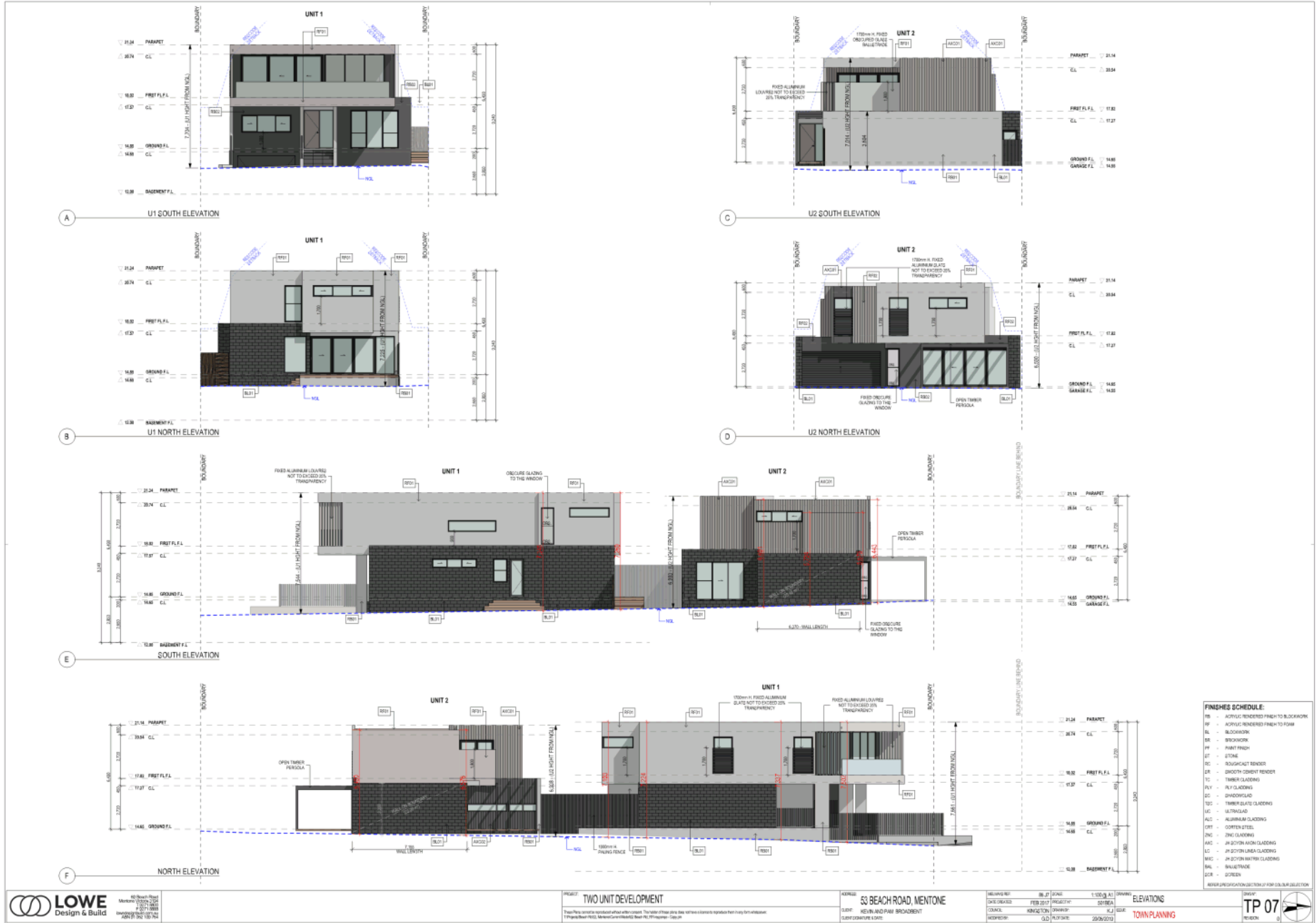
COUNCIL: **KORANGATON** DRAWING NO: **TP 06**

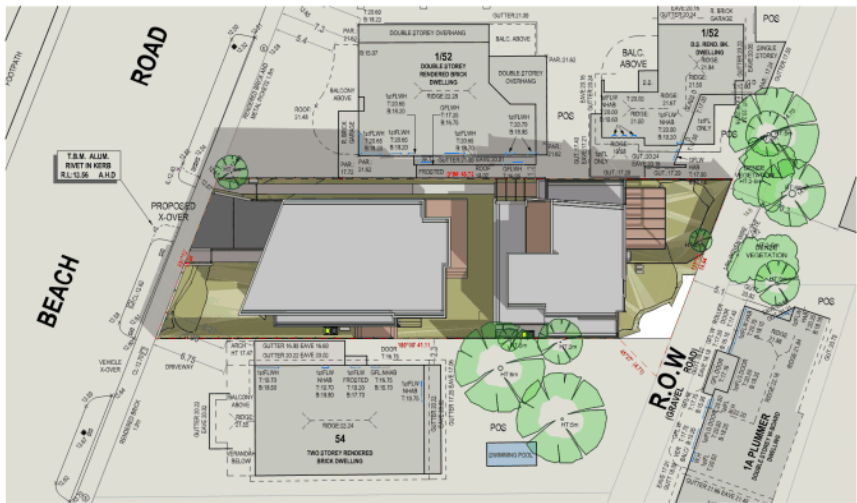
DRAWN BY: **GLD** CHECKED BY: **GLD** DATE: **28/06/2017**

PROJECT: **TOWN PLANNING**

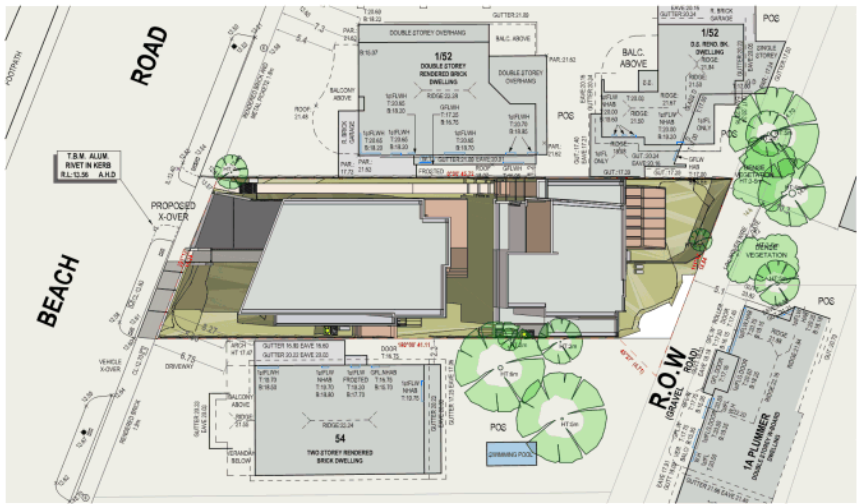
PROJECT: **TP 06**

REVISION: **01**

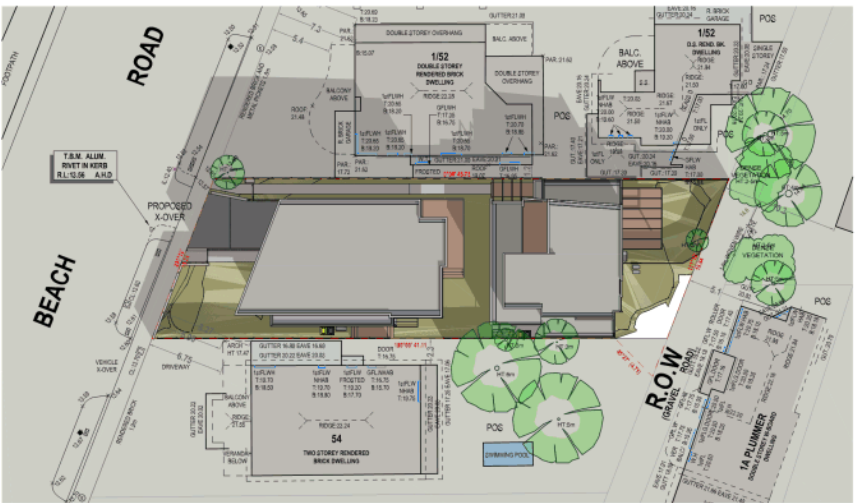




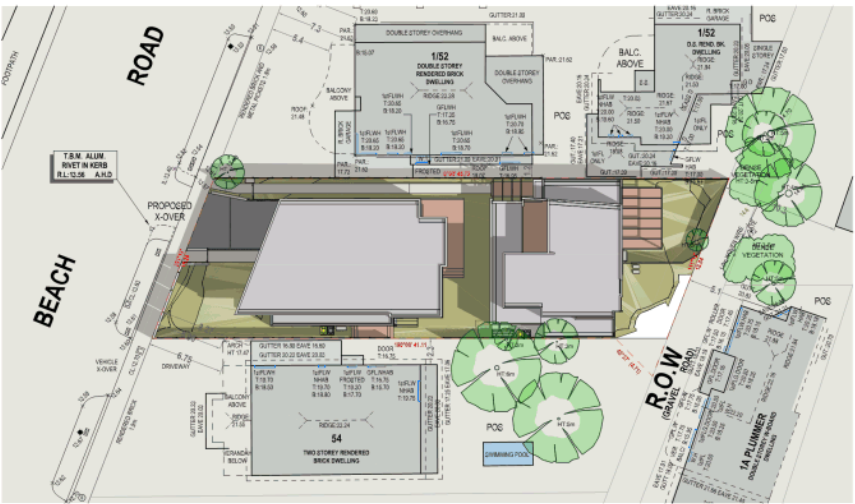
02 10AM



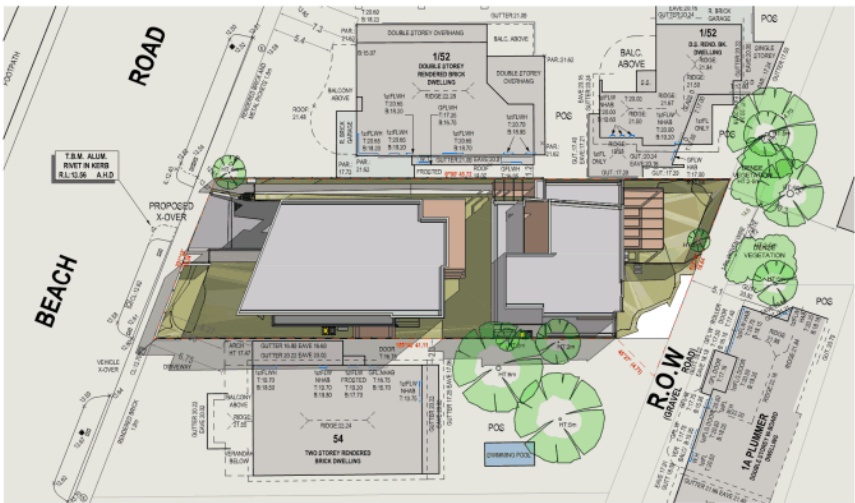
04 12PM



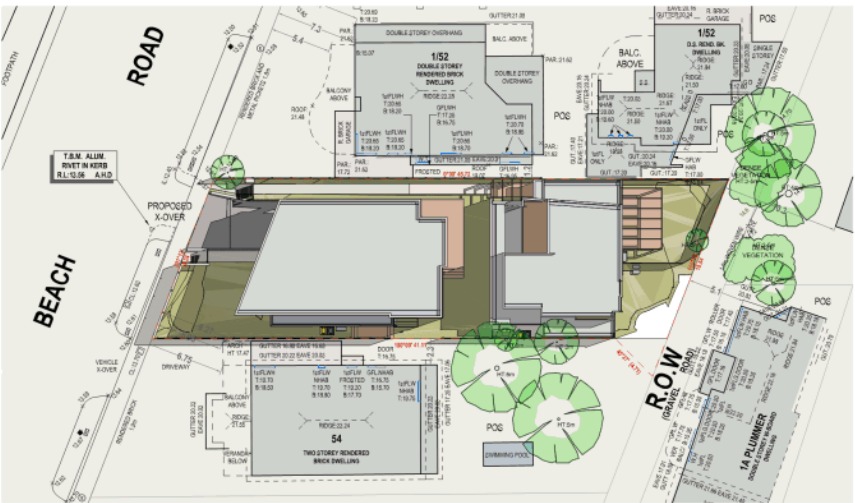
01 9AM



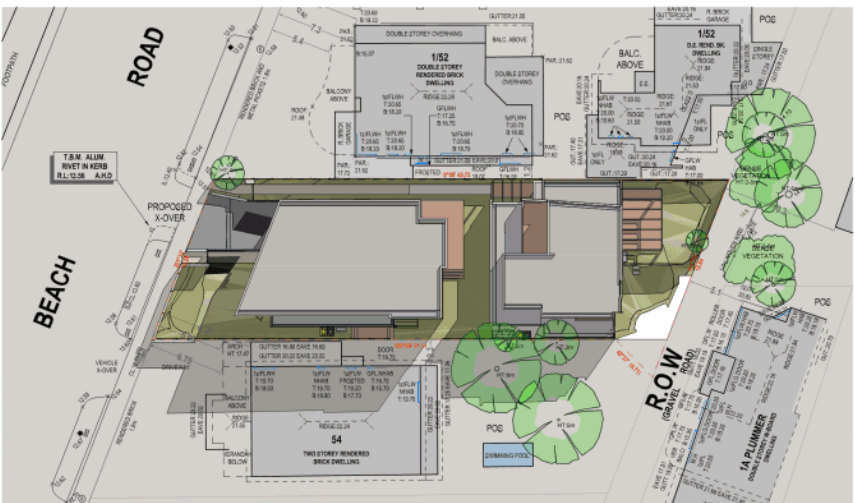
03 11AM



06 2PM



05 1PM



07 3PM



PROJECT: **TWO UNIT DEVELOPMENT**
 ADDRESS: **53 BEACH ROAD, MENTONE**
 CLIENT: **KEVIN AND PAUL BROCKHOFF**
 SURVEYOR/DATE: **G.D. FLOREY/2018**

DATE: **19/07/2017**
 DRAWN BY: **DAVID J. COOPER**
 CHECKED BY: **G.D. FLOREY**
 SCALE: **AS SHOWN**
 PROJECT NO: **2017/0796**

DATE: **19/07/2017**
 DRAWN BY: **DAVID J. COOPER**
 CHECKED BY: **G.D. FLOREY**
 SCALE: **AS SHOWN**
 PROJECT NO: **2017/0796**



Melbourne Water STORM Rating Report

TransactionID: 760281
Municipality: KINGSTON
Ruralist Station: KINGSTON
Address: 53 Beach Road

Mentone
VIC 3194

Assessor: Gary Davison
Development Type: Residential - Multifunt
Allotment Site (m2): 658.00
STORM Rating %: 100

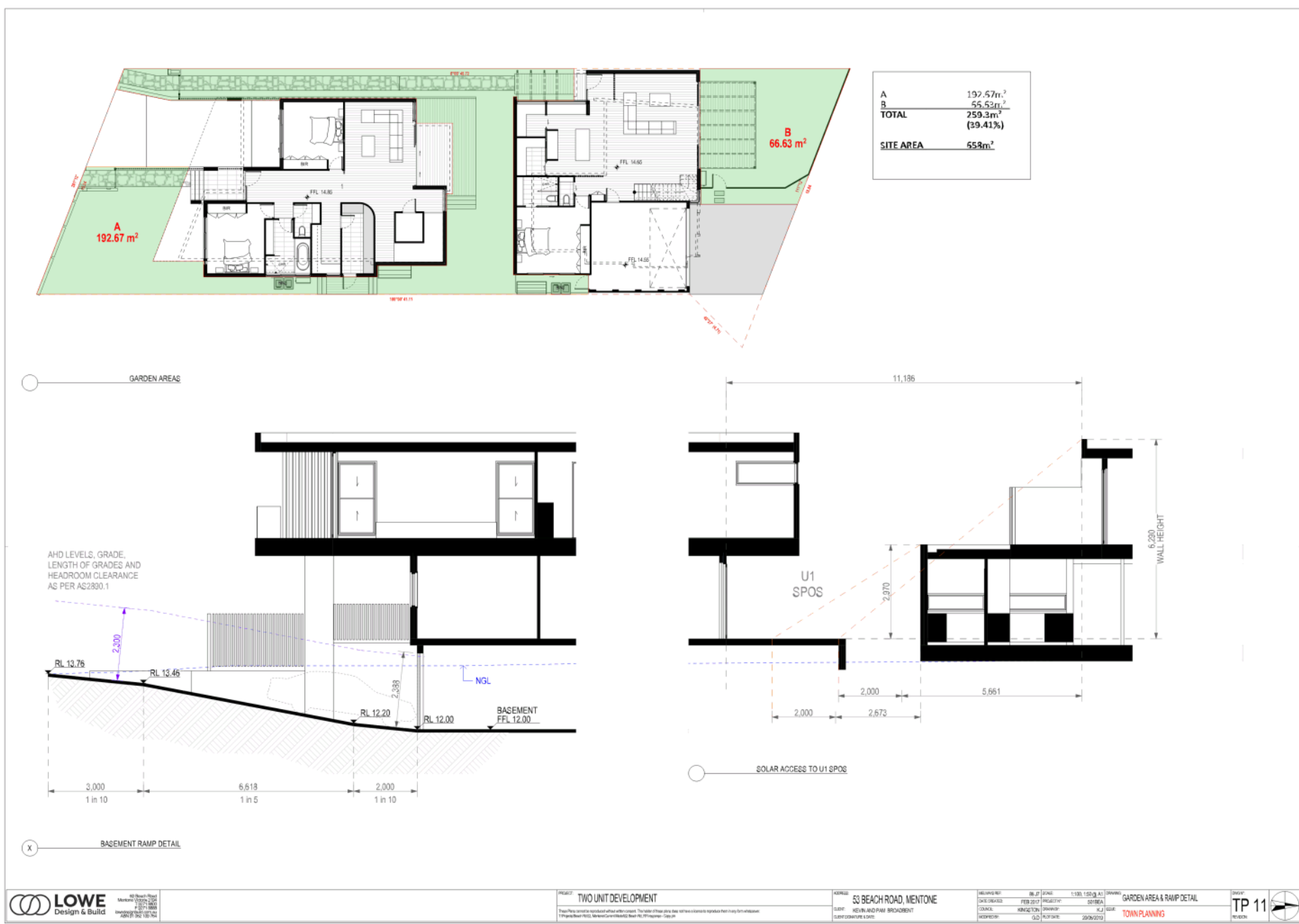
Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Paving	22.34	Rangarden 300mm	2.00	0	134.00	0.00
Roof	331.03	Rainwater Tank	4,900.00	6	89.20	92.50
Driveways	81.22	Rangarden 300mm	2.00	0	133.00	0.00

Date Generated: 16-Apr-2019 Program Version: 1.0.0

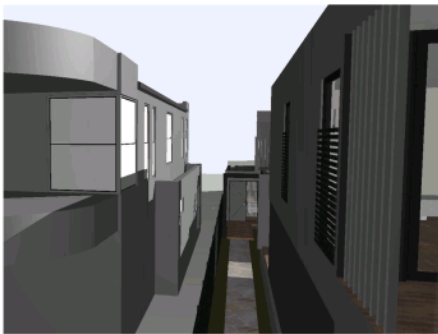
W.S.U.D PLAN

BIO-RETENTION

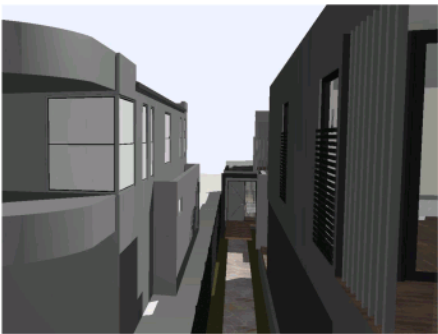
STREETSCAPE



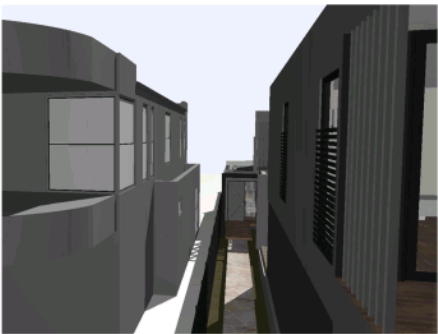
<p>LOWE Design & Build</p> <p><small>40 South Road Mentone 3192 VIC Tel: 03 9593 1888 Fax: 03 9593 1889 ABN 51 952 185 764</small></p>	<p>PROJECT: TWO UNIT DEVELOPMENT</p> <p><small>These Plans constitute a contract when sealed and signed. The holder of these plans has no liability to anyone other than the client.</small></p>	<p>ADDRESS: 53 BEACH ROAD, MENTONE</p> <p>CLIENT: KEVIN AND PAUL BROOKHURST</p> <p>CLIENT REFERENCE: 1242</p>	<p>DRAWING NO: 98_07_0001</p> <p>DATE: 11/08/2017</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 11100_1050_01_01</p> <p>DATE: 28/08/2017</p>	<p>DRAWN BY: TP 11</p> <p>CHECKED BY: TP 11</p> <p>DATE: 28/08/2017</p> <p>PROJECT NO: 11100_1050_01_01</p> <p>DATE: 28/08/2017</p>
	<p>PROJECT: TWO UNIT DEVELOPMENT</p> <p>ADDRESS: 53 BEACH ROAD, MENTONE</p> <p>CLIENT: KEVIN AND PAUL BROOKHURST</p> <p>CLIENT REFERENCE: 1242</p>	<p>DRAWING NO: 98_07_0001</p> <p>DATE: 11/08/2017</p> <p>SCALE: 1:100</p> <p>PROJECT NO: 11100_1050_01_01</p> <p>DATE: 28/08/2017</p>	<p>DRAWN BY: TP 11</p> <p>CHECKED BY: TP 11</p> <p>DATE: 28/08/2017</p> <p>PROJECT NO: 11100_1050_01_01</p> <p>DATE: 28/08/2017</p>	



EAST SIDE - 9AM SHADOWS



EAST SIDE - 10AM SHADOWS



EAST SIDE - 11AM SHADOWS



9AM (CLOSE UP)



10AM (CLOSE UP)



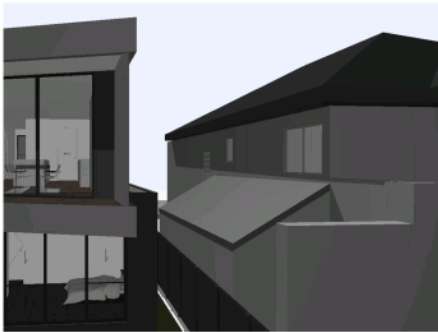
9AM (CLOSE UP)



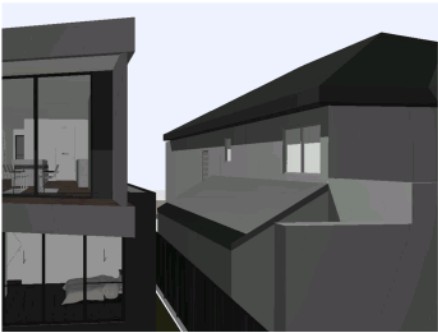
10AM (CLOSE UP)



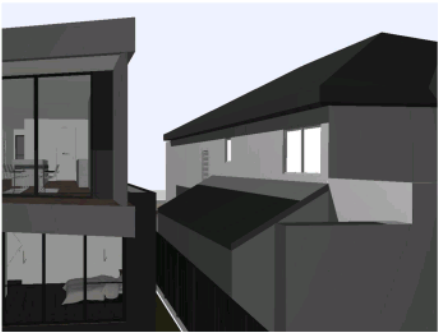
10.45AM (CLOSE UP)



WEST SIDE - 1PM SHADOWS



WEST SIDE - 2PM SHADOWS



WEST SIDE - 3PM SHADOWS



PROJECT: TWO UNIT DEVELOPMENT
 These Plans cannot be used without the consent of the Council. The holder of these plans shall not be liable to anyone for any loss or damage.
 17 Poplar Road, Mentone, Victoria 3194
 Tel: 03 9594 1111 Fax: 03 9594 1112

ADDRESS: 53 BEACH ROAD, MENTONE
 CLIENT: KEVIN AND PAUL BROOKHURST
 SUBMITTED DATE: 28/06/2017

DRAWING NO: 06_07_0001
 DATE: 28/06/2017
 DRAWN BY: KJ
 CHECKED BY: G.D.
 SCALE: 1:100

TITLE: OVERSHADOWING CROSS SECTIONS
 PROJECT: TOWN PLANNING
 SHEET: TP 12
 TOTAL SHEETS: 12





Traffic Engineers and Transport Planners

Our Reference: G24712L-01A

Traffix Group Pty Ltd
ABN 32 100 481 570

3 May, 2018
Lowe Design & Build
459 Main Street
MORDIALLOC VIC 3188

Address
Suite 8, 431 Burke Road
Glen Iris Victoria 3146

Contact
Telephone 03 9822 2888
Facsimile 03 9822 7444
admin@traffixgroup.com.au
www.traffixgroup.com.au

Attention: Gary Davidson

Dear Gary,

53 Beach Road, Mentone Traffic Engineering Assistance

Introduction

We refer to the proposed residential development at 53 Beach Road, Mentone and provide traffic engineering assistance as requested.

In particular, the following letter provides swept path diagrams for the Unit 2 garage as requested by Council and also responds to other comments made by Council's Traffic Engineer in relation to garage access for Unit 2.

The Proposal

The proposal is for a residential development comprising two (2) units at 53 Beach Road, Mentone.

Car parking for Unit 1 is proposed in a basement with access via Beach Road.

A double garage is proposed for Unit 2 with access via a rear Right-of-Way (ROW). The following assessment relates entirely to the Unit 2 garage and associated access arrangements.

We note that as part of the proposal, there is a separate application with Kingston City Council to create a carriageway easement in favour of the subject site (i.e. 53 Beach Road, Mentone) with the adjacent property to the south (i.e. 54 Beach Road, Mentone). The purpose of this easement is to assist access to/from the proposed Unit 2 garage and we have assumed that this easement will be established as part of our accessibility assessments.

A copy of the plans, prepared by Lowe Design & Build, are attached at Appendix A.

Traffic Engineering Assistance
53 Beach Road, Mentone



Car Parking Layout and Access Arrangements

Garage Access

We have undertaken a design review of the proposed layout based on the requirements of the Planning Scheme.

The proposed double garage is to be provided at a width of at least 5.5m and length of 6.0m (between walls) in accordance with the requirements of Clause 52.06-9 (Design Standard 2). Furthermore, an adjacent access aisle width in excess of 6.4m is to be provided (including the width of the ROW) which exceeds the requirements of Clause 52.06-9 (Design Standard 2).

Corner Visibility Splays

Corner visibility splays that are 2m along the ROW by 2.5m along the Unit 2 driveway are identified on the plans on both sides of the accessway. These splays are to be at least 50% clear of visual obstructions with any landscaping no higher than 0.9m in accordance with the Clause 52.06-9 (Design Standard 1) of the Planning Scheme for situations where a driveway or accessway provides access to more than one dwelling.

Notwithstanding the above, in our opinion it is not necessary to provide corner visibility splays in this case given vehicle access is via a dead-end ROW with minimal vehicle movements and pedestrian activity. Accordingly, we are satisfied that corner visibility splays can be deleted from the plan if desired by the applicant. This is also consistent with Clause 52.06-9 given that Design Standard 1 does not apply in this case.

ROW Surface

Council's traffic engineer provided the following comment in their email comments in relation to the ROW:

Applicant is required to construct ROWY (sic) in accordance with the requirements of Infrastructure Department.

The existing ROW is currently constructed with a gravel surface between Plummer Road (at its eastern end) and terminates at the site's western boundary.

As stated by Council's traffic engineer, the ROW serves three (3) properties only with in the order of 2 vehicle trips during peak hours. The proposed development is expected to conservatively generate up to two (2) additional movements during the peak hours which can easily be accommodated by the existing gravel ROW.

Based on very minor additional vehicle movements generated by the proposed development, we do not consider it necessary or warranted for the developer to be required to upgrade or construct the ROW in any form. In summary, there is no nexus to warrant the upgrade suggested by Council.

Traffic Engineering Assistance

53 Beach Road, Mentone

**Swept Path Diagrams**

Swept path diagrams that demonstrate how satisfactory access is achieved for each car space in the Unit 2 garage are attached at Appendix B.

This assessment has been undertaken using the computer simulation program AutoTURN based on an 85th percentile design vehicle which is widely acknowledged as being the relevant design vehicle for such circumstances. We have also adopted the AutoTURN 300mm clearance envelope to all fixed objects when undertaking this assessment.

Each car space requires a single corrective movement to enter in a forward direction, noting that corrective movements are expressly permitted by AS2890.1-2004 for long-term (i.e. resident) parking and is consistent with good current practice. Furthermore, given that access is via a dead-end ROW with minimal traffic volumes, we see no issues with vehicles needing to reverse partly into the ROW as part of the corrective movement because there will be no impact on other users of the ROW.

Vehicles can exit each garage space in a single reverse movement onto the ROW to then travel in a forward direction towards Plummer Road.

Based on the above, we are satisfied that the proposed Unit 2 garage will provide for safe and convenient access to/from the ROW which is consistent with good current traffic engineering practice.

Conclusion

Having undertaken assessments and prepared swept path diagrams for the proposed Unit 2 garage at 53 Beach Road, Mentone, we are satisfied that the proposed layout and access arrangements are satisfactory. Furthermore, we do not consider it necessary or warranted for the developer to be required to construct the ROW.

Please contact Brent Chisholm or Nathan Woolcock at Traffix Group if you require any further information.

Yours faithfully,

TRAFFIX GROUP PTY LTD

A handwritten signature in blue ink, appearing to read 'Nathan Woolcock', written over a blue circular stamp.

NATHAN WOOLCOCK

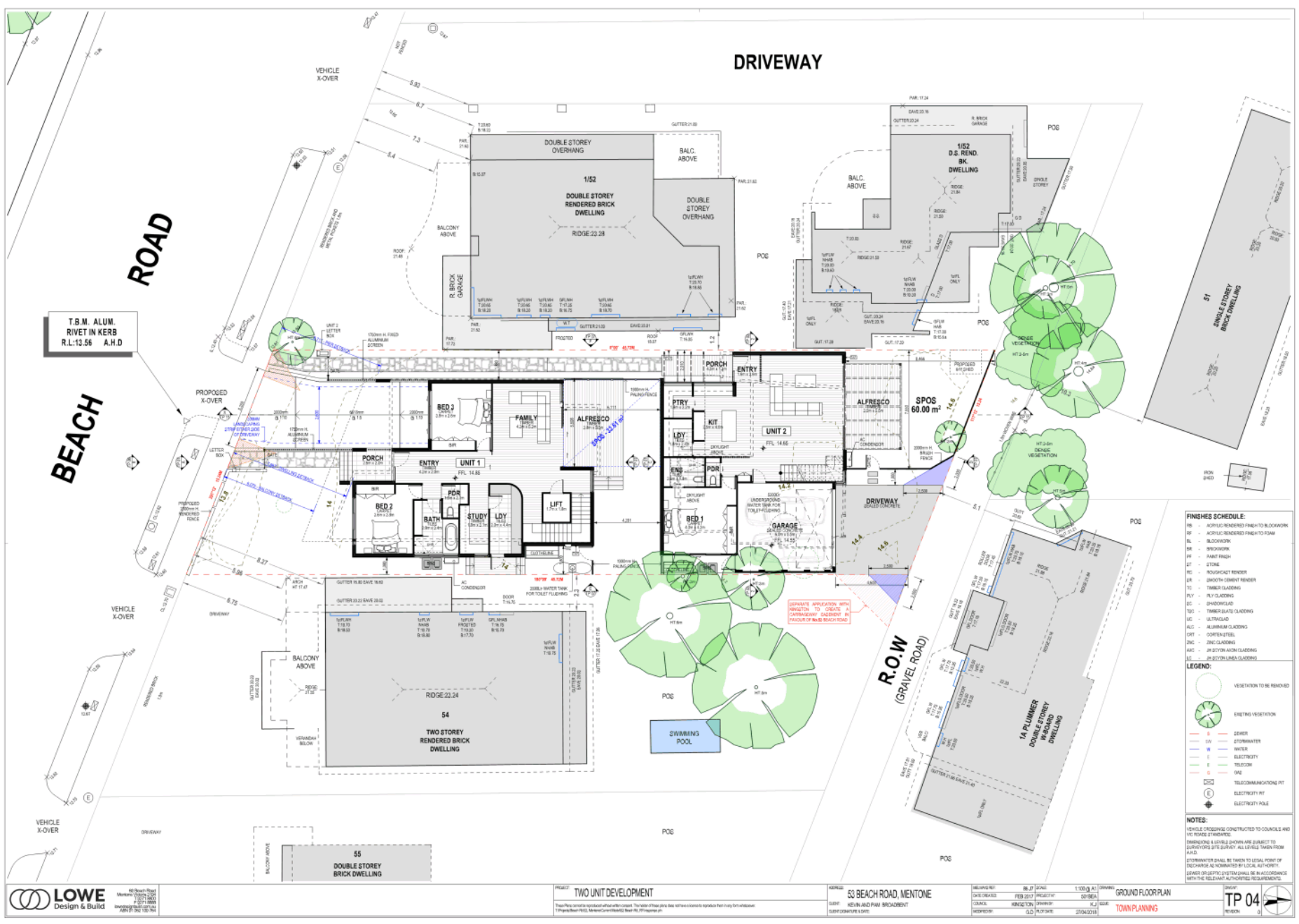
Director

Traffic Engineering Assistance
53 Beach Road, Mentone



Appendix A: Plans

G24712L-01A



T.B.M. ALUM.
R.L:13.56 A.H.D

BEACH ROAD

DRIVEWAY

R.O.W (GRAVEL ROAD)

FINISHES SCHEDULE:

RF	ACRYLIC RENDERED FINISH TO BLOCKWORK
RF	ACRYLIC RENDERED FINISH TO FOAM
BR	BLOCKWORK
PF	PAINT FINISH
ST	STONE
RC	ROCKCAST RENDER
ER	SMOOTH COBBLER RENDER
TC	TIMBER CLADDING
PLV	PLY CLADDING
EC	SHOWGLAZ
TRD	TIMBER SLATE CLADDING
UC	UPPER CLADDING
ALC	ALUMINIUM CLADDING
GRF	CORTEX STEEL
ZNC	ZINC CLADDING
ACC	AN-GLOSS ANGLE CLADDING
GC	AN-GLOSS GABLE CLADDING

LEGEND:

- VEGETATION TO BE REMOVED
- EXISTING VEGETATION
- SEWER
- STORMWATER
- WATER
- ELECTRICITY
- TELEPHON
- PHONE
- TELECOMMUNICATIONS PIT
- ELECTRICITY PIT
- ELECTRICITY POLE

NOTES:
VEHICLE CROSSINGS CONSTRUCTED TO COUNCILS AND VET. ROAD STANDARDS.
DRAINAGE LEVELS SHOWN ARE SUBJECT TO SURVEYORS SITE SURVEY. ALL LEVELS TAKEN FROM A.S.D.
STORMWATER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE AS NOTIFIED BY LOCAL AUTHORITY.
SEWER OR WATER SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORIZED REQUIREMENTS.

LOWE
Design & Build

40 South Road
Mentone VIC 3194
Tel: 03 9591 9883
Fax: 03 9591 9884
ABN 61 952 130 764

PROJECT: TWO UNIT DEVELOPMENT

This Plan contains approved and/or consent. The title of this site will be taken to indicate that this is not a site plan.

19 Project Road, Mentone VIC 3194
Tel: 03 9591 9883
Fax: 03 9591 9884
ABN 61 952 130 764

ADDRESS: 53 BEACH ROAD, MENTONE

DESIGNER: KEVIN AND PAUL BROOKHURST

CLIENT/OWNER: KEVIN AND PAUL BROOKHURST

SCALE: 1:100 (A3)

DATE: 21/04/2018

PROJECT: 4.2 KP-2017/796

CONTRACT: 4.2 KP-2017/796

NO. OF SHEETS: 02

DATE: 21/04/2018

GROUND FLOOR PLAN

TOWN PLANNING

TP 04

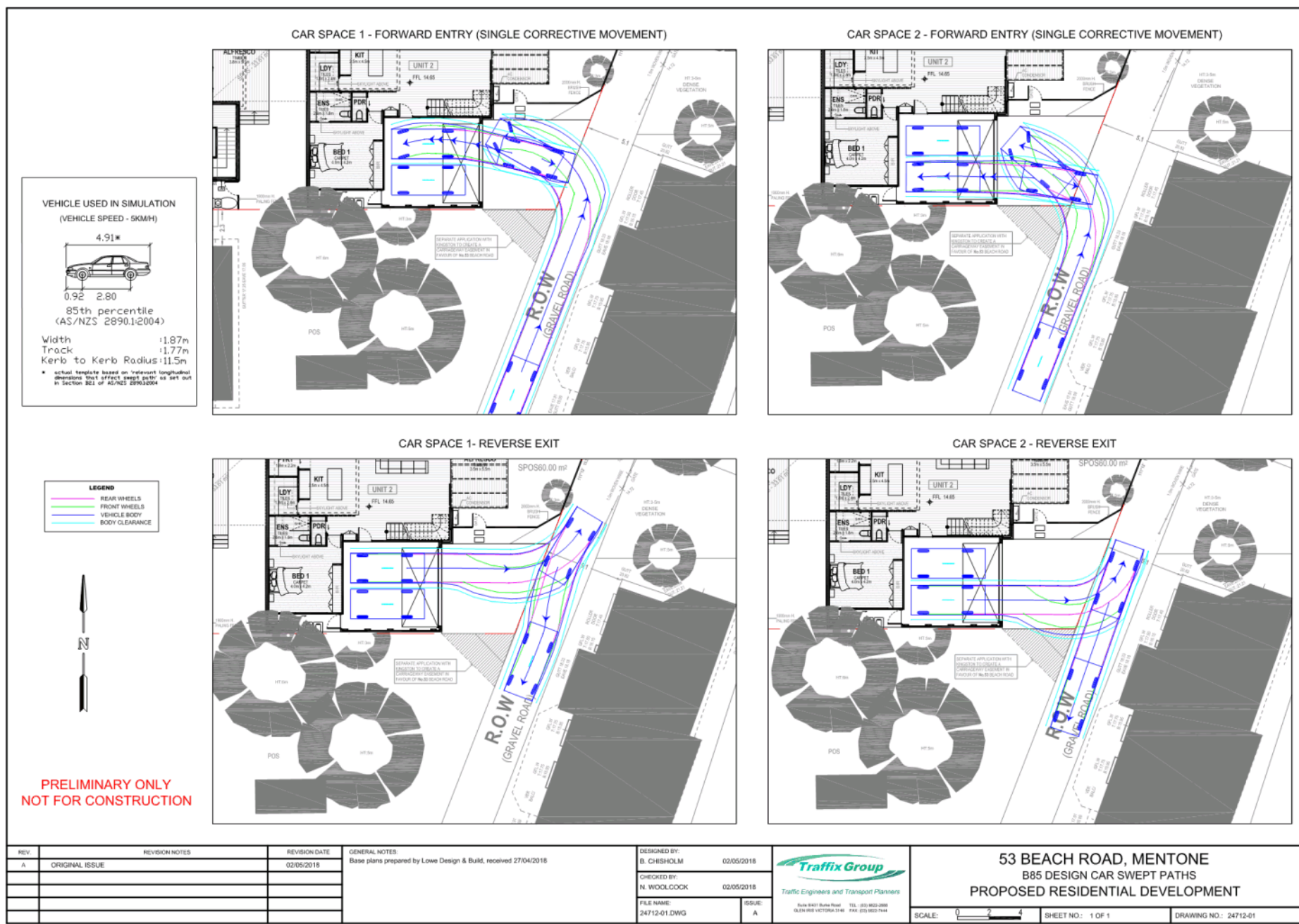
REVISION

Traffic Engineering Assistance
53 Beach Road, Mentone



Appendix B: Swept Path Diagrams

G24712L-01A



VEHICLE USED IN SIMULATION
(VEHICLE SPEED - 50KM/H)

4.91m

0.92 2.80

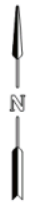
85th percentile
(AS/NZS 2890.1:2004)

Width 1.87m
Track 1.77m
Kerb to Kerb Radius 11.5m

* actual template based on 'relevant longitudinal dimensions that affect swept path' as set out in section B5.1 of AS/NZS 2890.1:2004

LEGEND

- REAR WHEELS
- FRONT WHEELS
- VEHICLE BODY
- BODY CLEARANCE



**PRELIMINARY ONLY
NOT FOR CONSTRUCTION**

REV.	REVISION NOTES	REVISION DATE	GENERAL NOTES:	DESIGNED BY:	02/05/2018	<p>Traffix Engineers and Transport Planners</p> <p>Units 9&11 Bunka Road 31/31 BIRIE VICTORIA 3148 FAX: (03) 9602 7444</p>	<p>53 BEACH ROAD, MENTONE B85 DESIGN CAR SWEEP PATHS PROPOSED RESIDENTIAL DEVELOPMENT</p>
A	ORIGINAL ISSUE	02/05/2018	Base plans prepared by Lowe Design & Build, received 27/04/2018	CHECKED BY:	02/05/2018		
				FILE NAME:	24712-01.DWG	ISSUE:	A
			SCALE: 0 2 4		SHEET NO.: 1 OF 1		DRAWING NO.: 24712-01

17 June 2019

Kingston City Council
ATT: Andrew Stubbings
Planning Department
PO Box 1000
Mentone, VIC 3194

Application: KP-796/2017
Re: Response to questions/concerns raised at Consultation Meeting
Proposal: Construction of 2 dwellings
Location: 53 Beach Road, Mentone VIC 3194

Dear Andrew,

In response to the objectors' concerns raised at the consultation meeting held on 9th August 2018, we wish to submit the following additional information.

