

Agenda

Planning Committee Meeting

Wednesday, 18th September 2019

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

Julie Reid
Chief Executive Officer
Kingston City Council

community inspired leadership



City of
KINGSTON

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

Notice is given that Planning Committee Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Wednesday, 18 September 2019.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 21 August 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 - August 2019.....	5
4.2	KP-2018/934 - 22 Stayner Grove, Moorabbin.....	21
4.3	KP-2019/173 - 11 & 15 Wimborne Avenue, Chelsea.....	73
4.4	KP-2018/676 - 236 - 242 Clarinda Road, Heatherton.....	121
4.5	KP-2019/432 - 798-808 Springvale Road, Braeside.....	165

5. Confidential Items

Nil

4. Planning and Development Reports

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.

Planning Committee Meeting

18 September 2019

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - AUGUST 2019

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

Town Planning Application Decisions – August, 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 August, 2019.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	84	70
Notice of Decision	15	13
Refusal to Grant a Permit	4	3
Other - Withdrawn (14) - Prohibited (0) - Permit not required (3) - Lapsed (0) - Failure to Determine (0)	17	14
Total	120	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions - August 2019 (Ref 19/219007) 

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 - AUGUST 2019

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

Planning Decisions August, 2019							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2019/307	6 Bank Road	EDITHVALE	9/05/2019	1/08/2019	Subdivide the land into 16 lots in a Design and Development Overlay Schedule 1 and 7 and to create an easement	Permit	No
KP-2019/205	1239-1241 Nepean Highway	CHELTENHAM	3/04/2019	1/08/2019	The development of the land for the construction and display of two (2) internally illuminated static promotion signs and two (2) internally illuminated electronic promotion signs	Permit	No
KP-2019/452	6 Derby Parade	BONBEACH	24/07/2019	1/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/905	7 Faye Street	MOORABBIN	8/11/2018	1/08/2019	Construct two (2) dwellings on a lot	Permit	No
KP-2019/454	134A Rowans Road	MOORABBIN	24/07/2019	2/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/980	50 White Street	MORDIALLOC	6/12/2018	2/08/2019	Development of thee (3) dwellings in a Special Building Overlay and adjacent to Road Zone Category 1 and associated works in accordance with the endorsed plans	Notice of Decision	No
KP-2018/623	17 Park Street	MORDIALLOC	31/07/2018	2/08/2019	Develop two (2) double storey dwellings and associated works in accordance with the endorsed plans	Notice of Decision	No
KP-2019/470	20 Devon Street	CHELTENHAM	2/08/2019	5/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/467	12-14 Hartwood Court	CHELSEA HEIGHTS	1/08/2019	5/08/2019	Develop the land for a mezzanine ancillary office space within the existing warehouse	Permit	No
KP-2018/798	4 Greenways Court	PARKDALE	1/10/2018	5/08/2019	The development of three (3) dwellings and associated works in accordance with the endorsed plans	Permit	No

KP-2018/672	47 Hughes Avenue	EDITHVALE	22/08/2018	5/08/2019	The development of two (2) dwellings	Notice of Decision	No
KP-2019/473	32 Levanswell Road	MOORABBIN	2/08/2019	6/08/2019	Amendment to Planning Permit ref: KP-2018/546	Withdrawn	No
KP-2017/828	1A Dactyl Road	MOORABBIN	26/10/2017	6/08/2019	Develop the land for the construction of Three (3) Double Storey Dwellings	Permit	Yes
KP-2019/104	207 Como Parade East	PARKDALE	25/02/2019	6/08/2019	Develop the land for the construction of three (3) dwellings	Notice of Decision	No
KP-2019/451	16 Church Road	CARRUM	24/07/2019	6/08/2019	Develop the land for one (1) dwelling on land within a Special Building Overlay	Permit	No
KP-2018/955	133 Parkers Road	PARKDALE	28/11/2018	7/08/2019	The development of a three (3) storey building (comprising a food and drink premises and child care centre) and a reduction of the car parking requirements in accordance with the endorsed plans	Withdrawn	No
KP-2019/236	32-60 Linton Street	MOORABBIN	15/04/2019	8/08/2019	Construction of a grandstand, pool complex, scoreboard and associated car parking	Permit	No
KP-2018/962	1 166 Rosebank Avenue	CLAYTON SOUTH	3/12/2018	8/08/2019	Buildings and works comprising internal alterations and an extension to an existing building and a waiver of the car parking requirement associated with the use of land for offices	Notice of Decision	No
KP-2019/44	46-56 Canterbury Road	BRAESIDE	1/02/2019	8/08/2019	Develop the land for the construction of three (3) warehouses, business identification signage and a reduction in the car parking requirements	Permit	No
KP-2018/431	28-38 Canterbury Road	BRAESIDE	4/06/2018	9/08/2019	Subdivide the land into twenty two (22) lots and remove native vegetation	Permit	No
KP-2019/224	117 Bondi	BONBEACH	10/04/2019	9/08/2019	Develop three (3) dwellings and	Notice of Decision	No

	Road				associated works in accordance with the endorsed plans		
KP-2019/478	3 Bethell Avenue	PARKDALE	5/08/2019	9/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/465	135A Warren Road	PARKDALE	31/07/2019	9/08/2019	Develop the land for the construction of alts & adds	Permit Not Required	No
KP-2018/947	21 Tennyson Street	HIGHETT	27/11/2018	9/08/2019	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2018/953	32 James Avenue	ASPENDALE	27/11/2018	9/08/2019	Develop the land for one (1) double storey dwelling and buildings and works to the existing dwelling	Permit	No
KP-2019/238	153 Keys Road	MOORABBIN	17/04/2019	9/08/2019	The development of alterations and additions to the existing building	Permit	No
KP-2019/295	10 Rennison Street	PARKDALE	15/05/2019	9/08/2019	Alterations and additions to a dwelling on a lot less than 300sq.m	Permit	No
KP-2019/476	41 Clare Street	PARKDALE	5/08/2019	12/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/481	11 Village Drive	DINGLEY VILLAGE	6/08/2019	12/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/162	3 Egerton Avenue	CHELTENHAM	19/03/2019	13/08/2019	The development of two (2) dwellings on land affected a Special Building Overlay	Permit	No
KP-2018/397	Unit 3 393 Station Street	BONBEACH	28/05/2018	13/08/2019	Develop the land for the construction of one (1) double storey dwelling on a lot less than 300m2	Notice of Decision	No
KP-2012/754/B	20 Williams Grove	BONBEACH	9/07/2019	13/08/2019	Develop the land for the construction of two (side by side) dwellings	Withdrawn	No
KP-2019/176	24 Bruthen Street	MOORABBIN	27/03/2019	13/08/2019	The development of two (2) dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-2015/913/C	94 Tootal Road	DINGLEY VILLAGE	13/03/2019	13/08/2019	Use and develop the land for a minor sport and recreation facility, function centre, reduction of bicycle parking requirements and subdivide the	Withdrawn	No

						land.		
KP-2019/169	1 7 Hayden Road	CLAYTON SOUTH	22/03/2019	13/08/2019	The development of three (3) dwellings	Permit	No	
KP-2018/891	10 84-90 Lakewood Boulevard	BRAESIDE	2/11/2018	13/08/2019	Use the land as a medical centre (counselling services), reduce car parking requirements under Clause 52.06 and a waiver to the bicycle parking requirements under Clause 52.34	Notice of Decision	No	
KP-2018/944	10 Wingrove Street	CHELTENHAM	26/11/2018	13/08/2019	The development of two (2) dwellings	Permit	No	
KP-2018/653	25 Worsley Avenue	CLAYTON SOUTH	14/08/2018	13/08/2019	Develop the land for the construction of one (1) dwelling to the rear of an existing dwelling	Permit	No	
KP-2019/485	10 Matilda Road	MOORABBIN	7/08/2019	13/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/170	47 Golf View Road	HEATHERTON	24/03/2019	13/08/2019	The development of one (1) dwelling to the rear of the existing	Refused	No	
KP-2019/335	13A Biscop Road	MOORABBIN	4/06/2019	14/08/2019	Develop the land for the construction of alterations & additions	Withdrawn	No	
KP-2019/463	91 Argus Street	CHELTENHAM	30/07/2019	15/08/2019	Use the land for a restricted recreation facility (gym)	Withdrawn	No	
KP-2018/941	1 45 Thames Promenade	CHELSEA	23/11/2018	15/08/2019	Develop an apartment comprising 11 dwellings and basement car parking	Refused	No	
KP-2018/91/A	494 Main Street	MORDIALLOC	10/05/2019	15/08/2019	Construction of three (3), two (2) storey dwellings in the General Residential Zone and alteration of access to a road in a Road Zone Category 1, in accordance with the endorsed plans	Permit	No	
KP-2019/505	13 Biscop Road	MOORABBIN	15/08/2019	15/08/2019	created in error	Withdrawn	No	
KP-2019/330	266 Osborne Avenue	CLAYTON SOUTH	4/06/2019	16/08/2019	Subdivide the Land into Five (5) lots and common property	Permit	No	

KP-2019/356	1 Janice Avenue	CHELTENHAM	12/06/2019	16/08/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2019/393	13 Riversdale Avenue	CARRUM	28/06/2019	16/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/420	67 Swan Walk	CHELSEA	11/07/2019	16/08/2019	Subdivide the Land into Four (4) Lots	Permit	No
KP-2019/492	17 Eulinga Avenue	ASPENDALE	13/08/2019	16/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2017/755	122 Station Street	ASPENDALE	28/09/2017	16/08/2019	Develop the land for the construction of four (4) dwellings within a three (3) storey building	Permit	No
KP-2007/759/A	SUITE 1 450 Nepean Highway	CHELSEA	26/11/2018	19/08/2019	To use the site for the purpose of a Place of Worship and to reduce car-parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme, in accordance with plans to submitted pursuant to Condition 1 hereof	Permit	No
KP-1999/778/A	36A Camp Street	CHELSEA	25/06/2019	19/08/2019	Amend the plans endorsed under the permit involving: Alterations to the dwelling (36A Camp Street) including the following as shown on the plans submitted with the application: - Internal reconfiguration of the ground floor, an increase to the overall ground floor area, and the reduction of bounda	Permit	No
KP-2016/1023/B	30-32 Christensen Street	CHELTENHAM	20/06/2019	20/08/2019	Develop the land for the construction of building and works with associated car parking reduction and to subdivide the land	Permit	No
KP-2018/952	1 918-928 Springvale Road	BRAESIDE	27/11/2018	20/08/2019	develop additions and alterations to the existing food and drink premise, including the display of illuminated	Withdrawn	No

						signage and associated works		
KP-2018/894	59 Northcliffe Road	EDITHVALE	2/11/2018	21/08/2019	Develop the land for the construction of two (2) Dwellings to the rear of an existing and works to the existing Dwelling	Notice of Decision	No	
KP-2018/333	21 Olive Grove	MENTONE	4/05/2018	21/08/2019	Construction of four dwellings	Permit	Yes	
KP-2019/430	1 918-928 Springvale Road	BRAESIDE	17/07/2019	21/08/2019	Buildings and works (vehicle drive through) and display of signage	Withdrawn	No	
KP-2019/282	23-25 Tootal Road	DINGLEY VILLAGE	14/05/2019	21/08/2019	Develop the land for the construction of advertising signage	Withdrawn	No	
KP-2018/507	1A Foster Street	ASPENDALE	28/06/2018	21/08/2019	Use and development of the land for two storey built form comprising multiple dwellings	Permit	Yes	
KP-2019/241	218-230 Wickham Road	HIGHETT	23/04/2019	22/08/2019	Buildings and works to an existing warehouse and the alteration of access to a Road Zone Category 1	Permit	No	
KP-2007/531/C	2B Sinclair Avenue	EDITHVALE	2/11/2018	22/08/2019	alterations to existing dwelling by adding alfresco area and a rooftop	Notice of Decision	No	
KP-2019/429	34 Tennyson Street	HIGHETT	17/07/2019	23/08/2019	Subdivide the Land into Six (6) Lots	Permit	No	
KP-2017/121/A	45 Frank Avenue	CLAYTON SOUTH	13/08/2019	23/08/2019	Subdivide the Land into Two (2) Lots	Withdrawn	No	
KP-2019/266	40-46 Canterbury Road	BRAESIDE	3/05/2019	23/08/2019	Develop the land for the construction of a Warehouse on Land Subject to Inundation Overlay	Permit	No	
KP-2019/311	11 Bear Street	MORDIALLOC	22/05/2019	23/08/2019	Additions and alterations including a first floor extension to an existing dwelling in a Heritage Overlay	Notice of Decision	No	
KP-2018/886	1 37 York Street	BONBEACH	1/11/2018	23/08/2019	Develop the land to extend a single dwelling on a lot less than 300m2	Notice of Decision	No	
KP-2019/469	354 Boundary Road	DINGLEY VILLAGE	2/08/2019	23/08/2019	Distribution centre for pharmaceutical goods and retail premises (pharmacy)	Permit	No	

KP-2016/665/A	6 Edsall Street	HIGHETT	12/12/2018	23/08/2019	Develop the land for the construction of three (3) dwellings	Permit	No
KP-2017/612/A	40 Healey Street	MOORABBIN	10/07/2019	23/08/2019	Partial demolition and removal of existing buildings, and development of the land for the construction of a place of worship and retirement village in a Special Building Overlay in stages, to use the land for a place of worship, to remove an easement, a reduction of the car parking requirements and	Permit	No
KP-2018/254	51 Tootal Road	DINGLEY VILLAGE	3/04/2018	23/08/2019	Use and Development of the land for a Child Care Centre	Refused	No
KP-2019/388	489 Warrigal Road	MOORABBIN	26/06/2019	23/08/2019	Development of a Car Wash	Permit	No
KP-2017/845/A	21 James Street	MORDIALLOC	10/07/2019	23/08/2019	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2019/423	1239-1241 Nepean Highway	CHELTENHAM	11/07/2019	26/08/2019	The installation of three (3) temporary electronic signs	Permit	No
KP-2019/90	102 Beach Road	MENTONE	19/02/2019	26/08/2019	Remove vegetation and alter access to a Road Zone Category 1	Notice of Decision	No
KP-2016/322/A	31 Marcus Road	DINGLEY VILLAGE	11/04/2019	26/08/2019	Temporary closure of all market stall sites and relocation of 25 market stalls to public car park area and a waiver of bicycle parking space pursuant to Clause 52.34	Permit	No
KP-2018/506	13 Gwenda Avenue	MOORABBIN	28/06/2018	26/08/2019	Develop three (3) dwellings	Permit	No
KP-2018/602	13-14 Station Street	ASPENDALE	25/07/2018	26/08/2019	Use and develop the land for a child care centre	Permit	No
KP-2019/280	139 Lower Dandenong Road	MENTONE	13/05/2019	26/08/2019	Variation to Restriction contained within RP003283, Unit 1, Vol. 8949 Fol. 562 and Unit 2, Vol. 8949, Fol. 563 to delete the words The upper boundary of these lots is twenty feet	Withdrawn	No

						above its lower boundary		
KP-2018/264	24-30 Fonceca Street	MORDIALLOC	12/04/2018	27/08/2019	Develop the land for the construction of a waste transfer building	Permit	No	
KP-2015/661/A	124-128 Malcolm Road	BRAESIDE	12/07/2019	27/08/2019	Develop the land for the construction of an extension to an existing warehouse and use of the land for an office	Permit	No	
KP-2019/48	11 Powlett Street	MORDIALLOC	5/02/2019	27/08/2019	The development of eight (8) dwellings	Refused	No	
KP-2018/899/A	9 Isabella Street	PARKDALE	2/07/2019	27/08/2019	The development of two (2) double storey dwellings (side by side)	Permit	No	
KP-2019/435	15 The Parade	CLARINDA	18/07/2019	27/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/448	10 Poulson Street	CARRUM	22/07/2019	27/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/527	56 Fraser Avenue	EDITHVALE	26/08/2019	27/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/506	118 Mentone Parade	MENTONE	15/08/2019	27/08/2019	Building and works at the existing education facility	Permit	No	
KP-2019/484	55 Canterbury Road	BRAESIDE	6/06/2019	28/08/2019	Develop the land for the construction of building & works with ancillary office	Permit	No	
KP-2019/344	46-56 Canterbury Road	BRAESIDE	5/06/2019	28/08/2019	Develop the land for the construction of building & works	Permit	No	
KP-2019/405	15 The Boulevard	PATTERSON LAKES	2/07/2019	28/08/2019	The development of alterations and additions to a dwelling on a lot less than 300sqm	Permit	No	
KP-2011/769/A	32 Burns Avenue	CLAYTON SOUTH	13/06/2019	28/08/2019	Develop the land for the construction of four (4) double storey dwellings	Notice of Decision	No	
KP-2019/412	141 Beach Road	PARKDALE	9/07/2019	28/08/2019	Alterations to the access to a Road Zone Category 1 in accordance with the endorsed plans	Permit	No	
KP-2019/384	8 Levanswell	MOORABBIN	25/06/2019	28/08/2019	Use of the land for domestic animal	Permit	No	

	Road							
KP-2019/524	9 Biscop Road	MOORABBIN	23/08/2019	28/08/2019	boarding (dog day care centre and boarding kennel), signage and associated works in accordance with the endorsed plans extension of pool house	Withdrawn	No	
KP-2019/139	18 94-102 Keys Road	CHELTENHAM	14/03/2019	28/08/2019	Use the land for a Gymnasium	Permit	No	
KP-2019/154	9 Smith Street	CARRUM	15/03/2019	28/08/2019	Develop the land for the construction of four (4) dwellings and associated works in accordance with the endorsed plans	Permit	No	
KP-2019/406	4 Davey Street	PARKDALE	3/07/2019	28/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/95/A	7 Abbey Lane	EDITHVALE	13/05/2019	28/08/2019	The exterior addition to a building for a roof top deck	Permit	No	
KP-2019/510	7 Herald Street	CHELTENHAM	19/08/2019	28/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/517	1 8 Turner Road	HIGHETT	21/08/2019	28/08/2019	Front Fence Higher than 1.2m Associated with a Single Dwelling on a lot less that 300mq	Permit	No	
KP-2019/413	41 Royal Road	BONBEACH	10/07/2019	28/08/2019	Subdivide the Land into Three (3) Lots	Permit	No	
KP-2018/818	1482 Centre Road	CLAYTON SOUTH	9/10/2018	29/08/2019	The use and development of two (2) double storey rooming houses (side by side), and the alteration of access to a road in a Road Zone Category 1	Permit	No	
KP-2019/532	34 Kelmar Street	CHELTENHAM	28/08/2019	29/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/395	21 James Street	MORDIALLOC	28/06/2019	29/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/516	5 Eden Street	CHELTENHAM	21/08/2019	29/08/2019	Subdivide the Land into Two (2) Lots	Permit	No	
KP-2019/328	8 Barwon Court	CLAYTON SOUTH	3/06/2019	29/08/2019	Develop the land for the construction of two (2) dwellings	Permit	No	
KP-2019/523	400 Warrigal Road	HEATHERTON	19/08/2019	29/08/2019	Buildings and Works in a Heritage Overlay	Permit	No	

KP-2016/1055/D	254-258 Chesterville Road	MOORABBIN	15/05/2019	29/08/2019	Use and development of the land for office, food and drink premises(caf�)/convenience shop, restricted retail, restaurant and retail (market), tavern, industry (brewery), Restricted Recreation Facility (Yoga Studio), sale and consumption of liquor for a General licence for the tavern, for the displ	Permit	No
KP-2019/256	1 244 Nepean Highway	EDITHVALE	30/04/2019	29/08/2019	Use land to consume liquor under a General license associated with a food and drinks premises (bar/caf�) and associated works	Permit	No
KP-2018/893/A	Shop 37 105 Cochranes Road	MOORABBIN	13/06/2019	29/08/2019	use the land for the sale and consumption of alcohol (restaurant and caf� licence) in conjunction with a food and drink premises (caf�) and alter the hours of operation.	Permit	No
KP-2019/501	6 Gainsborough Road	MENTONE	15/08/2019	29/08/2019	Alterations and additions to a dwelling in a Special Building Overlay	Permit Not Required	No
KP-2019/502	29 Deepwater Drive	WATERWAYS	13/08/2019	30/08/2019	Erect a 3x3.7m Patio	Permit Not Required	No
KP-2019/526	400 Warrigal Road	HEATHERTON	23/08/2019	30/08/2019	Develop the land for the construction of building and works	Withdrawn	No
KP-2019/468	1 4 Riviera Street	MENTONE	2/08/2019	30/08/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2019/398	1 5 Lower Dandenong Road	MENTONE	1/07/2019	30/08/2019	Subdivide the Land into Three (3) Lots	Permit	No
KP-2019/477	27 Burns Avenue	CLAYTON SOUTH	5/08/2019	30/08/2019	Subdivide the Land into Four (4) Lots	Permit	No
KP-2019/540	35 Bethell Avenue	PARKDALE	29/08/2019	30/08/2019	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/530	Unit 1 72 White Street	MORDIALLOC	26/08/2019	30/08/2019	Develop the land for building & works on land within a Special	Permit	No

					Building Overlay		
KP-2019/269	28-36 Japaddy Street	MORDIALLOC	6/05/2019	30/08/2019	The development of the land for five (5) warehouses, forty-six (46) storage units and associated works in accordance with the endorsed plans	Permit	No
KP-2019/462	19 Rosewarne Avenue	CHELTENHAM	30/07/2019	30/08/2019	Subdivide the Land into Two (2) Lots	Permit	No

Planning Committee Meeting

18 September 2019

Agenda Item No: 4.2

KP-2018/934 - 22 STAYNER GROVE, MOORABBIN

Contact Officer: Rochelle Reinhardt, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2018/934 - 22 Stayner Grove Moorabbin.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for three (3) dwellings and the removal of an easement at 22 Stayner Grove Moorabbin, subject to the conditions contained within this report.

This application requires a decision by Council, following a call in by Cr Staikos.

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2018/934 - 22 Stayner Grove Moorabbin.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

EXECUTIVE SUMMARY			
Address	22 Stayner Grove Moorabbin		
Legal Description	Lot 75 on PS 034504		
Applicant	Design Subdivide Build		
Planning Officer	Rochelle Reinhardt		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 3 Zone		
Overlays	None		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.02 – Easements, Restrictions and Reserves Clause 52.06 – Car Parking		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot Clause 52.02 – To create, vary or remove an easement		
APPLICATION / PROCESS			
Proposal	The construction of three (3) dwellings and the removal of an easement		
Reference No.	KP-2018/934	RFI Received	5 April 2019
App. Received	21 November 2018	App. Amended	Yes - 23 July 2019 & 16 August 2019
Site inspection	Yes		
S.52 Advertising	Commenced: 15 April 2019	Advertising Completed	Yes – 6 May 2019
S.55 Referrals	South East Water		
Internal referrals	Yes		
Objection(s)	Thirteen (TRIM checked on 9/08/2019)		
Mandatory Garden area requirement	Complies	Mandatory Building Height requirement	Complies
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP Considered Plans	EXEMPT Design Subdivide Build, Drawing No. A101-115 inclusive, dated 30 January 2019 (Drawings A101, A113, A114, A115) and 16 August 2019 (Drawings A103, A105, A106, A109). Nilsson, Noel & Holmes (Surveyors) Pty Ltd, Drawing No. 8532RE, Sheet 1 and 2, Version 1, submitted on 31 January 2019. Sun 'N' Shade Ptd Ltd, Landscape Plan, dated 6 July 2019, submitted on 16 July 2019.		