The reason for the delay in responding following the consultation meeting is due to consolidation of land at 53 Beach Rd. An additional parcel of land was added to form the title, the reason for this was to allow the turning circles / line of site for vehicles egressing the site via laneway. Find enclosed new title as issued by Land Registry Victoria and all documentation updated to reflect the revised lot area (note Site Area increased by 8.38 square meters).

1. Site / Garden Area Calculations – Clarify the submitted Area Calculations have been calculated accurately for Garden Area & Site Area.

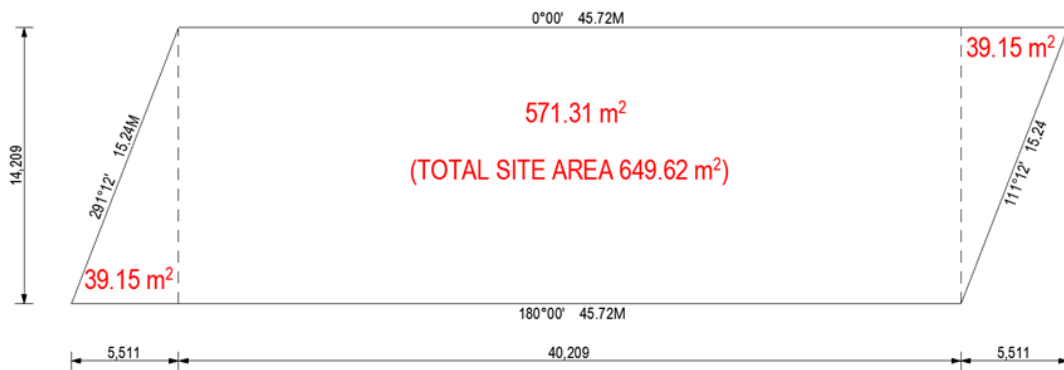
Response

The confusion surrounding this is that the objector’s have assumed the block is rectangular in shape and simply calculated length x width of block producing an inaccurate result. Given the irregular shape of the block, the formula for accurately calculating the site area is slightly different.

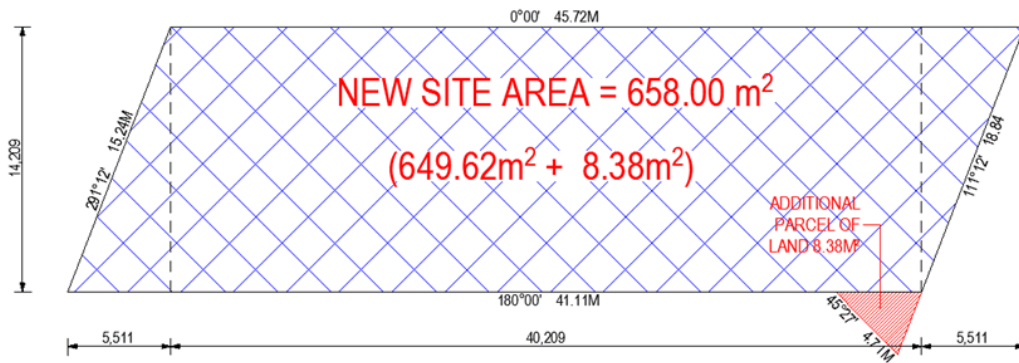
The below calculations confirm Site Area Calculations were calculated correctly:

1. 40,209mm X 14,209mm = 571.32m²
2. 5,511mm X 14,209mm = 78.30/2 = 39.15m²
3. 571.32m² + 39.15m² + 39.15m² = 649.62m²

Therefore, per Planning Scheme Requirements, a Garden Area of 30% was applied.



As a result of the additional parcel of land, please note the requirement for Garden Areas has increased from 30% to 35% (lot sizes greater than 650 square meters). Please note the new increased Site Area of 658 achieves the 35% Garden Area requirements. – Refer drawing TP-11.



2. Type of garage door/Motor – Concern was raised about noise levels associated with operating Unit 2 garage door.

Response

The proposed garage door is a b&d Panelift Icon ideal for residential application. This is a smooth and quiet door using a Smooth Track twin wheel system.

Lowes typically utilize a GDO-9 Series 2 motor, which is a motor specifically designed for residential applications. A combination of DC Motor and Belt Drive offers near silent operation. Whilst ATA do not measure the decibel rating of motors, they do assure there will be no sound transfer through the internal partitioning wall. Further information can be obtained from ATA website; <http://www.ata-aust.com.au/garage-door-openers/overhead-door-openers/enduro-gdo-9-gen2>

3. Construction and Traffic Management – Concerns raised with deliveries of construction materials via laneway & general use of laneway by trades during construction.

Response

Should Council grant a Planning Permit, a Construction and Traffic Management Plan can be provided as a condition of a Permit.

4. Carriageway Easement – as per plans submitted, was discussed a Carriageway Easement is to be created at No.54 Beach Rd to aid vehicle maneuverability to proposed dwelling & adjoining neighbors.

Response

This has been actioned, see enclosed new title. The additional parcel of land will enable ALL vehicles to perform a 3-point turn and exit the laneway in forward direction.

5. Safety concerns over use of Laneway – Concerns raised with relation to safety, due to increasing the number of vehicles and pedestrians using Laneway.

Response

The Relevant Australian Standard suggests that a single width accessway can accommodate up to 30 vehicle movements per hour before needing passing, and therefore there are no issues from a capacity perspective. This Laneway is public land and therefore gives legal entitlement for use by all neighbours.

Vehicle Sight lines to Councils standards are provided where the Laneway intersects with proposed driveway.

6. Site Coverage – Exceeds by 0.31%**Response**

The Site Coverage is 50.31 and marginally greater than the 50% allowed, this is considered a minor deviation and can be considered negligible. The Site Coverage takes into account First Floor form including; balconies; overhangs & cantilevers.

Proposal is not out of character, and is comparable to neighbouring developments in this vicinity (No.1/52 & No.2/52 Beach Rd).

7. Visual Bulk – Concerns raised in relation to visual bulk**Response**

Unit 2 (rear unit) is well designed, articulated & fully compliant. The design of Unit 2 meets Rescode requirements for side setbacks and overall height. The use of varied materials and colours, further mitigate any perception of bulk.

Unit 1 (front unit) is largely compliant. Whilst a small portion of the roof form falls outside the side setback envelope, it is a relatively minor encroachment with negligible impact on the amenity of the adjoining properties. To the right (54 beach Rd) adjacent to side setback/driveway, and therefore considered a non-high amenity area. To the left (1/52 beach Rd) predominantly adjacent to neighbouring wall on boundary / services area / side entryway.

Both units have demonstrated compliance with overshadowing objectives. Adjoining neighbouring private open spaces are not unreasonably overshadowed. All adjoining existing windows are provided with adequate daylight per Rescode.

8. Light Spill – Concerns over external garage lighting entering rear adjoining interface.**Response**

To minimize impact of any excessive light spill (beyond laneway), floodlight can be fitted with baffle or visor. Modern Floodlights are quite sophisticated and can be programmed for LUX setting, light on duration, detection vicinity etc. In-ground lights can also be used to good effect, to further minimize any impact to the adjoining interface to the rear.

9. A/C Condenser – Concerned noise from condenser will enter rear adjoining interface.**Response**

A/C Condensers are appropriately positioned and meet the requirements of Standard B24 of the Bayside Planning Scheme (Noise sources should not be located near bedrooms of immediately adjacent existing dwellings). The nearest neighboring window (1a plumber Rd) is 10m+ away from A/C Condenser and not directly opposite/parallel to the Condenser. If neighbours are still concerned with any noise impact, we can quite easily erect an acoustic screen around the condenser to minimize any impact.

10. Why access not considered off Beach Rd for Unit 2?**Response**

Access was considered from Beach Road for the rear dwelling, however for safety and site efficiency reasons it was determined that access from the rear lane is preferable. Beach Road is in a Road Zone Category 1 and the general principle with regards to such roads is to minimise vehicle movements to and from the road for safety reasons. The subject site enjoys rear access from the laneway and from a traffic safety perspective it is appropriate to take access from the rear lane for the proposed rear dwelling.

11. 'Provide plans/drawings detailing sight lines, proposed easement over 54 Beach Rd, including details around fencing, gates, surface, width of opening onto development site from laneway, views from development site into 1a plummer rd private secluded open space through this opening.'**Response**

Per plans submitted, proposed boundary fence is a 2.0 meter high brush fence with no gates along ROW. Driveway surface in sealed coloured concrete. The proposed easement is a minimum 2.0 meters wide along ROW (per traffic engineers report). Width of opening to ROW approximately 8.0m wide. Overlooking objectives have been met. Given private open space of 1a plummer rd is in excess of 9.0m from to the development. And First floor windows facing 1a plummer rd have been screened appropriately.

12. Provide details on how the rear dwelling between garage and laneway will be 'secured'?**Response**

To ensure security of the proposed rear dwelling to the laneway, a 2m high brush fence is proposed to the rear private yard to ensure security and privacy; a lockable pedestrian gate is proposed in the brush fence opening onto the driveway. The garage has a secure panel-lift door. For safety and security, a motion-activated security sensor light will be provided to the garage.

13. Construction access only from Beach Rd.**Response**

All construction access can be achieved from Beach Rd only. Laneway is too narrow for truck deliveries, as truck will not be able to make U-turn to get out. Construction material deliveries can be craned from Beach Rd. This method is not uncommon with construction along beach Rd/Nepean Hwy. As per point number 3 above - Should Council grant a Planning Permit, a Construction and Traffic Management Plan can be provided as a condition of a Permit.

14. Landscape Plan**Response**

Landscape plan has been prepared – enclosed.

15. Bio- retention – provide more info**Response**

Refer to drawing TP-10 for more information.

I trust that the above has addressed all the concerns raised at the consultation meeting. Should there be any further clarification required, Lowes would be more than happy to accommodate. Please contact on 9271 8800 or email sian.astbury@lowedesignbuild.com.au if you have any queries.

Kind regards,

Sian Astbury

PLANNING CO-ORDINATOR

Planning Committee Meeting

17 July 2019

Agenda Item No: 4.3

KP-2018/807 - 2 NEWINGTON PARADE CHELSEA

Contact Officer: Rochelle Reinhardt, Statutory Planner

Purpose of Report

This report is for Planning Committee to consider Planning Permit Application No. KP-2018/807 - 2 Newington Parade Chelsea.

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 for the development of six (6) dwellings and the waiver of one (1) visitor car parking space at 2 Newington Parade Chelsea, subject to the conditions contained within this report.

This application requires a decision by Planning Committee in accordance with the Planning Delegation Policy as the application is for five (5) or more dwellings that incorporate one or more double storey dwellings to the rear of the site, with 3 or more objections.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

EXECUTIVE SUMMARY			
Address	2 Newington Parade Chelsea		
Legal Description	Lot 28 Block D on PS 005211		
Applicant	Darek Petryshyn		
Planning Officer	Rochelle Reinhardt		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 2 Zone		
Overlays	Clause 43.02 – Design and Development Overlay 1 and 7		
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 52.06 – Reduce the number of car parking spaces required		
APPLICATION / PROCESS			
Proposal	The development of six (6) dwellings and the waiver of one (1) visitor car parking space		
Reference No.	KP-2018/807	RFI Received	29 January 2019
App. Received	4 October 2018	App. Amended	Yes – 23 May 2019
Site inspection	Yes		
S.52 Advertising	Commenced: 7 February 2019	Advertising Completed	Yes – 25 February 2019
S.55 Referrals	None		
Internal referrals	Yes		
Objections	Eleven (TRIM checked on 20/06/2019)		
Mandatory Garden area requirement	Complies	Mandatory Building Height requirement	Complies
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP Considered Plans	EXEMPT Agart Studio comprising TP-001 to TP-005 inclusive, Revision D dated 23 May 2019, submitted to Council on 23 May 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, weatherboard dwelling with a gable tile roof and associated outbuildings occupy the land. The existing dwelling is set back 10.4 metres Newington Parade.
Size (m²)	701m ²
Topography	The land is generally flat.
Fencing	Timber paling fences exist on the side and rear boundaries of the site ranging from 1.5 to 2.5 metres high.
Vegetation	Void of any significant vegetation.
Easement(s)	None.
Footpath assets / access	One (1) existing crossover adjacent to the east (side) common boundary. A <i>Banksia integrifolia</i> (Coast Banksia) street tree is located along the frontage. The site has frontage to Newington Parade and is bordered on the east by Dennington Lane, which is a Council managed laneway.

**Covenant(s) /
Restrictions**

No restrictions are apparent 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

Opposite Newington Parade exists the intersection with Le Souef Lane and No. 1 Newington Parade. No. 1 Newington Parade is developed for a double storey dwelling which is set back 7.9 metres from Newington Parade and is accessed via a crossover towards the property's east (side) boundary. The dwelling is constructed of render, sandstone brick and timber cladding with a part skillion, part flat roof and a high brush and timber slat front fence.

No. 1 Newington Parade forms part of a three (3) double storey dwelling development, approved under Planning Permit KP-2009/124. Each dwelling is reverse living and includes three (3) bedrooms and secluded private open spaces in the form of first floor balconies. The remaining two (2) dwellings at the rear have frontage to and vehicle access from Le Souef Lane.

East

Opposite Dennington Lane exists No. 473-474 Nepean Highway and Unit 1 & 2 of No. 475 Nepean Highway.

	<p>The neighbouring site at No. 473-474 Nepean Highway is occupied by a detached double storey dwelling and an additional double storey building containing five (5) units</p> <p>The residential building is orientated to face Nepean Highway and vehicle access to two (2) double carports is provided from Dennington Lane. The building is constructed of brick with a flat roof and low brick front fence.</p> <p>The detached dwelling is orientated to face Newington Parade and includes a 1.8 metre front setback. Vehicle access to a double garage is provided from Newington Parade and the dwelling is constructed of brick and render with a pitched tile roof and low rendered front fence.</p> <p>No. 475 Nepean Highway was developed for two (2) double storey dwellings under Planning Permit KP-2005/307. The dwellings are orientated to face Nepean Highway and include vehicle access to double garages at the rear via Dennington Lane. The dwellings are constructed of brick, stacked stone and render with pitched tile roofing.</p>
South	<p>No. 8 Dennington Lane is developed for a double storey dwelling which is setback 1.2 metres from the common boundary with the subject site and includes pedestrian and vehicle access via Dennington Lane. This was approved as part of a three (3) dwelling development under Planning Permit KP-2014/949. Each of these dwellings is reverse living and includes three (3) bedrooms. Secluded private open spaces are provided in the form of first floor balconies and roof top terraces. The dwellings are constructed of brick, stacked stone and render with flat roofing.</p> <p>Further south, the land at 13-21 Dennington Lane and 1 Wimborne Avenue is currently being developed for a medium density housing development comprising six (6) dwellings. This development is similar to the current proposal in terms of its height and scale, frontage and access to Dennington Lane, and contemporary design and finishes.</p>
West	<p>No. 4 Newington Parade is occupied by a single storey weatherboard dwelling with a gable colorbond roof. The dwelling is setback 10.6 metres from the front boundary and include a vehicle crossover on the east side of the frontage. A driveway and large garage/shed directly adjoin the subject site.</p>



- 3.3 The subject site is located approximately 550 metres from Chelsea Train Station and approximately 100 metres from the Chelsea Major Activity Centre, as shown in the image above.
- 3.4 The built form character in the surrounding area is characterised by a diversity of housing stock. It predominately includes double storey dwellings with large first floor footprints as well as single storey dwelling. The west side of Nepean Highway has experienced an ongoing shift from low density detached dwellings to medium density townhouse developments in the form of two to six dwellings on a lot over the last 15 years. The residential density of Newington Parade has also evolved over time with two, three and four dwelling developments occurring on approximately 60% of the lots.
- 3.5 Older style dwellings in the surrounding area are generally constructed of weatherboard or brick with pitched tile roofing. Newer residences are often constructed of brick, cladding and render. They often have flat roofing, larger first floor footprints, first floor balconies and rooftop terraces. The existing front fencing character of Newington Parade is varied and includes low and high fencing constructed of timber, brick and iron.

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 six (6) attached dwellings.		
Storeys	Double storey and rooftop terraces.		
Maximum building height	8.92 metres.		
Bedrooms (including study)	Three (3) bedrooms within Dwelling 1 and two (2) bedrooms within Dwelling 2 to 6.		
Car parking	Seven (7) spaces in total: two (2) allocated to Dwelling 1 and one (1) each to Dwelling 2 to 6.		
Front setback	5.7 metres (measured to the front of the first floor balcony of Dwelling 1).		
Private Open Space	Each dwelling includes a rooftop deck, which range in size from 22 to 29 sq. metres plus additional ground floor services yards and first floor balconies each with a minimum dimension of 1.8 metres.		
Site Coverage	58.54%	Permeability	31%
Access	Existing crossover to be reinstated with a new crossover proposed towards the site's west (side) property boundary to provide access to Dwelling 1. The remaining dwellings to be accessed via Dennington Lane.		
Vegetation removal/retention	No significant vegetation located on the subject site or on neighbouring properties within proximity to common boundaries.		
Building materials	Grey and white shades of render, stone pavers and opaque glass		

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 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Particular Provisions

- 5.3 **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 **eight (8)** spaces (including **one (1)** visitor space) for the proposed development.

As seven (7) car parking spaces are proposed, a planning permit is required pursuant to Clause 52.06-3 to reduce the car parking requirement.

- 5.4 **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

- 5.5 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 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 Design

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 65 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. Eleven (11) objections to the proposal were received. The grounds of objection raised are summarised as follows:

- Cost of development
- Non-compliance with garden area
- Vehicle turning circles / access & car parking space
- Traffic / vehicle congestion
- Safety
- Location of site services
- Neighbourhood character / visual bulk
- Setbacks
- Internal amenity
- Overlooking / privacy
- Noise
- Overdevelopment
- Building time

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 27 March 2019 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and five (5) 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 57A – AMENDMENT TO PLANS

- 9.1 Following the planning consultation meeting the Permit Applicant lodged amended plans on 23 May 2019, pursuant to Section 57A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:

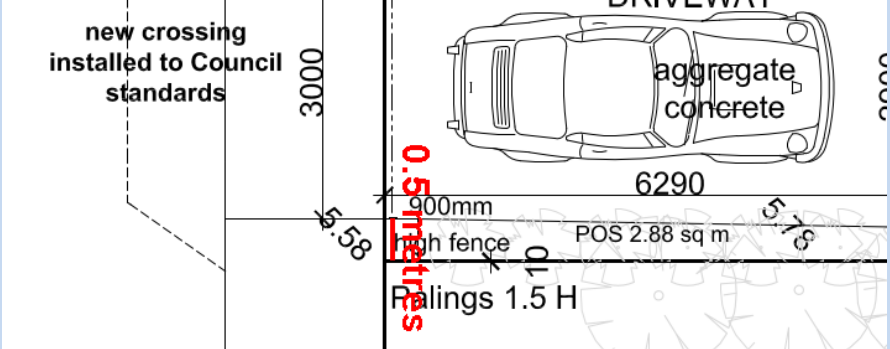
- Alterations to the exterior building materials
- Increases to the built form setbacks (first floor and roof top, porch roofing and bedroom dimensions)
- Re-location of services (bins, mailboxes and meters and cooling unit)
- Additional sections provided

- 9.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.
- 9.3 The amended proposal was advertised by sending notices to adjoining and opposite property owners and occupiers on 31 May 2019. One (1) further objection was received which did not any additional concerns beyond what had already been raised.

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 the provision of a landscape plan and the protection of the street tree – refer to condition 1i.
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to the provision of water tanks and storm water management – refer to conditions 1e, 4 & 5 of this recommendation.
Roads and Drains	<p>No objection raised, subject to conditions included on any permit issued relating to the crossover design and the council road network as follows:</p> <ol style="list-style-type: none"> 1. <i>Vehicle crossings must constructed at a 90 degree alignment with the kerb on Newington Parade and all internal driveways must align with the existing / proposed vehicle crossing.</i> 2. <i>Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised to the satisfaction of the Responsible Authority.</i> 3. <i>The internal driveway must be at least 500mm from the side boundary at the front boundary.</i> <p>As noted in the image below, the advertised plans already show the internal driveway setback 500mm from the side boundary. Therefore, there is no reason to include the proposed condition 3. The remaining conditions form part of this recommendation – refer to conditions 1f & g of this recommendation.</p> 
Construction Management	No objection subject to the inclusion of the standard construction management condition – refer to condition 7 of this recommendation.
Traffic Engineer	No objection raised, subject to conditions included on any permit issued relating to the provision of visual splays depicted on the development

Department / Area	Comments
	<p>plans in accordance with the requirements of Clause 52.06 (car parking) – refer to condition 1a of this recommendation.</p> <p>Furthermore, the Council's Traffic Officer also requested that a 1 metre separation be provided between the proposed vehicle crossover and the existing neighbouring vehicle crossover to the west at No. 4 Newington Parade.</p> <p>As noted in the image above, the proposed crossover would be setback 0.5 metres from the side boundary, as requested by the Roads and Drains Officer. This minimum setback of 0.5 metres is a typical requirement for new crossovers and is considered sufficient for the site as it maximises the retention of on-street car parking. Should the neighbouring site be developed in the future, it is expected a 0.5 metre crossover setback will be required to create the 1 metre separation between crossovers.</p>

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
None	N/A	N/A	N/A	N/A

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 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.
- 11.6 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.
- 11.7 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.8 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity, however the Planning Officer has completed the Aboriginal Heritage Planning Tool on the Department of Planning and Community Development (DPCD) website and established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan in accordance with Regulation 10 of the *Aboriginal Heritage Regulation 2018*.
- 11.9 Regulation 10 states *“the construction of 3 or more dwellings on a lot or allotment is an exempt activity if the lot or allotment is:*
- a) *not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and*
 - b) *less than 0.11 hectares.*
- 11.10 Given that the subject site is less than 0.11 hectares in size and the site is over 200 metres from the foreshore, being situated outside the darker green shaded area as shown on the image below, a CHMP is not required.



- 11.11 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.
- 11.12 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.
- 11.13 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

- 11.14 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.

11.15 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 ensure residential development does not exceed known physical infrastructure capacities.*
- *To recognise and response to special housing needs within the community.*

11.16 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.

11.17 **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.

11.18 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.*

- 11.19 It is considered that the proposed development generally complies and satisfies the 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.
- 11.20 **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. The proposal was reviewed by Council's Development Engineering Department and no objection was raised, subject to the inclusion of conditions on any permit issued relating to stormwater management.
- 11.21 **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). Pursuant to Clause 22.21-7, the permit application was submitted prior to the gazettal date of Amendment GC110 (18 October 2018), therefore, the requirements of Clause 22.21 do not apply.
- 11.22 However, prior to the introduction of this policy into the scheme, Council previously requested SDA reports be provided by way of condition for any developments of 4 to 9 dwellings. Therefore, it is recommended the submission of an SDA report be required by way of condition – **refer to conditions 1d & 6 of this recommendation.**

Zoning Provisions

- 11.23 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
Above 650 m2	35%

- 11.24 It is considered that the proposal in its current format complies with the mandatory garden area requirement as 35% of the entire lot has been provided as garden area.

Overlay Provisions

- 11.25 The subject site is located within a Design and Development Overlay (Schedule 1 and 7).
- 11.26 The purpose of this Overlay is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To identify areas which are affected by specific requirements relating to the design and built form of new development.*
- 11.27 Clause 43.02-2 states a permit is not required to construct a building or construct or carry out works if a schedule to the overlay specifically states that a permit is not required. The proposal complies with the requirements of Schedule 1 and 7 to the Overlay for reasons outlined below:

Schedule 1

Section 2.0 of Schedule 1 states that the following requirements must be met before a permit can be granted:

A building must not be greater than 2 storeys in height (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level).

It is therefore necessary to consider whether the proposed rooftop decks and associated stairwells constitute an additional storey; and secondly, if the rooftop decks and stairwells would appear as an additional (third) storey when viewed from the street and surrounding properties.

The proposal is for three (3) double storey dwellings, each including a roof top deck. Access to each roof top deck is achieved via an enclosed stairwell which is proposed to 'pop up' from the first floor form. Each proposed stairwell includes walls, a ceiling and floor to ceiling heights of 2.2 metres.

Clause 72 (General Terms) of the Kingston Planning Scheme defines a 'storey' as:

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

Given that the rooftop decks are open to the sky and do not have ceilings, the decks cannot be considered 'storeys' in their own right. Furthermore, the proposed stairwell cannot be considered a 'storey' given that it is provided as the connection between two floor levels, that being the first floor and the rooftop deck.

With regard to the appearance of the rooftop decks when viewed from the streetscape or surrounding properties, it is noted that Schedule 1 to the Design and Development Overlay includes the following objectives;

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

There are a number of examples of developments containing rooftop decks within the surrounding area, which are also subject to the DDO1, in particular the two developments shown on the image below to the south and south east of the subject site at No. 3 Wimborne Avenue and No. 476 Nepean Highway. The proposed rooftop decks are similar in format and appearance to those already in the surrounding area, and are therefore compatible with the emerging character of the area.



Furthermore, the placement of the proposed rooftop decks and stairwells are considered appropriate, being located in the centre of each dwelling footprint and setback from the side and rear boundaries to minimise their visual impact on adjoining properties.

The use of glass balustrades and white coloured rendered cladding is considered appropriate as it would not appear as a third storey when viewed from the street and blend into the second storey facades, as shown on the rendered images below.

Furthermore, the proposed floor to ceiling height within the stairwell of 2.2 metres further reduces the appearance of the stairwells when viewed from the street and surrounding properties. It is concluded that the proposed rooftop decks would not appear as a third storey and therefore, satisfy the requirements of Schedule 1 to the Design and Development Overlay.



Section 2.0 of Schedule 1 states a permit is not required for the construction of 'a building which has an internal storey height (measured from floor to ceiling) of 3.5 metres or less. This internal storey height requirement does not include stairwells and lightwells which comply with the overall height requirements'.

The proposed floor to ceiling heights of 2.7 metres at the ground and first floor and 2.2 metres within the stairwell on the roof top deck comply with this requirement and therefore no permit is required under the provisions of Schedule 1 to the Overlay.

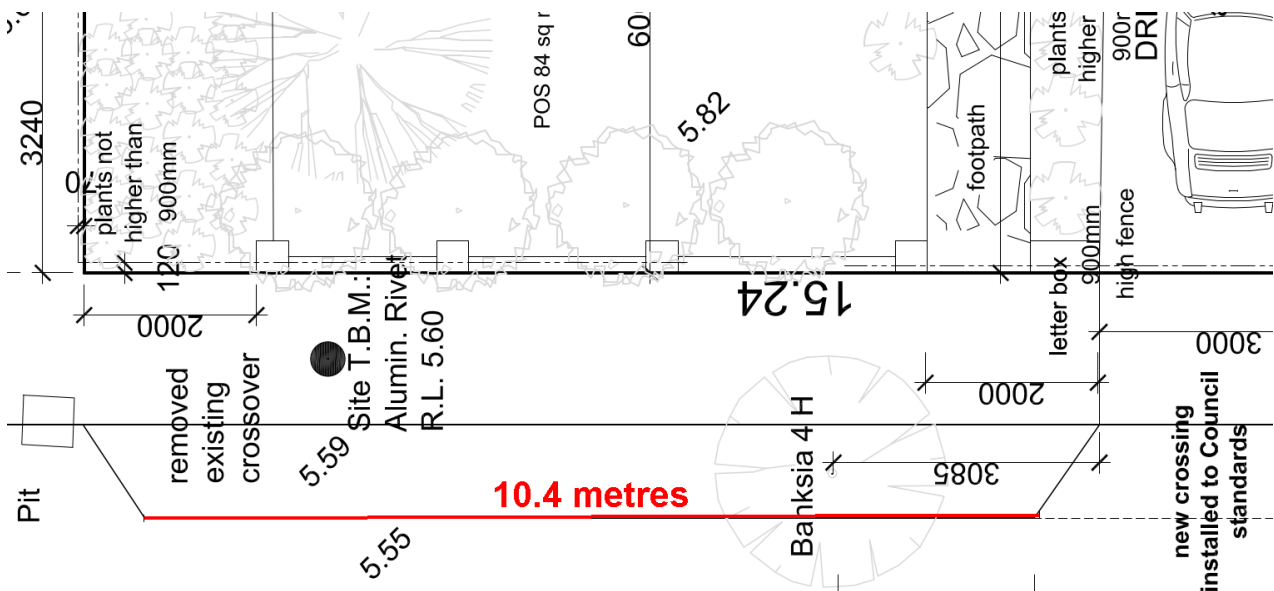
Schedule 7

Section 2.0 of Schedule 7 states 'a permit must not be granted to construct a building or construct or carry out works within 4.5 metres of the foreshore reserve boundary'. Given that the subject site is situated over 100 metres from the foreshore boundary, the proposal complies with the requirement.

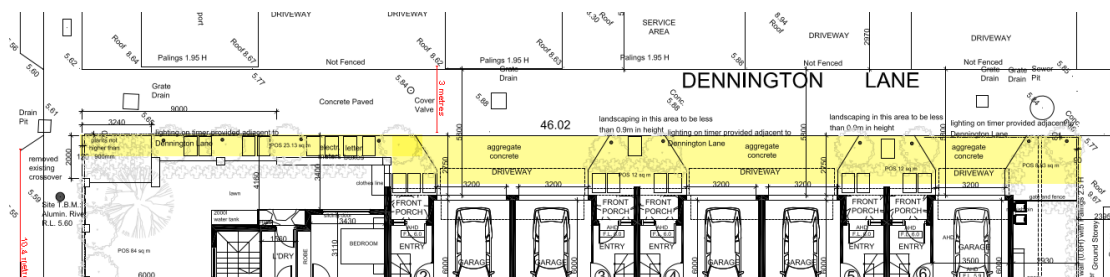
Particular Provisions

11.28 As identified earlier in Section 5.3 of this report, a planning permit is triggered for a reduction in the car parking requirement as **Clause 52.06** requires the provision of eight (8) on-site car parking spaces (including one (1) visitor spaces) and the proposed development incorporates seven (7) spaces and no visitor spaces.

11.29 The proposed waiver of the visitor car parking requirement was reviewed and supported by Council's Traffic Engineer, as the proposed removal of the existing crossover and creation of a new crossover on the west side of the frontage would allow two (2) on-street car parking spaces to be retained, as noted in the image below.



- 11.30 Furthermore, a Car Parking Impact Assessment prepared by ML Traffic Engineers, dated 21st December 2018, was submitted with the application. As part of this assessment a parking occupancy survey of Newington Parade was undertaken at 12pm on a Friday and Saturday and 8pm on a Monday in December 2018. This survey showed that there were over 26 on-street car parking spaces available within Newington Parade at each survey time. It is also noted that the subject site is located approximately 100 metres south to the Principal Public Transport Network (PPTN) area and approximately 550 metres from Chelsea Train Station.
- 11.31 The proposed waiver of the one (1) visitor car parking space requirement is considered appropriate for the subject site, due to the availability of on-street car parking both on the weekend and on weeknights; the minor nature of the waiver (being one visitor space); and the site's proximity to the train station which provides an alternative form of transport.
- 11.32 **Clause 52.06 – 8 Design standards**, including access, garaging dimensions and tandem space dimensions have been reviewed and are considered compliant. The provision of visual splays is addressed in Section 10 of this report.
- 11.33 Swept path analysis diagrams were submitted with the development application as part of the Car Parking Impact Assessment. These diagrams demonstrate that vehicles can manoeuvre out of each garage and exit the laneway in a forward direction, in accordance with **Design Standard 1 (accessways) of Clause 52.06-9** and have been deemed appropriate by Council's Traffic Officer.
- 11.34 The proposal demonstrates consideration for pedestrian safety within the laneway in accordance with **Design Standard 6 (safety)** by setting back the proposed side fence and avoiding the use of internal fencing within the open space areas of Dwellings 2 to 6. Therefore, the yellow shaded area highlighted on the image below will remain open to allow for appropriate visibility of the lane when vehicles are entering and exiting the area.



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, 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
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <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>Standard B1</p> <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. 	<p>Complies</p>

Assessment: The objectives of Clause 55.02-1 are ‘to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character’, and ‘to ensure that the development responds to the features of the site and surrounding area’. Standard B1 of Clause 55 suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.

The objectors have raised concerns about the proposed development, stating that the development does not ‘fit in’. An assessment of the existing neighbourhood character in respect to these concerns is detailed below.

The subject site is located within a predominantly residential area where the established character of Newington Parade varies in architectural style, density, building scale and materiality. The Character Area 65 characteristics describes an established character of detached single or double storey dwellings with varied roofing styles constructed of weatherboard or render. This description of the existing character continues to be accurate, as noted under Section 3 of this report. However, the subject site is located within an area where an emerging neighbourhood character is also evident as older housing stock has been replaced with contemporary double storey attached dwellings.

Many allotments within Newington Parade and the neighbouring streets been developed for medium density dwellings. These developments have various architectural styles and age, but increased site coverage and building height (including rooftop decks) and contemporary design and materials are increasingly common within the street and the wider neighbourhood. This is particularly evident along the southern half of Dennington Lane, directly adjacent to the subject site, which has been developed with attached double storey townhouses inclusive of rooftop decks and with contemporary design and finishes.

The proposal for six (6) dwellings in a tandem arrangement behind the front dwelling ensures that the development continues to front Newington Parade and maintains the general rhythm and spacing in the streetscape. The proposed architectural form and materials incorporate typical characteristics such as a render and flat roofing which align with the established and

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
emerging character. Overall, the proposed development is considered to be consistent with recent approved dwellings in the area and responsive to the existing mixed character identified in Character Area 65.		
<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 	Complies
<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="text-align: center;"><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 subject site is also located within walking distance to Chelsea Major Activity Centre (approximately 100m to the north). Given that the site is within convenient walking distance of significant activity centre, the proposal aligns with State and Local Policy that broadly encourages consolidation in established residential areas.</p> <p>Furthermore, it is noted that many of the dwelling which surround the subject site are large dwellings with three (3) or more bedrooms. The proposal for six (6) dwellings, with five (5) dwellings each having two (2) bedrooms, provides the increased residential densities and wider diversity in housing types that is expected in the Increased Housing area. The proposal of two (2) bedroom dwellings is supported as it provides for different family types such as singles or couples.</p> <p>Overall, 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>		


**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A
<p>Assessment: The proposal is for less than ten (10) dwellings, therefore, this standard does not apply.</p>		
<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> • Connection to reticulated services/sewerage, electricity, gas and drainage services • Capacity of infrastructure and utility services should not be exceeded unreasonably • Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	Complies
<p>Assessment: No easements are contained within the property. The subject site is connected to reticulated services which are capable of supporting the new dwellings. It is recommended that suitable conditions be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> • To integrate the layout of development with the street. 	<p>Standard B5</p> <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
<p>Assessment: The proposed development includes one (1) dwelling which is orientated to face Newington Parade and incorporates low front fencing and habitable room windows on the front façade. Furthermore, the remaining dwellings and fencing are setback from the laneway to provide safe pedestrian access to the remaining dwellings which are orientated to face Dennington Lane. This design response ensures that the front dwelling will appropriately integrate with the street whilst allowing for safe connectivity to the remaining dwellings.</p>		
<p>Clause 55.03-1 Street setback objective</p>	<p>Standard B6</p>	Variation sought

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>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>Front required: 5.42 metres Side street required: 3 metres</p>	
<p>Assessment: The proposed front street setback of 5.7 metres meets the setback distance specified in this Standard.</p> <p>The proposed side street setback of 2 metres (measured to the front of the first floor balconies) requires a variation of 1 metre. It is noted that the 3 metre requirement under the standard is typically applied to a side street setback. Whilst Dennington Lane is a Council managed road and therefore, is considered as a side street for the purposes of the planning assessment, it does not have the typical characteristics of a residential street which are more heavily trafficked, and which make a greater contribution to the general character of an area.</p> <p>Lanes are typically poorly integrated with adjoining properties and are either only used for vehicle access purposes or are bounded by high side fencing, as shown on the image below, whereas, the southern end of Dennington Lane has been activated in recent years to include dwelling entrances and habitable room windows.</p> <p>The proposed use of the lane for entrances to Dwellings 2-6 will further improve the character of Dennington Lane by providing buildings setback from the lane rather than high side fencing. This change will provide better integration with the lane as well as provide a safer environment through the use of windows and balconies orientated to face the lane to allow for passive surveillance. It is also noted that the variation of 1 metre only applies to the first floor balconies and the remainder of the buildings are proposed to be setback 2.75 metres.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
		
<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: 11 metres (11 metres and no more than 3 storeys under GRZ2)</p>	Complies
<p>Assessment: The proposed overall height of 8.91 metres meets the requirements of 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>	Complies
<p>Assessment: The proposal achieves a site coverage of 58.54%, which meets this Standard.</p>		
<p>Clause 55.03-4 Permeability objectives</p>	<p>Standard B9 At least: 20%</p>	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 		
Assessment: The permeability figure of 31% exceeds the Standard.		
<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>	Complies
Assessment: Dwelling 1 is orientated to face north and complies with the standard. Whilst Dwelling 2 to 6 are not orientated to face directly north due to the orientation of the site, the open plan kitchen, living and dining areas are orientated to face east and each include one window and a door to a balcony to ensure the living spaces receive an appropriate level of daylight access and cross ventilation. Furthermore, each dwelling includes a rooftop deck which receives sunlight access.		
<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. 	N/A
Assessment: There is no communal private open space adjoining the site.		
<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>	Complies
Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. This is evidenced by the highly visibly, identifiable and accessible dwelling entries. Furthermore, each dwelling allows for passive surveillance from windows adjacent to each entrance door as well as from first floor balconies, which have views of Dennington Lane.		