1.0 RELEVANT LAND HISTORY

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

2.0 SITE PARTICULARS



Built form	A single storey, brick, dwelling and associated buildings occupy the land. The existing dwelling is set back 9.3 metres from its respective front property boundary.
Size (m²)	1011m ²
Topography	The land has a slope of 1 metre that falls from west to east.
Fencing	A low brick fence exists on the front boundary and 2 metre high timber paling fencing exists on the side and rear boundaries of the site.
Vegetation	Several <i>Callistemon</i> sp. (Bottlebrush), a Coastal Tea tree (<i>Leptospermum laevigatum</i>), and a mature <i>Cupressus</i> sp. (Cypress) exist in the rear private open space.
Easement(s)	A 1.83m wide E-1 easement is located along the site's east (side) and south (rear) property boundaries.
Footpath assets / access	One (1) existing crossover adjacent to the east (side) common boundary. A power pole, Telstra pit and street tree are located along the frontage.

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	A three (3) dwelling development at No. 13 Stayner Grove is located opposite the subject site. The development was approved under Planning Permit KP-2008/988 and included two (2) double storey and one (1) single storey dwellings. Unit 2 and 3 are accessed via the common driveway and Unit 1 is provided with separate access on the west side of the frontage. The dwellings are constructed of render and brick with pitched tile roofing and render and metal front fencing.
East	The eastern boundary of the subject site is adjoined by five (5) properties which are described as follows: No. 1034 Nepean Highway – A single storey brick dwelling with a pitched tile roof. The dwelling is oriented to face Stayner Grove and includes vehicle access via both the Nepean Highway service lane and Stayner Grove. This dwelling is set back 1.84 metres from Stayner Grove.

	No. 1036, 1038, 1040A and 1040B Nepean Highway - Each dwelling is orientated to face Nepean Highway. The dwellings are set back between 8 and 13 metres from the boundary common with the subject site. Two (2) single storey detached brick dwellings with pitched tile roofing exist at No. 1036 and 1038 Nepean Highway. No. 1040 Nepean Highway was developed for two (2) double storey semi-detached dwellings under Planning Permit KP-2008/950. The dwellings are constructed of brick, render and cladding with pitched tile roofing.
South & south west	<p>No. 157A and 159 Wickam Road – A single storey detached dwelling exists on each lot. The dwellings are constructed of brick with pitched tile roofing and are set back between 7.2 and 16 metres from the boundary common with the subject site. A mature <i>Melaleuca</i> sp. (Paperbark) exists within the rear private open space of No. 157A Wickam Road.</p> <p>No. 161 and 161A Wickam Road – Two (2) semi-detached single storey dwellings exist on the lots and appear as a single dwelling when viewed from the street. The dwellings are constructed of brick with pitched tile roofing and are set back over 8 metres from the rear boundary common with the subject site.</p>
West	No. 20 Stayner Grove – A single storey detached brick dwelling with pitched tile roofing and a crossover located towards the property’s west (side) of its frontage. This dwelling includes a 11.4 metre front setback from Stayner Grove, and there are several mature trees along the common boundary with the subject site, including a <i>Syzygium</i> sp. (Lilly Pilly), a <i>Cinnamomum camphora</i> (Camphor Laurel) and a <i>Corymbia calophylla</i> (Marri).

- 3.3 The subject site is located approximately 400 metres from Highett Train Station and the Highett Neighbourhood Activity Centre. Furthermore, the subject site is situated within the Principal Public Transport Network.
- 3.4 The built form character in the surrounding area is characterised by a diversity of housing stock. Stayner Grove predominately includes single storey detached dwellings. There are some double storey dwellings and one (1) three dwelling development present in the street. In contrast, the wider neighbourhood area includes multiple examples of recent residential development in the form of two and three dwellings on a lot and an apartment building within a 200 metre radius of the subject site.
- 3.5 Most dwellings in the surrounding area are generally constructed of render or brick with pitched tile roofing. The existing front fencing character of Stayner Grove is varied and includes low and high fencing constructed of timber or brick.

4.0 PROPOSAL

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

Description	Demolish the existing dwelling and associated outbuildings on the land to develop the land for the construction of three (3) dwellings and removal of an easement for drainage and sewerage.
--------------------	--

Storeys	Double storey.		
Maximum building height	7.63 metres.		
Bedrooms (including study)	Four (4) bedrooms per dwelling.		
Car parking	Six (6) spaces in total, two (2) per dwelling in the form of double garages.		
Front setback	7 metres.		
Private Open Space	Dwelling 1 47m ² of SPOS plus 57m ² of POS	Dwelling 2 80m ² of SPOS	Dwelling 3 80m ² of SPOS
Site Coverage	44.9%	Permeability	37.4%
Access	Existing crossover to be modified and shifted west.		
Vegetation removal/retention	All vegetation is proposed to be removed from the site.		
Building materials	Brick, render and tiled roof.		

5.0 PLANNING PERMIT PROVISIONS

Zone

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

Particular Provisions

5.2 **Clause 52.02 – Easements, Restrictions and Reserves** – a permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to remove an easement.

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 **six (6)** spaces for the proposed development.

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

Clause 52.06 – 8 Design standards, including vehicle movements, access width, visual splays and garaging dimensions have been reviewed and are considered compliant subject to conditions requiring the following:

- Garages to be provided with minimum internal dimensions (excluding storage areas) of 5.5m x 6.0m.
- The door opening inwards into the Garage of Dwelling 3 to be amended or demonstrated not to open into the minimum area set aside for car parking.

- 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 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 22.19 Public Open Space Contributions
- Clause 22.20 Stormwater Management
- Clause 22.21 Environmentally Sustainable Development

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 34 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. Thirteen (13) objections to the proposal were received. The grounds of objection raised are summarised as follows:

- Building over the easement and drainage
- Neighbourhood character
- Over development
- Amenity impacts
- Loss of vegetation and landscaping
- Traffic congestion
- Visual bulk
- Street setback
- Setbacks
- Overshadowing
- Overlooking
- ESD
- Estimated cost of development
- Noise

8.0 PLANNING CONSULTATION MEETING

8.1 A planning consultation meeting was held on 6 June 2019 with the relevant Planning Officer, the Permit Applicant and 11 (eleven) 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 There were no formal amendments made by the permit applicant post the advertising period.

9.2 Following the planning consultation meeting the Permit Applicant lodged amended plans on 16 July 2019, pursuant to Section 57A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:

- Alterations to the front façade of Dwelling 1
- Increase of first floor setbacks and break between Dwelling 1 and 2
- Reduction of the size of the decks
- Internal ground floor re-arrangement of Dwelling 2
- Alteration to the entrance of Dwelling 2 and 3
- Provision of a landscape plan

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- 9.3 The plans were circulated to the original objectors of 31 July 2019. One (1) further objection was received which did not add any additional concerns beyond what had already been raised.
- 9.4 It is noted that only Drawing No's. A103, A105, A106 and A109 were amended.
- 9.5 On 16 August 2019, a final set of revised plans was submitted to Council pursuant to Section 57A of the *Planning and Environment Act 1987*. These plans are generally in accordance with the plans dated 16 July 2019 but incorporated an increase to the rain garden along the north-eastern fenceline to achieve compliance with the statutory garden area requirement. Again it is noted that only Drawing No's. A103, A105, A106 and A109 were amended. It is these plans that form the basis of this recommendation and are described at section 4 of this report.

10.0 REFERRALS

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

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to the provision of an amended landscape plan, tree management and protection plan and street tree protection measures. Refer to Condition 1 (j), 1(k), and Conditions 9-12 (inclusive) of this recommendation for details.
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater management. Refer to Conditions 13 and 14 of this recommendation for details.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to provision and management of streetscape infrastructure and the inclusion of the following condition a: <ul style="list-style-type: none"> a. <i>Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Stayner Grove and all internal driveways must align with the existing / proposed vehicle crossing.</i> <p>As noted on the image below, the amended plans show the proposed modified crossover at a 90 degree alignment and aligning with the proposed driveway. Therefore, there is no reason to include the proposed condition.</p>
Traffic Engineer	No objection raised.
ESD Consultant	No objection subject to alteration to the SDA assessment and application drawings to meet Council's ESD standards. Please refer to section 11 of this report for further explanation and Conditions 1(i) and 15 of this recommendation for details.

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
South East Water	55	Determining	No	Subject to conditions included verbatim within the recommendation. Refer to Conditions 4-8 of this recommendation for details.

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:*
- 11.9.1 *not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and*
- 11.9.2 *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, a CHMP is not required. A copy of the planning questionnaire tool is attached for reference purposes.
- 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 abuttals, 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.*

- 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 22.19 (Public Open Space Contributions)** forms the prevailing policy that guides Council to apply a land or cash public open space contribution, which is applicable to all subdivision applications. This policy identifies the important role that contributions play in funding new open space areas and facilitating capital improvements to existing public open space to meet the needs of the future population growth in Kingston.
- 11.21 Whilst the application at hand does not propose to subdivide the land, it is imperative to identify at this stage of the process whether a public open space contribution requirement is likely to be applied should the site be subdivided at a later date and, if so, whether the land is located in a 'cash' or 'land' preferred area. If in a land preferred area, the proposed design and layout must be considered as it will ultimately shape the subdivision configuration and whether any land is set aside for public open space purposes.
- 11.22 The subject site is located in area 1A (Moorabbin), which is a Cash Contribution Preferred Area on Map 1 of this clause.
- 11.23 As the site is located in a 'cash' preferred area, the public open space contribution requirements will be considered and advanced at the subdivision stage of the process. As such, there is no need to consider this matter any further at this point in time.
- 11.24 **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.
- 11.25 **Clause 22.21 Environmentally Sustainable Development (ESD)** policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS/STORM). The ESD assessment was referred to Council's ESD officer who has advised the following:

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

BESS Assessment

Given a number of the BESS categories need to be updated it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS

Management 1.1 Pre-Application Meeting

Provide evidence that this has taken place, including the date of the meeting, the officers present and the sustainable design outcomes discussed.

Management 2.2 Thermal performance modelling

Current report has no preliminary ratings. To claim this point the report needs to provide a preliminary NatHERS assessment of sample units (including Firstrate, Accurate and BERS Pro).

Water 1.1 Water Efficient Fixtures

Dishwashers and washing machines have been incorrectly scoped out in the BESS assessment. The development needs to commit to providing dishwashers and washing machines part of the fitout if they are to be included within the BESS assessment with a star rating beyond "default or unrated". Please amend BESS entries accordingly.

Energy 3.4 Clothes Drying

"No clothes dryer" has been entered in BESS, provide a detail showing how the all the laundry areas are designed with no space for a dryer. If this is not the case then amend them to 1-star in BESS.

Stormwater

STORM report calculations appear to be incorrect. It indicates that there will be a total of 24 bedrooms while there only 12. Please provide accurate calculations and if not achieving best practice requirements amend stormwater strategy to comply.

If the developer is having difficulties achieving the required 100% STORM score. We suggest that the development incorporate as much stormwater treatment strategies as feasible within the site with the shortfall met with a fixed contribution towards Council managed off-site stormwater projects. For further information refer to:

<http://www.kingston.vic.gov.au/Community/Sustainability-Workshops/Sustainability-in-Council/Water-Management>

<http://www.kingston.vic.gov.au/Property-and-Development/Managing-Stormwater>

IEQ 3.2 Thermal Comfort - External Shading

Appropriate external shading needs to be provided to east, west and north facing living area and bedroom windows for this credit. Large east facing living area sliding doors do not have appropriate shading with the small overhang of roof eaves. Please amend.

Transport 1.1 Bicycle parking – residential

The BESS assessment for the project states that 6 bike parks will be provided, however there are no notations or allocation for this to occur on the drawings. Update the plans to show the layout and number of bicycle parking spaces and bike facilities mentioned in BESS.

Transport 2.1 Electric Vehicle Infrastructure

Provide the future owners the option of installing their own Electric Vehicle charge points with the provision of electrical connection points to garages.