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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</p> <p>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</p>
<p>Assessment: The application provides adequate space for the planting. A detailed landscape plan will be required as a condition of any permit issued, which includes tree planting requirements within the front setback and areas of ground floor open space – refer to condition 1i of this recommendation.</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</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	<p>Complies</p>
	<p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	<p>Complies</p>
	<p>The location of crossovers should maximise the retention of on-street car parking spaces.</p>	<p>Complies</p>
	<p>The number of access points to a road in a Road Zone should be minimised.</p>	<p>N/A</p>
	<p>Access for service, emergency and delivery vehicles must be provided.</p>	<p>Complies</p>
<p>Assessment: The proposed reliance on Dennington Lane, removal of the existing crossover and construction of a new crossover on the west side of the frontage complies with the standard, as it would form 19.6% of the frontage and maximises the retention of on-street car parking.</p>		
<p>Clause 55.03-10 Parking location objectives</p>	<p>Standard B15</p> <p>Car parking facilities should:</p>	<p>Complies</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To provide convenient parking for resident and visitor vehicles. ▪ To protect residents from vehicular noise within developments 	<ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>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.</p>	
<p>Assessment: The layout and design of on-site car parking is appropriate and complies with the Standard. Each garage is conveniently accessed internally and no shared accessways are proposed as part of the development.</p>		
<p>Clause 55.04-1 Side and rear setbacks objective</p> <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. 	<p>Standard B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <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. 	<p>Variation sought</p>
<p>Assessment: The proposed ground floor, first floor and roof top terrace setbacks comply with the requirements of the standard with the exception of the setbacks listed as follows:</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> • Dwelling 1 western first floor living room setback of 1.9 metres is required to be 1.96 metres for a 6.81 metre high wall. • Dwelling 6 western first floor bedroom setback of 1.9 metres is required to be 2.01 metres for a 6.92 metre high wall. <p>The proposed variations of 6cm and 11cm are minor and are considered appropriate as they only apply to the very top corner of the first floor built form, as shown in the images of the proposed south and north elevations below. These walls are located opposite an existing driveway and garage and are away from secluded private open space or habitable room windows on the adjoining property. Therefore, the setback variations are unlikely to unreasonably impact the amenity of the neighbouring property to the west.</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> ▪ To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ 10 m plus 25% of the remaining length of the boundary of an adjoining lot, 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>Complies</p>
<p>Assessment: The proposed wall on boundary, with a length of 6.51 metres and an average height of less than 3.2 metres, satisfies the requirements of this standard.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p>	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p>	<p>Complies</p>

**City of Kingston
Planning Committee Meeting**

Agenda

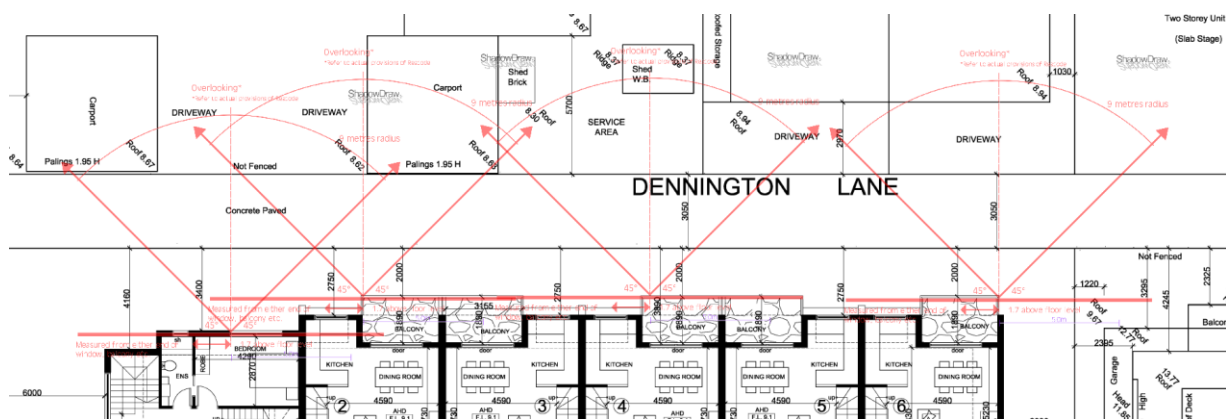
17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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: The proposed side setbacks of the dwellings complies with the requirements to allow for sufficient daylight access to the existing habitable room windows to the west.</p>		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20</p> <p>Buildings should be setback 1m if an existing habitable room window 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
<p>Assessment: The setbacks to the built form proposed, specifically in regard to the interface with the north facing highlight habitable room window at No. 8 Dennington Lane, accord with this standard.</p>		
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> ▪ To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21</p> <p>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.</p> <p>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
<p>Assessment: Whilst the proposed development results in shadowing of the neighbouring properties to the south and west, the submitted shadow diagrams demonstrate that the proposed shadows would fall predominantly on the neighbouring driveway and garage of No. 4 Newington Parade and the service yard and garage of No. 8 Dennington Lane. Given that these areas are not considered to be areas of secluded private open space, the proposal complies with the requirements of the standard. No. 4 Newington Parade will continue to have over 40 sq. metres of secluded private open space which will remain unshadowed throughout the day.</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 habitable room window, 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>	Complies

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<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. 	
	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

Assessment: All first floor windows, balconies and rooftop terraces orientated towards the common side (west) and rear (south) boundaries have been screened with fixed and obscure glazing to 1.7 metres above floor level in accordance with the requirements of the standard.

It is noted that the area opposite Dennington Lane affected by the 9 metre view cone, within No. 473-474 Nepean Highway and Unit 1 & 2 of No. 475 Nepean Highway, includes areas of driveway, garage and common property. Therefore, the balconies and windows orientated towards the eastern side boundary adjoining Dennington Lane are not required to be screened as there are no areas of secluded private open space of habitable room windows within close proximity, as shown on the image below.



In regards to potential overlooking from the ground floor, plans demonstrate that the existing side fencing on the western side would not be sufficient therefore, it is recommended that the following condition be included on any permit issued:

- the height of fences on the western boundary (except within 12.8 metres of the north (front) boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self supporting trellis adjacent the fence to

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development – Refer to condition 1b of this recommendation.</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 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: No unreasonable internal overlooking will occur. Partition walls are included between the roof top terraces and first floor balconies to limit internal views between the areas of secluded private open space within the development.</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 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.</p>	<p>Complies</p>
<p>Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed. The proposed air conditioning units shown on the development plans are not situated in close proximity to any neighbouring habitable rooms and the proposed garage entrances are situated opposite/adjacent to neighbouring garages and carports, which is considered appropriate.</p>		
<p>Clause 55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> ▪ To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>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.</p>	<p>Complies</p>
<p>Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility as each entry is located on the ground floor.</p>		
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> ▪ To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <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. 	<p>Complies</p>
<p>Assessment: The proposed entries to all dwellings are clearly visible from the public realm. The entrance to Dwelling 1 will be visible from Newington Parade and the entrances to the</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>remaining dwellings will be visible from Dennington Lane. Furthermore, each dwelling entrance includes a porch area which is weather protected to comply with the requirements of the standard.</p>		
<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <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. 	<p>Complies</p>
<p>Assessment: All proposed habitable room windows are orientated to face outdoor spaces clear to the sky or balconies which are open for half of the perimeter. Therefore, it is considered that all proposed windows all for adequate solar access and natural daylight into habitable room windows.</p>		
<p>Clause 55.05-4 Private open space 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 B28 GR22 - A dwelling or residential building should have POS consisting of:</p> <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. 	<p>Complies</p>
<p>Assessment: Each dwelling has been provided with a rooftop terrace that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents. The rooftop terraces range in area from 22 to 29 sq. metres and each have a minimum width of greater than 2 metres. Furthermore, each dwelling includes separate areas of ground floor private open space in the form of service yards and first floor balconies.</p>		
<p>Clause 55.05-5 Solar Access to Open Space</p> <ul style="list-style-type: none"> ▪ To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>Complies</p>
	<p>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.</p>	<p>Complies</p>
<p>Assessment: No south facing private open space is proposed as part of this development. Each dwelling includes a rooftop deck which include eastern and western aspects to allow for sufficient sunlight access throughout the day.</p>		
<p>Clause 55.05-6 Storage objective</p>	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</p>

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To provide adequate storage facilities for each dwelling. 		
<p>Assessment: Secure storage areas have been provided for each dwelling, which is split into two (2) areas of 3sq. metres and located within their respective ground floor service yards and garages.</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>	Complies
<p>Assessment: The surrounding area includes a diverse character of typical suburban detached brick and weatherboard dwellings and contemporary townhouse developments which are constructed of varied materials. The surrounding character predominantly includes pitched tile roofing, eaves and front porch elements as well as flat and skillion roofing.</p> <p>The proposed dwellings incorporate some of the abovementioned architectural features into the building design to ensure the proposal respects the existing character of Newington Parade, such as a front porch to face Newington Parade, varied materials and flat roofing.</p> <p>Additionally, the proposal incorporates first floor balconies, articulation of the rooftop terraces and varied window fenestration on the front façade to avoid visual bulk and massing impacts. It is recommended that a condition be included on any permit issued which requires the provision of a high quality and durable colour and material palette to ensure an appropriate built outcome – Refer to condition 1c of this recommendation.</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.</p>	Complies
	<p>Schedule to GRZ2: A front fence within 3m of a street should not exceed:2m for streets in a RDZ1 or 1.2m for other streets</p>	Complies
<p>Assessment: A 1.2 metre high front fence is proposed, which respects the existing character of front fences with Newington Parade and meets the standard to the Zone.</p>		
<p>Clause 55.06-3 Common property objectives</p>	<p>Standard B33 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	Complies

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>Assessment: The proposed small section of common property on the east side of the subject site adjoining the lane is considered appropriate. This area allows for convenient access to mailboxes and service metres and also allows for vehicles to enter and exit the laneway in a forward direction. This area is considered to be 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
<p>Assessment: Site services such as mailboxes, clotheslines, service metres and bin/recycling enclosures have been nominated on the respective plans and located appropriately either within the dwelling or service yards. It is recommended that a condition be included on any permit issued which states; the services meters nominated near the side fencing to be hidden from the public realm – refer to condition 1h of this recommendation.</p>		

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
<p>Cost development of</p>	<p>Concern was raised that the proposed cost of development did not appropriately reflect the proposed six (6) dwelling development, thereby avoiding the payment of the Metropolitan Planning Levy (MPL). This concern was raised by Planning Officers at an early stage in the planning application process and the MPL was paid.</p>
<p>Traffic congestion and</p>	<p>As noted under Section 10 of this report, no objection was provided by Council's Traffic Engineer to the proposal, therefore, generation of traffic is not considered to be an issue. In regards to existing traffic congestion concerns, it was highlighted with the objectors at the Planning Consultation Meeting that these concerns must be raised with the Traffic Department directly to ensure that any traffic issues can be appropriately managed.</p>

Construction period	As requested by Council's Construction Management Officer, a construction management plan will be requested by way of condition to ensure the construction process is appropriately managed.
----------------------------	--

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 Planning Committee determine to **support** the proposal and issue a **Notice of Decision to Grant a Permit** for the **development of six (6) dwellings and the waiver of one (1) visitor car parking space** at No. 2 Newington Parade, Chelsea, 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 Agart Studio comprising TP-001 to TP-005 inclusive, Revision D dated 23 May 2019, submitted to Council on 23 May 2019, but modified to show:
 - a. the provision of corner splays (where practical) in accordance with Design Standard 1 of Clause 52.06-9, including on the eastern boundary adjoining Dennington Lane at the entrance from Newington Parade;
 - b. the height of fences on the western boundary (except within 12.8 metres of the north (front) boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development;
 - c. the provision of a full colour finishes and building materials schedule for all external elevations and driveways of the development. The proposed materials and finishes must be durable, low maintenance and of a high quality;

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

- d. all relevant commitments identified within the Sustainable Design Assessment, required under condition 6 of this permit, shown on plans;
- e. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- f. a notation which states 'vehicle crossings must constructed at a 90 degree alignment with the kerb on Newington Parade and all internal driveways must align with the proposed vehicle crossing';
- g. a notation which states 'prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised to the satisfaction of the Responsible Authority';
- h. all services meters to be screened from the public realm; and
- i. 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;
 - 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% coastal indigenous species by plant type and total quantities;
 - vi. Two (2) native canopy trees capable of growing to minimum mature dimensions of 9 metres in height and 5 metres in width to be planted in the front setback of the property;
 - vii. One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 3 metres in width to be planted in the secluded private open space of each dwelling facing Dennington Lane;
 - viii. One (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 3 metres in width to be planted in the secluded private open space of each dwelling facing west;
 - 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.

Endorsed Plans

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

Street Trees

3. Tree Protection Fencing is to be established around the street trees 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

4. 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 4a, 4b & 4c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
5. 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 6.4L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

6. 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.

Construction Management

7. 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

8. 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.
9. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
10. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
12. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

13. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
14. 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.
15. 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

16. 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.
17. 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 to the satisfaction of the Responsible Authority.

Time Limits

18. In accordance with section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from the date of permit issue.
 - The development is not completed within four (4) years from the date of permit issue.

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

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

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

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

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

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

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

Note: The 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.


OR

In the event that the Planning Committee wishes to oppose the Officer Recommendation to support the application, it can do so on the following grounds:

1. The proposal is contrary to the Increased Housing Change Areas policy direction included in Clause 21.05 (Residential Land Use) and Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
2. The proposal does not align with the character policies and objectives of the Clause 22.11 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposed development fails to satisfy Standard B6 (Street Setback) and B17 (Side and Rear Setbacks) of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme.

Appendices

Appendix 1 - KP-2018/807 - 2 Newington Parade Chelsea - Considered plans for Council Meeting (Ref 19/119741)  [↓](#)

Appendix 2 - KP-2018/807 - 2 Newington Parade Chelsea - Car Parking Impact Assessment (Ref 19/119738)  [↓](#)

Author/s: Rochelle Reinhardt, Statutory Planner
Reviewed and Approved By: Jennifer Roche, Team Leader Statutory Planning
Ian Nice, Manager City Development

4.3

KP-2018/807 - 2 NEWINGTON PARADE CHELSEA

1	KP-2018/807 - 2 Newington Parade Chelsea - Considered plans for Council Meeting.....	127
2	KP-2018/807 - 2 Newington Parade Chelsea - Car Parking Impact Assessment.....	143

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



SITE ANALYSIS & NEIGHBORHOOD CHARACTER

Zone - GR22
Design and Development Overlay - (DD01 & DD07)
The subject site is located at 2 Newington Pde, Chelsea, Approx., 15m west from Nepean Hwy and approx., 100m east from beach.
Newington Pde is not through street.
The area is defined as an area which includes a variety of dwelling styles and sizes, with the prominent double storey dwellings and medium density developments punctuated by the existence of number of single storey older dwellings and medium density developments.
This is a large and diverse area. Lot sizes and street dimensions vary widely throughout the areas.
Newington Pde - it is a typical suburban, tree lined road containing residential housing.
Character of this area is architecturally defined by single storey buildings and more recent double storey detached dwellings or multi unit developments.
Old dwellings are well integrated with established gardens.
The street has strong foreshore character.

Site Analysis

Opportunities - Area

- Good access to services, facilities and public transport
- Close vicinity to park and gardens
- Close vicinity to schools and Local Shopping Center
- The new dwelling will contribute to the area
- Variety of architectural Styles
- North orientation

Opportunities - Site

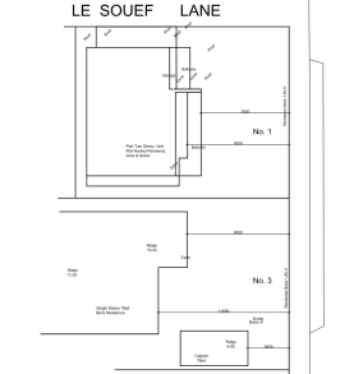
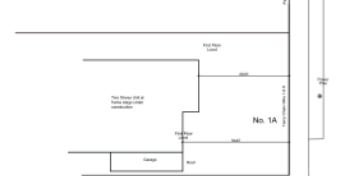
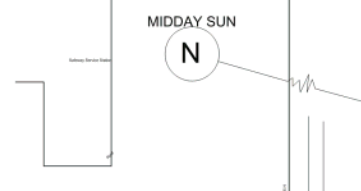
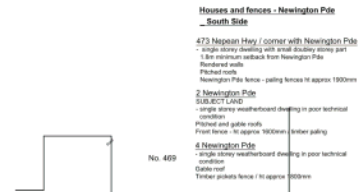
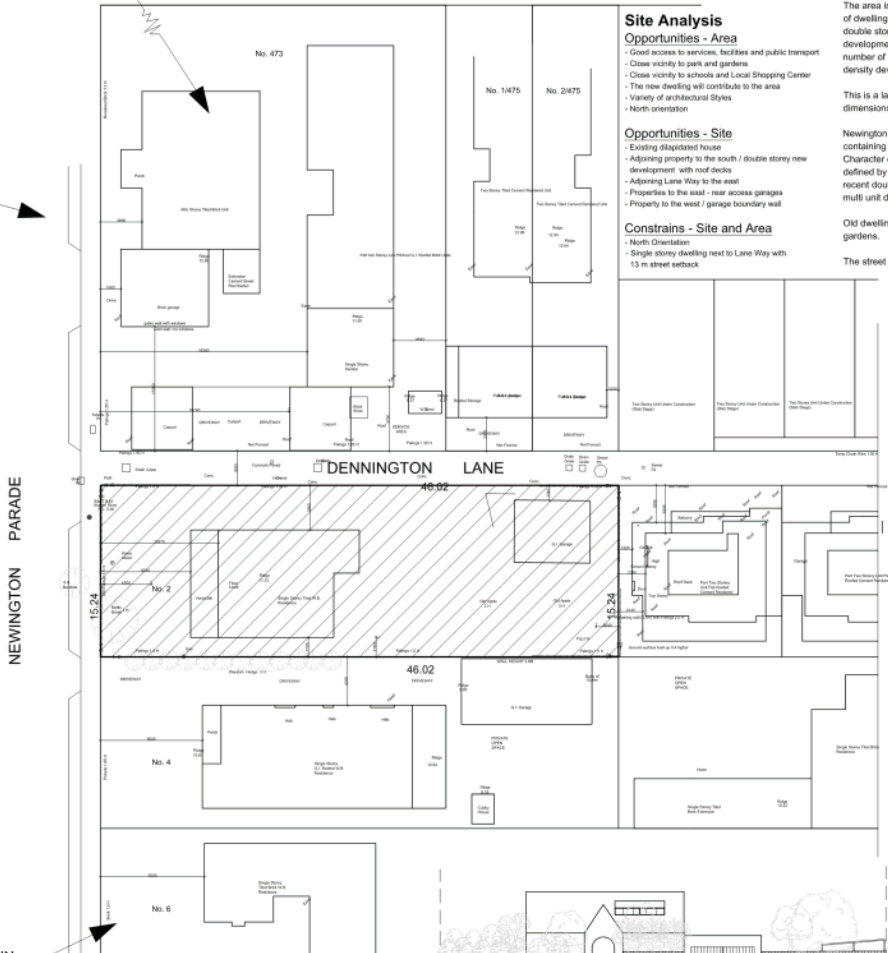
- Existing dilapidated house
- Adjoining property to the south / double storey new development with roof decks
- Adjoining Lane Way to the east
- Properties to the west - rear access garages
- Property to the west / garage boundary wall

Constraints - Site and Area

- North Orientation
- Single storey dwelling next to Lane Way with 13 m street setback

NOTES - LEVELS ARE TO AUSTRALIAN HEIGHT DATUM BASED ON MORODALOC PM 712 WITH A STATED VALUE OF 24.1m. - CONTOUR INTERVAL 0.2m - THE LOCATIONS OF SERVICE PITS, VALVE COVERS ETC. SHOWN HEREON HAVE BEEN DETERMINED BY THIS SURVEY. NO DIRECT KNOWLEDGE IS CLAIMED OF THE LOCATION OF UNDERGROUND SERVICES OR ENCROACHING STRUCTURES BELOW GROUND LEVEL. - THE BEARINGS AND DISTANCES OF BOUNDARIES SHOWN ON THIS PLAN ARE BY LP 12462 REFER TO PLAN OF SURVEY FOR TITLE RE-ESTABLISHMENT INFORMATION. - DATE OF SURVEY 18-11-2013. - E-1 IS A 1.83m WIDE DRAINAGE AND SEWERAGE EASEMENT

MORNING SUN
NEPEAN HIGHWAY



- LEGEND**
- GAS METER
 - SEWER INSPECTION POINT
 - WATER METER
 - POB PRIVATE OPEN SPACE
 - TRSB TRIM SITE BENCHMARK
 - TEL TELECOM PIT
 - HWI HAZARDOUS WINDOR
 - DOOR
 - NHW NON HAZARDOUS WINDOR
 - FFW FIRST FLOOR
 - E ELECTRICITY
 - EP ELECTRICITY POLE
 - HOSE DRAIN/OUTLET
 - GARDEN BED

CONTEXT PLAN scale 1:200

Local Shops, Public Transport services, Schools & Public open Spaces within walking distance

1. Chelsea Shopping Centre / Activity Centre - 500m north
2. Chelsea Railway Station - 700m north
3. Bonbeach Railway Station - 700m south
4. Beach - 100m west
5. Bicentennial Park - 1500m west
6. Chelsea Primary School - 500m west
7. St Joseph Cath. School - 500m north
8. Chisholme Tafe Bonbeach College - 1000m south

- Typical architectural characteristic**
- single and double storey dwellings
 - NEW DEVELOPMENTS IN CLOSE VICINITY with flat roofs, roof decks
 - street set backs between 3 - 10m
 - front verandahs / porches
 - materials - exposed or rendered brickwork
 - chimneys
 - high or low brick front fences

Streetscape Elevation scale 1:200

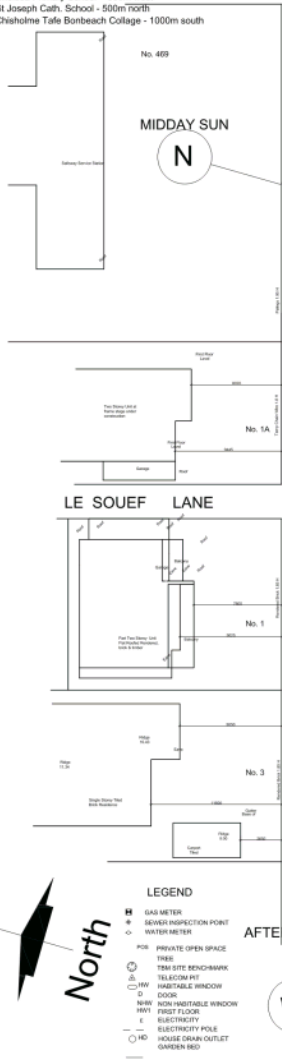


Site Area - total 701 Sq m

<p>AGART STUDIO architects & interior designers tel. 03 9563 8484 3 A Burwash Ave Brighton East VIC 3187</p>	<p>Project: PROPOSED DEVELOPMENT 2 Newington Parade, Chelsea, 3196</p>	<p>Date: September 2018</p>
	<p>Sheet:</p>	<p>Revisions:</p>

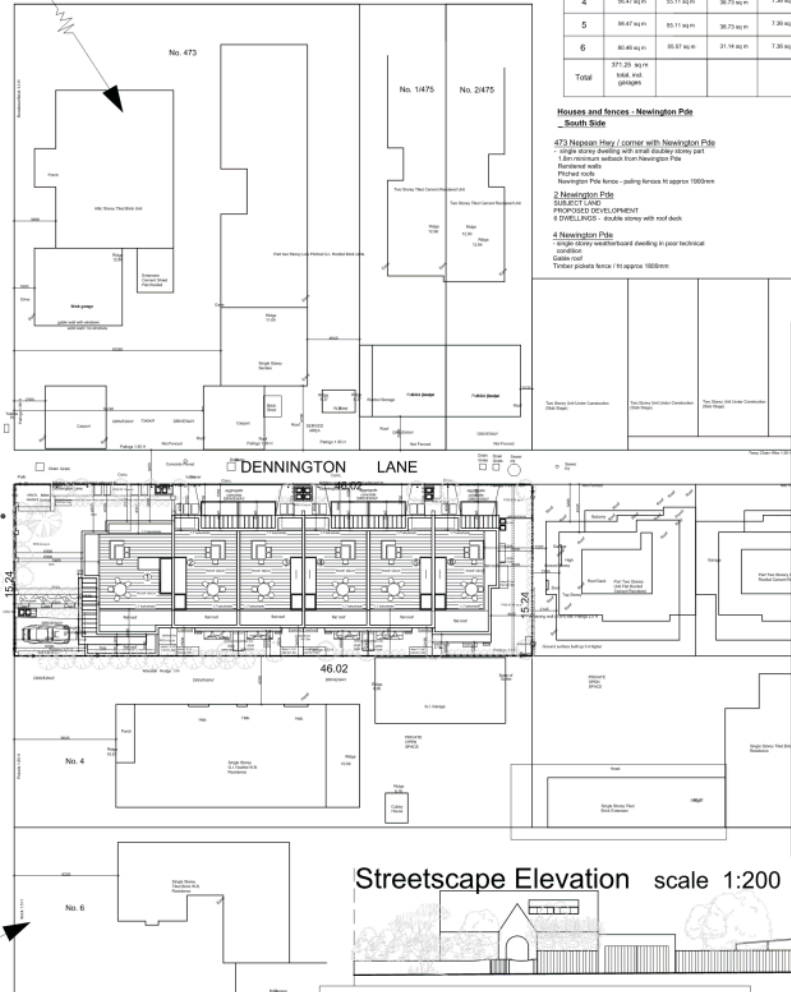
Local Shops, Public Transport services, Schools & Public Open Spaces within walking distance

1. Chelsea Shopping Centre / Activity Centre - 500m north
2. Chelsea Railway Station - 700m north
3. Bonbeach Railway Station - 700m south
4. Beach - 100m west
5. Bicentennial Park - 1500m west
6. Chelsea Primary School - 500m west
7. St. Joseph Cath. School - 500m north
8. Chisholme Tafe Bonbeach College - 1000m south



DESIGN RESPONSE scale 1:200

NOTES - LEVELS ARE TO AUSTRALIAN HEIGHT DATUM BASED ON MORIDALLOCFM 712 WITH A STATED VALUE OF 24.1m. - CONTOUR INTERVAL 0.2m. - THE LOCATIONS OF SERVICE PITS, VALVE COVERS ETC. SHOWN HEREON HAVE BEEN DETERMINED BY THIS SURVEY AND DIRECT KNOWLEDGE & CLAIMED OF THE LOCATION OF UNDERGROUND SERVICES OR ENCROACHING STRUCTURES BELOW GROUND LEVEL. - THE BEARINGS AND DISTANCES OF BOUNDARIES SHOWN ON THIS PLAN ARE BY L.P. 12602. REFER TO PLAN OF SURVEY FOR TITLE RE-ESTABLISHMENT INFORMATION. - DATE OF SURVEY 18-11-2013. - E-1 IS A 1.83m WIDE DRAINAGE AND SEWERAGE EASEMENT



Streetscape Elevation scale 1:200



Site Area - 701Sq m
Site coverage including all first floor over hangings
 413 Sq m _ 58.9 %
 372 Sq m - without overhanging
Garden Area - 35.03%
Hard cover - including footpaths and driveways - 480 Sq m
Permeability - 31 %

Typical architectural characteristic
 - single and double storey dwellings
 - NEW DEVELOPMENTS IN CLOSE VICINITY with flat roofs, roof decks
 - street set backs between 3 - 10m
 - front verandahs / porches
 - materials - exposed or rendered brickwork
 - chimneys
 - high or low brick front fences

Development Summary

apartment	Ground Floor Area incl Garage	First Floor Area	Deck	Balcony	Garage
1	84.87 sq m	72.0 sq m	43.30 sq m	11.9 sq m	1 car - 1 parking space / 1 car 2
2	58.47 sq m	55.11 sq m	38.75 sq m	7.30 sq m	1 car
3	58.47 sq m	55.11 sq m	38.75 sq m	7.30 sq m	1 car
4	58.47 sq m	55.11 sq m	38.75 sq m	7.30 sq m	1 car
5	58.47 sq m	55.11 sq m	38.75 sq m	7.30 sq m	1 car
6	88.48 sq m	55.87 sq m	31.54 sq m	7.30 sq m	1 car
Total	371.25 sq m	348.26 sq m			7 cars

Houses and fences - Newington Pde

- South Side**
- 473 Nepean Hwy / corner with Newington Pde
 - single storey dwelling with small double storey part
 - 1.8m minimum setback from Newington Pde
 - Rerouted with:
 - Newington Pde fence - jutting fence 10 approx 1000mm
- 2 Newington Pde
 - SUBJECT LAND
 - PROPOSED DEVELOPMENT
 - 6 DWELLINGS - double storey with roof deck
- 4 Newington Pde
 - single storey residential dwelling in poor technical condition
 - Cable road
 - Timber pickets fence / 10 approx 1000mm

ADVERTISED PLANS
 Documentation May Be Subject to Copyright

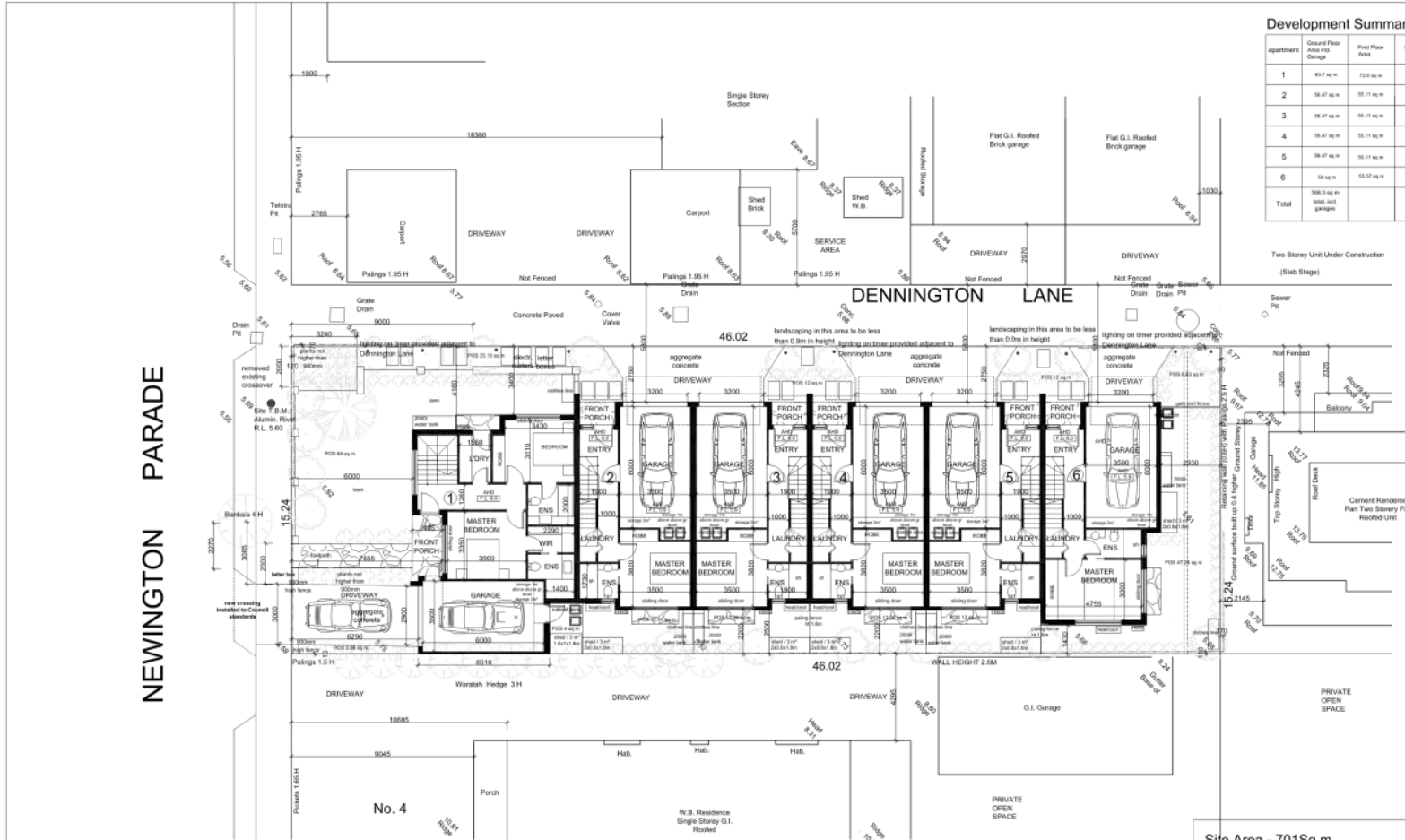


AGART STUDIO architects & interior designers tel: 03 9553 8484 3 A Burwash Ave Brighton East Vic 3187	Project: PROPOSED DEVELOPMENT 2 Newington Parade, Chelsea, 3196	Date: September 2018 Revision: 1K - 10 Dec 2018 - respond to RFI letter
	Sheet:	Drawn by: AW Checked by: EM

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

Development Summary

Apartment	Ground Floor Area (sq m)	First Floor Area (sq m)	Deck (sq m)	Garage	Other
1	63.7 sq m	72.0 sq m	38 sq m	8 sq m	1 car + 1 parking space (over 2)
2	56.47 sq m	55.11 sq m	34.8 sq m	8 sq m	1 car
3	56.47 sq m	55.11 sq m	34.8 sq m	8 sq m	1 car
4	56.47 sq m	55.11 sq m	34.8 sq m	8 sq m	1 car
5	56.47 sq m	55.11 sq m	34.8 sq m	8 sq m	1 car
6	56.47 sq m	55.11 sq m	34.8 sq m	8 sq m	1 car
Total	306.5 sq m	306.5 sq m	213.2 sq m	48 sq m	Total 7 cars



Site Area - 701Sq m
 Site coverage including all first floor over hangings
 410.4 Sq m _ 58.54 %
 368.6 Sq m - without overhanging
 Garden Area - 35.007%
 Hard cover - including footpaths and driveways - 480 Sq m
 Permeability - 31 %

All site and finished floor levels on the plans are to Australian Height Datum (AHD)

PROPOSED GROUND FLOOR PLAN _ 1 : 100 on A1

by **AGART STUDIO** 07451 1200
 3 A Burwash Ave, Brighton East Vic 3187
 tel. 9553 6694
 E-mail: em@agartstudio.com.au

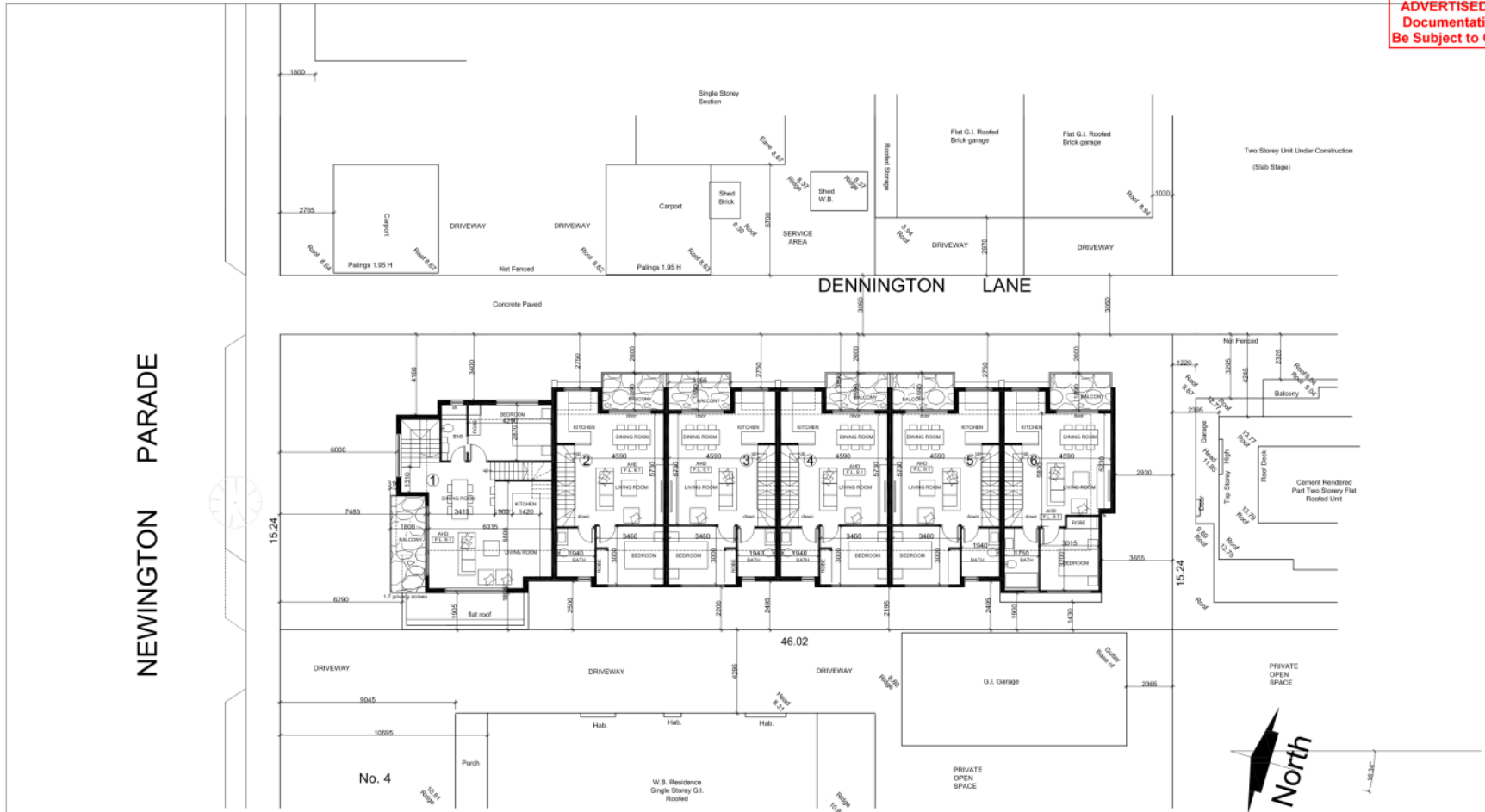
COPYRIGHT © AGART STUDIO
 THIS DRAWING IS THE PROPERTY OF AGART STUDIO. ALL RIGHTS RESERVED.
 NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT AGART STUDIO'S CONSENT. IT IS EXPRESSLY FORWARDED.