Urban Ecology 3.1 Food Production – residential

The BESS report for the project commits to a minimum area of 15m² for food production, however this area is not shown or notated in the plans. Update the plans and/or BESS report to reflect what is being proposed.

Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology

Provide additional notes on the drawings which shows that each dwelling's private open space area will be provided with an external tap.

Therefore, it is recommended the submission of an amended SDA report be required by way of condition which responds to the abovementioned comments. It is recommended that the comments be sent to the applicant separately, should a permit be issued.

Zoning Provisions

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

Lot Size	Minimum percentage of a lot set aside as garden area
400-500m ²	25%
501-650 m ²	30%
Above 650 m ²	35%

- 11.27 It is considered that the proposal in its current format complies with the mandatory garden area requirement. A minimum of 354.8sqm or 35.09% of garden area has been provided.

Particular Provisions

- 11.28 In accordance with the decision guidelines of **Clause 52.02 (Easements, Restrictions and Reserves)**, Council must consider the interests of affected people. The proposed easement removal was referred to Council's Development Engineering Department and South East Water. As noted under section 10 of this report, both referral authorities support the removal of the easement. Therefore, it is considered appropriate to issue a planning permit for the removal of the easement, subject to conditions.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 12.1 The proposal has been assessed against the objectives and standards of **Clause 55 (ResCode)** of the Kingston Planning Scheme (refer to Appendix A). **Clause 55** requires that a development **must** meet all of the objectives, and all of the standards of this clause **should** be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.
- 12.2 The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions.

13.0 CLAUSE 55: RESCODE TABLE ASSESSMENT

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

3. *****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 with the neighbourhood character. An assessment of the existing neighbourhood character in respect to these concerns is detailed below.

The subject site is located within a residential area where the established character of Stayner Grove predominantly includes single storey detached dwellings and two (2) residential developments of two (2) and three (3) dwellings on a lot. The Character Area 34 characteristics describes an established character of detached single dwellings with varied roofing styles constructed of cream bricks. Predominantly, this description of the existing character continues to be accurate of Stayner Grove. 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.

Whilst the existing character of Stayner Grove has not yet experienced a significant shift from the traditional residential suburban character, residential developments of two (2) and three (3) dwellings on a lot have occurred in the surrounding streets. These developments have various architectural styles, increased site coverage, building height and contemporary design and materials, which are increasingly common within the wider neighbourhood.

The proposal for three (3) dwellings in a tandem arrangement behind the front dwelling ensures that the development continues to present as one (1) dwelling when viewed from the street and maintains the general rhythm and spacing in the streetscape. The proposed architectural form and materials incorporate typical characteristics such as brick, render and pitched roofing, which align with the established and emerging character. Overall, the

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>proposed development is considered to be consistent with recent approved dwellings in the area and respectful of the existing character identified in Character Area 34.</p>		
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS</p>	<p>Complies</p>
<p>Assessment: Section 11.14 of this report outlines the policy foundation of Clause 22.11, which is based on the principles outlined in the <i>Kingston Residential Strategy (September 2000)</i> and <i>Kingston Neighbourhood Character Guidelines (August 2007)</i>. In unity with the policy premise of the <i>Kingston Residential Strategy</i>, Clause 22.11 seeks to provide a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS</p> <p>Clause 22.11 nominates the site and its surrounds in a General Residential Zone Schedule 3 area for Incremental Housing Change Areas, and states:</p> <p style="padding-left: 40px;"><i>In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS. The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments.</i></p> <p>Whilst the site is situated in the Incremental Housing Change Area, which is defined as not being within convenient walking distance to public transport or activity centres, the subject site is located within walking distance to Highett Neighbourhood Activity Centre (approximately 400m to the south west), which includes the Highett Train Station. Given that the site is within convenient walking distance of activity centre, the proposal aligns with State and Local Policy that broadly encourages residential development in conveniently accessible established residential areas.</p> <p>Furthermore, it is noted that the proposed development complies with the residential development objectives included within Clause 22.11 through the provision of adequate car parking which is located at the rear of the front dwelling, two storey forms which are setback from the ground floor footprint and significantly setback from the side and rear boundaries and sufficient space for landscaping and tree planting.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>		
<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 development is for less than ten (10) dwellings.</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: 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. The removal of the easement is supported by Council's Development Engineering Department and South East Water.</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. 	N/A
	<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 Stayner Grove. No front fence is proposed. Dwelling 1 is designed to incorporate opportunities for passive surveillance from the entry and master suite at ground level. Windows within the front façade contribute to the activation of the street and sense of address. Safe access to the remaining dwellings is achieved over the common driveway. This design response therefore ensures that the front dwelling will appropriately integrate with the street whilst allowing for safe connectivity to the remaining dwellings.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.03-1 Street setback objective</p> <ul style="list-style-type: none"> ▪ To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Standard B6 Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> ▪ If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 6.6 metres</p>	Complies
<p>Assessment: The proposal meets the setback distance specified in this Standard by provided a street setback of 7 metres.</p>		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> ▪ To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7 Maximum: 9 metres (9 metres and no more than 3 storeys under GRZ3)</p>	Complies
<p>Assessment: The proposed overall building height of 7.63 metres meets the heights parameters specified in this Standard.</p>		
<p>Clause 55.03-3 Site Coverage objective</p> <ul style="list-style-type: none"> ▪ To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Standard B8 Maximum: GRZ2 – 50%</p>	Complies
<p>Assessment: The proposal achieves a site coverage statistic of 44.8%, which meets this Standard.</p>		
<p>Clause 55.03-4 Permeability objectives</p> <ul style="list-style-type: none"> ▪ To reduce the impact of increased stormwater run-off on the drainage system. ▪ To facilitate on-site stormwater infiltration. 	<p>Standard B9 At least: 20%</p>	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: The permeability figure proposed (i.e. 37.48%) 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</p> <p>Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 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
<p>Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles. Each dwelling includes open plan kitchen living areas, which are provided with dual aspect windows and sky lights. This design response is considered appropriate. An improved Sustainable Design Assessment will be required to be provided as a recommended condition of any approval, as discussed in Section 11.24 of this report.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11</p> <p>Public or communal open space should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	N/A
<p>Assessment: There is no communal private open space adjoining the site.</p>		
<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> ▪ To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways. 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
<p>Assessment: The proposal provides an acceptable level of consideration for safety & security of residents. This is evidenced by the visible, identifiable and accessible dwelling entries. Each entrance, which include porch features, are visible from the street or the beginning of the common driveway. This outcome is considered appropriate for the shape of the site, which is narrow at the front boundary and widens at the rear. Furthermore, windows have been incorporated into the front façade of each dwelling, adjacent to the entrances, to allow for passive surveillance of the streetscape and common driveway.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.03-8 Landscaping objectives <ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	Standard B13 In summary, landscape layout & design should: <ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ Provide a safe, attractive and functional environment for residents. In summary, development should: <ul style="list-style-type: none"> ▪ Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. ▪ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ▪ Specify landscape themes, vegetation (location and species), paving and lighting. 	Complies
Assessment: The application provides adequate space for the planting of various species, including canopy trees. As a condition of any permit issued, an amended landscape plan will be required.		
Clause 55.03-9 Access objective <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Standard B14 The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Complies
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies
Assessment: The proposal raises no concern with respect to traffic or access related matters. The modified crossover would form 24.6% of frontage of the site and allows for the retention of one (1) on street car parking space, thereby complying with the standard.		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>	<p>Complies</p>
<p>Assessment: Each dwelling is provided with convenient internal access to each associated garage. Furthermore, the Dwelling 1 east facing kitchen window is setback 1 metre from the common driveway and has a window sill 1.7 metres above the common driveway. Therefore, the proposal raises no concern with respect to the layout and design of on-site car parking and complies with the standard.</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 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>Complies</p>
<p>Assessment: The proposed ground floor and first floor side and rear setbacks satisfy and in most cases exceed the requirements of 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</p>
<p>Assessment: The proposed wall on the eastern boundary, with a length of 6.5 metres and a height of 3.2 metres, complies with the standard.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.04-3 Daylight to existing windows objective <ul style="list-style-type: none"> ▪ To allow adequate daylight into existing habitable room windows. 	Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m ² and minimum dimension of 1m clear to the sky.	Complies
	Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	Complies
<p>Assessment: Each existing neighbouring habitable rooms window which is orientated to face the subject site is setback over 5 metres from the common boundary with the subject site. Therefore, the minimum proposed side and rear setback of 1.4 metres comply with the standard and ensure that the neighbouring existing windows continue to receive appropriate daylight access.</p>		
Clause 55.04-4 North facing windows objective <ul style="list-style-type: none"> ▪ To allow adequate solar access to existing north-facing habitable room windows. 	Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)	Complies
<p>Assessment: All neighbouring north facing habitable room windows which are orientated to face the subject site are setback over 5 metres from the common boundary.</p>		
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
<p>Assessment: Whilst the proposal results in minor increases in shadowing of open space, each neighbouring area of secluded private open space will continue to receive an appropriate amount of sunlight in accordance with the requirements of the standard.</p> <p>It is noted that the shadow diagrams previously advertised were not updated when the development plans were amended under Section 57A. Whilst the shadow diagrams were not updated, the Section 57A amendments made no change to the ground floor footprint and reduced the size of the first floor footprint, therefore, the original shadow diagrams are an adequate representation of the potential shadow impacts from the proposed development.</p>		
Clause 55.04-6 Overlooking objective	Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within	Complies

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To limit views into existing secluded private open space and habitable room windows. 	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. 	
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	Complies
	Screens used to obscure a view should be: <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. 	Complies
<p>Assessment: Existing 2 metre high timber paling fences exist on the side and rear boundaries of the site to ensure the proposal will not result in overlooking from the ground floor.</p> <p>All first floor habitable room windows that are orientated towards a common boundary are either setback over 9 metres from the neighbouring properties or have been screened with fixed and obscure glazing to 1.7 metres above floor level or have sill heights of at least 1.7 metres above the floor level, in accordance with the requirements of the standard, with the exception of the first floor north facing Master Bedroom 2 windows within Dwelling 3. Therefore, it is recommended the following condition be included on any permit issued:</p> <ul style="list-style-type: none"> • the north facing first floor Master Bedroom 2 windows within Dwelling 3 designed in accordance with Clause 55.04-6 (Standard B22); and • the materials and colours schedule updated to state that Obscure Frosted Glass is to be a maximum of 25% transparent <p>Refer to Conditions 1(a) and 1(b) of this recommendation for further details.</p>		
Clause 55.04-7 Internal views objective <ul style="list-style-type: none"> ▪ To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.	Complies
<p>Assessment: No unreasonable internal overlooking will occur. All first floor windows are either orientated away from the proposed areas of secluded private open space, or screened as specified under the assessment against Standard B22.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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
<p>Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed. The proposed air conditioner units are situated away from existing neighbouring habitable room windows which is considered appropriate. Furthermore, it is recommended the general amenity condition be included on any permit issued relating to externally-located heating and cooling units, exhaust fans and the like to ensure no future amenity issues relating to noise arise.</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</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
<p>Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility, given that each entrance is at the ground floor. Furthermore, each dwelling includes an open plan kitchen, living and dining room and bedroom at the ground floor which ensures that the needs of people with limited mobility were considered and complies with this standard.</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</p> <p>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. 	Variation sought
<p>Assessment: The proposed entry to Dwelling 1 is located at the front of the site and is clearly visible from the public realm. Whilst the proposed entrances to Dwelling 2 and 3 are slightly hidden behind the lounge and kitchen of Dwelling 1, the entrances would be visible and easily identifiable from half way into the common driveway. This outcome is considered appropriate due to the shape of the site, being narrow at the front and wide at the rear. Furthermore, each entrance includes an area of weather protected transitional space which ensures that each dwelling would have its own sense of identity and be clearly identifiable.</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</p> <p>HRW should be located to face:</p>	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<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>Assessment: Each proposed habitable room window is orientated to face outdoor space clear to the sky, which complies with the standard.</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
<p>Assessment: Each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above for four (4) bedroom dwellings (80 sq. metres) and will service the social, recreational and passive needs of future residents.</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>	Complies
	<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
<p>Assessment: Whilst the proposed areas of secluded private open space are not located on the northern side of the dwellings, there is no south facing secluded private open space proposed as part of this development. Each area of secluded private open space is located on the west, south west or south east side which allows for an appropriate level of solar access for site.</p>		
<p>Clause 55.05-6 Storage objective</p> <ul style="list-style-type: none"> ▪ To provide adequate storage facilities for each dwelling. 	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	Complies
<p>Assessment: Secure storage areas have been provided for each dwelling within their respective garages; however, these have not been dimensioned. A condition of approval will require storage areas to be located so as not to conflict with the area set aside for car parking; and to be fully dimensioned.</p>		
<p>Clause 55.06-1 Design Detail objective</p>	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing 	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To encourage design detail that respects the existing or preferred neighbourhood character 	<ul style="list-style-type: none"> ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	
<p>Assessment: The surrounding area includes a character of typical suburban detached brick or render dwellings with pitched tile roofing, eaves and front porch elements. Furthermore, the surrounding colour palette is diverse and includes red, yellow, white and various shades of grey.</p> <p>The proposed dwellings incorporate the abovementioned architectural features into the building design to ensure the proposal respects the existing character of Stayner Grove, such as brick and render facades, pitched tile roofing, eaves and a front porch to face Stayner Grove. Additionally, the proposed colour palette aligns with the existing colours within the streetscape and are considered appropriate for a contemporary residential development.</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</p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p>	N/A
	<p>Schedule to GRZ2/3: A front fence within 3m of a street should not exceed: 2m for streets in a RDZ1 or 1.2m for other streets</p>	N/A
<p>Assessment: No front fencing is proposed as part of this development application.</p>		
<p>Clause 55.06-3 Common property objectives</p> <ul style="list-style-type: none"> ▪ To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. ▪ To avoid future management difficulties in areas of common ownership. 	<p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	Complies
<p>Assessment: Where common property is proposed, it is functional, clearly delineated from the private areas, 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</p> <p>Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	Complies