**PROPOSED DEVELOPMENT - 6 TOWNHOUSES
 2 Newington Parade, Chelsea 3196**

Revisions: 'X' - 21 December 2018 - respond to Council letter dated 1 November 2018
 'B' - 10 January 2019 - reduced Unit 1 and 6
 'C' - 1 May 2019 - revisions

Date: September 2018
 Drawn by: AW
 Checked by: EM
 Dwg.no: **TP-002**
 Scale: 1 : 100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



All site and finished floor levels on the plans are to Australian Height Datum (AHD)

PROPOSED FIRST FLOOR PLAN _ 1 : 100

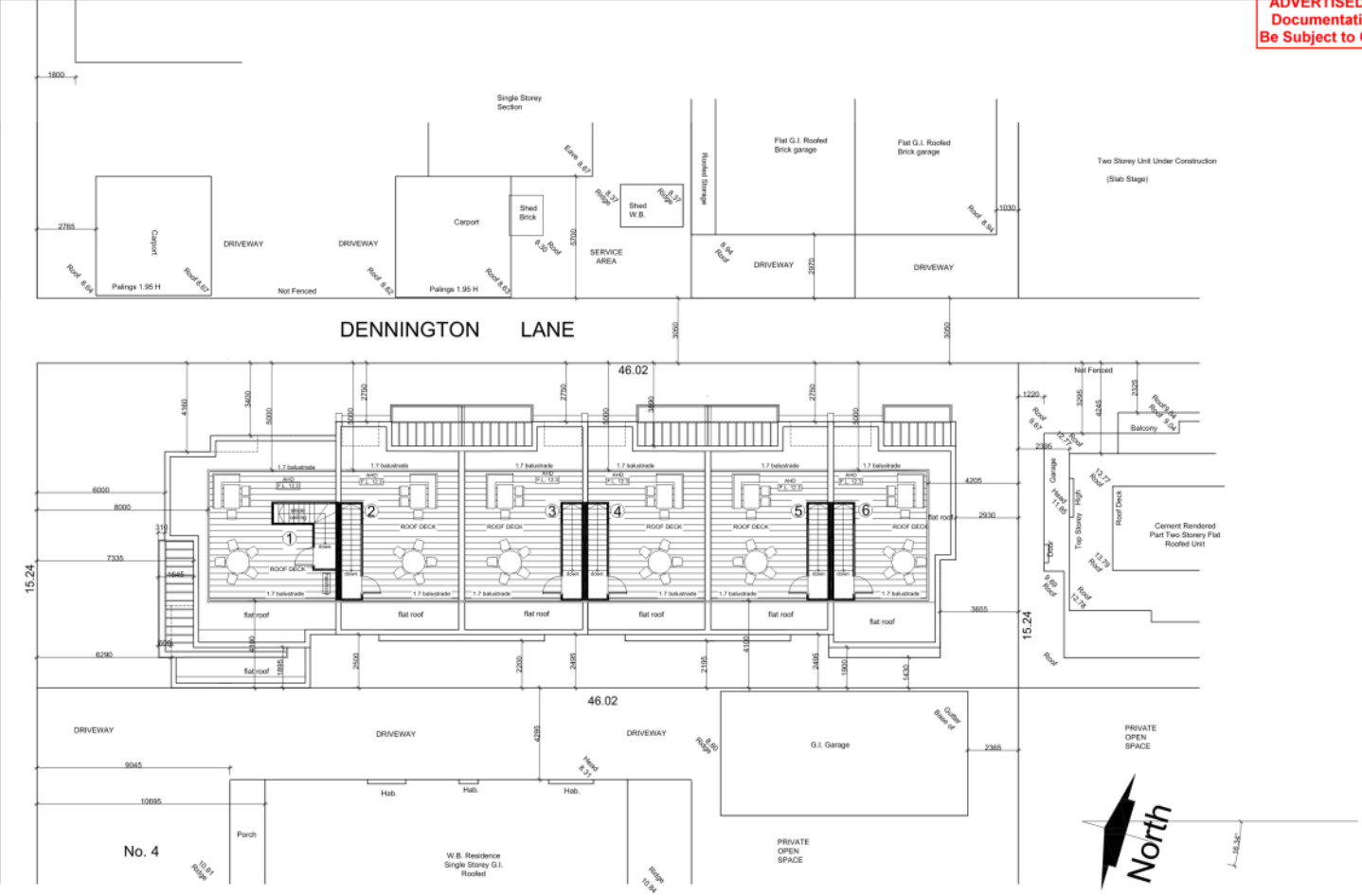
by **AGART STUDIO** CP-140 1008
 3 A Burwan Ave, Brighton East Vic 3187
 Tel: 9553 8484
 E-mail: em@agartstudio.com.au
COPYRIGHT © AGART STUDIO
 THIS DRAWING IS THE PROPERTY OF AGART STUDIO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR ALTERATION OF THIS DRAWING WITHOUT AGART STUDIO'S CONSENT IS EXPRESSLY FORBIDDEN.

PROJECT
PROPOSED DEVELOPMENT - 6 TOWNHOUSES
 2 Newington Parade, Chelsea 3196

Revisions:	'X' - 10 December 2018 - respond to Council letter dated 1 November 2018	Date:	September 2018
	'B' - 10 January 2019 - reduced Unit 1 and 6	Drawn by:	AW
	'C' - 1 May 2019 - revisions	Checked by:	EM
	'D' - 23 May 2019 - UNIT 1 - relocated cooling/heating unit / from garage roof to deck	Dwg.no:	TP-003
		Scale:	1 : 100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright

NEWINGTON PARADE



All site and finished floor levels on the plans are to Australian Height Datum (AHD)

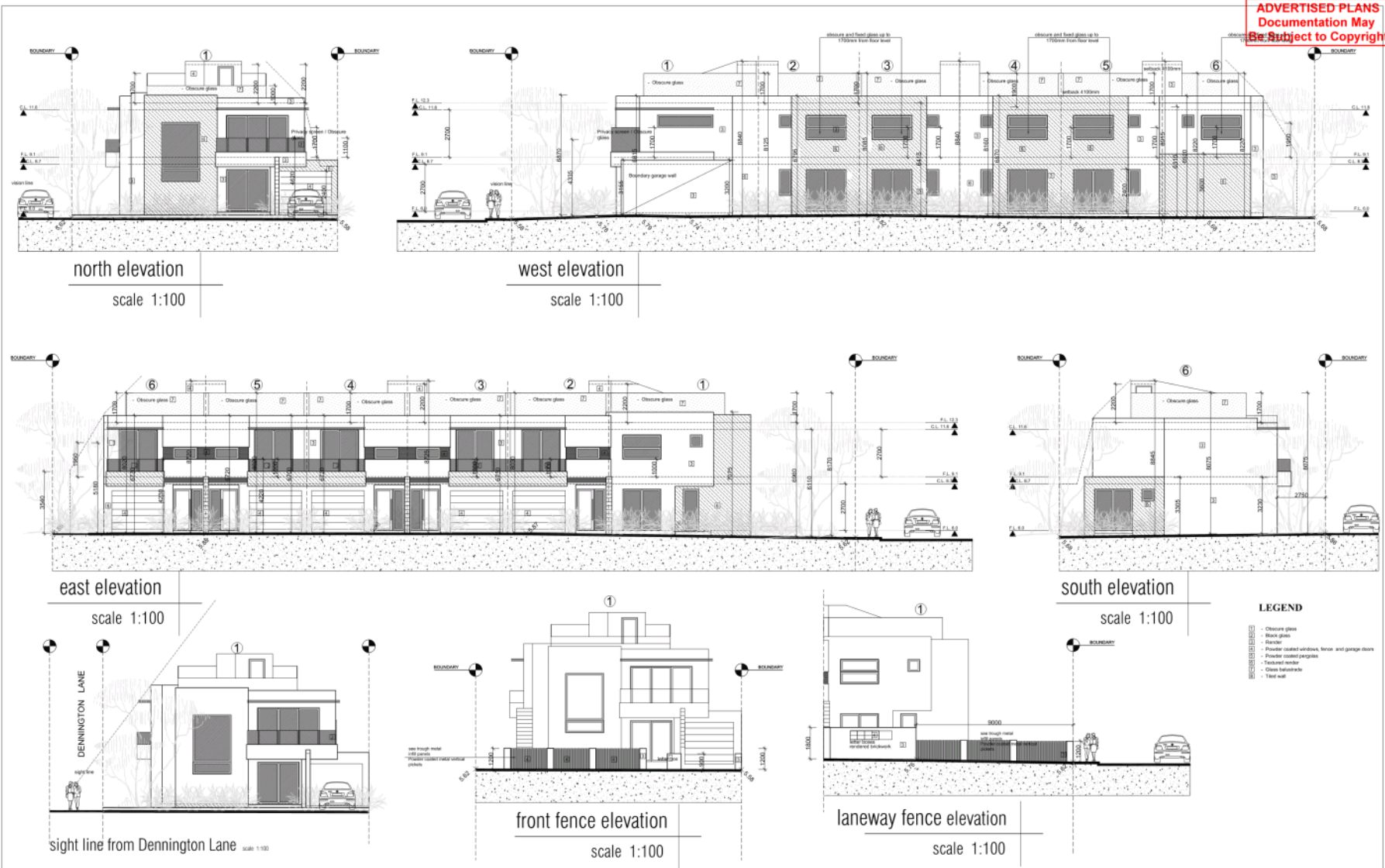
PROPOSED ROOF PLAN _ 1 : 100

by **AGART STUDIO** CPH-100 1008
 3 A Burwah Ave, Brighton East Vic 3187
 Tel: 9553 8484
 E-mail: em@agartstudio.com.au
COPYRIGHT © AGART STUDIO
 THIS DRAWING IS THE PROPERTY OF AGART STUDIO. ALL RIGHTS RESERVED.
 ANY OFFICIAL REPRODUCTION OR PUBLICATION OF THIS DRAWING IS THE PROPERTY OF AGART STUDIO. COPYRIGHT IS EXPRESSLY FORWARDED.

Project: **PROPOSED DEVELOPMENT - 6 TOWNHOUSES**
 2 Newington Parade, Chelsea 3196

Revisions:	'X' - 10 December 2018 - respond to Council letter dated 1 November 2018	Date:	September 2018
	'B' - 10 January 2019 - reduced Unit 1 and 6	Drawn by:	AW
	'C' - 1 May 2019 - revisions	Checked by:	EM
	'D' - 23 May 2019 - UNIT 1 - relocated cooling/heating unit / from garage roof to deck	Dwg.no:	TP-004
		Scale:	1 : 100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



by **AGART STUDIO** CPH-AD 1008
 3 A Burwah Ave, Brighton East Vic 3187
 Tel: 9553 8618
 E-mail: em@agartstudio.com.au
 COPYRIGHT © AGART STUDIO
THIS DRAWING IS THE PROPERTY OF AGART STUDIO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY OTHER USE WITHOUT THE WRITTEN PERMISSION OF AGART STUDIO IS STRICTLY PROHIBITED.

Project: **PROPOSED DEVELOPMENT - 6 TOWNHOUSES**
 2 Newington Parade, Chelsea 3196

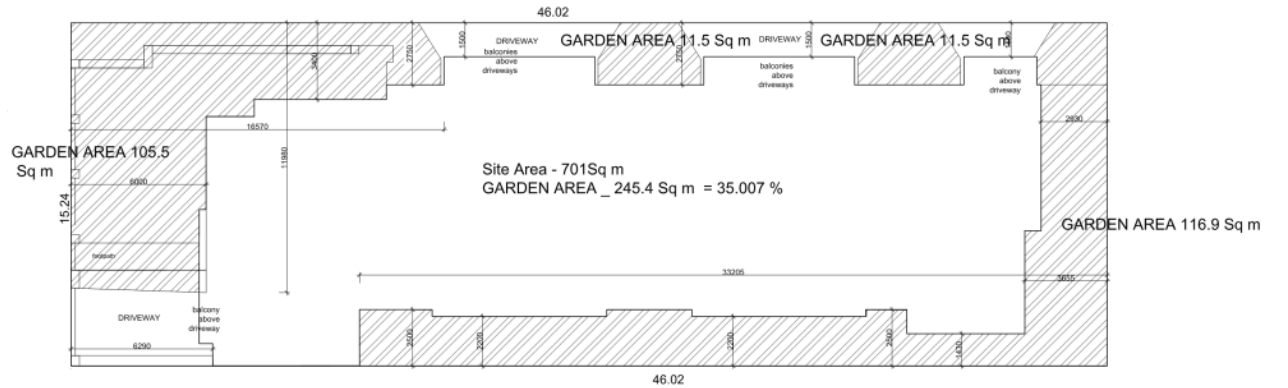
Revisions:	'X' - 10 December 2018 - respond to Council letter dated 1 November 2018	Date:	September 2018
	'B' - 10 January 2019 - reduced Unit 1 and 6	Drawn by:	AW
	'C' - 1 May 2019 - revisions	Checked by:	EM
		Dwg.no:	TP-005
		Scale:	1 : 100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright

GARDEN AREAS PLANS

NEWINGTON PARADE

DENNINGTON LANE



PROPOSED GROUND FLOOR PLAN _ 1 : 100



Site Area - 701Sq m
Site coverage including all first floor over hangings
410.4 Sq m _ 58.54 %
368.6 Sq m - without overhanging
Garden Area - 35.007%
Hard cover - including footpaths and driveways - 480 Sq m
Permeability - 31 %

by **AGART STUDIO** 074510 1288
3 A Burwah Ave, Brighton East Vic 3187
Tel: 9553 8484
E-mail: em@agartstudio.com.au

COPYRIGHT © AGART STUDIO
THIS DRAWING IS THE PROPERTY OF AGART STUDIO. ALL RIGHTS RESERVED.
NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT AGART STUDIO'S EXPRESS WRITTEN PERMISSION.

Project: **PROPOSED DEVELOPMENT - 6 TOWNHOUSES**
2 Newington Parade, Chelsea 3196

Revisions:	'X' - 4 December 2018 - respond to Council letter dated 1 November 2018	Date:	September 2018
	'B' - 10 January 2019 - revised Garden Area	Drawn by:	AW
		Checked by:	EM
		Dwg.no:	
		Scale:	1 : 100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



east elevation

scale 1:100

AGART STUDIO architects & interior designers tel: 03 9553 8484 3 A Bunyah Ave Brighton East Vic 3187	Project:	PROPOSED DEVELOPMENT - 6 TOWNHOUSES 2 Newington Parade, Chelsea 3196	Date:	September 2018
	Sheet:		Revisions:	

© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN

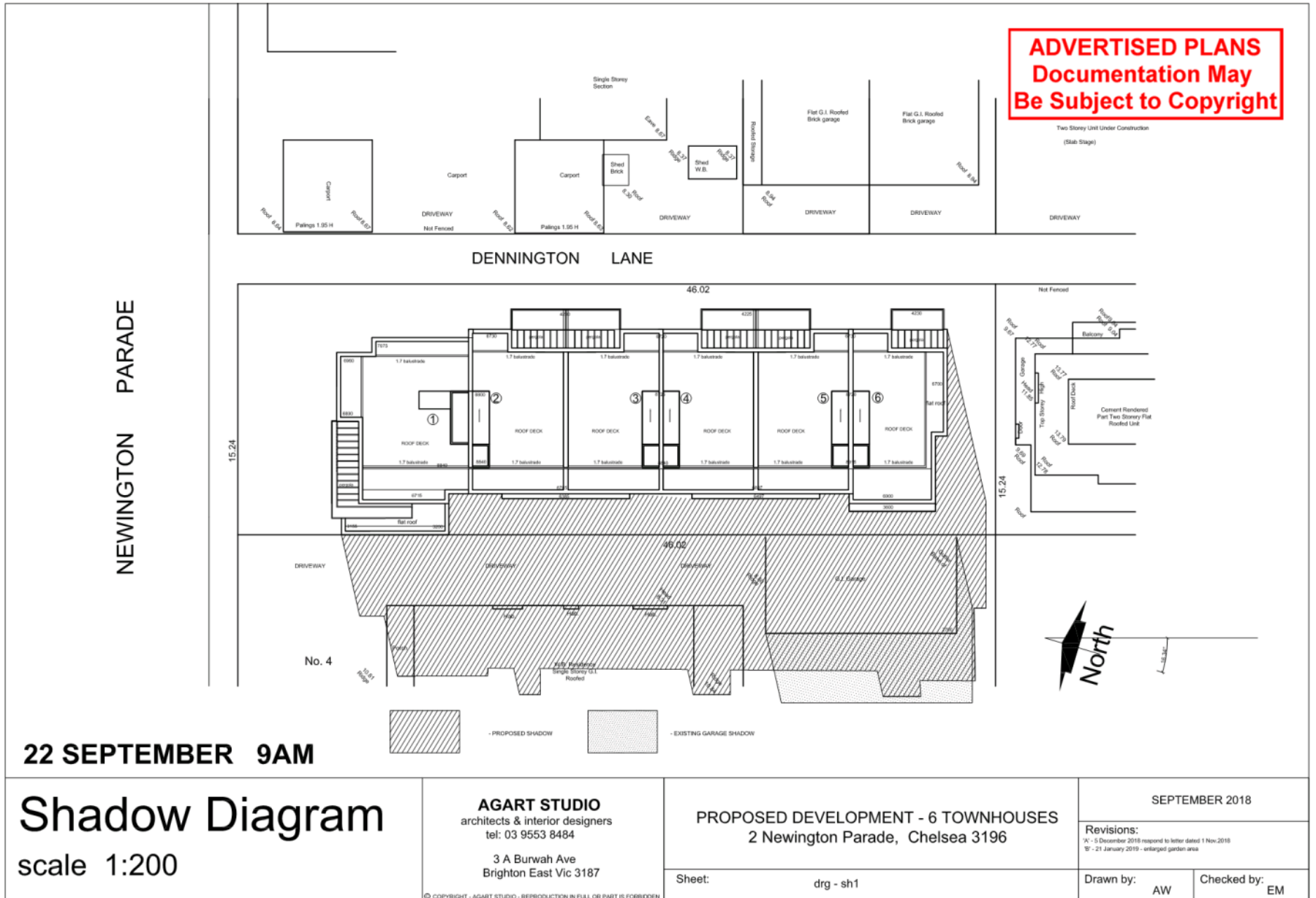
**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**

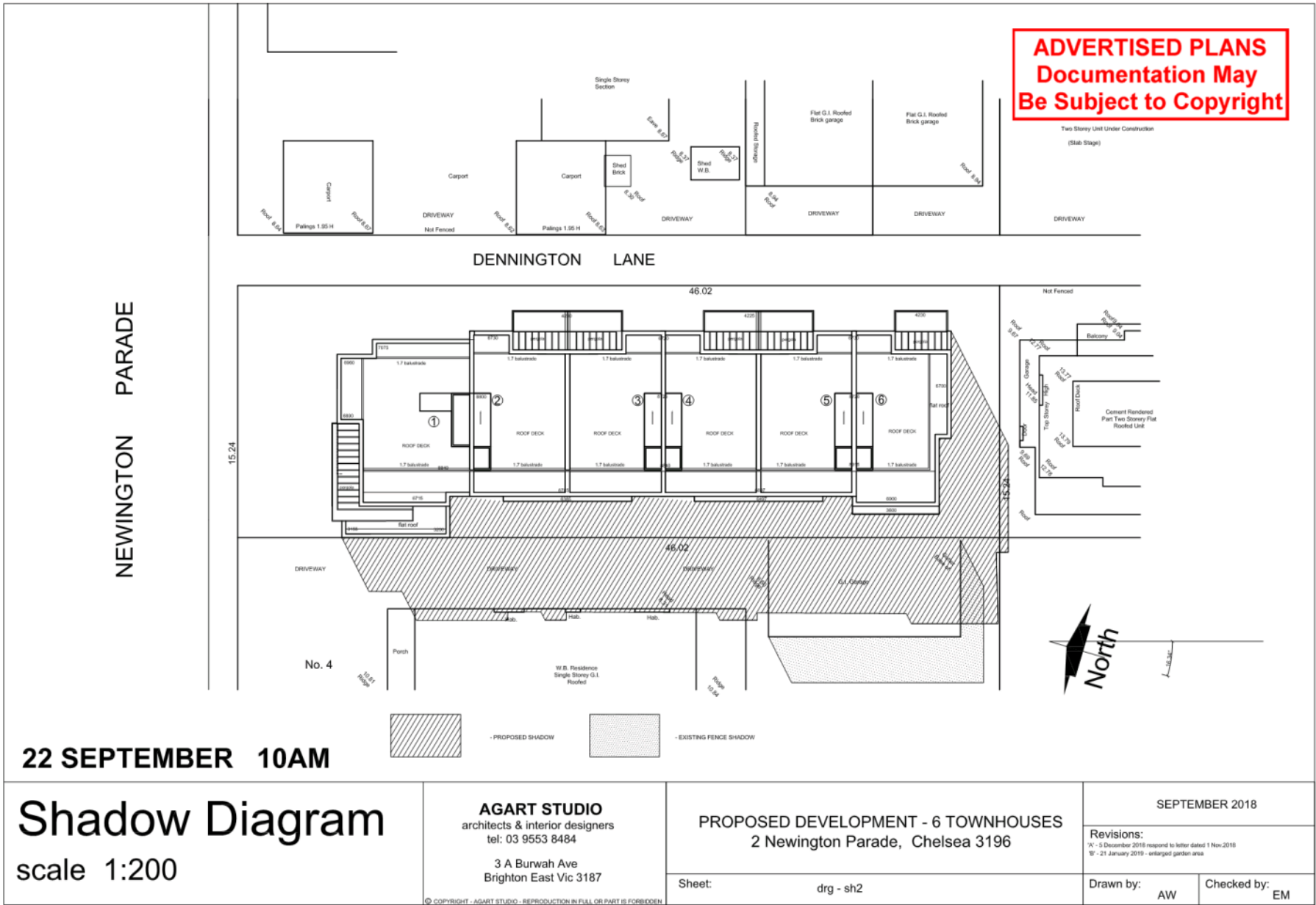


north elevation

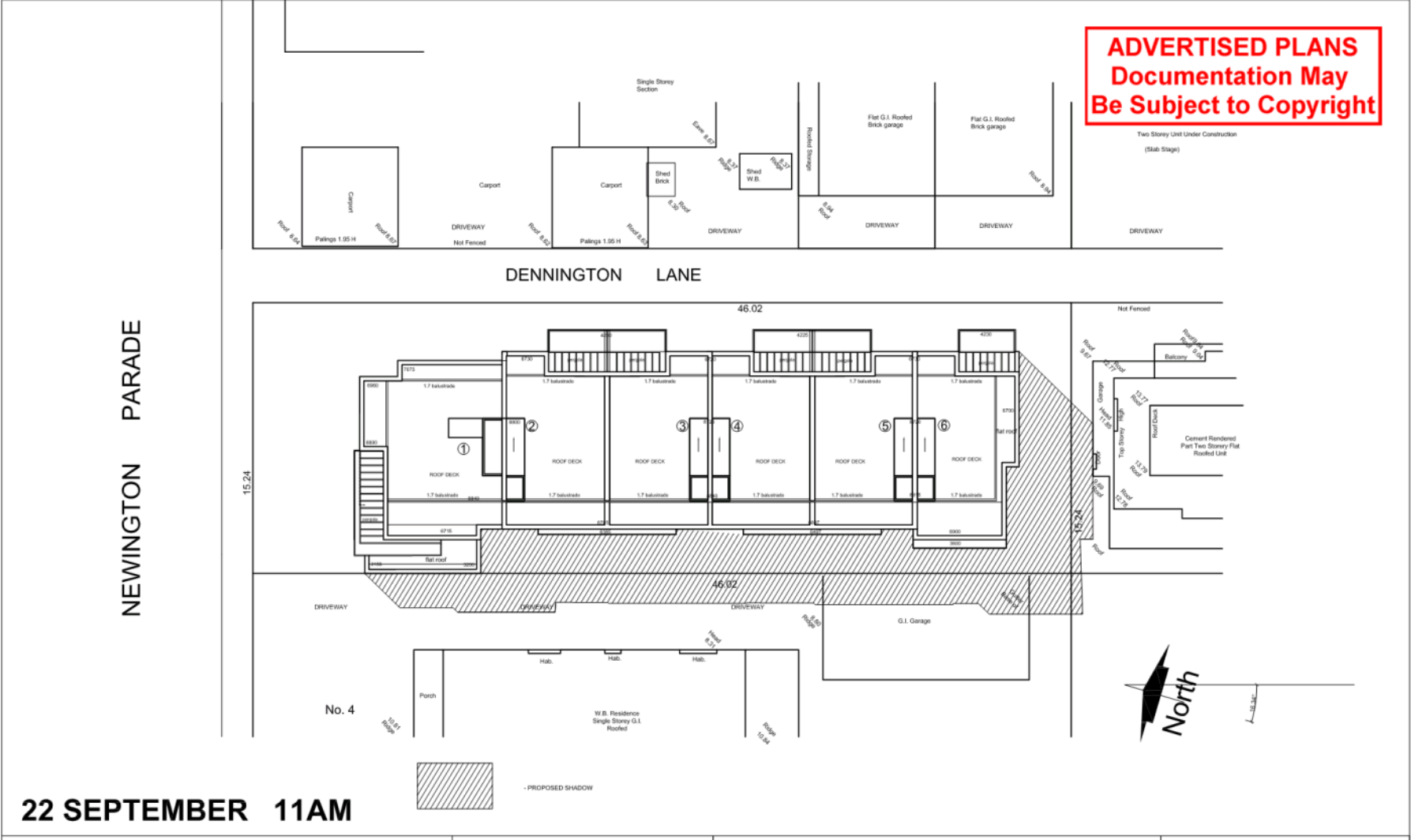
scale 1:100

<p>AGART STUDIO architects & interior designers tel: 03 9553 8484</p> <p>3 A Burwah Ave Brighton East Vic 3187</p> <p><small>© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN</small></p>	<p>Project:</p> <p>PROPOSED DEVELOPMENT - 6 TOWNHOUSES 2 Newington Parade, Chelsea 3196</p>	<p>Date:</p> <p>September 2018</p>
	<p>Sheet:</p>	<p>Revisions:</p>





ADVERTISED PLANS
Documentation May
Be Subject to Copyright



22 SEPTEMBER 11AM

Shadow Diagram

scale 1:200

AGART STUDIO
 architects & interior designers
 tel: 03 9553 8484
 3 A Burwah Ave
 Brighton East Vic 3187

PROPOSED DEVELOPMENT - 6 TOWNHOUSES
 2 Newington Parade, Chelsea 3196

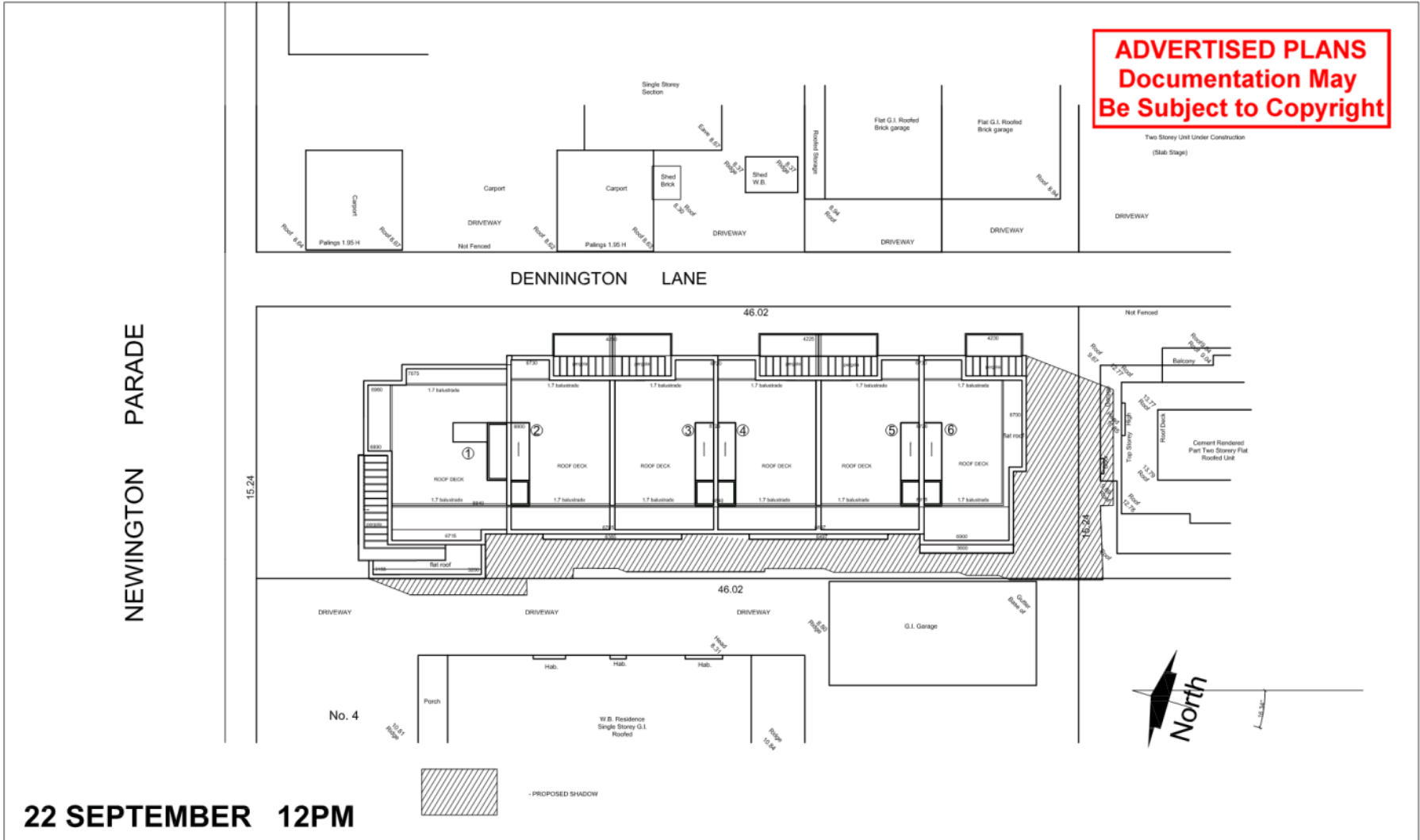
Sheet: drg - sh3

SEPTEMBER 2018

Revisions:
 'A' - 5 December 2018 respond to letter dated 1 Nov.2018
 'B' - 21 January 2019 - enlarged garden area

Drawn by: AW Checked by: EM

© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN



22 SEPTEMBER 12PM

Shadow Diagram

scale 1:200

AGART STUDIO
architects & interior designers
tel: 03 9553 8484
3 A Burwah Ave
Brighton East Vic 3187

PROPOSED DEVELOPMENT - 6 TOWNHOUSES
2 Newington Parade, Chelsea 3196

Sheet: drg - sh4

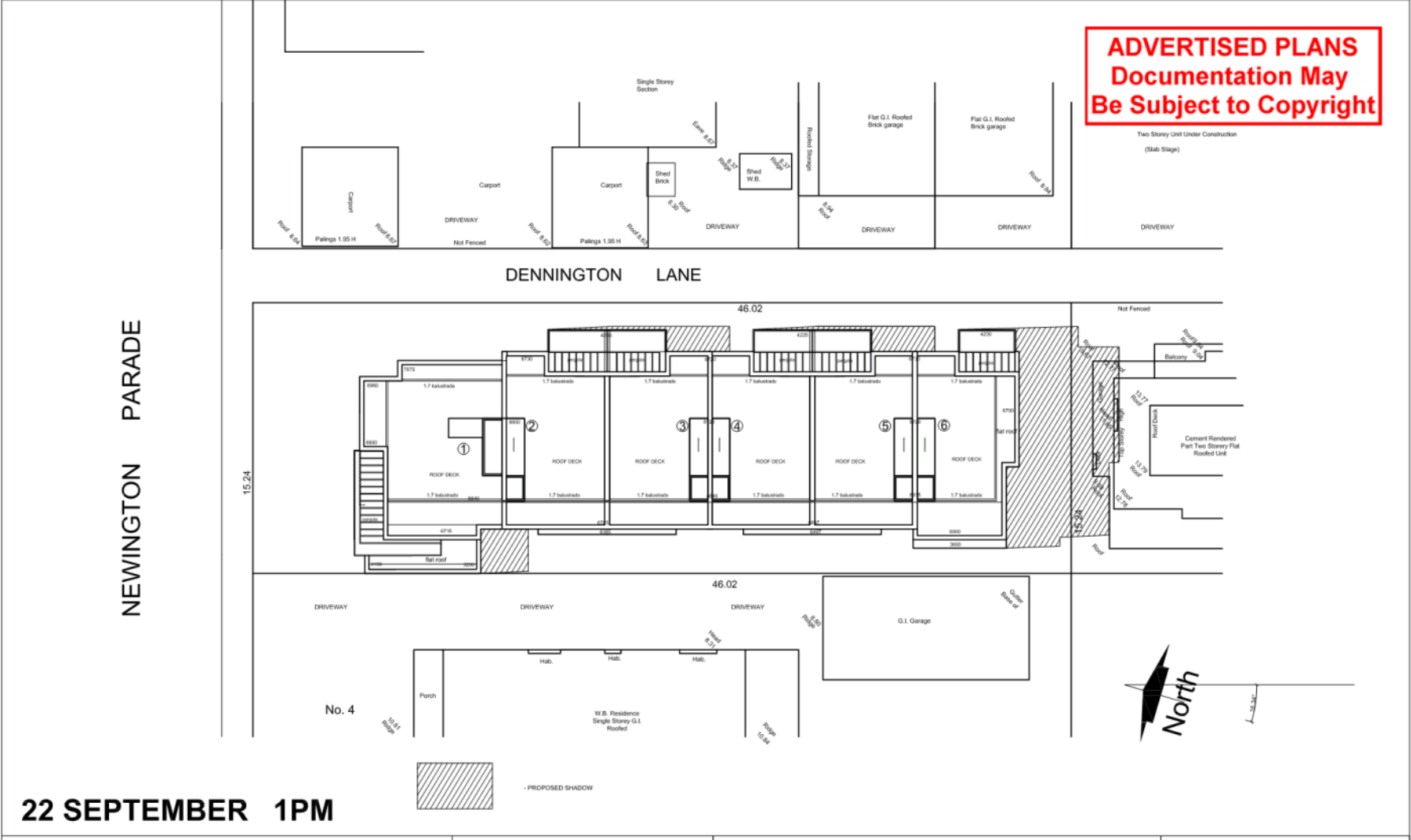
SEPTEMBER 2018

Revisions:
" - 5 December 2018 respond to letter dated 1 Nov. 2018
" - 21 January 2019 - enlarged garden area

Drawn by: AW Checked by: EM

© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN

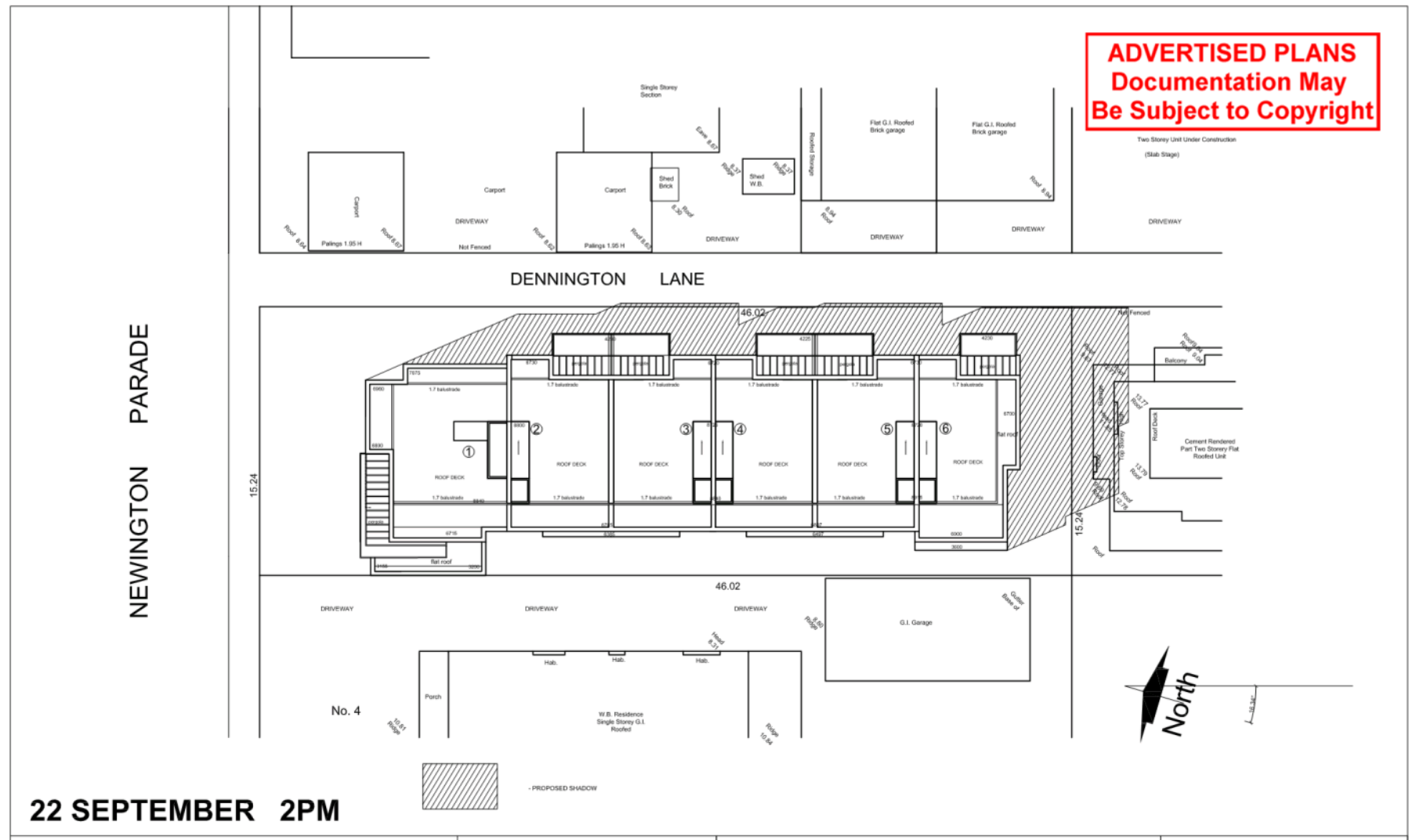
ADVERTISED PLANS
Documentation May
Be Subject to Copyright