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: Site services such as mailboxes, clotheslines and bin/recycling storage locations have been nominated on the respective plans and located appropriately within the common property or in the areas of private open space. A condition of any approval would require the meter box located adjacent to the driveway to be screened or enclosed in such a manner as to be compatible with the surrounding development and not visually intrusive on the streetscape. Refer to Condition 1(h) of this recommendation for details.</p>		

14.0 RESPONSE TO GROUNDS OF OBJECTIONS

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

14.2 The following objector concerns, however, remain outstanding:

Ground(s)	Response
Estimated cost of development	The concern raised about the proposed cost of development relates was also initially raised by the Planning Department in the formal request for further information letter. In response, the applicant revised the proposed development cost and provided a Metropolitan Planning Levy certificate.

15.0 CONCLUSION:

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

15.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

15.3 The proposed development is considered appropriate for the Site, subject to conditions, as evidenced by:

- The compatibility of the design and siting with the surrounding area
- The mitigation of off-site amenity impacts
- A suitable level of compliance with all relevant policies, including **Clause 55** of the Kingston Planning Scheme

15.0 RECOMMENDATION

15.1 That the Planning Committee determine to support the proposal and issue a **Notice of Decision to Grant a Permit** to develop the land for three (3) dwellings and remove an easement at 22 Stayner Grove, Moorabbin, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the amended plans prepared by Design Subdivide Build, Drawing No. A101-115 inclusive, dated 16 July 2019, submitted to Council on 16 July 2019, but modified to show:
 - a. the north facing first floor Master Bedroom 2 windows within Dwelling 3 designed in accordance with Clause 55.04-6 (Standard B22)

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- b. the materials and colours schedule updated to state that Obscure Frosted Glass is to be a maximum of 25% transparent
- c. garages to be provided with minimum internal dimensions (excluding storage areas) of 5.5m x 6.0m.
- d. the door opening inwards into the Garage of Dwelling 3 to be amended or demonstrated not to open into the minimum area set aside for car parking.
- e. externally accessible storage to each dwelling to be fully dimensioned. Storage areas must be located outside of the minimum 5.5m x 6.0m space assigned for car parking within each garage.
- f. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- g. the surface material of all driveways / accessways nominated in all-weather coloured concrete sealcoat, or similar;
- h. all relevant commitments identified within the Sustainable Design Assessment, required under condition 15 of this permit, shown on plans;
- i. the provision of a landscape plan substantially in accordance with the submitted landscape plan prepared by Sun 'n' Shade (6/07/19), with such plans to be prepared to the satisfaction of the Responsible Authority and amended to show:
 - i) a survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - ii) the deletion of the concrete path to the front porch with access to be provided by pavers located at least 3 m south west of the proposed crossover and driveway;
 - iii) the replacement of the *Waterhousea floribunda* (Weeping Lilly Pilly) with an *Acacia melanoxylon* (Blackwood) to be located outside the canopy of the neighbouring *Syzygium paniculatum* (Tree 17) within the front setback of the property;
 - iv) the *Tristaniopsis laurina* (Kanooka) to be located outside the canopies of the neighbouring trees; *Cinnamomum camphora* (Tree 15), *Photinia x fraseri* 'Robusta' (Tree 14) and *Coprosma repens* (Tree 13);
 - v) the reduction of the decking in each secluded private open space to allow a minimum of 0.5 metres between the deck and the timber edge of the garden beds located along the western and southern boundary of the property;
 - vi) the location of any tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
 - vii) the location of raingardens in accordance with the endorsed development plans.
- j. the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
- k. any changes as required by Conditions 13 and 14 of this Permit.

Endorsed Plans

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

South East Water

POTABLE WATER

4. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.

SEWER

5. 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.

GENERAL

6. South East Water has no objection to the removal of easement.
7. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
8. All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.

Street Trees

9. 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.

Tree Management and Protection

10. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.

- v) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
- vi) Any pruning to be undertaken being in accordance with AS4373-2007.
- b. A Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide details of:
 - i) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - ii) How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iii) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - iv) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- 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.

Drainage and Water Sensitive Urban Design

- 13. 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 14a, 14b & 14c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 14. 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 9.1L/s.
- c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

15. 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.

Infrastructure and Road Works

16. 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.
17. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
18. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
19. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
23. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

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

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

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

Time Limits

27. 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.
 - The plan of removal of easement is not certified within two (2) years from the date of this permit.
 - The plan of removal of easement is not registered within five (5) years of the date of certification.

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

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

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

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

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

Note: 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.

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.

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

AGREEMENT OPTIONS

The following South East Water agreement options are available:

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

To lodge an application please visit our website: www.southeastwater.com.au.

OR

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

1. The proposal is not consistent the General Residential Zone 3 at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
2. The proposed extent of massing is visually intrusive and unresponsive to the context of the site and would result in unreasonable amenity impacts on adjoining properties.
3. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area.

Appendices

Appendix 1 - KP-2018/934 - 22 Stayner Grove, Moorabbin - Considered Plans for
Planning Committee meeting 18 September 2019 (Ref 19/223690)

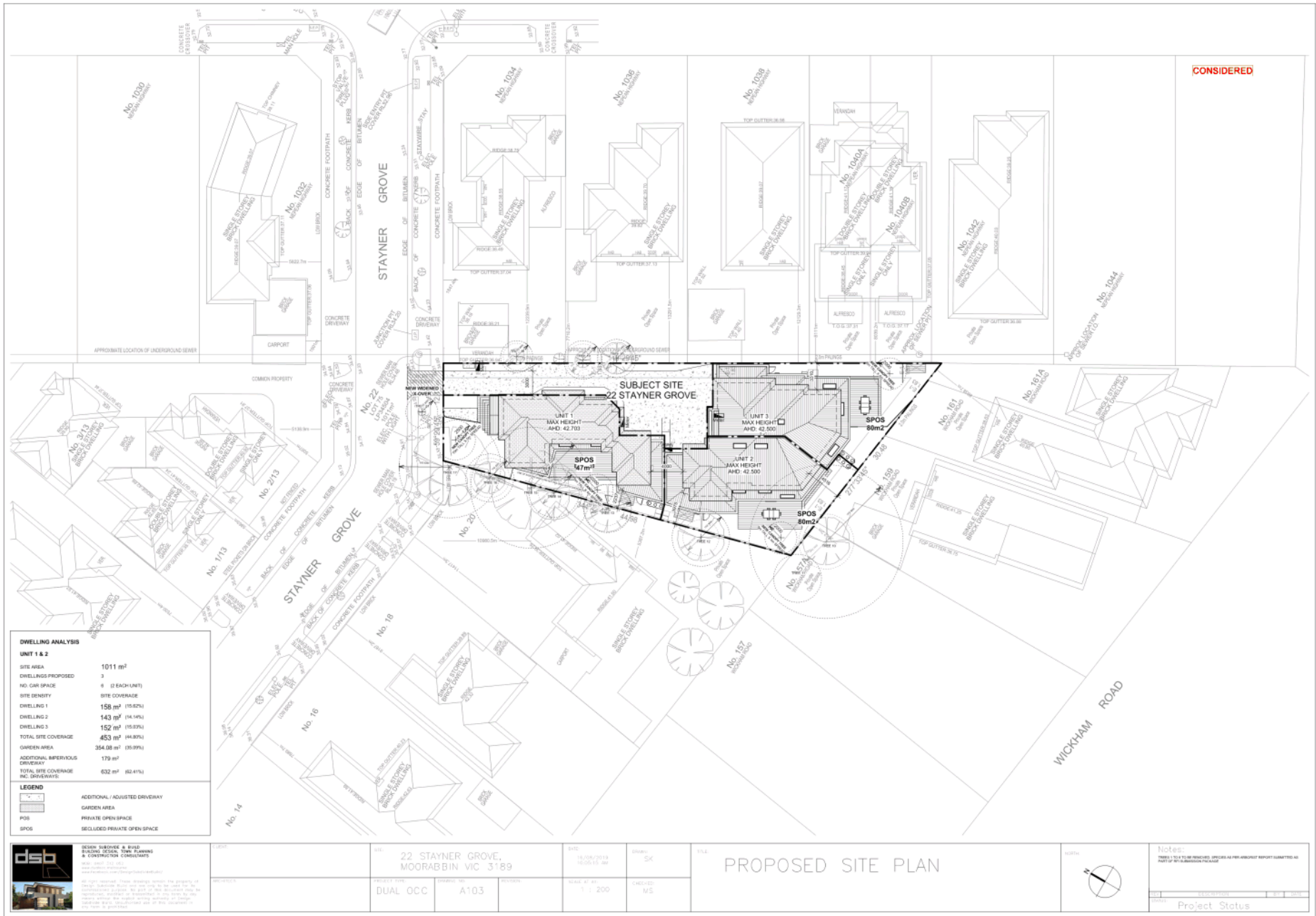


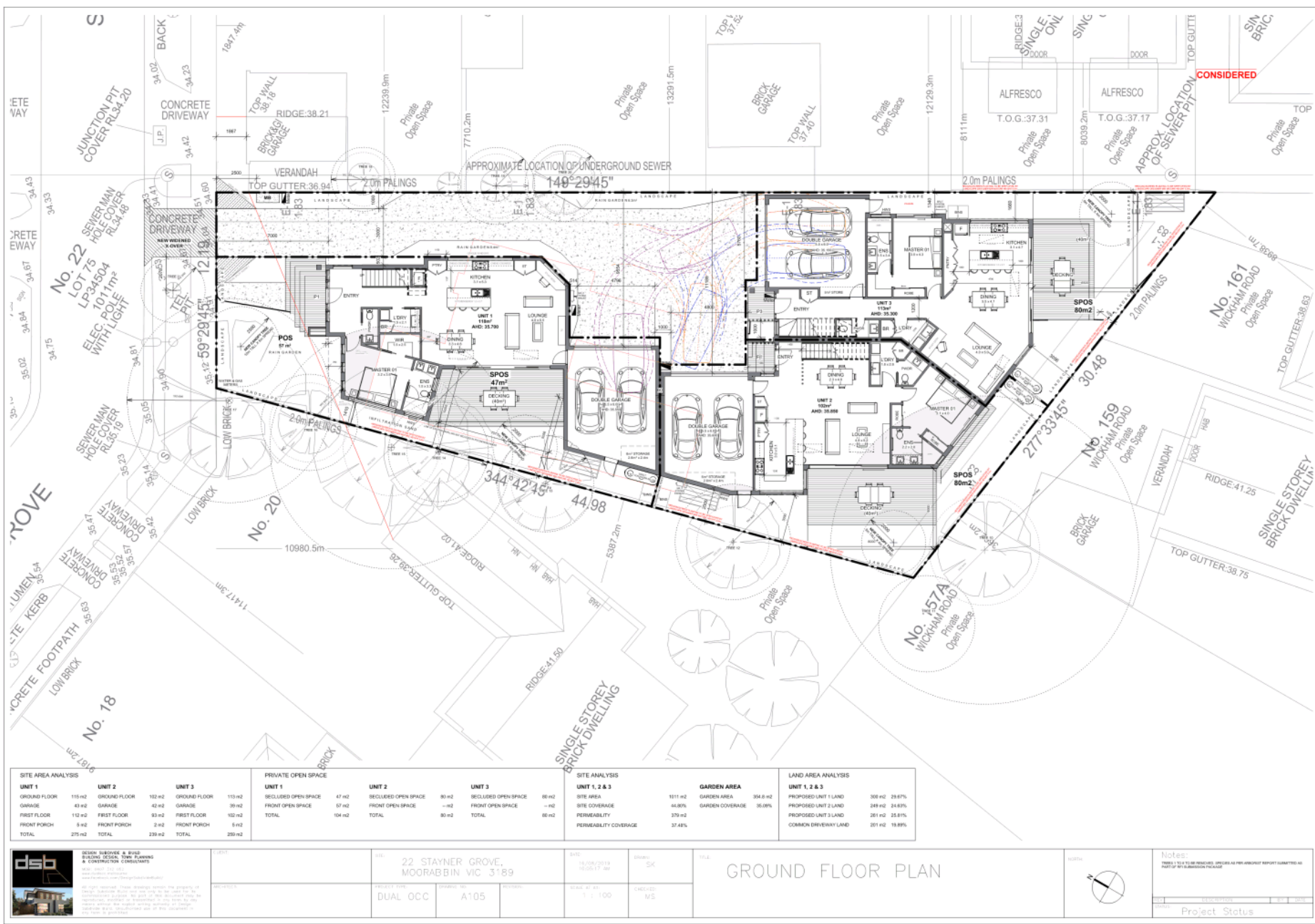
Author/s: Rochelle Reinhardt, Statutory Planner
Reviewed and Approved By: Ian Nice, Manager City Development
Jennifer Roche, Team Leader Statutory Planning

4.2

KP-2018/934 - 22 STAYNER GROVE, MOORABBIN

- 1 KP-2018/934 - 22 Stayner Grove, Moorabbin - Considered
Plans for Planning Committee meeting 18 September 2019..... 57**

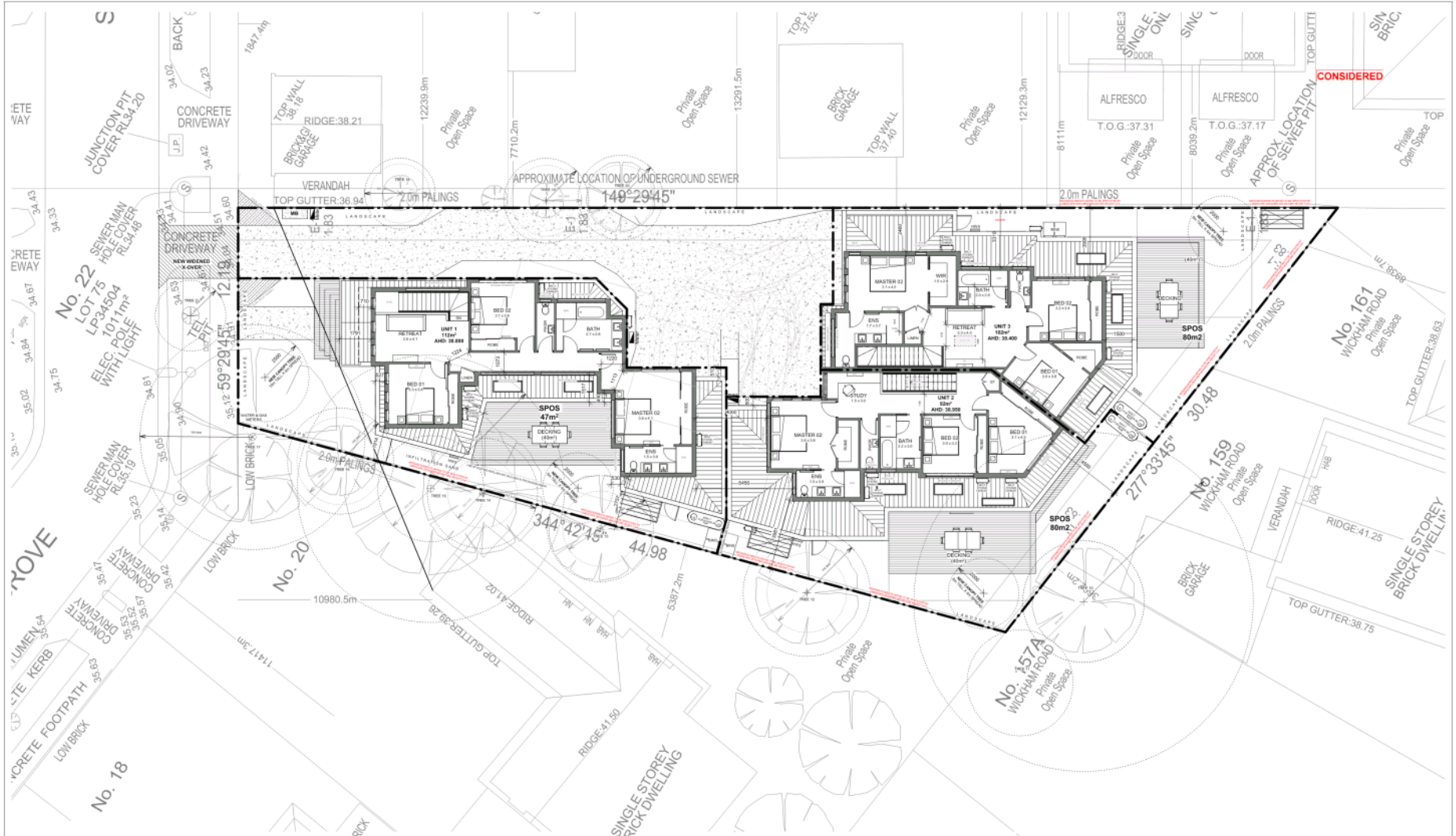




SITE AREA ANALYSIS				PRIVATE OPEN SPACE			SITE ANALYSIS			GARDEN AREA		LAND AREA ANALYSIS	
UNIT 1	UNIT 2	UNIT 3		UNIT 1	UNIT 2	UNIT 3	UNIT 1, 2 & 3			UNIT 1, 2 & 3			
GROUND FLOOR 115 m ²	GROUND FLOOR 122 m ²	GROUND FLOOR 113 m ²		RECLUSED OPEN SPACE 47 m ²	RECLUSED OPEN SPACE 80 m ²	RECLUSED OPEN SPACE 86 m ²	SITE AREA 1911 m ²	GARDEN AREA 304.8 m ²	PROPOSED UNIT 1 LAND 308 m ²	26.0%			
GARAGE 43 m ²	GARAGE 42 m ²	GARAGE 39 m ²		FRONT OPEN SPACE 57 m ²	FRONT OPEN SPACE -- m ²	FRONT OPEN SPACE -- m ²	SITE COVERAGE 48.0%	GARDEN COVERAGE 36.0%	PROPOSED UNIT 2 LAND 284 m ²	24.8%			
FIRST FLOOR 112 m ²	FIRST FLOOR 83 m ²	FIRST FLOOR 102 m ²		TOTAL 104 m ²	TOTAL 80 m ²	TOTAL 86 m ²	PERMEABILITY 37.9%		PROPOSED UNIT 3 LAND 261 m ²	25.8%			
FRONT PORCH 5 m ²	FRONT PORCH 2 m ²	FRONT PORCH 5 m ²					PERMEABILITY COVERAGE 37.4%		COMMON DRIVEWAY LAND 201 m ²	19.8%			
TOTAL 275 m ²	TOTAL 239 m ²	TOTAL 259 m ²											



<p>DESIGN ARCHITECTS & BUILDING DESIGN, SURVEYING & CONSTRUCTION CONSULTANTS</p> <p>10/100 STAYNER GROVE, MOORABBIN VIC 3189</p> <p>TEL: 03 9594 1111</p> <p>WWW.OSODSIGNARCHITECTS.COM.AU</p>	<p>CLIENT: 22 STAYNER GROVE, MOORABBIN VIC 3189</p> <p>PROJECT TYPE: DUAL OCC</p> <p>DESIGN NO: A105</p> <p>REVISION: --</p> <p>SCALE: AS SHOWN</p> <p>DRAWN: SK</p> <p>CHECKED: MS</p>	<p>DATE: 18/09/2019</p> <p>TIME: 10:57 AM</p> <p>SCALE: 1:100</p>	<p>TITLE: GROUND FLOOR PLAN</p>	<p>NOTES:</p> <p>REFER TO ALL DRAWINGS AND ALL PERMIT REPORTS SUBMITTED AS PART OF THIS SUBMISSION PACKAGE</p> <p>Project Status</p>
--	---	---	---------------------------------	--



SITE AREA ANALYSIS				PRIVATE OPEN SPACE			SITE ANALYSIS			GARDEN AREA		LAND AREA ANALYSIS	
UNIT 1	UNIT 2	UNIT 3		UNIT 1	UNIT 2	UNIT 3	UNIT 1, 2 & 3			UNIT 1, 2 & 3			
GROUND FLOOR 115 m ²	GROUND FLOOR 122 m ²	GROUND FLOOR 113 m ²	RECLUSED OPEN SPACE 47 m ²	RECLUSED OPEN SPACE 80 m ²	RECLUSED OPEN SPACE 86 m ²	RECLUSED OPEN SPACE 86 m ²	RECLUSED OPEN SPACE 191 m ²	GARDEN AREA 304 m ²	PROPOSED UNIT 1 LAND 300 m ²	25.87%	PROPOSED UNIT 2 LAND 284 m ²	24.69%	
GARAGE 43 m ²	GARAGE 42 m ²	GARAGE 39 m ²	FRONT OPEN SPACE 57 m ²	FRONT OPEN SPACE -- m ²	FRONT OPEN SPACE -- m ²	FRONT OPEN SPACE -- m ²	FRONT OPEN SPACE 104 m ²	GARDEN COVERAGE 35.06%	PROPOSED UNIT 3 LAND 261 m ²	25.81%	COMMON DRIVEWAY LAND 201 m ²	19.89%	
FIRST FLOOR 112 m ²	FIRST FLOOR 83 m ²	FIRST FLOOR 102 m ²	TOTAL 104 m ²	TOTAL 80 m ²	TOTAL 86 m ²	TOTAL 86 m ²	TOTAL 379 m ²	PERMEABILITY COVERAGE 37.48%					
FRONT PORCH 5 m ²	FRONT PORCH 2 m ²	FRONT PORCH 5 m ²											
TOTAL 275 m ²	TOTAL 239 m ²	TOTAL 259 m ²											