22 SEPTEMBER 1PM

<h1>Shadow Diagram</h1> <p>scale 1:200</p>	<p>AGART STUDIO architects & interior designers tel: 03 9553 8484 3 A Burwah Ave Brighton East Vic 3187</p> <p><small>© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN</small></p>	<p>PROPOSED DEVELOPMENT - 6 TOWNHOUSES 2 Newington Parade, Chelsea 3196</p>		<p>SEPTEMBER 2018</p>
		<p>Sheet: drg - sh5</p>		<p>Revisions: 'A' - 5 December 2018 respond to letter dated 1 Nov.2018 'B' - 21 January 2019 - enlarged garden area</p> <p>Drawn by: AW Checked by: EM</p>

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



22 SEPTEMBER 2PM

Shadow Diagram

scale 1:200

AGART STUDIO
 architects & interior designers
 tel: 03 9553 8484
 3 A Burwah Ave
 Brighton East Vic 3187

PROPOSED DEVELOPMENT - 6 TOWNHOUSES
 2 Newington Parade, Chelsea 3196

Sheet: drg - sh6

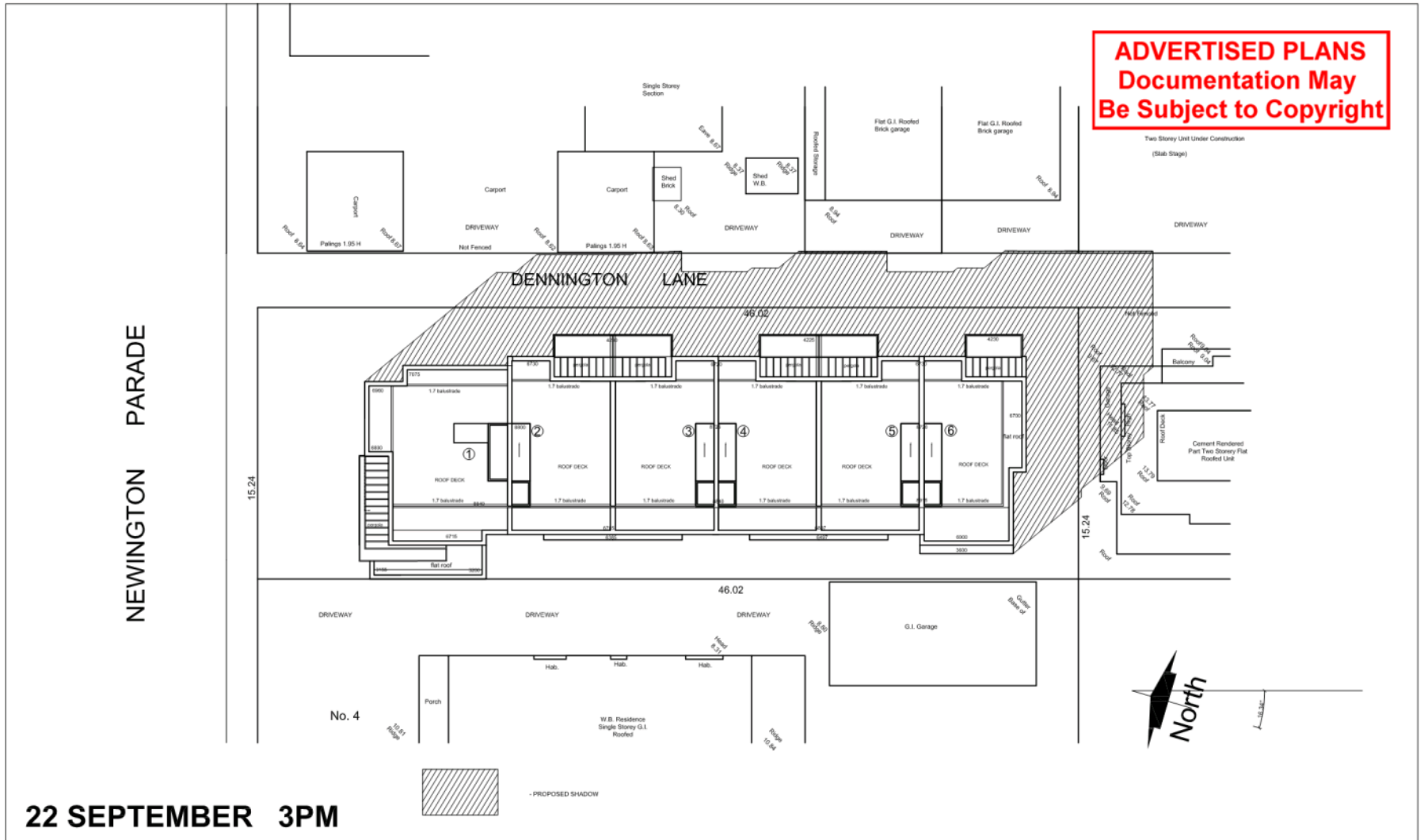
SEPTEMBER 2018

Revisions:
 'A' - 5 December 2018 respond to letter dated 1 Nov.2018
 'B' - 21 January 2019 - enlarged garden area

Drawn by: AW Checked by: EM

© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



22 SEPTEMBER 3PM

Shadow Diagram

scale 1:200

AGART STUDIO
 architects & interior designers
 tel: 03 9553 8484
 3 A Burwah Ave
 Brighton East Vic 3187

PROPOSED DEVELOPMENT - 6 TOWNHOUSES
 2 Newington Parade, Chelsea 3196

Sheet: drg - sh7

SEPTEMBER 2018

Revisions:
 'A' - 5 December 2018 respond to letter dated 1 Nov.2018
 'B' - 21 January 2019 - enlarged garden area

Drawn by: AW Checked by: EM

© COPYRIGHT - AGART STUDIO - REPRODUCTION IN FULL OR PART IS FORBIDDEN

A1815538V Car Parking Impact Report

21st December 2018

Kingston City Council
PO Box 1000
Mentone VIC 3194

Dear Sir / Madam,

Car Parking Impact Assessment – Proposed Townhouses at 2 Newington Parade, Chelsea

We have been commissioned by Corona Homes to undertake a car parking impact assessment and layout review for the proposed residential townhouse development at 2 Newington Parade, Chelsea. The site is located within a General Residential Zone 2 and currently contains a 1-storey residential dwelling and detached double garage.

It is proposed that the existing dwelling be demolished and 6 townhouses comprising of 1 x 3-bedroom and 5 x 2-bedroom dwellings. The 3-bedroom dwelling, Unit 1, will be accessed from Newington Parade, with Units 2 – 6 accessed via Dennington Lane. Dennington Lane is a 3m wide laneway orientated in a north to south direction along the length of the site.

There are 2 car parking spaces allocated to the 3-bedroom dwelling with a single garage and tandem space, and a single garage allocated to each 2-bedroom dwellings.



Figure 1: Subject Site, 2 Newington Parade, Chelsea

Suite 5.04 Level 5, 365 Little Collins Street, Melbourne VIC 3000

Telephone: 0413 295 325

traffic@mltraffic.com.au

Facsimile: 1300 739 523

www.mltraffic.com.au

ML Traffic Engineers Pty Ltd

ABN 69 148 048 257



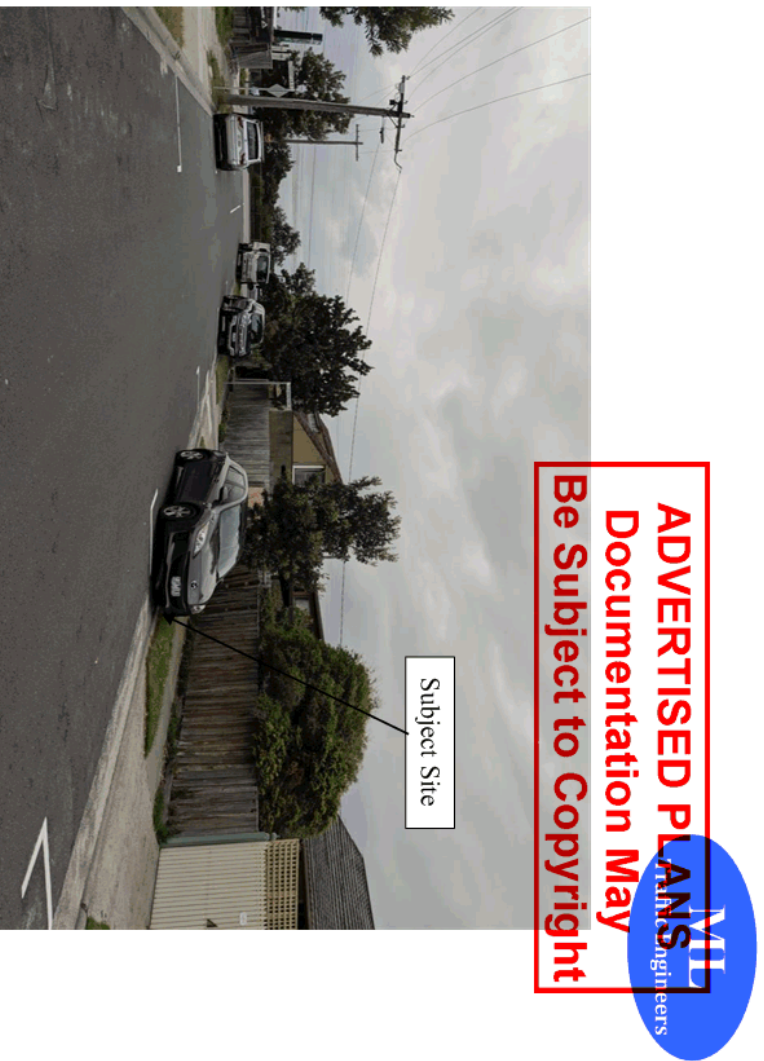


Figure 2: Newington Parade, looking eastbound toward the Subject Site

1. Car Park Layout

The following comments relate to the proposed site layout:

- The garage spaces are 3.5m wide by 6m long, in accordance with Clause 52.06-9 Design Standard 2.
- There is aisle width of 5.8m from the garage door to the opposite side of the Dennington Lane.
- Swept path analysis was undertaken for a B85 car using AutoTURN. Car parking spaces allocated for Units 2, 3 and 6 were assessed, with Units 4 and 5 garages a replicate of Units 2 and 3. Forward direction ingress and egress is achievable from every car parking space.
- The car parking layout adheres to the design and manoeuvrability requirements of the Kingston Planning Scheme and AS2890.1:2004 Off Street Car Parking.



2. Statutory Car Parking Requirements

The following comments apply to the car parking requirement of the development:

- Clause 52.06 of the Kingston Planning Scheme specifies the car parking rates for the requirement as:
 - 1 carparking space to each 1 or 2-bedroom dwellings
 - 2 spaces to each 3 or more-bedroom dwellings
 - 1 visitor space for every 5 dwellings for developments of 5 or more dwellings
- Total requirement for the development is 7 residential spaces and 1 visitor space. There are no visitor spaces proposed as part of the development, therefore the shortfall of the single visitor space is required to be accommodated on street.
- There are in excess of 26 vacant untimed (unrestricted) on-street spaces for visitors along the length of Newington Parade, from Nepean Highway to the beach.
- The car parking demand associated with the proposal can be fully accommodated within the Newington Parade. Refer Figure 3 and Table 1.

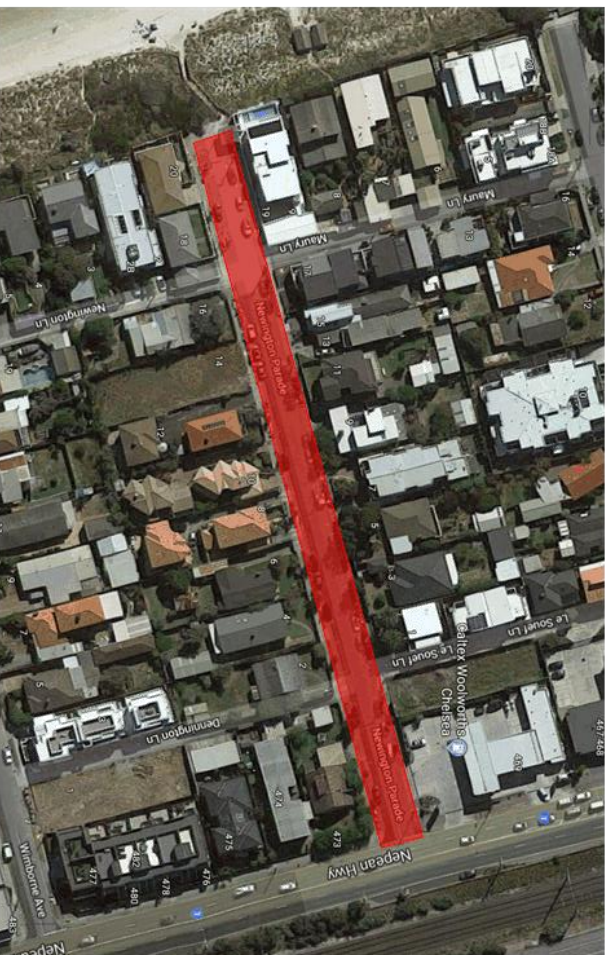


Figure 3: Parking Survey Area



Section of Street	Restrictions	Capacity	Number of Parked Cycles		
			Fri, Sat, Mon	14Dec18, 12pm	15Dec18 12pm
Eastbound, between the beach and Nepean Highway	None	19	4	5	7
Westbound, between Nepean Highway and the beach	None	19	7	7	4
Capacity		38			
Total Number of Parked Cars			11	12	11
Total Number of Vacant Spaces			27	26	27

Table 1: Parking Occupancy Survey Data – Newington Parade

3. Traffic Generation

The following comments apply to the traffic generation of the development:

- The RTA Guide to Traffic Engineering Developments discusses the expected traffic generation rates of different land uses. For 'Residential Dwellings' the relevant rates are:
 - Daily vehicle trips: 9 per dwelling
 - Weekday peak hour vehicle trips: 0.85 per dwelling
- The traffic generation of the proposed development will be in the order of:
 - 54 daily vehicle trips
 - 5.1 peak hour vehicle trips
- The expected traffic generation in the AM peak period will be in the order of 5.1 vehicle trips, with an expected inbound/outbound split of 20% inbound and 80% outbound. This equates to a total of 1 inbound vehicle trip and 4 outbound vehicle trips in the AM peak period.
- The expected traffic generation in the PM peak period will be in the order of 5.1 vehicle trips, with an expected inbound/outbound split of 80% inbound and 20% outbound. This equates to a total of 4 inbound vehicle trips and 1 outbound vehicle trip in the PM peak period.
- The expected traffic generation of the subject site is low and will not have any detrimental affect on the surrounding road network.



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

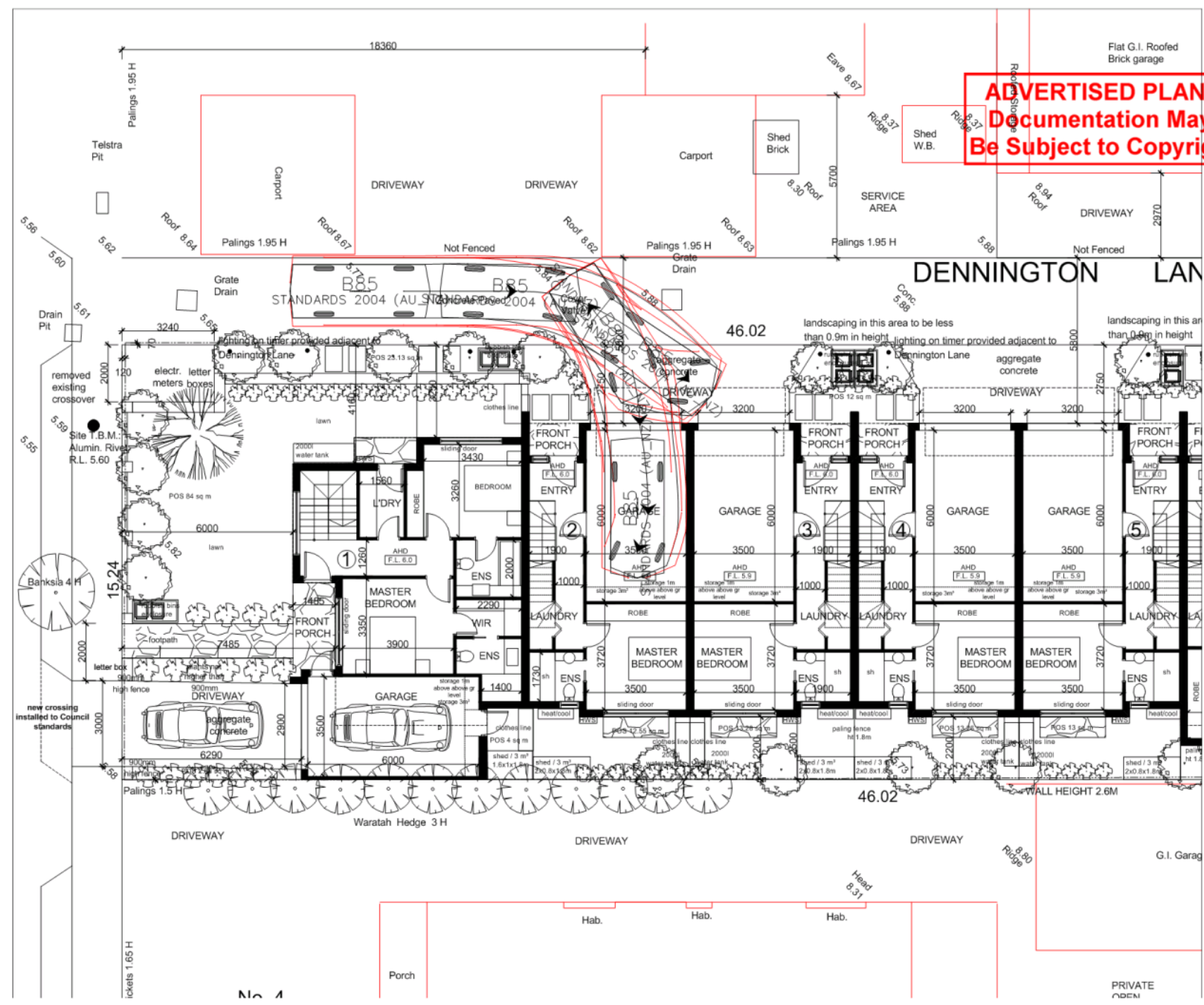
There are no traffic engineering reasons that the plans should be refused.

If you have any questions regarding the contents of this report, please do not hesitate to ring me on 0406 473 681, or email me at shayes@mltraffic.com.au.

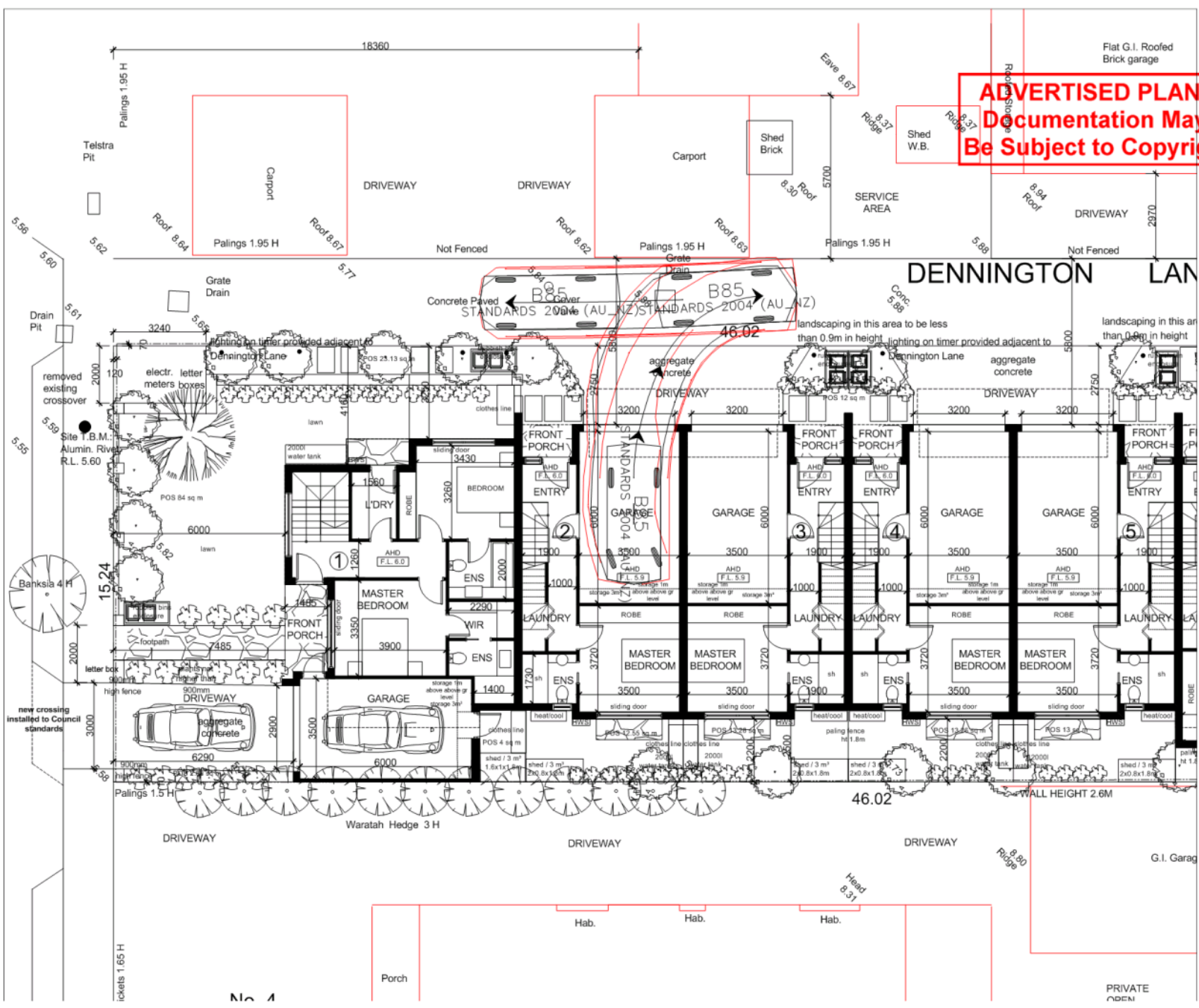
Yours sincerely

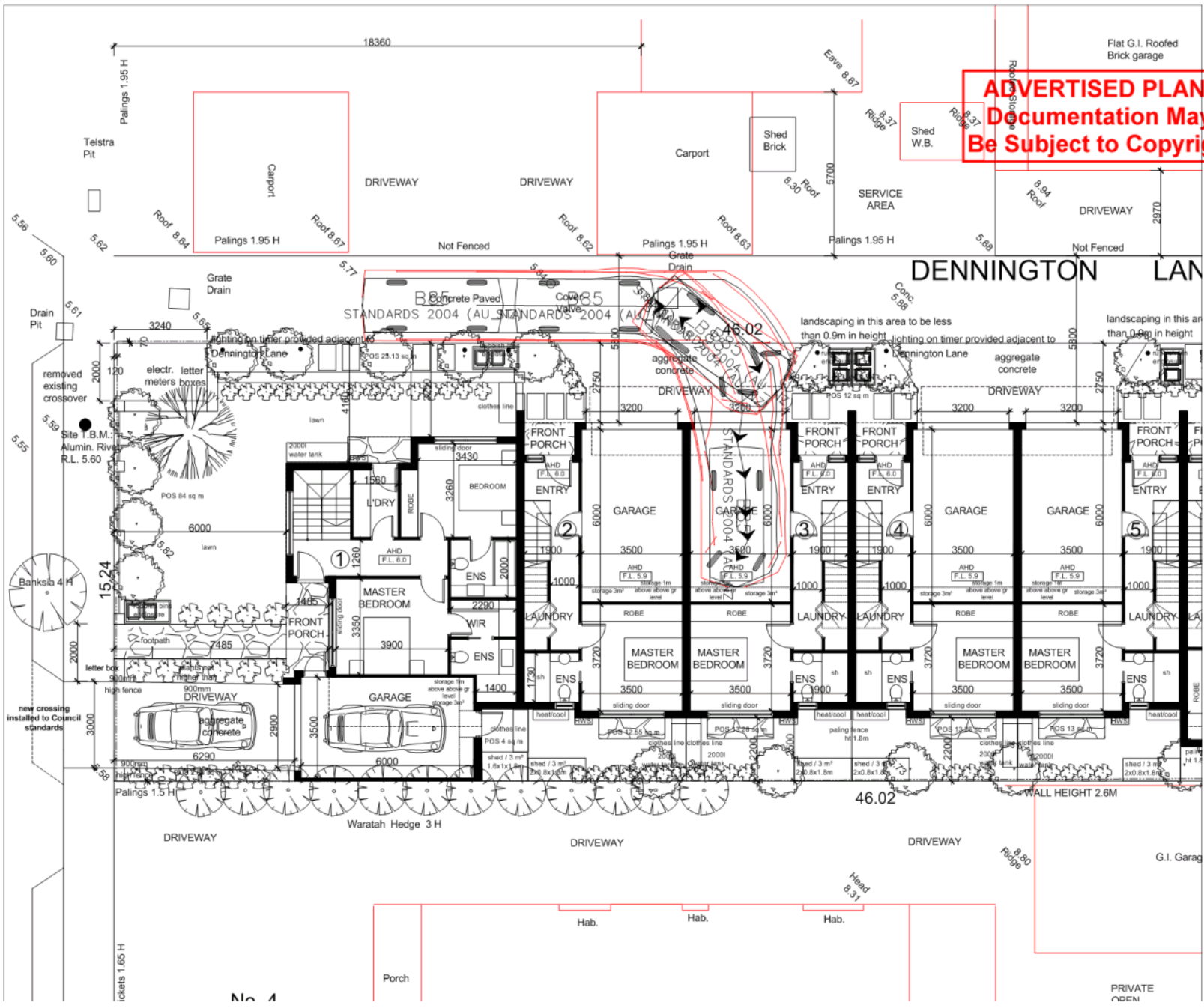
A handwritten signature in black ink that reads 'Shayes'.

Sonja Hayes
Senior Traffic Engineer

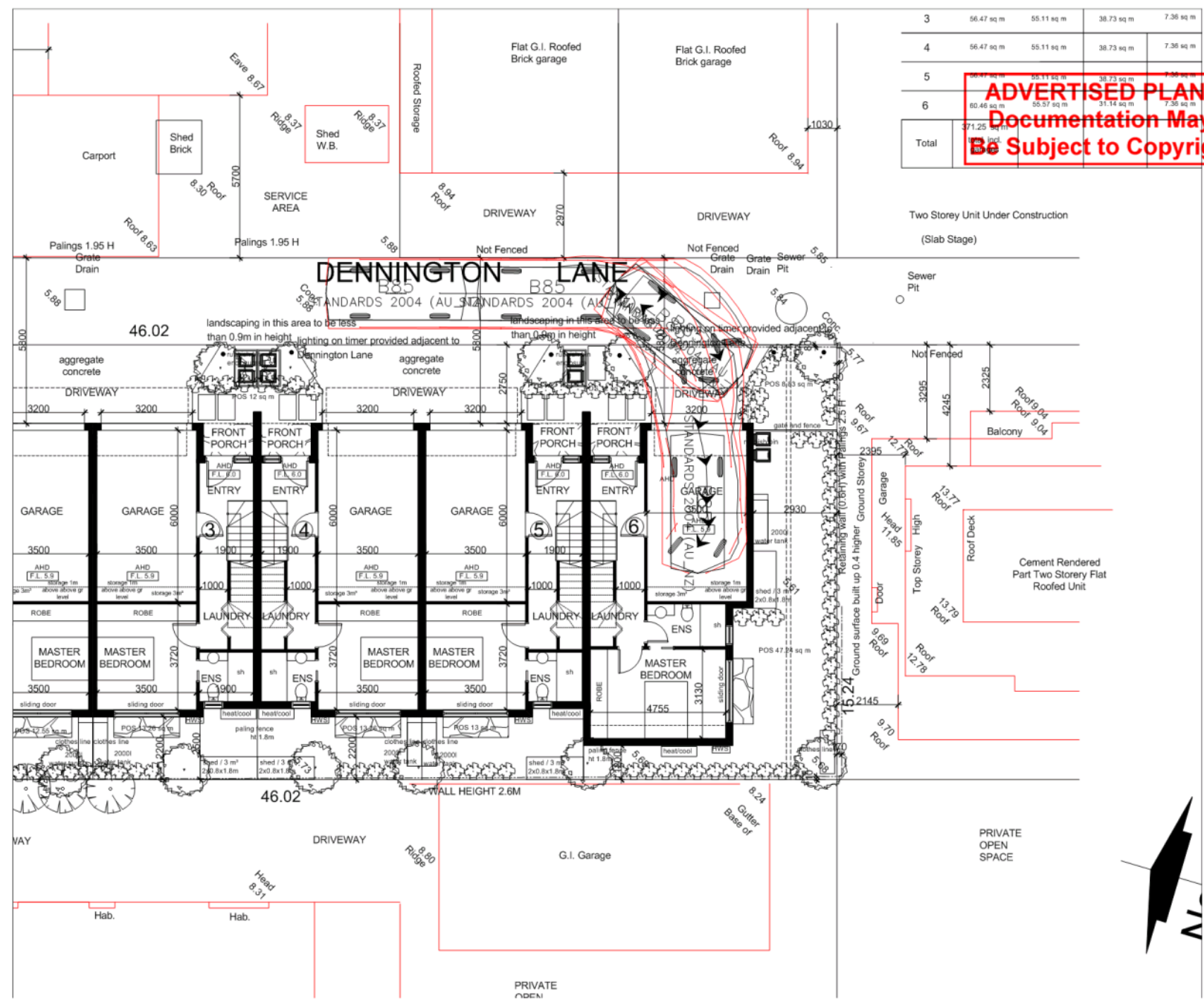


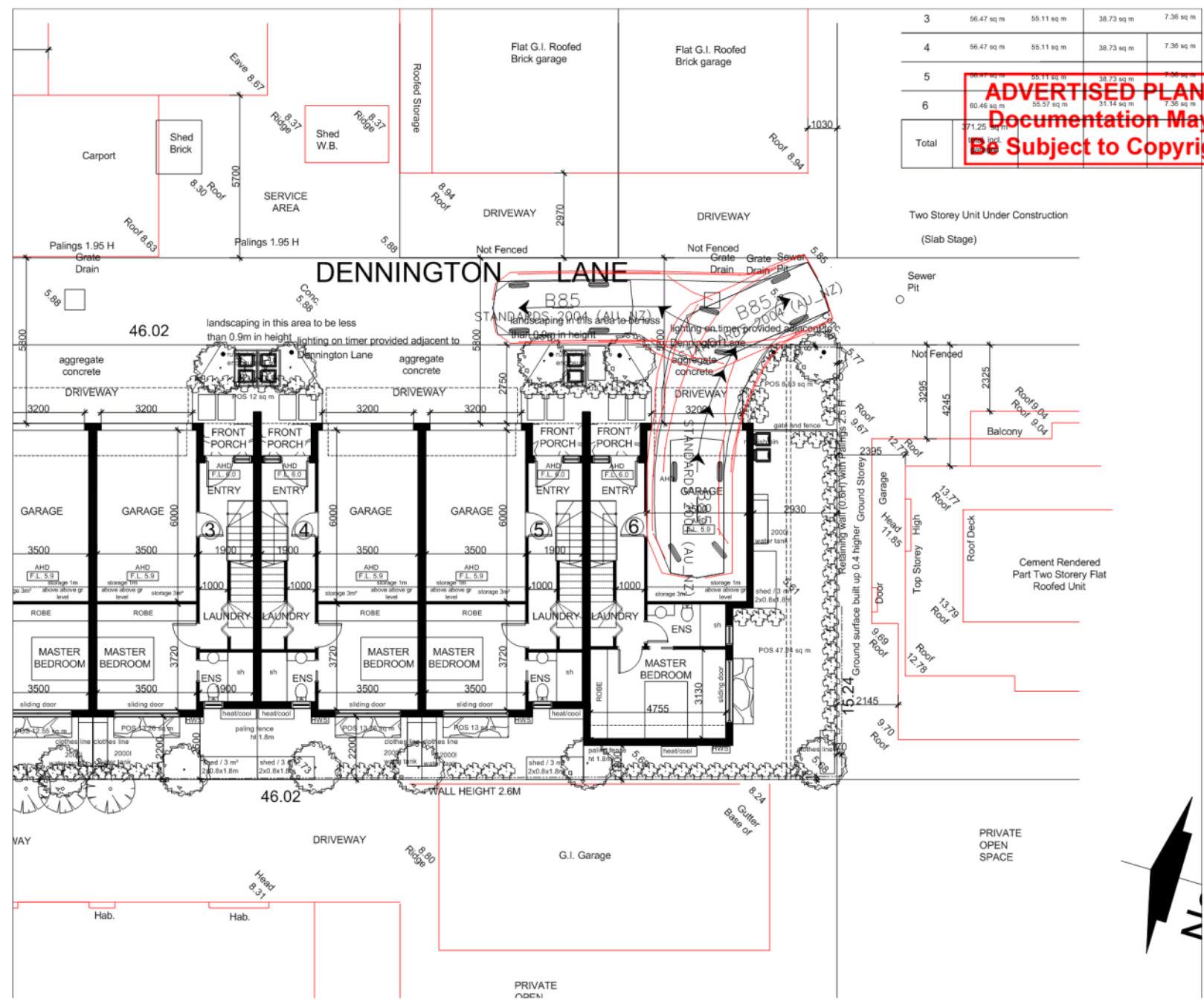
ADVERTISED PLANS
Documentation May
Be Subject to Copyright





ADVERTISED PLANS
Documentation May
Be Subject to Copyright





3	56.47 sq m	55.11 sq m	38.73 sq m	7.36 sq m
4	56.47 sq m	55.11 sq m	38.73 sq m	7.36 sq m
5	56.47 sq m	55.11 sq m	38.73 sq m	7.36 sq m
6	60.46 sq m	55.57 sq m	31.14 sq m	7.36 sq m
Total	371.25 sq m	358.06 sq m	246.63 sq m	29.86 sq m

ADVERTISED PLANS
 Documentation May
 Be Subject to Copyright

Two Storey Unit Under Construction
(Slab Stage)

Roof 9.67
Roof 12.78
Roof 13.77
Roof 13.79
Roof 12.78
Roof 9.04
Roof 9.67
Roof 9.04
Roof 9.70

PRIVATE OPEN SPACE



Planning Committee Meeting

17 July 2019

Agenda Item No: 4.4

KP-609/2018 - 225 - 249 OLD DANDENONG ROAD HEATHERTON

Contact Officer: Beau McKenzie, Senior Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP609/2018 - 225 - 249 Old Dandenong Road Heatherton.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Planning Permit to use and develop the land for the construction of a dwelling, outbuilding and associated works on land subject to inundation at 225 - 249 Old Dandenong Road Heatherton, subject to the conditions contained within this report.

This application requires a decision by the Planning Committee, as the proposal is in the green wedge and cost of the development is greater than \$20,000.

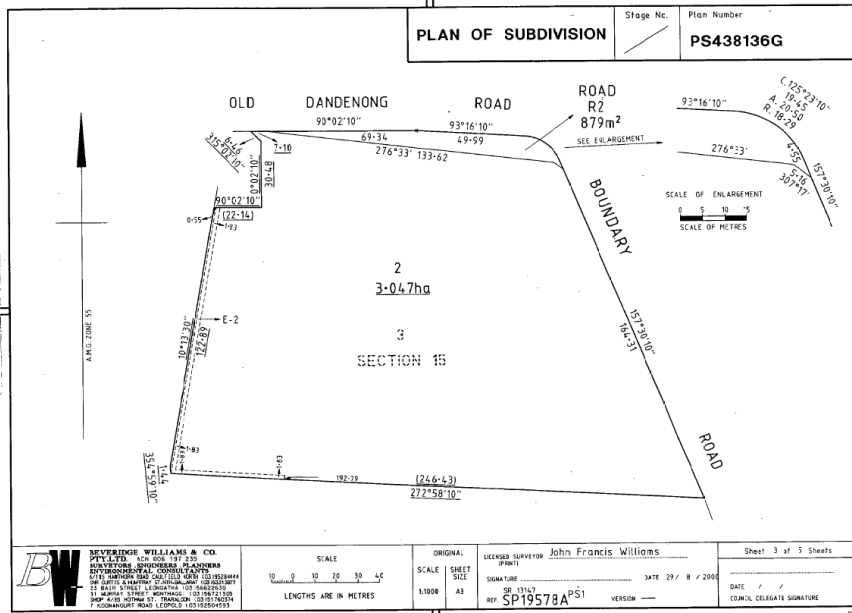
EXECUTIVE SUMMARY			
Address	225 – 249 Old Dandenong Road Heatherton		
Legal Description	Lot 2 on PS 438136G		
Applicant	Edwina Laidlaw Planning PTY LTD		
Planning Officer	Beau McKenzie		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 35.04 – Green Wedge Zone, Schedule 2		
Overlays	Clause 43.02 – Design and Development Overlay 5 Clause 44.04 – Land Subject to Inundation Clause 45.01 – Public Acquisition Overlay		
Particular Provisions	Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions Clause 52.06 – Car Parking		
Permit Trigger/s	Clause 52.29 – Land Adjacent to a Road Zone Category 1 Clause 35.04- 1 - Use the land for a dwelling Clause 35.04-5 – Construct a building or construct or carry out works associated with a use in Section 2 Clause 52.29 – Land Adjacent to a Road Zone Category 1		
APPLICATION / PROCESS			
Proposal	Use and develop the land for the construction of a dwelling, outbuilding and associated works on land subject to inundation		
Reference No.	KP-2018/609	RFI Received	25/1/2019
App. Received	25 July 2018	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Commenced: 17 January 2019	Advertising Completed	4 February 2019
S.55 Referrals	VicRoads, Melbourne Water		
Internal referrals	Yes		
Objection(s)	Nil (TRIM checked on 15 May 2019)		
Mandatory Garden area requirement	N/A	Mandatory Building Height requirement	N/A
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	EXEMPT		
Considered Plans	Kirsten McEwan Architecture, Town Planning Drawings for 225 – 249 Old Dandenong Road Heatherton , Dated Feb 2018, Revision 2		

1.0 RELEVANT LAND HISTORY

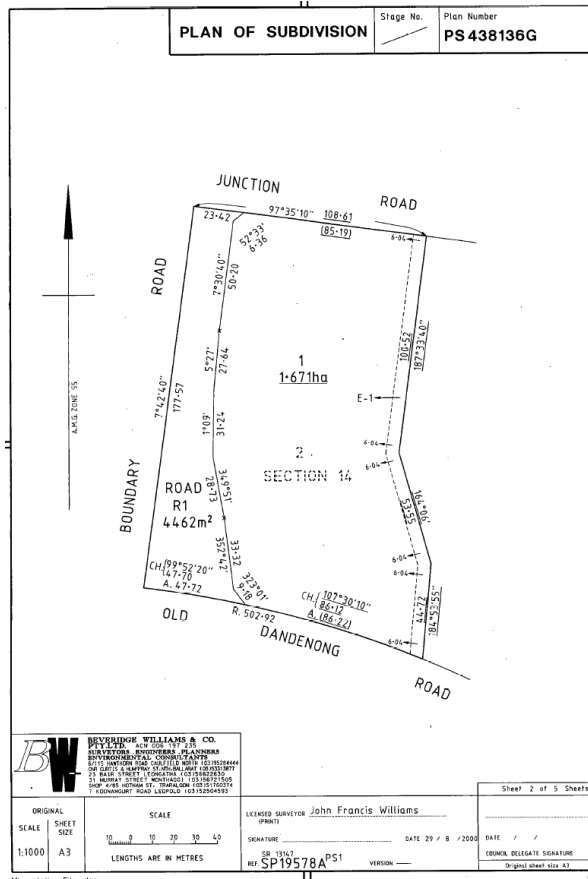
- 1.1 Planning Permit KP-2016/622 was issued by the City of Kingston on 8 May 2017 for the use of land for a plant nursery. The site of the nursery is on an adjacent parcel of land to the north-west of the subject site.
- 1.2 Planning Permit application KP-2016/661 sought retrospective approval for the use of land for rural industry, specifically the servicing and repair of agricultural equipment and machinery. The land affected by this application is the parcel directly adjacent on the western side of the subject site. The application was refused on 4 July 2019.