DESIGN ARCHITECTS & BUILDERS
RESIDENTIAL, COMMERCIAL, INDUSTRIAL PLANNING & CONSTRUCTION CONSULTANTS

CLIENT: 22 STAYNER GROVE, MOORABBIN VIC 3189

PROJECT TYPE: DUAL OCC

DESIGN NO: A106

REVISION: 1

SCALE: AS SHOWN

CHECKED: MS

DATE: 18/08/2019

DRAWN: SK

TITLE: FIRST FLOOR PLAN

Notes:

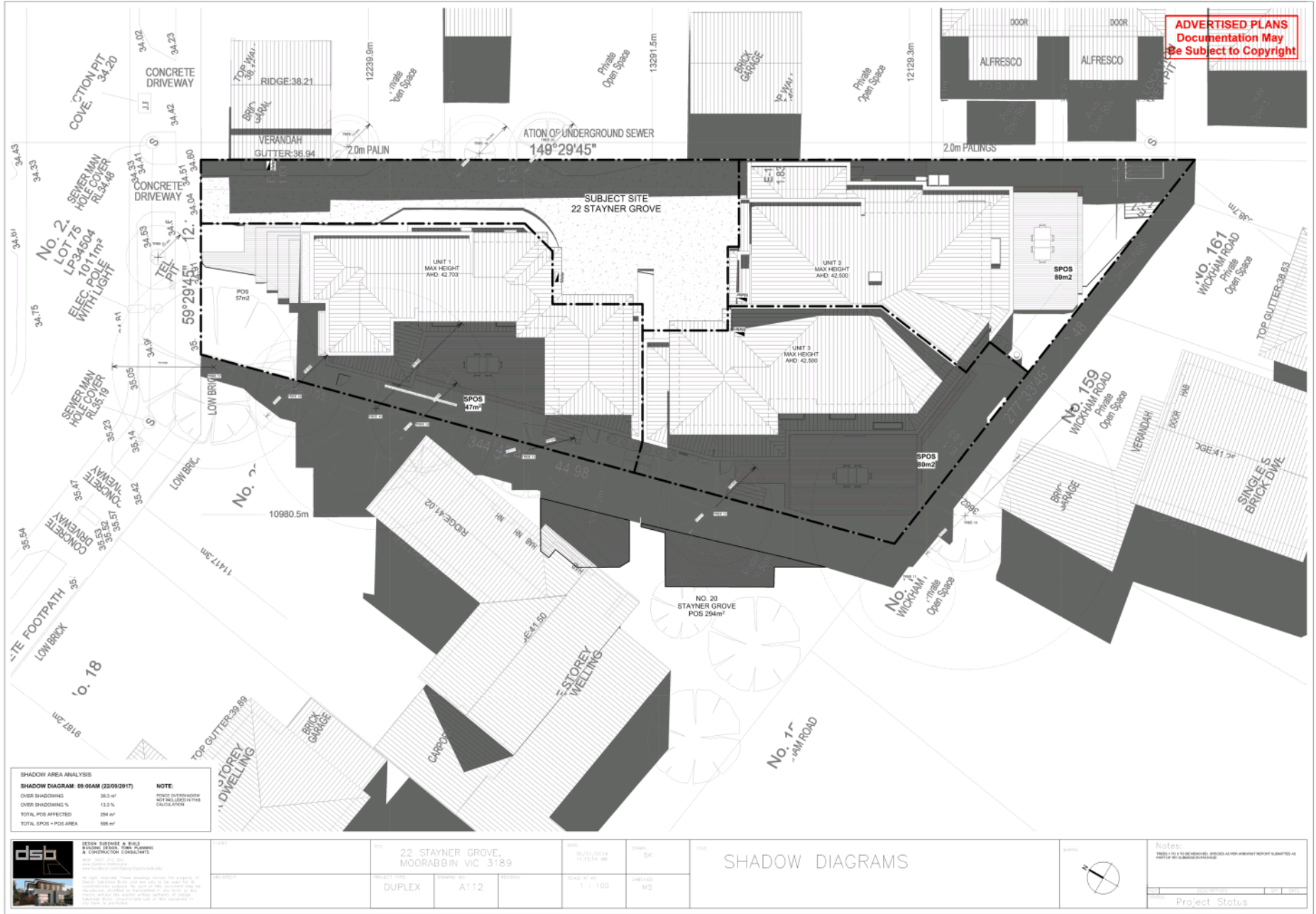
1. ALL DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



SHADOW AREA ANALYSIS

SHADOW DIAGRAM: 09:00AM (22/09/2017)

COVER SHADOWING	36.2%	NOTE: SHADE OVERSHADOWING NOT BEING USED IN THIS CALCULATION
COVER SHADOWING %	13.5%	
TOTAL POE AFFECTED	284 m ²	
TOTAL SPOS + POS AREA	586 m ²	



DATE	22/09/2019	TIME	11:53:41 AM
PROJECT	22 STAYNER GROVE, MOORABBIN VIC 3189	DRAWN	SK
PROJECT TYPE	DUPLEX	REVISION	MS
DRAWING NO.	A112	SCALE	1 : 100

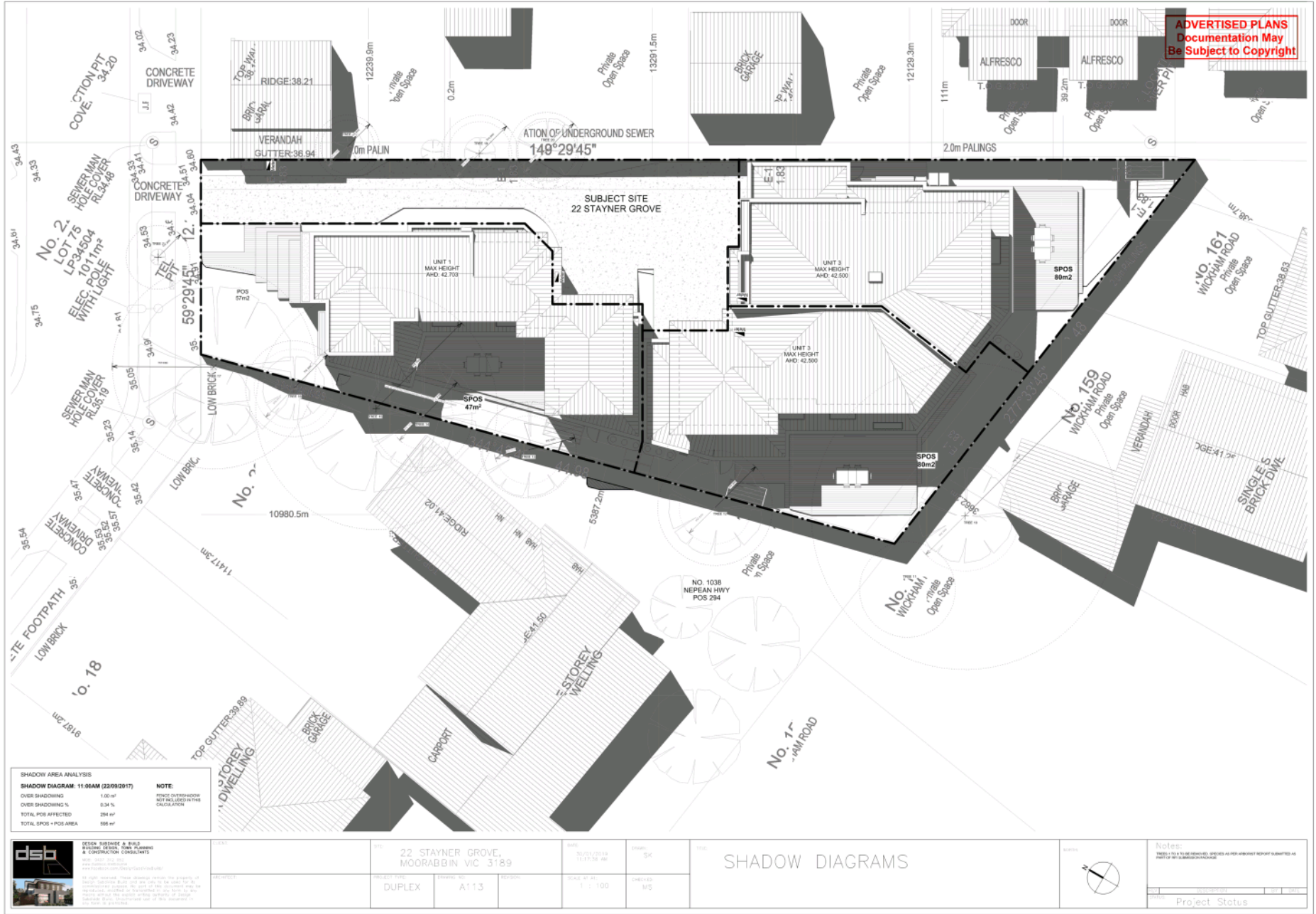
SHADOW DIAGRAMS	

Notes:

REFER TO A PLAN APPROVAL, APPROVED AS PER APPROVAL REPORT SUBMITTED AS PART OF THE SUBMISSION PROCESS.

DATE	DESCRIPTION	BY

Project Status



SHADOW AREA ANALYSIS	
SHADOW DIAGRAM: 11:00AM (22/09/2017)	NOTE:
COVER SHADOWING: 1.00%	HEIGHT OVERSHADOW NOT RECORDED IN THIS CALCULATION
COVER SHADOWING %: 0.34 %	
TOTAL POE AFFECTED: 384 m²	
TOTAL SPOS + POE AREA: 586 m²	

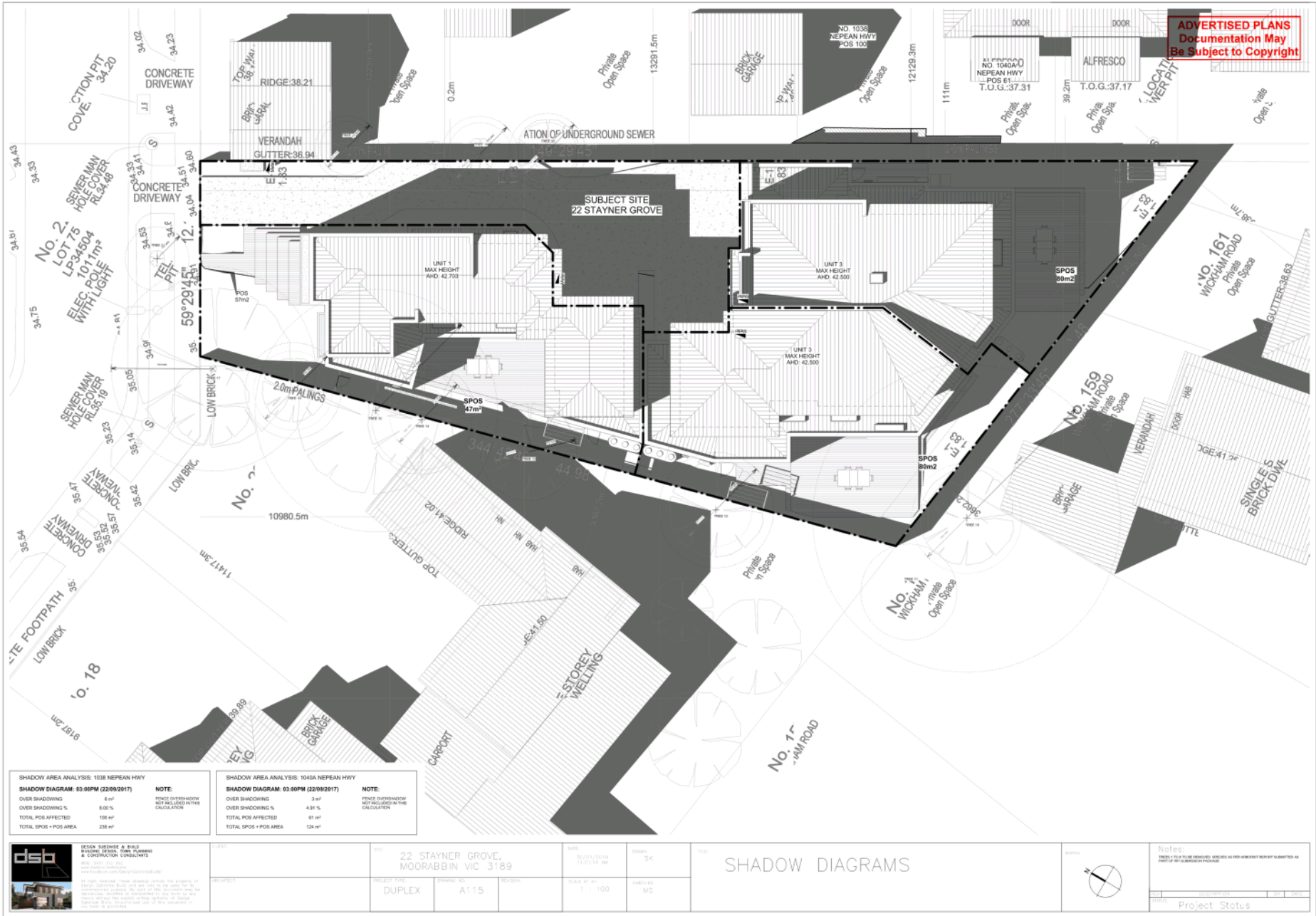


CLIENT	22 STAYNER GROVE, MOORABBIN VIC 3189	DATE	22/09/2019 11:17:59 AM	DRAWN	SK
PROJECT	DUPLEX	REVISION NO.	A113	SCALE AT A1	1 : 100
				UNITS	MS