2.0 TITLE INFORMATION

2.1 The subject site is known as Lot 2 on Plan of Subdivision 438136G (PS 438136G).



2.2 It shares title with Lot 1 of PS 438136G to the west and lots 3, 4 and 5 which are located on the east side of Boundary Road.



3.0 SITE PARTICULARS

Built form	The site contains a disused, private horse racing / training track and It is currently being used for horse grazing.
Size (m²)	30,343m ²
Topography	The land is uneven with the highest sections located on the perimeter and in the middle of the site. with this section being 19-20 AHD and the lowest sections of the site being 18 AHD
Fencing	The site has a low post and wire fence that surrounds the property
Vegetation	Due to the historical land use of the site being used for agricultural and race horse training the sites vegetation is predominately grasses, and exotic canopy trees.
Easement(s)	There is a 1.83 metre drainage and sewage easement located on the west property boundary running north to south.
Footpath assets / access	The site has an existing 12 metre wide vehicle crossing on the north west property boundary and power poles along the sites road frontages.
Covenant(s) / Restrictions	There appears to be no restrictions listed on the Certificate of Title.

4.0 SURROUNDING ENVIRONS

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



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

North	On the north side of Old Dandenong Road - 260 – 266 Old Dandenong Road Heatherton is a 11,000m ² lot used for a dwelling, market gardens and personal storage.
East	On the west side of Boundary Road – 426-466 Boundary Road Dingley Village is a 11,000m ² vacant lot in the green wedge. There is currently one shipping container on the site.
South	453 Boundary Road Heatherton – 28,000m ² Green Wedge Lot used for Dune Buggy racing/recreation approved under Planning Permit KP-2014/446.
West	Lot 1 on Plan of Subdivision 438136G – 8,300m ² green wedge lot currently used as holding/repair/scrapyard for agricultural machinery.

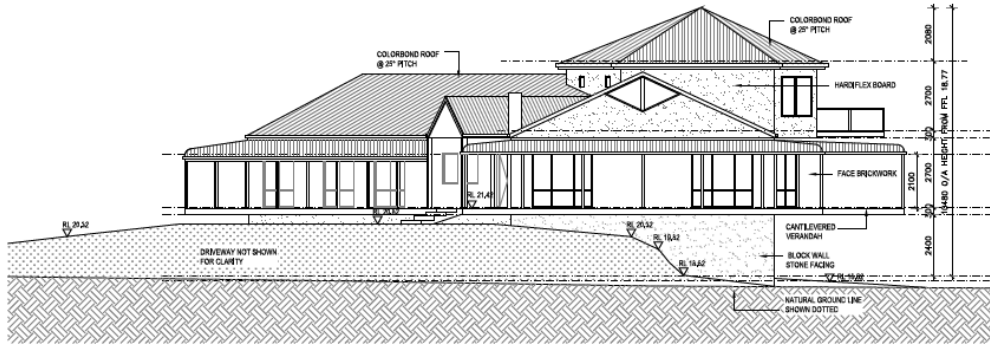
4.3 The surrounding area generally comprises of large allotments which are semi-rural in nature and predominantly used for market gardens and other agricultural 'as of right' uses, golf courses and rural style living allotments with large dwellings.

5.0 PROPOSAL

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

- The new dwelling is proposed to be sited towards the southwest corner of the site, where it is setback in excess of 100m from Old Dandenong Road and 150m from Boundary Road. The dwelling is also setback around 16m from the south and 45m from the site's west boundaries. The natural ground level in this location has an AHD level of 18.00
- The ground and first floor levels dwelling are proposed to be constructed above clean fill, which is to be imported. Levels have been raised to achieve necessary flood way clearances. The lower ground level will sit within the fill which shrouds this structure from the south, east and north. The fill area will ultimately be landscaped.
- The new dwelling faces the northeast, and provides an open plan living room, dining room and kitchen as well as four bedrooms and a study. The ground floor plan is wrapped in a covered verandah.
- The lower ground floor provides car parking for at least four cars, which is accessible from the sites existing driveway and crossover to Old Dandenong Road.
- At first floor level of the new dwelling is the master bedroom, a bathroom and an ensuite.
- The dwelling has a maximum height above natural ground level of 11.25m (including fill). The dwelling presents as only two levels of around 8.0m to the site's road frontages.
- Its elevations are finished in a mix of brick, stone and hardiflex board (cement sheeting), and pitched Colorbond roofing is proposed.

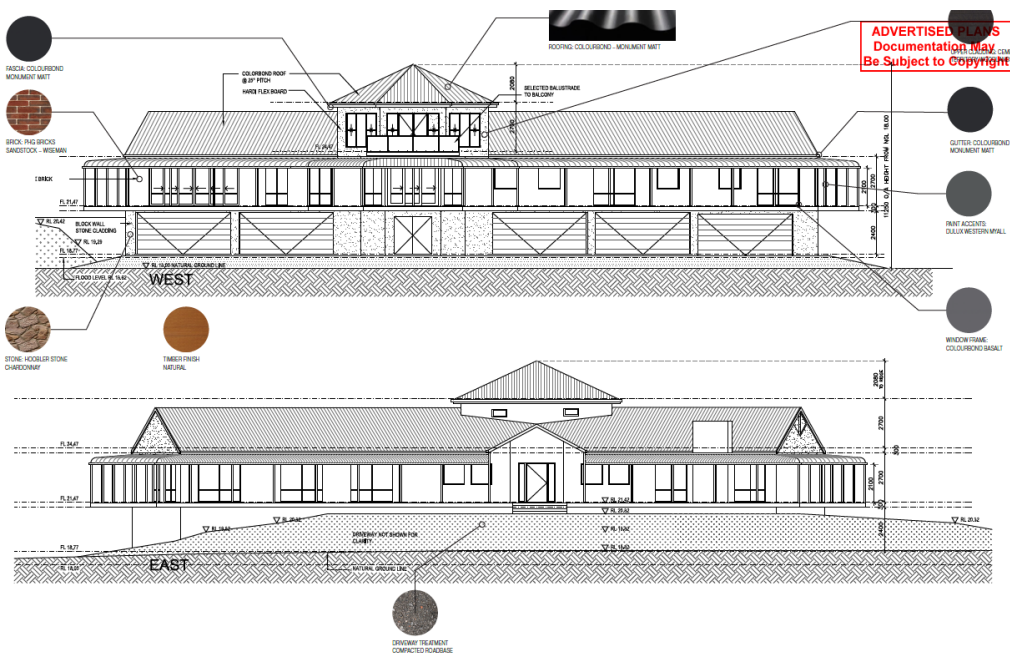
- It is also proposed to construct a shed to the west of the dwelling. The shed is located at least 5m from the west and south boundaries of the site. The shed is a single level with a pitched roof, and constructed of Colorbond.



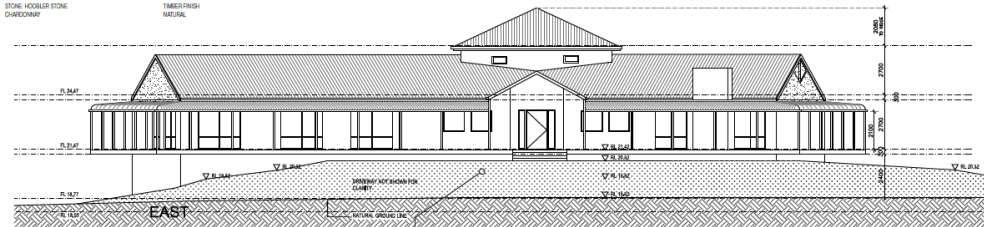
NORTH



SOUTH



WEST



EAST

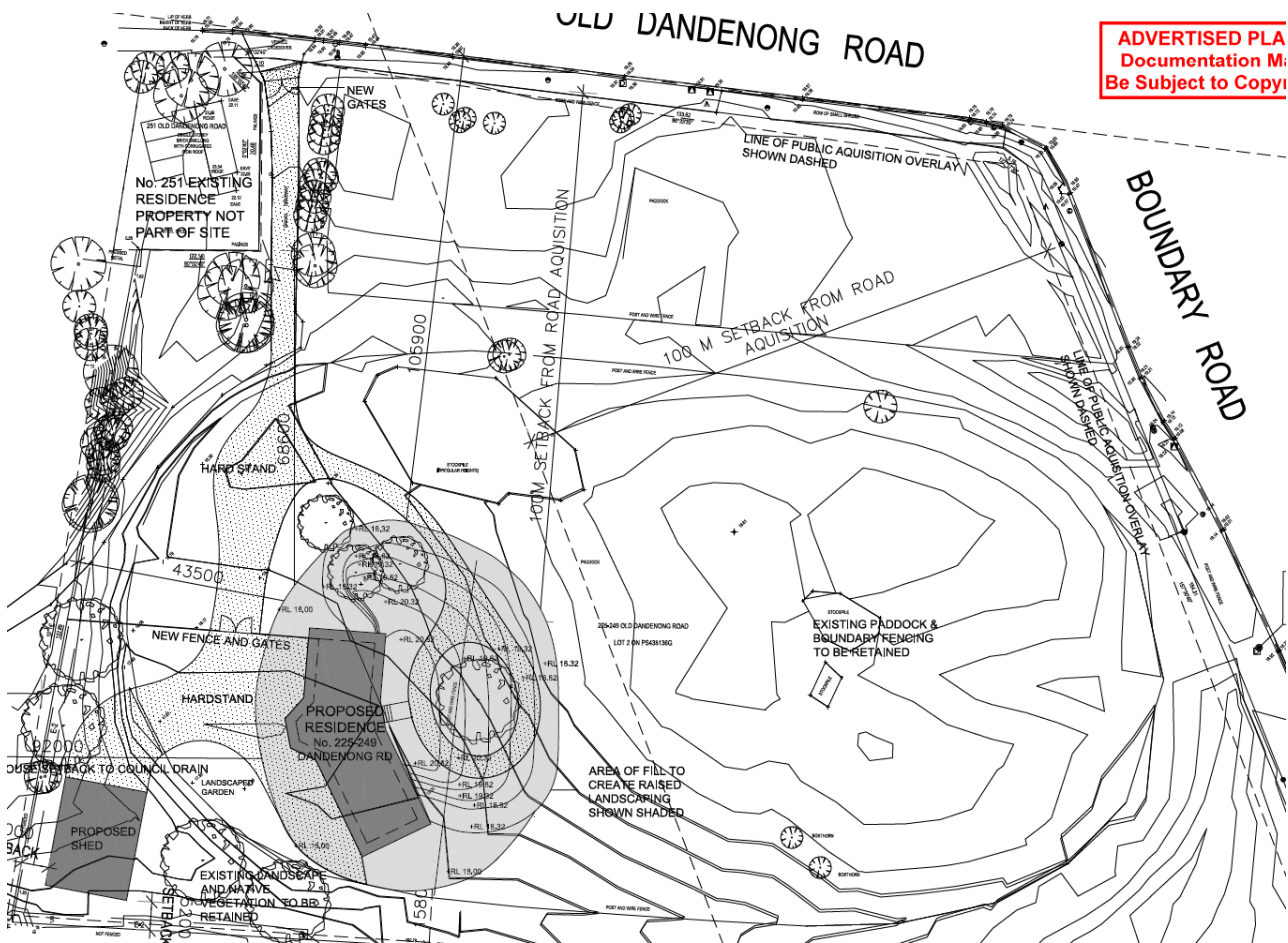
6.0 PLANNING PERMIT PROVISIONS

Zone

- 6.1 Pursuant to **Clause 35.04-1** a planning permit is required to use the land for a Dwelling. The dwelling must be the only dwelling on the lot and must meet the requirements of Clause 35.04-2.
- 6.2 Pursuant to **Clause 35.04-2** the dwelling must meet the following requirements:
- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles*
 - *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
 - *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*
- 6.3 Pursuant to **Clause 35.04-5** (Green Wedge Zone) a planning permit is required to construct a building or works associated with a Section 2 use. A dwelling is identified as a section 2 use within the table at **Clause 35.04-1**.
- 6.4 A permit is also required for a building under this provision which fall within the following setbacks [in bold as relevant to this application]:
- 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
 - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
 - 20 metres from any other road.
 - **5 metres from any other boundary.**
 - **100 metres from a dwelling not in the same ownership.**
 - **100 metres from a waterway, wetlands or designated flood plain.**

Overlay

- 6.5 Land Subject to Inundation Pursuant to **Clause 44.04** or of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.
- 6.6 Pursuant to **Clause 43.02** Design and Development Overlay Schedule 5 (Aviation Obstacle Referral Height Area No. 2) a planning permit is not required to construct a building or construct or carry out works as the works proposed do not exceed 25 metres in height.
- 6.7 It is noted that the site of the proposed dwelling and associated use is outside of the Public Acquisition Overlay (Schedule 1) and in excess of 100 metres away. Whilst a permit is not required given the location of works outside of the overlay, the proposal was referred to Vicroads who provided no objection to the application. The following map shows the location of the proposed dwelling with respect to the PAO1.



Particular Provisions

- 6.8 The development complies with the provisions of **Clause 51.02** (Metropolitan Green Wedge Land) which allows for land outside of the urban growth boundary to be used for a dwelling provided that it is the only dwelling on the lot.
- 6.9 Pursuant to Clause **52.06-5**, a dwelling with three or more bedrooms is required to provide two car parking spaces. The proposed car parking exceeds this requirement.
- 6.10 Pursuant to **Clause 52.17-1** although the proposed lot size is over 4,000m² no permit is required to remove native vegetation as there is no native vegetation proposed to be removed.
- 6.11 Land Adjacent to a Road Zone, Category 1 or Public Acquisition Overlay for a Category 1 Road: Pursuant to **Clause 52.29** of the Kingston Planning Scheme, a planning permit is required for the proposal as the proposal is not considered to be an alteration of access to a Road Zone Category 1 for the following reasons:
- The physical crossover to Old Dandenong Road is not proposed to be altered.
 - The use of the land for a dwelling is not considered to be an increase to the intensity of the land given the previous use of land as a horse training centre.

General Provisions

- 6.12 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.

7.0 RELEVANT POLICIES

7.1 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

7.2 Local Planning Policy Framework (LPP)

- Clause 21.03 Land Use Challenges for the New Millennium
- Clause 21.10 Green Wedge
- Clause 22.03 Sandbelt Open Space Project Policy
- Clause 22.04 South East Non-Urban Area Policy
- Clause 22.05 Moorabbin Airport Environs Policy
- Clause 22.20 Stormwater Management

7.3 Other

Kingston Green Wedge Plan, 2012 (adopted document)

8.0 ADVERTISING

8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. No representations for or against this application have been received.

9.0 PLANNING CONSULTATION MEETING

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

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

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

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 provision of a landscape plan and native vegetation in accordance with the sites bioregion.
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to water sensitive urban design and the provision of a water tank. No issues were raised in regards to the stormwater drain

Department / Area	Comments
	located 60 metres form the subject site or the fill proposed to be used on site.
Roads and Drains	No objection raised as the crossover was not being altered.
Strategic Planning	<p>Raised some objection relating to potential Land contamination on site and required the site to have a Preliminary Site Assessment (PSI) or a Section 53x Audit carried out on the subject land prior to any works (including demolition/excavation) associated with the proposed use.</p> <p>The result of the PSI determined that a Soil Management Plan would be necessary to be implemented and carried out on site so that the proposed dwelling could be constructed and occupied with minimal risk to human health.</p> <p>Its recommended to the Council that in order to ensure that the Soil Management Plan is carried out appropriately and that future land owners are aware of the Soil Management Plan that a condition is included on any permit issued that requires a 173 Agreement to entered into that states the use of land must adhere to the recommendations of the soil management.</p>

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Melbourne Water	55	Determining	No	Subject to conditions included verbatim within the recommendation
VicRoads	55	Determining	No	Subject to conditions included verbatim within the recommendation
Ecologist (Biois)	52	Recommending	No	Inspected the site and recommended that no native vegetation removal permit would not be required as there is no native vegetation that requires a permit to be removed pursuant to Clause 52.17.

12.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 12.1 The Planning Policy Framework sets out the relevant state-wide policies for development at **Clause 11** (Settlement), **Clause 12** (Environmental and Landscape Values), **Clause 13** (Environmental Risks and Amenity) and **Clause 15** (Built Environment and Heritage). 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** (Settlement) seek to promote sustainable growth and development and deliver choice and opportunity through a network of settlements. **Clause 11.01-1R** (Green wedges – Metropolitan Melbourne) places emphasis on the protection of green wedges from inappropriate development and provides strategies to support this objective.
- 12.3 **Clause 12** (Environmental and Landscape Values) directs planning to have consideration of environmental values of natural landscapes as well as the aesthetic qualities of landscape area to ensure their ongoing protection.
- 12.4 **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. **Clause 13.04-1S** (Contaminated and potentially contaminated land) focuses on the use of land which is potentially contaminated, highlighting that land must be suitable for the intended future use and providing strategies to avoid land contamination as well as remediating contaminated land.
- 12.5 **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.
- 12.6 The built form response to landscape and cultural context is discussed at **Clause 15** (Built Environment and Heritage). Urban Design principles at **Clause 15.01-1-1S** (Urban design) highlight the importance of new development is sensitively designed to respond to its context in terms of character, cultural identity. Natural features. Surrounding landscape and climate. Retention of vegetation, transport and access, and sustainable development are all areas within which urban design principles provide guidance for new development.
- 12.7 **Clause 15.03-2S** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 12.8 The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity, however the works are exempt from the Requirement of an Aboriginal Cultural Heritage Management Plan (CHMP) as the proposal is only for one dwelling.
- 12.9 It is advised that the proposed development satisfies the aforementioned policies. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable outcome for the site and its immediate abutments.

Local Planning Policy Framework

- 12.10 The pressure of urban uses in Kingston's non-urban areas is identified as a key issue at **Clause 21.03** (Land Use Challenges for the New Millennium).
- 12.11 **Clause 21.10** (Green Wedge) picks up on the significant challenges faced in protecting the green wedge areas within a metropolitan municipality. The overview at **Clause 21.10-1** (Overview) identifies that Kingston's Green Wedges not only accommodate traditional land uses (agriculture, extraction and open space), however are also spaces that protect the flight paths of Moorabbin Airport and provide a location for a range of urban related uses. Whilst also providing a 'hard' edge between urban and non-urban land.

12.12 The policy includes objectives which, on balance, are in favour of the protection of the Green Wedge land. Strategies for implementation to uphold these objectives are incorporated after each objective. The following objectives are relevant to this application:

- *To support and maintain the green wedge concept whilst ensuring activities in the Green Wedge are consistent with, and contribute to, optimal long term planning solutions for the whole of the south east metropolitan Green Wedge.*
- *To protect the use of high quality agricultural land for agricultural purposes.*
- *To protect the economic and operational viability of Moorabbin Airport aviation activities.*
- *To protect and enhance environmental values including wetlands, flora and fauna habitats, and drainage functions.*
- *To protect the Port Phillip and Western Port Catchments in accordance with the 'Port Phillip and Western Port Regional Catchment Strategy'.*
- *To protect and further develop the scenic and landscape values of the Green Wedge.*
- *To provide for open space links and opportunities for recreation.*

12.13 Strategies for implementation to uphold these objectives include:

- *Protect the Green Wedge land from intrusion of urban areas.*
- *Continue to protect land within Kingston's Green Wedge for non urban purposes until such time as the long term future of these areas is identified through a structure planning process.*
- *Limited conversion of Green Wedge land may only be considered in the context of structure plans and where:*
 - *Development is able to utilise existing urban infrastructure.*
 - *Development will not restrict the continued operation or further development of existing environmental, social or economic assets.*
 - *Contributions are made by rezoned areas to the achievement of the Green Wedge concept.*
- *Support and protect areas of viable intensive agricultural activities from ad hoc intrusion and/or encroachment of urban/Green Wedge uses which prejudice their long term viability.*
- *Ensure that agricultural and 'sensitive' non-agricultural land uses are separated by buffers.*
- *Protect the Moorabbin Airport flight paths and their immediate environs from development or use which may compromise the long term viability of the airport or prejudice its safety and efficiency.*
- *Promote the further development of a Green Wedge landscape character, and encourage the use of indigenous plant species in all landscaping through the Green Wedge.*
- *Maintain the urban edge identified in the Green Wedge land use framework plan unless an alternative sustainable edge is identified through the structure planning process;*
- *Ensure that the development within non-urban areas contributes to:*

- The creation of north-south and east-west open space links, as identified in the Green Wedge Framework Plan.
- The implementation and enhancement of the 'Sandbelt Open Space Strategy'.
- Provision of regional recreational facilities for the enjoyment of the Kingston and broader community in line with the Kingston Open Space Strategy (2012).

12.14 The policy under **Clause 22.03** (Sandbelt Open Space Project Policy) is based on the principles of the Sandbelt Open Space Project Development Plan (May 1994). The project provides a regional strategy for the development of a series of linked parks extending across the Heatherton and Dingley areas. Included within this provision, is a map showing the land affected. The subject site has been highlighted in red as show below:

Map 1: Sandbelt Open Space Project



12.15 As the subject land is outside of the affected areas, the policies of this provision are not relevant to the application.

- 12.16 The extent of the south-east non-urban area is identified at **Clause 22.04** (South East Non-Urban Area Policy) and included land within Casey, Frankston, Kingston and Greater Dandenong. These areas are recognised for the pressure placed on them by urban development and acknowledges that a regional approach is required to achieve sustainable land outcomes. Like the abovementioned Green Wedge policy, Clause 22.04 seeks to promote a strategic approach to non-urban land use, with the protection of agricultural land and environmental values sought broadly across the municipalities.
- 12.17 Key objectives relating to the proposed development of the site included in **Clause 22.04-2** are as follows;
- *To encourage sustainable land use practices and provide optimal long term planning solutions for the use and development of land.*
 - *To protect quality agricultural land, and encourage sustainable farm management practices.*
 - *To protect and enhance environmental values including wetlands, flora and fauna habitats and hydraulic functions.*
 - *To protect and further develop the scenic and landscape values of the non-urban area.*
 - *To provide for open space links and opportunities for recreation.*
- 12.18 Furthermore, pursuant to **Clause 22.04-3**, it is policy that:
- *All proposals and planning outcomes:*
 - *Protect and create a high quality rural landscape.*
 - *Protect and create flora and fauna habitats and networks.*
 - *Create public open spaces and open space linkages.*
 - *Result in clear and sustainable urban boundaries.*
 - *Result in an urban form which is of a high design standard and low visual impact.*
- 12.19 The policy directs the development of a structure plan and, whilst primarily seeks to encourage non-urban / agricultural uses, entertains a range of planning opportunities with the policy area, however only where it can be demonstrated that such activities are complementary and subservient to the achievement of the framework plan policies. The future strategic direction for the subject site and the appropriateness of what is proposed is discussed in later in the report where the *Kingston Green Wedge Management Plan (April 2012)* is discussed.
- 12.20 The application has been assessed against the abovementioned Local Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme.
- 12.21 The Moorabbin Airport Environs Policy under **Clause 22.05** recognises the significance of the role played by Moorabbin Airport in the local and regional economy and seeks to ensure that the development of the surrounding land is sensitive to the long-term operation of the airport.

12.22 The policy seeks to:

- *To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.*
- *To ensure that the use and development of land within the policy area is compatible with the operation of airports in respect to the impact of aircraft noise on sensitive uses, and is consistent with any approved Australian Noise Exposure Forecast (ANEF) as contained in the appropriate airport strategy or master plan for the airport.*
- *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.*
- *To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.*

12.23 It is recommended that the following condition relating to noise attenuation be included in any permit issued to ensure the future residents of the proposed dwelling are not impacted by high levels of aircraft noise:

New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

Zoning Provisions

12.24 The primary purpose of the Green Wedge Zone relates to the landscape character of the non-urban area, with agricultural, landscape, environmental, historic, and recreational and tourism opportunities alongside resource values to be recognised protected and conserved.

12.25 A planning permit is required to use and develop the land for a dwelling under the Green Wedge Zone.

12.26 The following requirements under Clause 35.04-1 must be met for the proposed use of land for a dwelling:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

12.27 As discussed earlier in the report due to the location of the proposed dwelling requires a permit for buildings and works as three (3) variations are sought to the setback triggers under Clause 35.04-5 of the Scheme.

As the proposal triggers the need for a planning permit for both for the use and development of the land, the relevant decision guidelines pursuant to Clause 35.04-6 are:

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

Environmental issues

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

Design and siting issues

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

12.28 Given these decision guidelines, the proposed development is considered reasonable for the following reasons:

- As discussed earlier in the report the proposal is appropriate given the Planning Policy Frameworks context. The proposal generally adheres to the *Kingston Green Wedge Management Plan*, this will be discussed later in more detail.
- The site has the capability to accommodate one dwelling being located close to sewage and potable water services.
- The proposed dwelling has been appropriately sited and designed to minimise its impact to the rural character of the area. Being located on the south west corner of the subject site furthest from the main road. The area of the land left vacant is likely to be continued to be used for horse grazing.

- Subject to the inclusions of a condition on the permit requiring the provision of vegetative plantings relative to the bioregion of the area the site will improve the environmental conditions of the site.
- The intensity of one dwelling on a 3 hectare site is considered minor and suitable given the low intensity typology of the area nominated with the Green Wedge Plan.
- Given the presence of other dwellings in the area, the proposed dwelling is considered to be compatible with nearby land uses.
- The proposed new buildings are well set back from public vantage points, which will limit their impression upon the local landscape. From Old Dandenong Road and Boundary Road the building presents as two levels, and will be viewed across a setback in excess of 100m. Existing boundary fencing will be retained and no vegetation is proposed to be removed. The new buildings therefore will not negatively impact upon the visual experience when travelling along local roads.
- It's also proposed to provide screening vegetation around the proposed dwelling as it interfaces with adjoining properties.
- The context of the site exhibits a very mixed character. There are properties in Boundary Road which present almost a suburban profile, and there are also large scale community buildings at 524 Boundary Road (Kingdom Hall of Jehovah's Witnesses) and at 9-18 Ross Street (the Benevolent Association of Nafpaktians). The mixed features of this area can absorb the proposed development which will not present an appreciable change in the local character and appearance.



Overlay Provisions

- 12.29 The subject site is located within a **Design and Development Overlay (Schedule 5)**.
- 12.30 The proposed single storey dwelling would have an overall building height of 10.48 metres. Therefore, the proposal complies with the maximum building height requirement and does not require a planning permit under **Clause 43.02** (Design and Development Overlay).

- 12.31 Whilst a planning permit is not required, Section 2.0 of Schedule 5 also states ‘an application for buildings and works must be referred in accordance with Section 55 of the Act to the referral authority specified in **Clause 66.04** or a schedule to that clause unless in the opinion of the Responsible Authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Federal Department of Transport and Regional Services.’
- 12.32 In accordance with the abovementioned clause and given that the proposal is well within the maximum height requirement, it is not considered necessary to refer the application to the Secretary to the Department of Infrastructure and Regional Development.
- 12.33 The subject site is located within a **Land Subject to Inundation**
- 12.34 The purpose of this Overlay is to among other things to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- 12.35 The proposal complies with the Overlay’s relevant Decision Guidelines and is deemed appropriate for the following reasons:
- As required by the Overlay, Melbourne Water were referred to and responded with no objection to the application subject to conditions.
 - Subject to conditions required by Melbourne Water, the proposed development will not be impacted or be impacted upon any overland flooding.

Particular Provisions

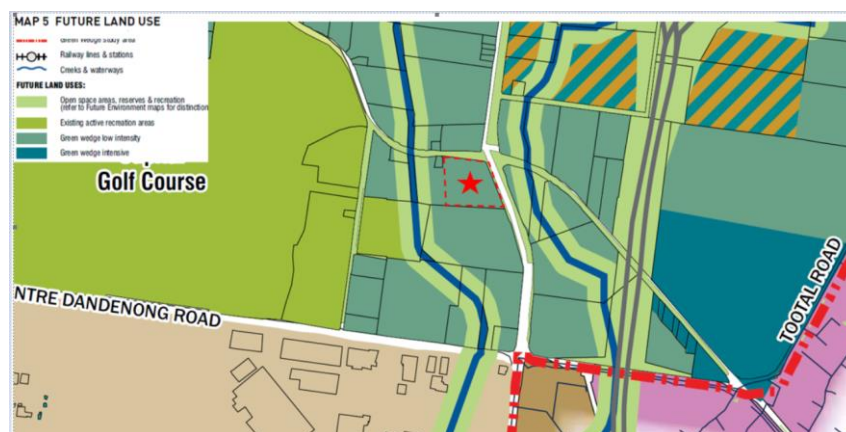
- 12.36 As discussed earlier in the report the proposal complies with the particular provisions the proposal complies with the requirements of these provisions. No further assessment is required.

13.0 FURTHER CONSIDERATIONS / ANALYSIS

Further strategic direction

Kingston Green Wedge Management Plan (KGWMP)

- 13.1 The subject site is located within a low intensity area as identified in the KGWMP.



**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

13.2 Whilst low density areas are directed to accommodate agriculture, open space, recreational and sporting facilities, the proposed use and development for a dwelling is not specifically discouraged. The proposal has been assessed against the Building Design Guidelines under 7.5 of this Plan and found to be satisfactory given the following reasons:

Requirement	Assessment
Buildings should be subordinate visually to the spacious, rural landscape.	<p>The proposed dwelling is considered to be subordinate to the visually spacious and rural landscape due to its setbacks of from the main roads at approximately 150m from Boundary Road and 100m from Old Dandenong Road.</p> <p>In addition, given the topography of the land, the dwelling is approximately 1 metre lower when viewed from the adjoining streets and properties. Due to the dwelling being located within the in the lower section of the land which has a RL of 18.00 AHD. due to Flooding reasons associated with Land Subject to Inundation Overlay the finished floor of the dwelling is 18.77 AHD. The land immediately adjacent this lower section of the land ranges from 19 – 20 AHD. creating an effective overall height of:</p> <ul style="list-style-type: none"> • To the top of the tower 10.25m • To the top of the first-floor roof 7.6 metres
<i>Minimise building footprints and limit the overall presence of built form to enhance the rural character and maintain a sense of openness.</i>	The building is considered to subordinate to the rural character and openness of the area as the site cover the building is 3% measuring 589m ² from a total of 30,343m ² .
<i>Locate buildings and farming infrastructure such as sheds and machinery away from roads and where possible, within existing clusters of buildings/structures.</i>	The proposed shed is to be constructed 28.2m from the proposed dwelling. The shed has also been located so that the proposed dwelling will screen the shed when viewed from Old Dandenong Road and Boundary Road.
<i>Locate horticultural structures so that they are not highly visible from roads or other public places, or screen with substantial vegetation.</i>	Whilst the proposal does not include horticultural structures. The proposed dwelling and shed will be screened from Old Dandenong Road, Boundary Road and the other property boundaries by the existing vegetation to the north, east and west. Additional vegetation has also been proposed around the perimeter of the buildings to allow for additional screening of the built form.
<i>Maintain wide spacing between groups/clusters of buildings.</i>	The proposed dwelling and shed are proposed to be located approximately 80m from the existing dwelling located on 251 Old Dandenong Road, 160m of the buildings associated with the dune buggy track at 453 Boundary Road. Given the existing conditions of the area and lot sizes the spacing is considered to be reasonable.
<i>Avoid development on any property boundary.</i>	The proposed is set back approximately 100m and 150m from the adjacent roads. The location of the shed is also being screened by the

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

Requirement	Assessment
	proposed dwelling and from property boundaries via existing and proposed vegetation.
<i>Limit building heights to a maximum of 8 metres (2 storeys) above natural ground level.</i>	<p>Whilst the proposal achieves an overall height of 11.25m, the use of clean fill on the property provides a natural screen to the proposed dwelling from the east and north making the dwelling appear to be two storeys from most sensitive interfaces that being Old Dandenong Road and Boundary Road.</p> <p>The proposed tree in the middle of the proposed driveway also providing screening of the tower from these locations.</p> <p>Given the above the scale of the building is considered to be suitable for the subject site and the context of the area.</p>
<i>Ensure development adopts best practice environmentally sustainable design and development principles.</i>	The proposed dwelling orientation and design achieves a reasonable level of sustainable design principles.
<i>Ensure all buildings and structures are designed and oriented to utilise natural light and ensure optimal thermal performance.</i>	The proposed dwelling orientation and design achieves a reasonable level of sustainable design principles.
<i>Avoid large areas of nonpermeable surfaces including yards, driveways and car parking areas.</i>	The site achieves a reasonable level permeability at 89%.
<i>Utilise materials, colours and finishes that best immerse built form within the rural landscape (i.e. dark, natural colours, muted tones, matte finishes and nonreflective materials).</i>	The colours and materials proposed are reasonable. With the use of matted and natural colours and the use of natural materials like brick hobbler stone and timber. Conditions are recommended to be included on any permit issued to ensure this is adhered to.
<i>Bright, bold, extravagant colour schemes are to be avoided.</i>	No bright bold or extravagant materials have been proposed to be used. Conditions are recommended to be included on any permit issued to ensure this is adhered to.
<i>Use glazing and roofing materials of low reflectivity.</i>	The proposed materials are non-reflective, window glazing has not been nominated. conditions are recommended to be included on any permit issued to ensure this is adhered to.
<i>Minimise the size and extent of signage and advertising, particularly internally illuminated signs.</i>	N/A
<i>Locate signage on the building where possible, so that it complements the architecture.</i>	N/A
<i>Encourage the removal of environmental weeds and other exotic vegetation and their replacement with appropriate native vegetation.</i>	The conditions recommended by Council's Vegetation Department address this consideration.
<i>Minimise native vegetation removal in new development.</i>	The site will go from having no native vegetation to an increased amount of vegetation see proposed vegetation conditions.
<i>Development which requires native vegetation removal should aim to replace or rehabilitate</i>	N/A

Requirement	Assessment
<i>with an equivalent vegetation cover using locally appropriate species.</i>	

Environmental Contamination

13.3 A desktop review of the subject site revealed that the subject site and the adjoining site had previously been used for waste disposal/skip bin storage. For this reason Council’s Planning Officer requested that a preliminary site investigation (PSI) be carried out to determine whether the site is firstly contaminated and secondly would require any remediation or management to ensure that the environment of the subject site would have no adverse effects on the future occupants of the proposed dwellings. As is required to be considered pursuant to Section 60(e) of the *Planning and Environment Act 1987*.

13.4 After a lengthy period of time of time requiring a number of tests and report submissions a final Contamination Assessment prepared by Beveridge Williams Development and Environment Consultants dated 2 April 2019 was submitted by the permit applicant on 30 April 2019 and findings later agreed to by Council’s environmental expert.

13.5 The report concluded that:

“

No analyte concentrations within the residential area exceed the human health criteria (for residential dwellings). Some elevated heavy metal and PAHs concentrations remain outside of the residential area, but it is considered that the reported concentrations are unlikely to pose a human health risk to future occupants of the proposed residence, provided the management measures listed within the Soil Management Plan (Appendix L) are adhered to.

Therefore, Beveridge Williams considers that the site is suitable for the proposed development and based on the detailed contamination testing subject to the implementation of the development soil management plan and Environmental Audit is not considered warranted. Any changes to the proposed development will require additional investigation to assess the potential impacts from residual risks outside the development area and may be subject to an Environmental Audit (if required).

“

13.6 Given the recommendation of the report, Council’s Environment Consultant and some informal advice from Council’s Lawyers, it is considered that in order to ensure that the environment does not have significant effects on the proposed use, development and future landowners, that:

- Conditions should be included on any permit issued that requires the applicant to enter into a Section 173 agreement that would ensure
 - compliance with the conditions of any statement of the soil management plan.
 - Notification to the future occupiers of the land of any conditions attached to the soil management plan

- A condition that requires the endorsement of the Soil Management Plan be included on any permit issued; and
- Any significant findings from the Soil Management Plan relevant to the future use of the land be included and shown on the endorsed plans.

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.

15.0 RECOMMENDATION

- 15.1 That the Planning Committee determine to **support** the proposal and issue a **Planning Permit** to Use and develop the land for a dwelling, outbuilding and associated works within land subject to inundation overlay at No. 225 – 249 Old Dandenong Road Heatherton, 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 Kirsten McEwan Architecture, Town Planning Drawings for 225 – 249 Old Dandenong Road Heatherton , Dated Feb 2018, Revision 2 but modified to show:
 - a. the provision of a notation on the plan specifying that all materials and finishes will be low to non-reflective;
 - b. external colours and finishes to be of dark, natural and muted tones and with matte finish and non-reflective materials;
 - c. the proposed driveway nominated to be constructed of an all-weather permeable and rural-like surface (i.e. loose rock/gravel) with dimensions to accommodate emergency vehicles;
 - d. the location of any reticulated sewerage or on-site wastewater management on the land. If on-site wastewater management is proposed, please provide details of its type and capacity through notations on plan;
 - e. the provision of notations specifying the requirements of Clause 35.04-2 of the Kingston Planning Scheme;
 - f. the provision of a full colour, finishes and building materials schedule including a colour palette for all external elevations of the proposed buildings, driveways and pathways of the development;
 - g. mailbox nominated;
 - h. the provision of minimum 2000 litre rainwater tank clearly nominated for the dwelling with water re-used for toilet flushing;
 - i. all requirements of Melbourne Water (where relevant), in accordance with Conditions 3 to 9 of this permit;

- j. uniformity with the commitments and any changes identified within the Soil Management Plan, required under Condition 25 of this permit, shown on the plans;
- k. 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;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iv) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of the plant species listed in the Department of Sustainability and Environment, EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain bioregion for the ecological vegetation classes Plains Grassy Woodland, Swamp Scrub and Plains Grassy Wetland; with a minimum of 20% of the landscaped area to be *Eucalyptus camaldulensis* (River red Gum).
 - v) 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;
 - vi) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - vii) Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- l. The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- m. Any changes as required by Condition 10 & 11.

Endorsed Plans

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

Melbourne Water requirements

- 3. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
 - a) Finished floor levels of the bathroom located on the lower ground floor area constructed no lower than 19.22 metres to AHD or removed from the lower ground floor.

**City of Kingston
Planning Committee Meeting**

Agenda

17 July 2019

4. Finished floor levels of the dwelling including the bathroom on the lower ground floor must be constructed no lower than 19.22 metres to Australian Height Datum (AHD).
5. Finished floor levels of the garage must be constructed no lower than 18.62 metres to AHD.
6. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwelling, garage and driveway ramp.
7. The open space areas within the property must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
8. Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
9. 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.

Vegetation

10. 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) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.
 - iii) A notation to refer to the Tree Management Plan.
11. 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.
12. 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.

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 form 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.

Water Sensitive Urban Design

17. 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) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers- Part A – Integrated Stormwater Management", 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.
18. 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. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.

United Energy requirements

19. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
- a. Establishing easement(s) internally or externally to the site; and/or
 - b. Providing site(s) to locate substations; and
 - c. Making a payment to United Energy to cover the cost of preparing such documentation and work.

Stormwater Management

20. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be directed to the nominated point of discharge.

Sewerage

21. The dwelling must be connected to reticulated sewerage prior to the commencement of the use.
22. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

Reticulated water

23. The dwelling must be connected to reticulated water prior to the commencement of the use.
24. The owner of the subject land must enter into an agreement with South East Water for the provision of reticulated water and fulfil all requirements to its satisfaction.

Land contamination conditions

25. Prior to the commencement of works a '*Soil Management Plan*' as recommended by Beveridge Williams Development and Environment Consultants Contamination Assessment prepared report dated 2 April 2019, must be prepared and submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority.
26. Prior to the commencement of works the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - a. compliance with the conditions of any statement of the soil management plan required under condition 25 of this permit.
 - b. to notify future occupiers of the land of any conditions attached to the soil management plan.

The agreement must be prepared by or on behalf of the Responsible Authority and must contain terms and conditions to the satisfaction of the Responsible Authority. The owner must pay the reasonable Responsible Authority costs of the preparation, execution and registration of the section 173 agreement.

27. Prior to the occupation of the dwelling hereby permitted, the permit holder for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements for the use of the land in Condition 25 have been satisfied all to the satisfaction of the Responsible Authority.

General amenity conditions

28. 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.
29. 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.
30. 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.
31. New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.

Completion of Works

32. 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.
33. Prior to the occupation of the dwelling 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

34. 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 Act, the responsible authority may extend the periods referred to if a request is made in writing.

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.

Note: The applicable flood level is 18.62 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).

OR

In the event that the Planning Committee wishes to oppose the Officer's recommendation and instead seeks to refuse the application, it can do so on the following grounds:

1. The proposal does not accord with the purpose of the Green Wedge Zone.
2. The proposal is inconsistent with the objectives of the Green Wedge.
3. The proposed built form is not appropriate within the physical and policy context of the Green Wedge.

Appendices

Appendix 1 - KP-2018/609 - 225 - 249 Old Dandenong Road Heatherton - Considered Plans (Ref 19/102615) 

Author/s:	Beau McKenzie, Senior Statutory Planner
Reviewed and Approved By:	Guillermo Henning, Principal Planner Ian Nice, Manager City Development

4.4

KP-609/2018 - 225 - 249 OLD DANDENONG ROAD HEATHERTON

1	KP-2018/609 - 225 - 249 Old Dandenong Road Heatherton - Considered Plans	187
---	---	-----

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



225- 249 OLD DANDENONG RD
HEATHERTON
Client SCOTT AND DEB LOWTHER
© Copyright DWG Number TP 001-02

TOWN PLANNING

Scale 1:1000@A2
Date DECEMBER 2017 Job Number

REVISIONS

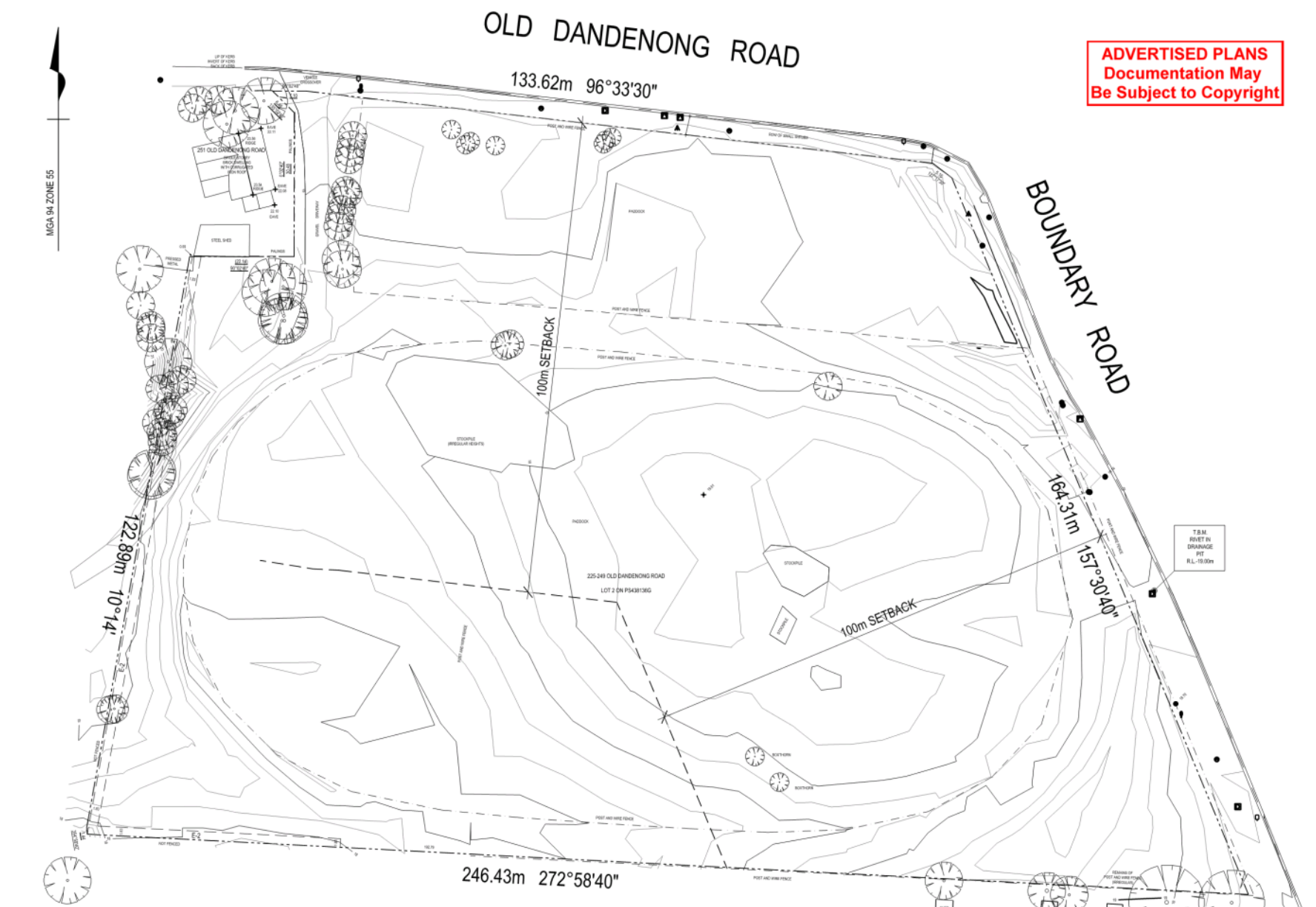
REV No	DESCRIPTION	ISSUED FOR TOWN PLANNING
2	20/07/2018	

LOCATION PLAN



**Kirsten McEwan
ARCHITECTURE**
Kirstenmcewan@bigpond.com.au
0414 882619

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



225-249 OLD DANDENONG RD
HEATHERTON
Client: DEB & SCOTT LOWTHER
©Copyright DWG Number TP002-02

TOWN PLANNING
Scale: 1:500@A2
Date: FEBRUARY 2018 Job Number

REVISIONS	
REV No	DESCRIPTION
2	20/07/2018 ISSUED FOR TOWN PLANNING

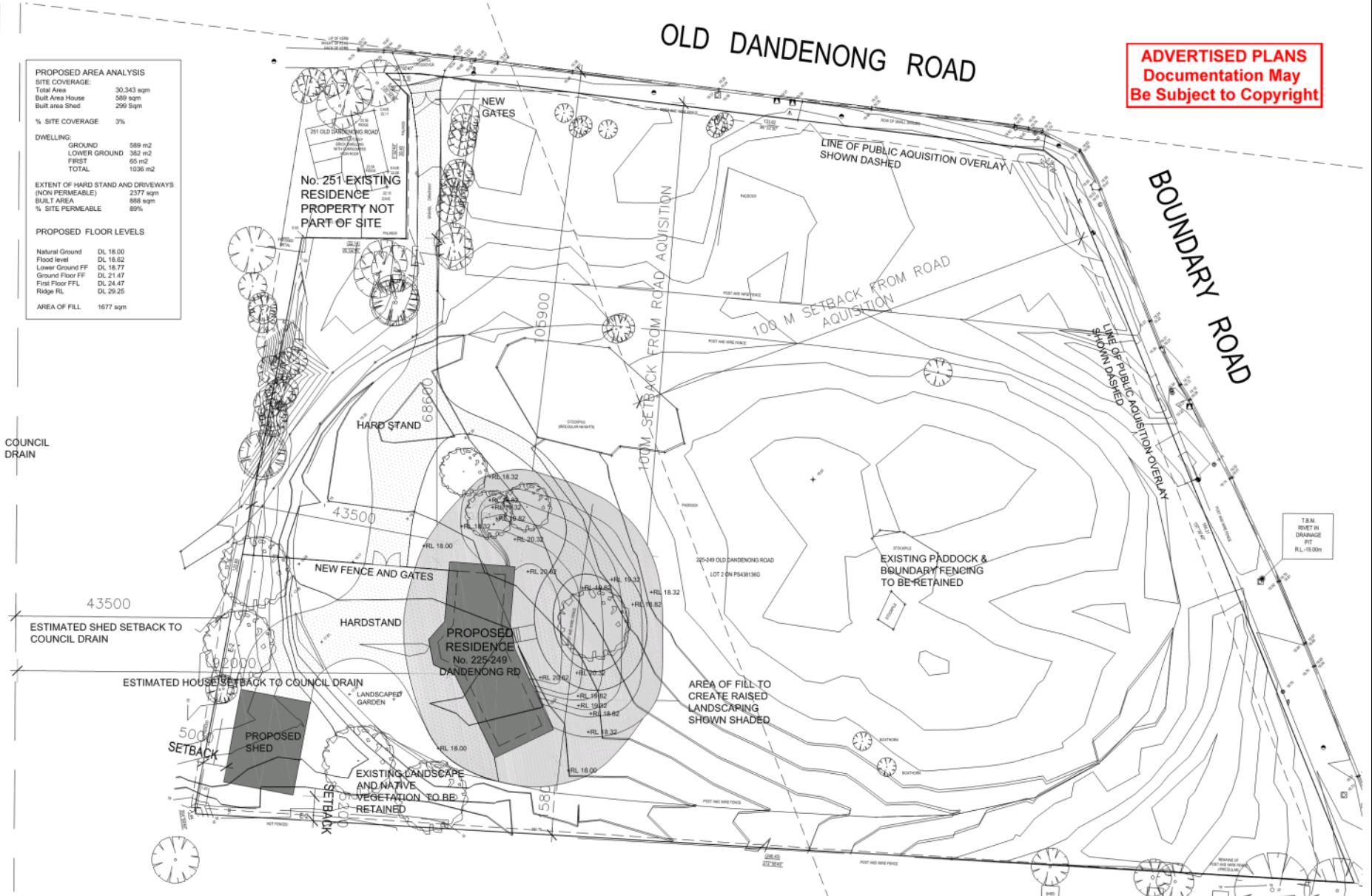
483 BOUNDARY ROAD

EXISTING SITE



Kirsten McEwan
ARCHITECTURE
Kirstenmcewan@bigpond.com.au
0414 862019

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



PROPOSED AREA ANALYSIS

SITE COVERAGE:
 Total Area 30,343 sqm
 Built Area House 589 sqm
 Built Area Shed 299 sqm

% SITE COVERAGE 3%

DWELLING:
 GROUND 589 m2
 LOWER GROUND 382 m2
 FIRST 65 m2
 TOTAL 1036 m2

EXTENT OF HARD STAND AND DRIVEWAYS (NON PERMEABLE)
 BUILT AREA 2377 sqm
 BUILT AREA 886 sqm
 % SITE PERMEABLE 89%

PROPOSED FLOOR LEVELS

Natural Ground DL 18.00
 Flood level DL 18.62
 Lower Ground FF DL 18.77
 Ground Floor FF DL 21.47
 First Floor FFL DL 24.47
 Ridge RL DL 29.25

AREA OF FILL 1677 sqm

COUNCIL DRAIN

43500
 ESTIMATED SHED SETBACK TO COUNCIL DRAIN

ESTIMATED HOUSE SETBACK TO COUNCIL DRAIN
 500 SETBACK

225-249 OLD DANDENONG RD
 HEATHERTON
 Client
 © Copyright DWG Number TP 100-04

TOWN PLANNING
 Scale 1:500@A2
 Date DECEMBER 2017 Job Number

REVISIONS

REV No	DESCRIPTION
2	28/2/18 SCALE AMMENDED
3	12/7/18 SHED LOCATION ALTERED
4	20/7/18 ISSUED FOR PLANNING

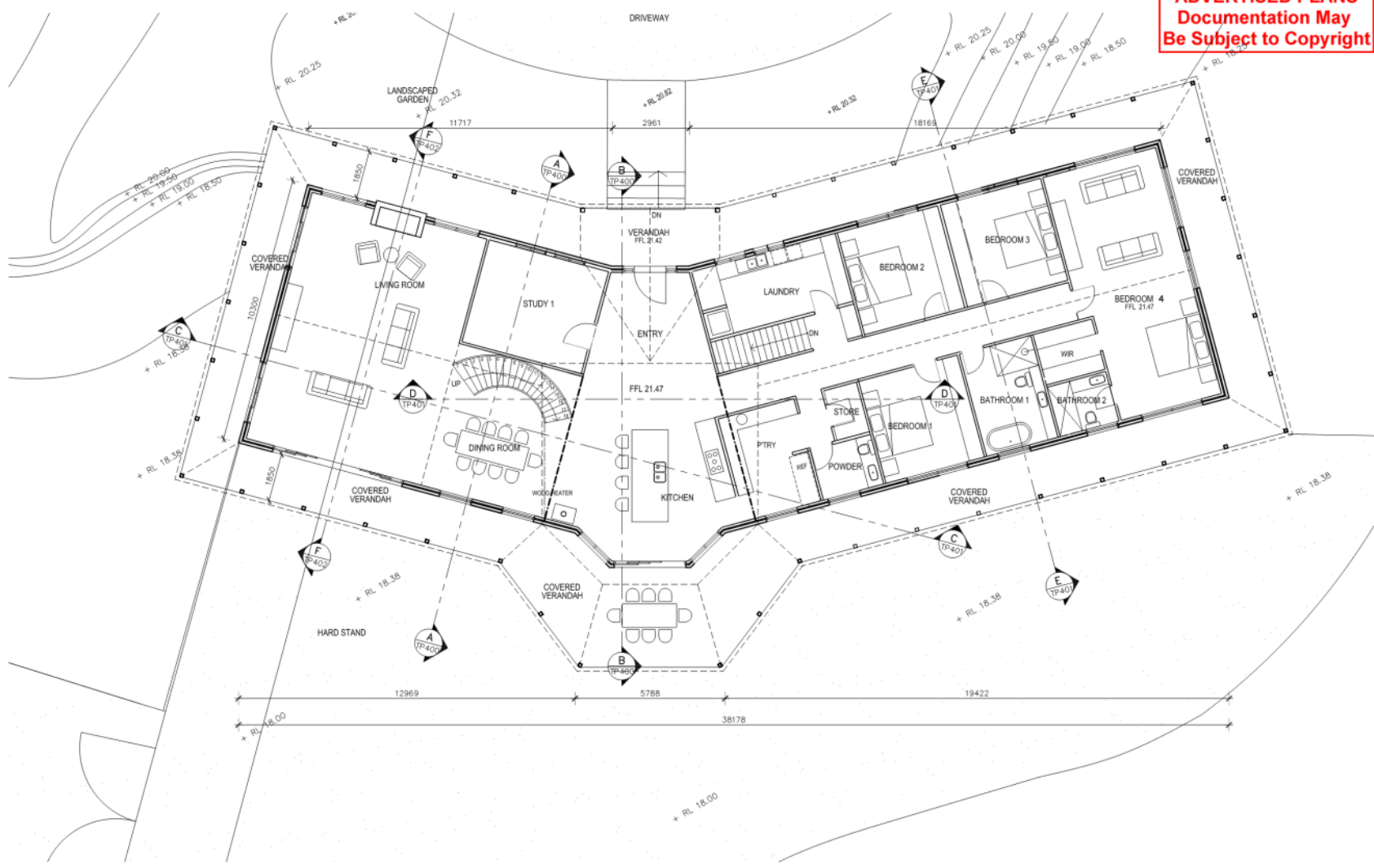
451 BOUNDARY ROAD
 DIRT BUDDY RACING TRACK

PROPOSED SITE PLAN - COMPLETE



Kirsten McEwan ARCHITECTURE
 Kirstenmcewan@bigpond.com.au
 0414 882619

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



OLD DANDENONG RD
 HEATHERTON
 Client
 © Copyright DWG Number TP 200-04

TOWN PLANNING
 Scale 1:100@A2
 Date FEBRUARY 2018 Job Number

REVISIONS

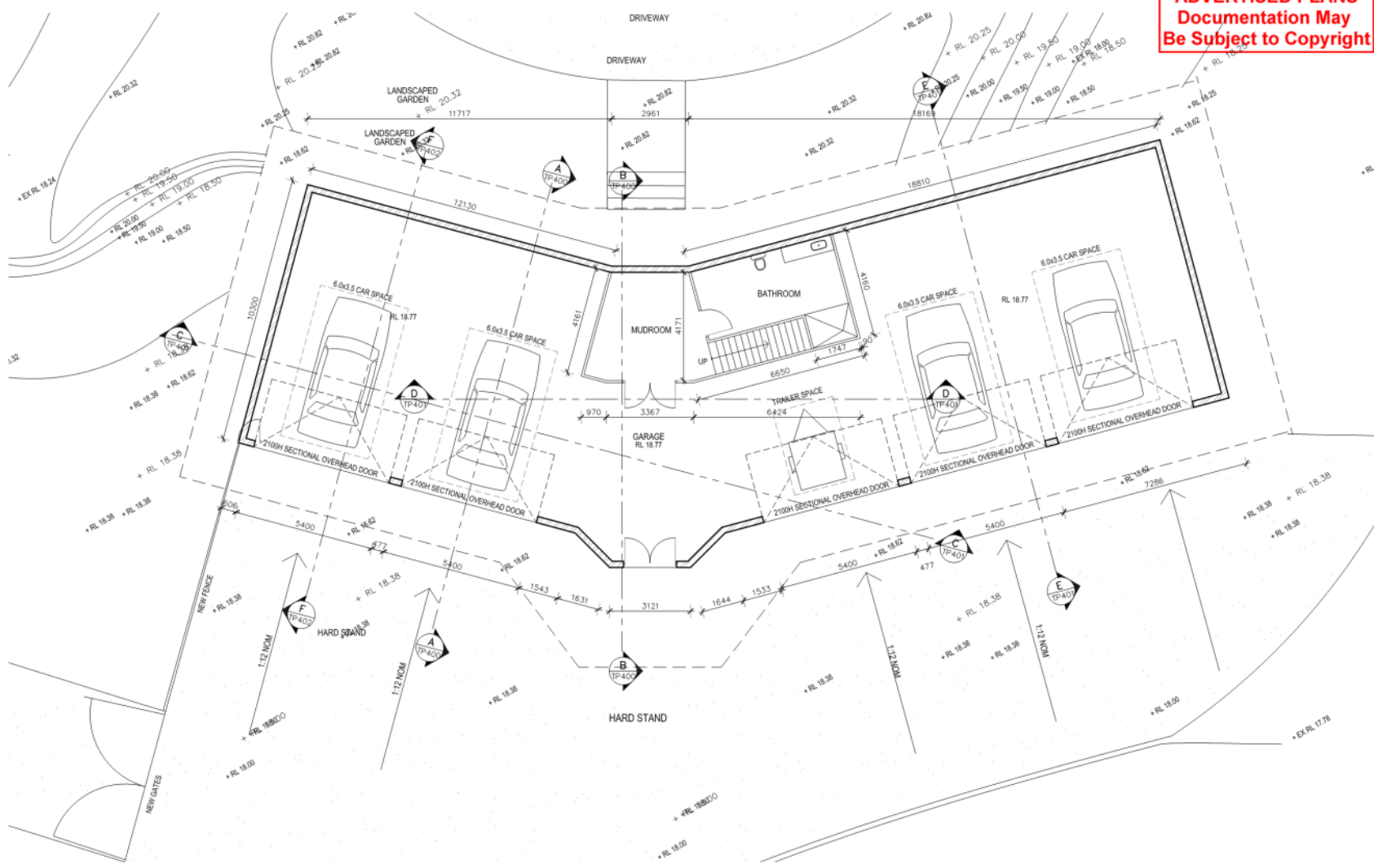
REV No	DESCRIPTION
2	28/02/18 MINOR TEXT CHANGES
4	20/07/18 ISSUED FOR PLANNING

GROUND FLOOR
PLAN



Kirsten McEwan
 ARCHITECTURE
 Kirstenmcewan@bigpond.com.au
 0414 882619

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



OLD DANDENONG RD
HEATHERTON
Client
© Copyright DWG Number TP 201-3

TOWN PLANNING
Scale 1:100@A2
Date FEBRUARY 2018 Job Number

REVISIONS

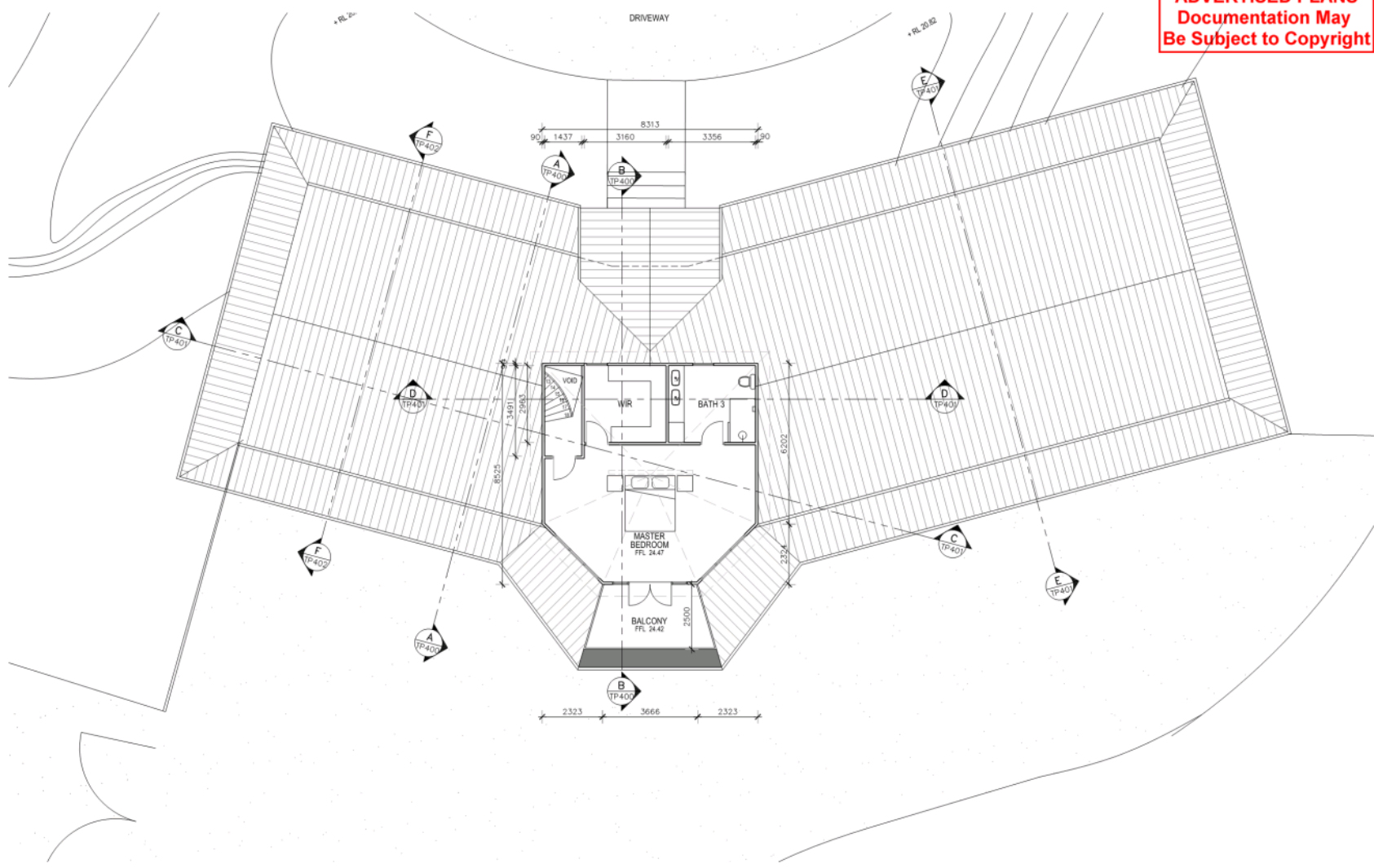
REV No	DESCRIPTION
2	28/02/18 CAR PARKING DETAILS ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

**LOWER GROUND
FLOOR PLAN**



**Kirsten McEwan
ARCHITECTURE**
Kirstenmcewan@bigpond.com.au
0414 882619

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



OLD DANDENONG RD
HEATHERTON
Client
© Copyright DWG Number TP 203-03

TOWN PLANNING
Scale 1:100@A2
Date FEBRUARY 2018 Job Number

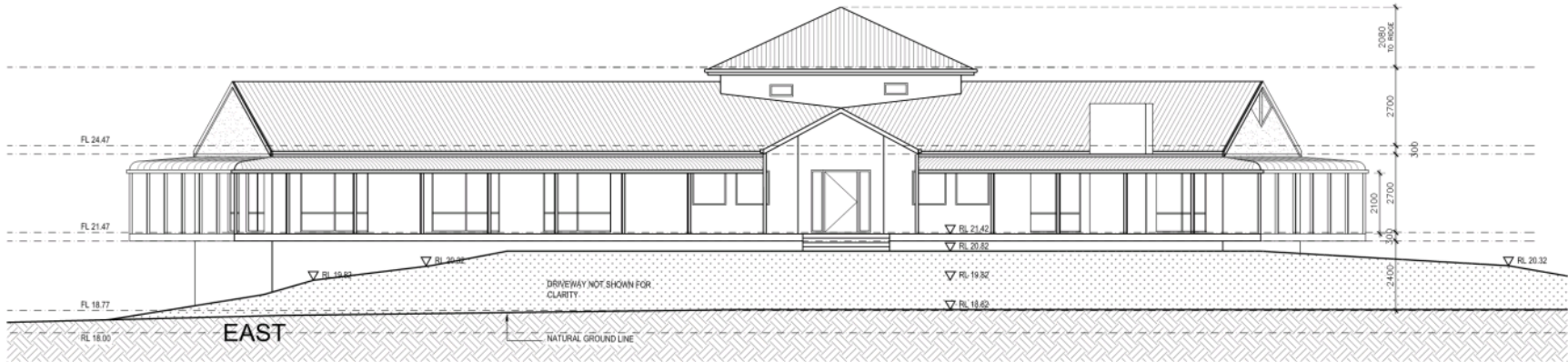
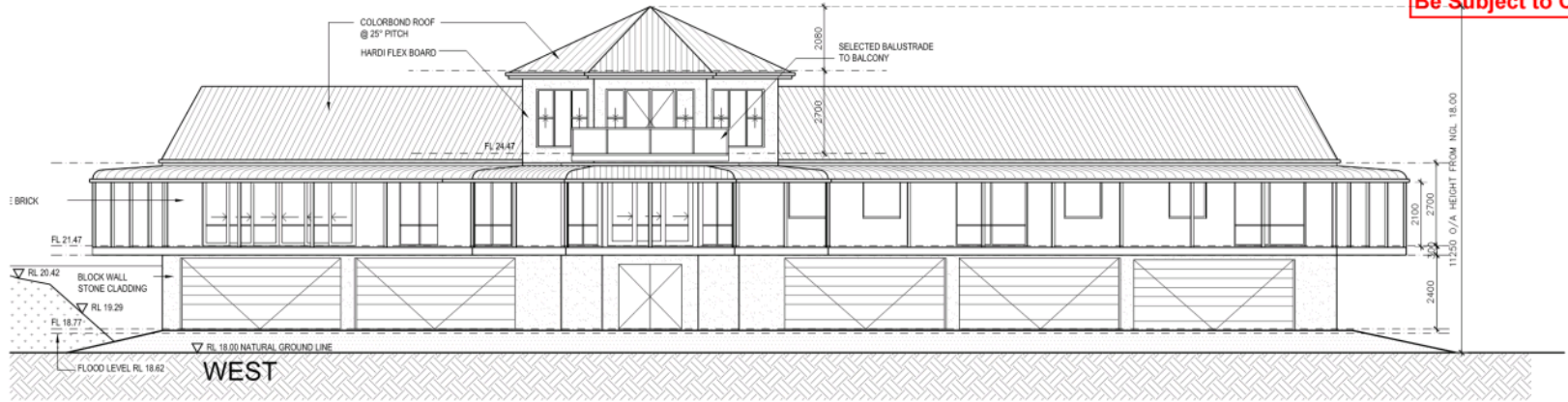
REVISIONS

REV No	DESCRIPTION
2	12/7/18 BALCONY ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

**FIRST FLOOR
PLAN**

**Kirsten McEwan
ARCHITECTURE**
Kirstenmcewan@bigpond.com.au
0414 882619

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



OLD DANDENONG RD
HEATHERTON

Client
© Copyright DWG Number TP300-03

TOWN PLANNING

Scale 1:100@A2
Date FEBRUARY 2018 Job Number

REVISIONS

REV No	DESCRIPTION
2	12/07/18 BALCONY ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

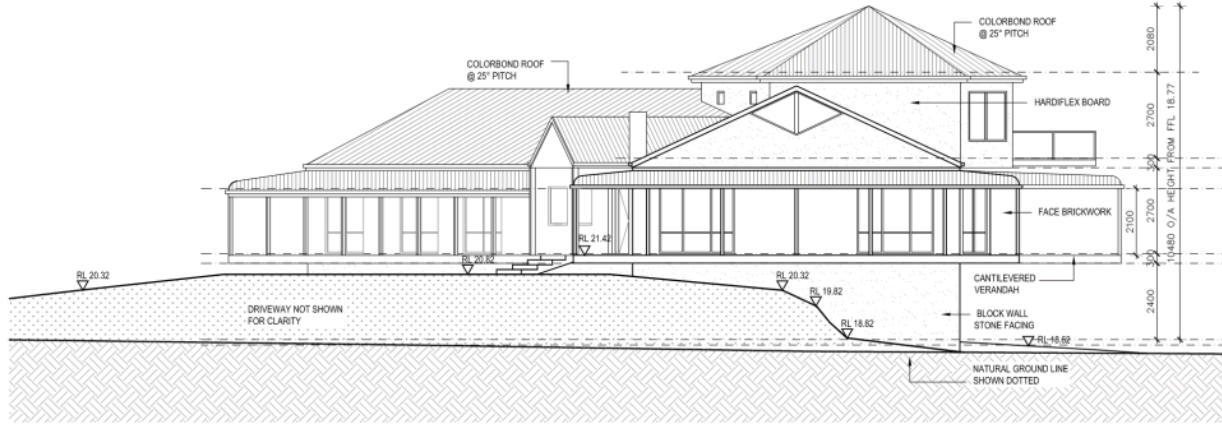
PROPOSED ELEVATIONS
EAST AND WEST



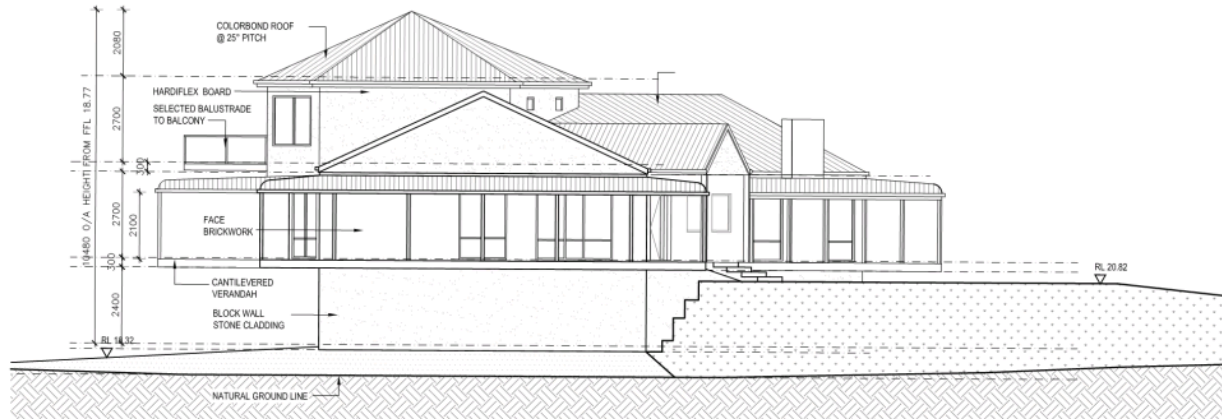
Kirsten McEwan
ARCHITECTURE

Kirstenmcewan@bigpond.com.au
0414 882619

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



NORTH



SOUTH

OLD DANDENONG RD
 HEATHERTON

Client
 © Copyright DWG Number TP301-03

TOWN PLANNING

Scale 1:100@A2
 Date FEBRUARY 2018 Job Number

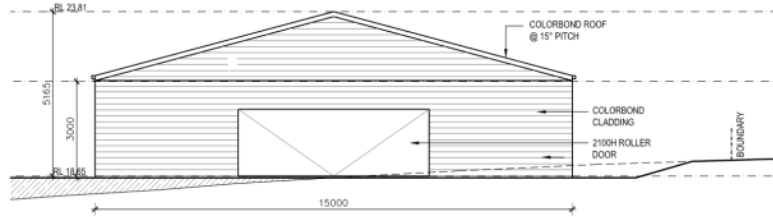
REVISIONS

REV No	DESCRIPTION
2	12/07/18 BALCONY ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

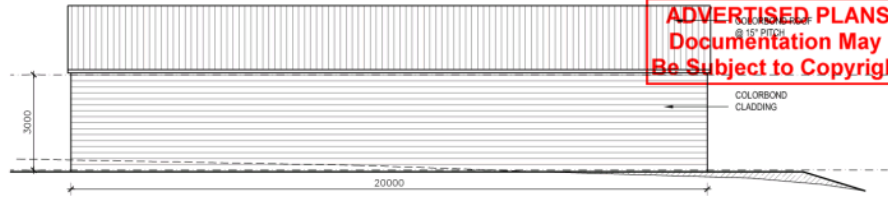
PROPOSED ELEVATIONS
NORTH AND SOUTH



Kirsten McEwan
 ARCHITECTURE
 Kirstenmcewan@bigpond.com.au
 0414 882619

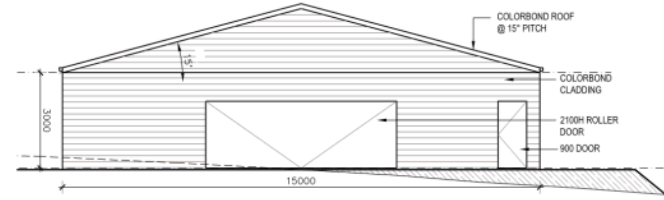


NORTH
Scale 1:100

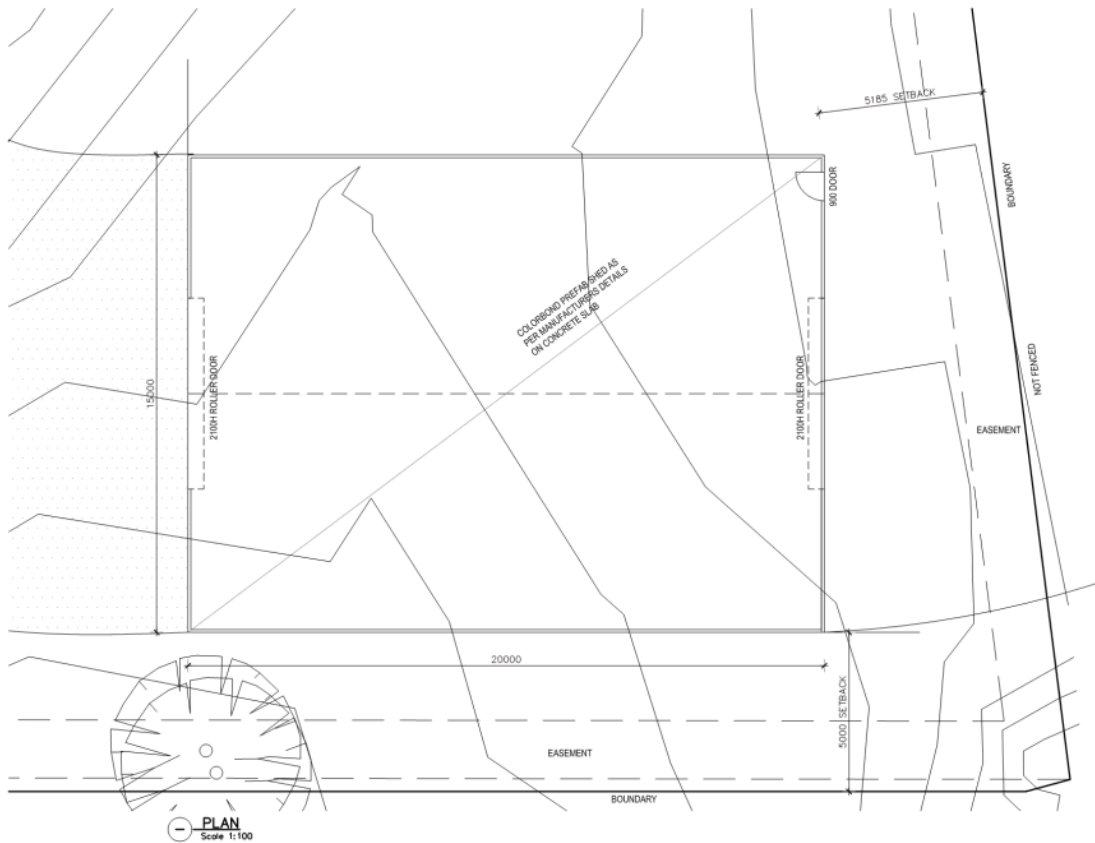


EAST & WEST
Scale 1:100

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



SOUTH
Scale 1:100



PLAN
Scale 1:100

OLD DANDENONG RD
HEATHERTON
Client
©Copyright DWG Number TP302-03

TOWN PLANNING
Scale 1:100@A2
Date FEBRUARY 2018 Job Number

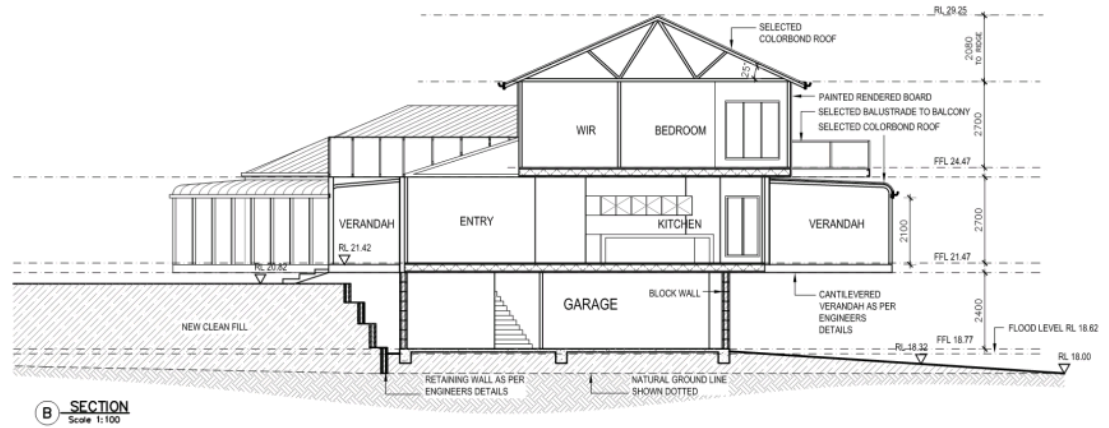
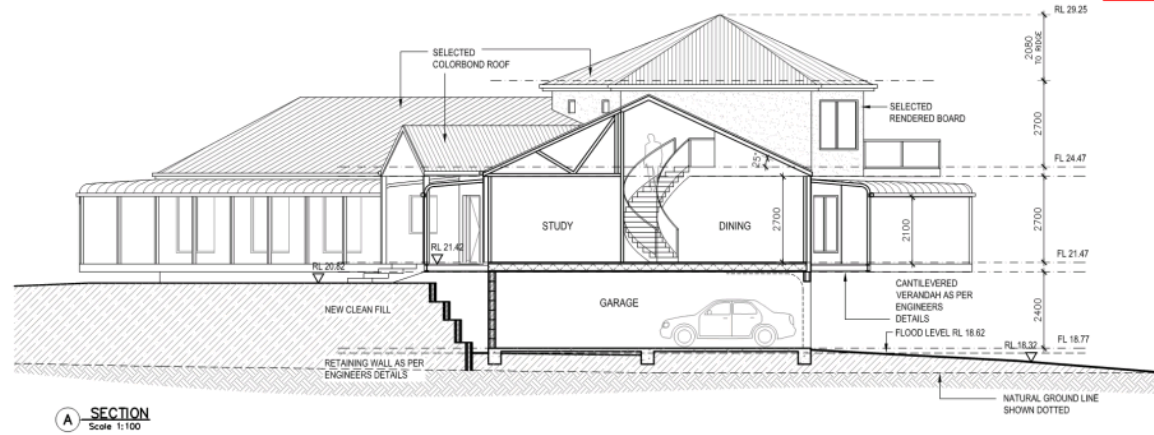
REV No	DESCRIPTION
2	12/07/18 SHED RELOCATION
3	20/07/18 ISSUED FOR TOWN PLANNING

**PROPOSED ELEVATIONS
SHED**



**Kirsten McEwan
ARCHITECTURE**
Kirstenmcewan@bigpond.com.au
0414 882619

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



OLD DANDENONG RD
HEATHERTON

Client
© Copyright DWG Number TP400-03

TOWN PLANNING

Scale 1:100@A2
Date FEBRUARY 2018 Job Number

REVISIONS

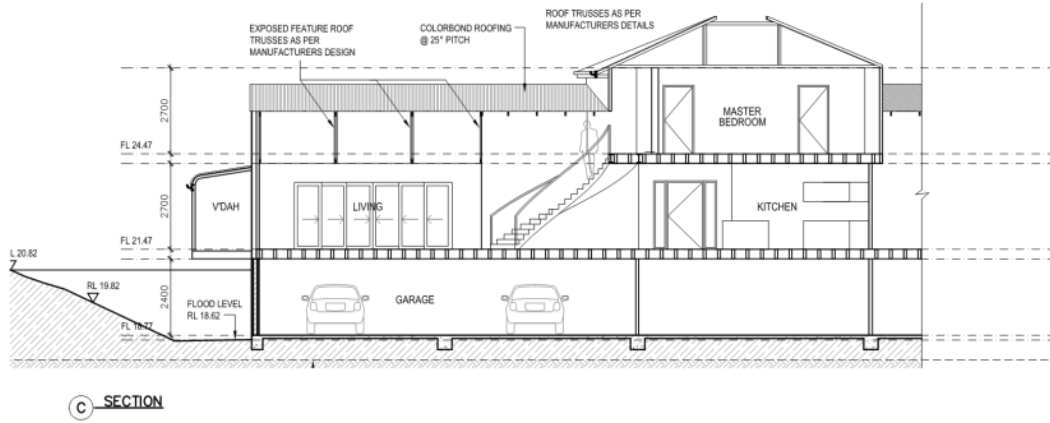
REV No	DESCRIPTION
2	12/07/18 BALCONY ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

PROPOSED
SECTIONS A & B

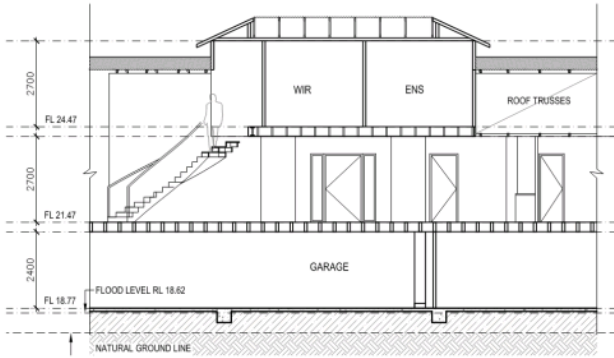


**Kirsten McEwan
ARCHITECTURE**
Kirstenmcewan@bigpond.com.au
0414 882619

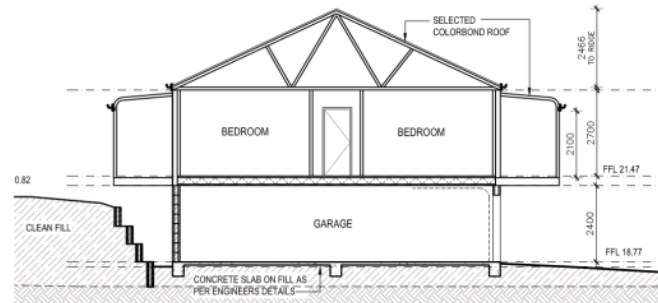
**ADVERTISED PLANS
Documentation May
Be Subject to Copyright**



C SECTION



D SECTION



E SECTION

OLD DANDENONG RD
HEATHERTON

Client
© Copyright DWG Number TP401-02

TOWN PLANNING

Scale 1:100@A2
Date FEBRUARY 2018 Job Number

REVISIONS

REV No	DESCRIPTION
2	20/07/18 ISSUED FOR TOWN PLANNING

PROPOSED
SECTIONS C,D & E



Kirsten McEwan
ARCHITECTURE
Kirstenmcewan@bigpond.com.au
0414 882619



OLD DANDENONG RD
HEATHERTON
Client
©Copyright DWG Number TP300-03

TOWN PLANNING
Scale 1:100@A2
Date FEBRUARY 2018 Job Number

REVISIONS

REV No	DESCRIPTION
2	12/07/18 BALCONY ADDED
3	20/07/18 ISSUED FOR TOWN PLANNING

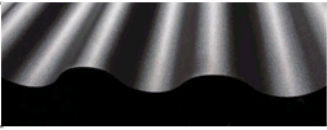


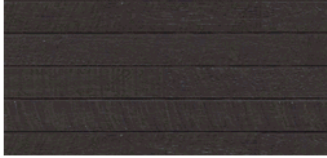





PROPOSED ELEVATIONS
EAST AND WEST



Kirsten McEwan
ARCHITECTURE
Kirstenmcewan@bigpond.com.au
0414 882619

**Scott & Deb
Lowther**

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

ROOFING	Colorbond <i>Monument Matt</i>	
GUTTER	Colorbond <i>Monument</i>	
FASCIA	Colorbond <i>Monument</i>	
UPPER CLADDING	Cementel <i>Territory Woodlands Ebony</i>	
MAIN BRICK	PGH Bricks <i>Sandstock Wiseman</i>	
FEATURED STONE	Hoobler Stone <i>Chardonnay</i>	
PAINT ACCENTS	DULUX <i>Knight of the Realm</i>	
WINDOW FRAME	Colorbond <i>Basalt</i>	
TIMBER FINISH	<i>Natural</i>	

Planning Committee Meeting

17 July 2019

Agenda Item No: 4.5

KP-2019/317 - 22A RANDALL AVENUE EDITHVALE

Contact Officer: Hugh Charlton, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2019/317 - 22A Randall Avenue Edithvale.

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 Planning Permit to Remove the reserve status to create Lot 1 at No. 22A Randall Avenue Edithvale, subject to the conditions contained within this report.

PLANNING OFFICER REPORT - EXECUTIVE SUMMARY

Address	22A Randall Avenue, EDITHVALE VIC 3196
Legal Description	Reserve 1 on Plan of Subdivision 523171F
Applicant	Millar Merrigan
Planning Officer	Hugh Charlton

PLANNING REIUREMENTS SUMMARY

Planning Scheme	Kingston
Zoning	Clause 32.08 – General Residential 3 Zone
Overlays	None
Particular Provisions	Clause 52.02 – Easements, Restrictions and Reserves
Permit Trigger/s	Clause 52.02 – To create, vary or remove an easement/reserve

APPLICATION / PROCESS SUMMARY

Proposal	Remove reserve status and create Lot 1		
Reference No.	KP-2019/317	RFI Received	N/A
App. Received	27/05/2019	App. Amended	N/A
Site inspection	No		
S.52 Advertising	17/6/2019	Advertising Completed	8/7/2019
S.55 Referrals	N/A		
Internal referrals	Yes		
Objection(s)	N/A (TRIM checked on 10/07/2019)		

LEGISLATIVE SUMMARY

Covenant/other Restriction	No	Complies: N/A
Aboriginal Cultural Heritage Sensitivity	Yes	
CHMP	Exempt	
Public Open Space Contribution Amount	Exempt	

1.0 RELEVANT HISTORY

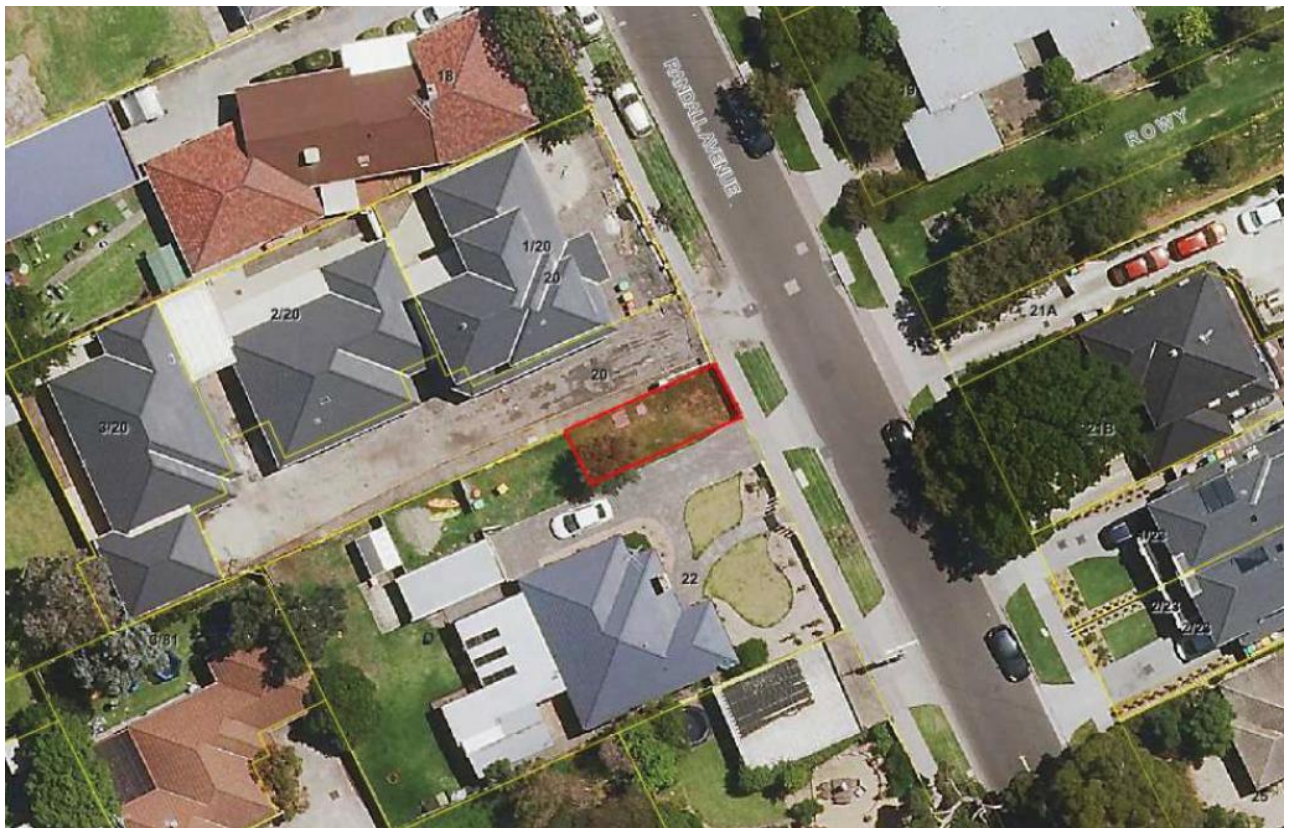
- 1.1 Council records indicate that there is no relevant planning history relating to this site.
- 1.2 On 26 November 2018, Council resolved at an Ordinary Meeting to initiate proceedings to remove the reserve status of the subject site and to then sell the subject land.

2.0 SITE PARTICULARS

- 2.1 The site is a Council reserve, generally rectangular in shape with a street frontage of 4.3 metres, a side depth of 12 metres, resulting in a site area of 53 m².
- 2.2 The site is currently vacant with no significant vegetation. The land serves no apparent purpose, and does not provide an open space connection or pedestrian link.
- 2.3 There are no restrictions listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

- 3.1 The site is surrounded by residential properties to all sides with the exception of the street frontage.
- 3.2 The subdivision pattern in the immediate area comprises original lots and incremental change medium density.
- 3.3 The site and surrounding area is depicted as follows:



4.0 PROPOSAL

- 4.1 It is proposed to remove the reserve status to create Lot 1 of 51 square meters. The land will not be subdivided.
- 4.2 The new created lot can then be sold by private treaty. The lot is intended to be sold to the adjoining owner(s) of 22 Randall Avenue Edithvale who initially instigated the proposal to Council.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 A planning permit is not required as the land will not be subdivided pursuant to Clause 32.08-3 (Schedule 3 of the General Residential Zone) of the Kingston Planning Scheme.

Particular Provisions

- 5.2 A planning permit is required to remove a reserve pursuant to Clause 52.02 – Easements, Restrictions and Reserves of the Kingston Planning Scheme.

General Provisions

- 5.3 The Decision Guidelines of Clause 65 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 ADVERTISING

- 6.1 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.
- 6.2 No representations for or against this application were received.

7.0 SECTION 50/50A AMENDMENTS TO PLANS

- 7.1 No amendments were made to the plans during the course of the application.

8.0 REFERRALS

- 8.1 Internal departments were consulted as part of the initial inquiry:
- Roads and Drains Department have no objection to the proposal noting there are no assets at this site.
 - Parks Department have no objection to the proposal noting that the land could not be used as pedestrian link.
- 8.2 External referrals were made pursuant to **Clause 66.01** of the Kingston Planning Scheme to the following parties:
- South East Water
 - Multinet gas
 - Melbourne Water
 - United Energy
- 8.3 None of the referrals objected to the application and there were no conditions to include on any approval issued.

9.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

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

9.2 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity; however the Planning Officer has completed the Aboriginal Heritage Planning Tool on the Department of Planning and Community Development (DPCD) website and established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan

Local Planning Policy Framework

9.3 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. This clause essentially reinforces State Planning Policy relevant to housing, stressing the need to accommodate projected population increases.

9.4 The proposal satisfies the objectives contained in this policy and will have no ramifications on any future proposals for residential development.

Zone

9.5 The subject site is located in the General Residential Zone. The relevant purposes of this Zone pursuant to **Clause 32.08-3** (Schedule 3 General Residential Zone) of the Planning Scheme are:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

The proposal satisfies the objectives contained in this policy and will have no ramifications on any future proposals for residential development.

Particular Provisions

Clause 52.02 – Easements, Restrictions, Reserves

9.6 **Clause 52.02** of the Scheme has the following purpose:

- *To enable the removal and variation of an easement or restrictions to enable a use or development*

9.7 The decision guidelines require that *Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.*

- 9.8 The proposal is found to comply with the decision guidelines. The affected people and their interests have been considered and found to have no detrimental impact on surrounding owners and occupiers, nor will have a detrimental impact on the orderly planning of the area and complies with Clause 65.
- 9.9 It is understood that South East Water has a sewer within the land and would to maintain the easement over the width of the reserve to protect this asset In addition they had a check meter located within the section of reserve and required 24 hour access to this meter. As such the drainage easement remains on title.

General Provisions

- 9.10 **Clause 65** (Decision Guidelines) state that the Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this Clause. Specifically, the decision guidelines of **Clause 65.02** relating to the approval of an application to subdivide the land are to be considered as appropriate. The decision guidelines contain a similar assessment to that found in **Clause 56**, and the assessment in the Appendix therefore adequately covers the considerations required under this provision.

10.0 GENERAL COMMENTS:

- 10.1 As mentioned, the land serves no apparent purpose, and does not provide an open space connection or pedestrian link. Further there is no significant vegetation on site and is presently vacant land. The diminutive area is also too small to contribute any meaningful open space.
- 10.2 As such there is no practical need to maintain a reserve. The land could be better utilised as part of an adjoining property, facilitating a more practical future subdivision particularly if part of 22 Randall Avenue which wraps around it, allowing that property to become a more rational regular shape if it were to be consolidated with the subject land at a later date.
- 10.3 On balance, the proposed subdivision is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 10.4 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.
- 10.5 Subject to appropriate conditions, including the conditions required pursuant to **Clause 66.01-1** of the Kingston Planning Scheme, the proposed application is considered appropriate, and should be supported.

11.0 RECOMMENDATION:

That the Planning Committee determine to support the proposal and issue a Planning Permit for the Removal of the reserve status and create Lot 1, subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for Certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
5. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.
6. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
 - The plan of subdivision is not certified within two (2) years from the date of this permit.
 - The plan of subdivision is not registered within five (5) years of the date of certification.

In accordance with section 69 of the Act, the Responsible Authority may extend the certification time if a request is made in writing prior to the expiry of the permit or within six (6) months after the permit expiry date.

Note: Each building or part of a building resulting from this subdivision must comply with Regulation 503 of the Building Regulations 2006.


Note: In accordance with the *Planning and Environment Act 1987* and the *Subdivision Act 1988*, there is no provision to grant an extension of time for a certified plan of subdivision.

OR

In the event that the Planning Committee wishes to oppose the Officer's recommendation and instead seeks to refuse the application, it can do so on the following grounds:

1. The proposal fails to comply with Clause 52.02 – Easements, Restrictions, Reserves of the Kingston Planning Scheme.

Appendices

Appendix 1 - KP-2019/317 - 22A Randall Avenue, EDITHVALE VIC 3196 - Planning Applications - Plans for Consideration by Committee (Ref 19/120264) 



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

4.5

KP-2019/317 - 22A RANDALL AVENUE EDITHVALE

1	KP-2019/317 - 22A Randall Avenue, EDITHVALE VIC 3196 - Planning Applications - Plans for Consideration by Committee	211
---	---	-----



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**

Page 1 of 1

VOLUME 10795 FOLIO 017

Security no : 124077237718M
Produced 01/05/2019 10:35 AM

LAND DESCRIPTION

Reserve 1 on Plan of Subdivision 523171F.
PARENT TITLE Volume 08338 Folio 611
Created by instrument PS523171F 16/04/2004

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

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
KINGSTON CITY COUNCIL of 1230 NEPEAN HIGHWAY CHELTENHAM VIC 3192
AS122233S 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 PS523171F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AS122233S	RECTIFY PROPRIETORSHIP	Registered	30/04/2019
AS122248D	RECTIFY PROP. DERIVATION	Registered	30/04/2019
AS122276X	AMEND pCT TO eCT	Registered	30/04/2019

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

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

Street Address: RANDALL AVENUE EDITHVALE VIC 3196

ADMINISTRATIVE NOTICES

NIL

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

DOCUMENT END

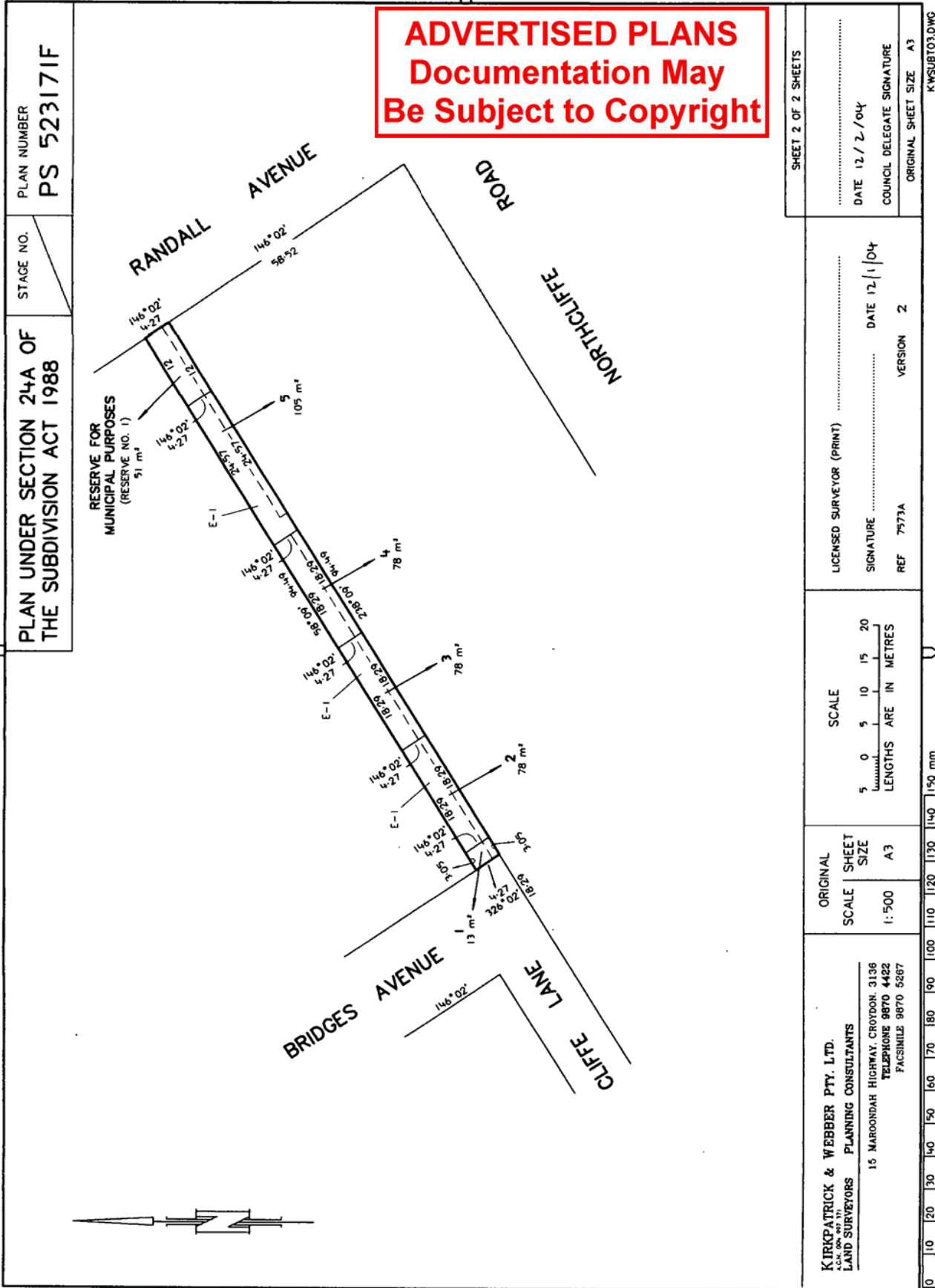
EXISTING PLAN OF SUBDIVISION

PLAN UNDER SECTION 24A OF THE SUBDIVISION ACT 1988		STAGE NO.	LR USE ONLY EDITION	PLAN NUMBER PS 523171F
LOCATION OF LAND		ADVERTISED PLANS COUNCIL CERTIFICATION AND ENDORSEMENT Documentation May Be Subject to Copyright		
PARISH: LYN DHURST TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 141 (PART) CROWN PORTION: _____ TITLE REFERENCE: VOL. 8338 FOL. 611 LAST PLAN REFERENCE: LP 9213, DRAINAGE RESERVE POSTAL ADDRESS: NORTHCLIFFE ROAD/BRIDGES AVENUE, (at time of subdivision) EDITHVALE. 3196. AMG Co-ordinates E 334 910 ZONE: 55 (of approx. centre of land in plan) N 5787 960		COUNCIL NAME: KINGSTON CITY COUNCIL REF: KS267/03 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. Council Delegate _____ Council Seal _____ Date 12 / 2 / 04 Re-certified under section 11(7) of the Subdivision Act 1988 _____ Council Delegate _____ Council Seal _____ Date: / /		
VESTING OF ROADS AND/OR RESERVES				
IDENTIFIER	COUNCIL/BODY/PERSON			
RESERVE No. 1	KINGSTON CITY COUNCIL			
NOTATIONS				
STAGING This is not a staged subdivision Planning Permit No. _____ DEPTH LIMITATION: DOES NOT APPLY PURPOSE OF THE PLAN: (i) TO VEST THOSE PARTS OF THE DRAINAGE RESERVE ON LP 9213 SHOWN AS LOTS 1-5 AND RESERVE No. 1 HEREON IN THE KINGSTON CITY COUNCIL. (ii) REMOVAL BY THE KINGSTON CITY COUNCIL OF THE RESERVATION FROM THAT PART OF THE DRAINAGE RESERVE ON LP 9213 SHOWN AS LOTS 1-5 AND RESERVE No.1 HEREON. (iii) TO REMOVE THE SECTION 98 DRAINAGE EASEMENTS IN THAT PART OF THE DRAINAGE RESERVE ON LP 9213 SHOWN AS LOTS 1-5 AND RESERVE No. 1 HEREON. GROUNDS FOR VESTING AND REMOVAL: KINGSTON CITY COUNCIL PLANNING PERMIT No. _____ SURVEY THIS PLAN IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) _____ IN PROCLAIMED SURVEY AREA No. _____				
EASEMENT INFORMATION				
LEGEND: E - ENCUMBERING EASEMENT A - APPURTENANT EASEMENT R - ENCUMBERING EASEMENT (ROAD)				LR USE ONLY
				STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER LTD.
				Received <input checked="" type="checkbox"/> Date 11 / 3 / 04 LR USE ONLY PLAN REGISTERED TIME 10:03 am DATE 16 / 4 / 2004 _____ Assistant Registrar of Titles SHEET 1 OF 2 SHEETS
KIRKPATRICK & WEBBER PTY. LTD. A.C.N. 009 997 371 LAND SURVEYORS PLANNING CONSULTANTS 15 MAROONDAH HIGHWAY, CROYDON. 3136 TELEPHONE 9870 4422 FACSIMILE 9870 5267		LICENSED SURVEYOR (PRINT) _____ SIGNATURE _____ DATE 12 / 1 / 04 REF 7573A VERSION 2		
		DATE 12 / 2 / 04		
		COUNCIL DELEGATE SIGNATURE		
		ORIGINAL SHEET SIZE A3		

KWS24AS1.DWG

Delivered by LANDATA®. Land Use Victoria timestamp 01/05/2019 10:36 Page 2 of 2

EXISTING PLAN OF SUBDIVISION



PLAN NUMBER
PS 52317IF

STAGE NO.

PLAN UNDER SECTION 24A OF
THE SUBDIVISION ACT 1988

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

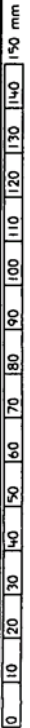
SHEET 2 OF 2 SHEETS
DATE 12 / 2 / 04
COUNCIL DELEGATE SIGNATURE
ORIGINAL SHEET SIZE A3
KWSUBT03.DWG

LICENSED SURVEYOR (PRINT)
SIGNATURE
REF 7573A
DATE 12 / 1 / 04
VERSION 2

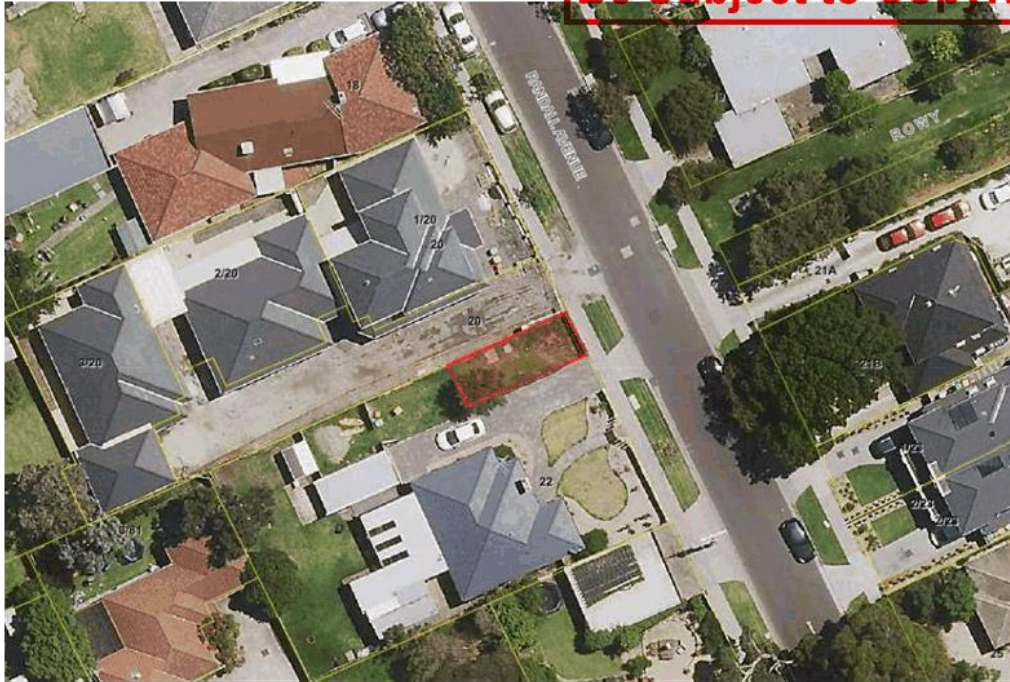
SCALE
5 0 5 10 15 20
LENGTHS ARE IN METRES

ORIGINAL SCALE | SHEET SIZE
1:500 | A3

KIRKPATRICK & WEBBER PTY. LTD.
LAND SURVEYORS PLANNING CONSULTANTS
15 MAROONDAH HIGHWAY, CROYDON, 3136
TELEPHONE 9870 4482
FACSIMILE 9870 5287



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



LOCATION PLAN – 22A RANDALL AVENUE EDITHVALE

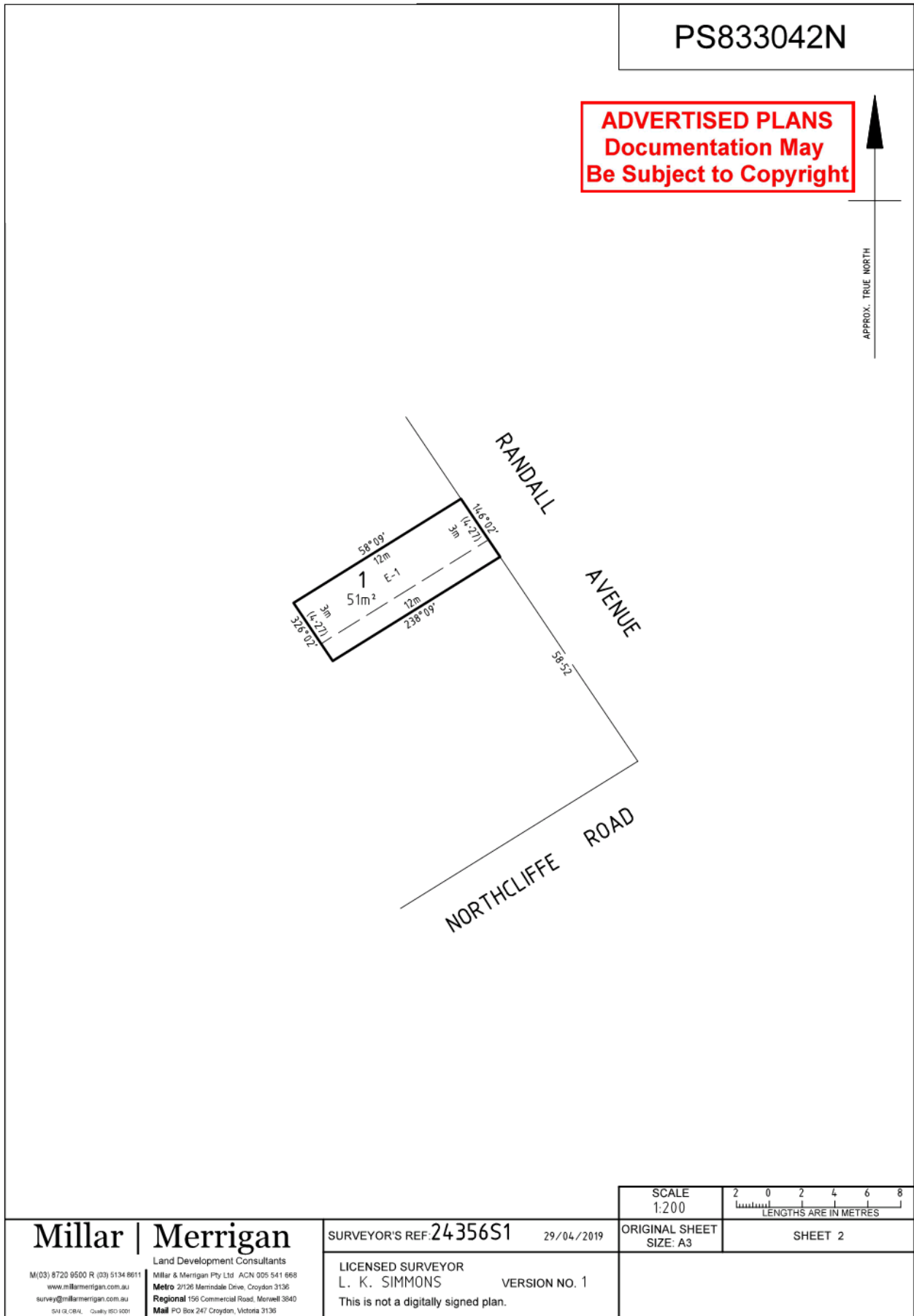
PROPERTY SHOWN IN RED



PROPOSED PLAN OF SUBDIVISION

PLAN UNDER SECTION 24A OF THE SUBDIVISION ACT 1988		EDITION 1	PS833042N	
LOCATION OF LAND PARISH: LYNDHURST CROWN ALLOTMENT: 141 (PART) TITLE REFERENCE: VOL.10795 FOL.017 LAST PLAN REFERENCE: PS523171F, RESERVE No.1 POSTAL ADDRESS: RANDALL AVENUE, (at time of subdivision) EDITHVALE, 3196 MGA CO-ORDINATES E: 335 060 ZONE: 55 (at approx centre of land N: 5788 160 GDA94 in plan)		KINGSTON CITY COUNCIL <div style="border: 2px solid red; padding: 5px; color: red; font-weight: bold;"> ADVERTISED PLANS Documentation May Be Subject to Copyright </div>		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS		PURPOSE OF PLAN TO REMOVE THE RESERVE STATUS FROM RESERVE No.1 ON PS523171F, SHOWN AS LOT 1 ON THIS PLAN <u>GROUND'S FOR REMOVAL</u> KINGSTON CITY COUNCIL PLANNING PERMIT		
DEPTH LIMITATION DOES NOT APPLY				
SURVEY: This plan is not based on survey STAGING This is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.				
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	SEWERAGE	3	PS523171F	SOUTH EAST WATER LTD
Millar Merrigan Land Development Consultants M(03) 8720 9500 R (03) 5134 8611 www.millarmerrigan.com.au survey@millarmerrigan.com.au SAH QL CBAL Quality ISO 9001		SURVEYOR'S REF: 24356S1 29/04/2019		ORIGINAL SHEET SIZE: A3
		LICENSED SURVEYOR L. K. SIMMONS VERSION NO. 1 This is not a digitally signed plan.		SHEET 1 OF 2

PROPOSED PLAN OF SUBDIVISION



Millar | Merrigan

Land Development Consultants
 M(03) 8720 9500 R (03) 5134 8611
 www.millarmerrigan.com.au
 survey@millarmerrigan.com.au
S41 GL CBAL Quality ISO 9001

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136

LICENSED SURVEYOR
L. K. SIMMONS VERSION NO. 1
 This is not a digitally signed plan.