SHADOW DIAGRAMS	
Notes:	
PLEASE REFER TO THE SHADOWING ANALYSIS AS PER ATTACHED REPORT SUBMITTED AS PART OF THE SUBMISSION PROCESS.	
Project Status	

North arrow pointing up.

Scale bar: 0m, 10m, 20m.



SHADOW AREA ANALYSIS: 1036 NEPEAN HWY

SHADOW DIAGRAM: 03:00PM (22/09/2017)	NOTE: PRICE OVERSHADOW NOT INCLUDED IN THIS CALCULATION
COVER SHADOWING: 6.00%	
TOTAL POS AFFECTED: 100 m ²	
TOTAL SPOS + POS AREA: 238 m ²	

SHADOW AREA ANALYSIS: 1046A NEPEAN HWY

SHADOW DIAGRAM: 03:00PM (22/09/2017)	NOTE: PRICE OVERSHADOW NOT INCLUDED IN THIS CALCULATION
COVER SHADOWING: 3.91%	
TOTAL POS AFFECTED: 61 m ²	
TOTAL SPOS + POS AREA: 124 m ²	

dsb DESIGN SERVICES & BUILDING SERVICES, ENGINEERING, PLANNING & CONSTRUCTION CONSULTANTS

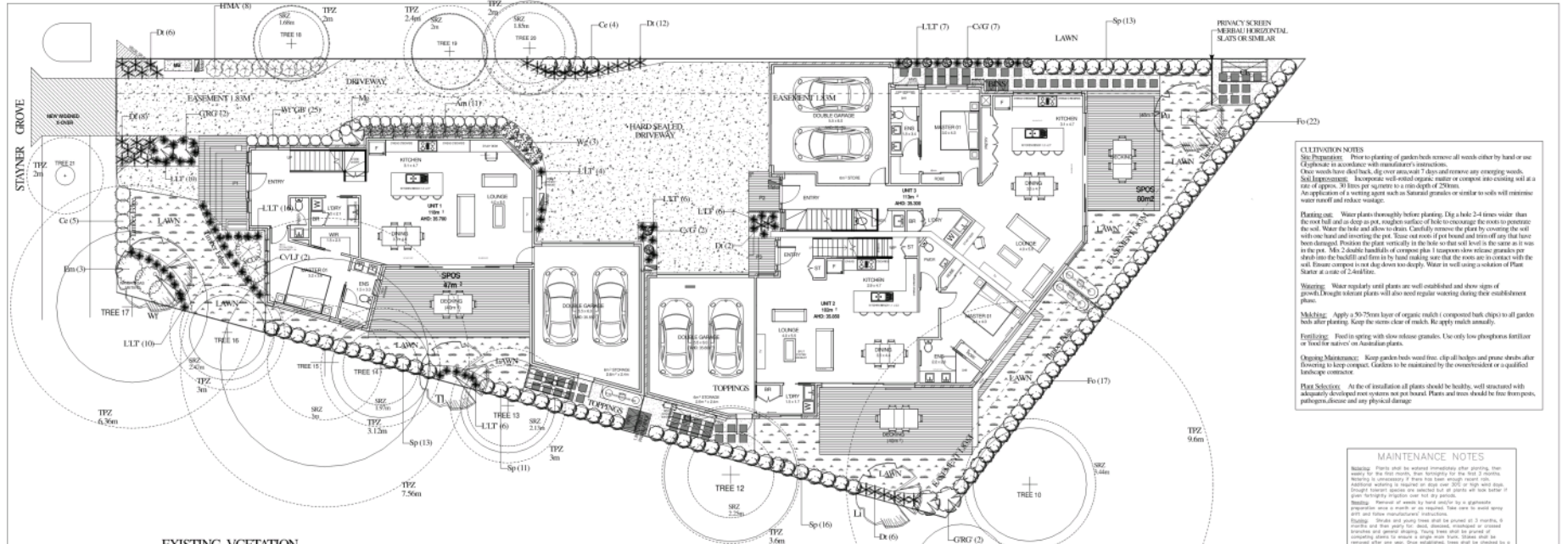
181 High Street, Moorabbin VIC 3189
 Tel: 03 9594 1818
 www.dsbc.com.au

All rights reserved. These drawings remain the property of DESIGN SERVICES & BUILDING SERVICES, ENGINEERING, PLANNING & CONSTRUCTION CONSULTANTS. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the firm.

CLIENT: PROJECT	SITE: 22 STAYNER GROVE, MOORABBIN VIC 3189	DATE: 20/01/2019 (17/11/18)	DRAWN: SK	TITLE: SHADOW DIAGRAMS
PROJECT TYPE: DUPLEX	DRAWING NO: A115	REVISION:	SCALE AT A1: 1 : 100	CHECKED: MS

Notes:
 REFER TO A L&P APPROVAL, APPROVED AS PER APPROVAL REPORT SUBMITTED AS PART OF THE DEVELOPMENT PROCESS.

Project Status



CULTIVATION NOTES
 Site Preparation: Prior to planting of garden beds remove all weeds either by hand or use Glyphosate in accordance with manufacturer's instructions. Once weeds have died back, dig over areas at 7 days and remove any remaining weeds. Soil Improvement: Incorporate well-rotted organic matter or compost into existing soil at a rate of approx. 30 litres per square to a min depth of 250mm. An application of a wetting agent such as Serravallo granules or similar to soils will minimize water runoff and reduce wastage.
 Planting: Water plants thoroughly before planting. Dig a hole 3-4 times wider than the root ball and as deep as the majority surface of hole to encourage the roots to penetrate the soil. Water the hole and allow to drain. Carefully remove the plant by covering the soil with one hand and inverting the pot. Place on roots of pot forward and lift off any that have been damaged. Position the plant vertically in the hole so that soil level is the same as it was in the pot. Mix 2 double handfuls of compost plus 1 teaspoon slow release granules per shrub into the backfill and firm by hand making sure that the roots are in contact with the soil. Ensure compact to not dig down too deeply. Water in well using a solution of Plant Saver at a rate of 2.5 litres.
 Weeding: Weeds regularly until plants are well established and show signs of growth. Drought tolerant plants will also need regular weeding during their establishment phase.
 Mulching: Apply a 50-75mm layer of organic mulch (composted bark chips) to all garden beds after planting. Keep the screen clear of mulch. Re apply mulch annually.
 Fertilizing: Fertilize in spring with slow release granules. Use only low phosphorus fertilizer or liquid for natives or Australian plants.
 Ongoing Maintenance: Keep garden beds weed free, clip all hedges and prune shrubs after flowering to keep compact. Garden to be maintained by the contractor or a qualified landscape contractor.
 Plant Selection: As far as installation all plants should be healthy, well structured with adequately developed root systems not pot bound. Plants and trees should be free from pests, pathogens disease and any physical damage.

MAINTENANCE NOTES
 Weeding: Plants and shrubs immediately after planting, then weekly for the first month, then fortnightly for the next 2 months, fortnightly to bi-monthly if there has been enough rain. Apply a wetting agent to improve soil water uptake. 200L water tank. Apply weekly to fortnightly irrigation over full dry periods.
 Irrigation: Removal of weeds by hand and/or by a granular preparation once a month or as required. Take care to avoid any dirt and other contaminants.
 Pruning: Shrubs and young trees shall be pruned at 3 months, 6 months and then annually. Once established, maintenance or removal of branches and general tidiness. Prune trees that do not produce or competing plants to ensure a single main trunk. Shrubs shall be pruned after one year. Once established, trees shall be pruned to a suitable structure for form and safety every 3 years. <http://www.landscapesigns.com.au/branches.html>
 Fertilizing and disease control: These plants for storage since a month and use various organic or inorganic fertilizers and disease control substances of inorganic origin. Use soil with a central water supply every 4 months.
 Labels: Needing every 2 to 4 weeks, depending on time of year. Labels are placed in Serravallo granules, weed control and fertilizing with a hand preparation once every 6 months.
 Note: Remove labels and replace them with the same labels, weather mark them.

EXISTING VEGETATION

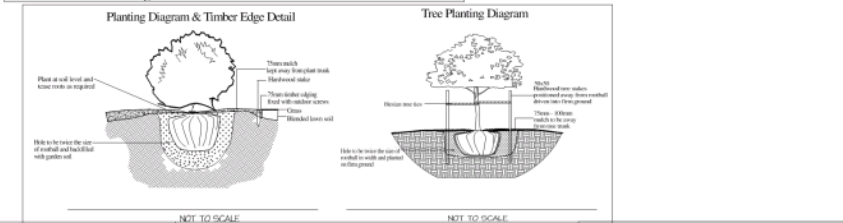
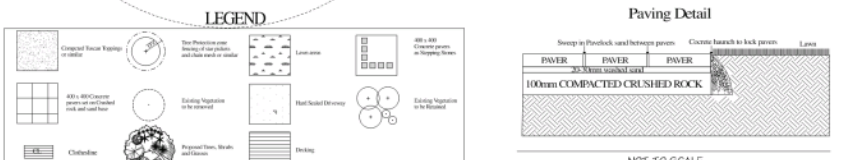
Tree #	Common Name (Current Name)	Type	Origin	Height (m)	DBH (cm)	TPZ (m)	Form	Health	Structure	USE	Assess. Value	Comments
1	Callerya integrifolia (Callery Pear Tree)	Evergreen	Indigenous	4	25	1.80	Asymmetrical	Fair	Fair	Shrub	Low	Upped on boundary
2	Acacia dealbata (Wattle)	Evergreen	Native	5	20	2.40	Symmetrical	Fair	Fair	Shrub	Low	Some lower damage
3	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	3	15	1.20	Symmetrical	Fair	Fair	Shrub	Low	
4	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
5	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
6	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
7	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
8	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
9	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
10	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
11	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
12	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
13	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
14	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
15	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
16	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
17	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
18	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
19	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
20	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	
21	Callerya integrifolia (Callery Pear Tree)	Evergreen	Native	4	20	1.80	Symmetrical	Fair	Fair	Shrub	Low	

PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Shrubs					
Cx	Crocosmia bicolor	Crocosmia	9	30cm	2m x 1.5m
CvG	Crocosmia conopsea 'Silica'	Blackout Perennial	9	30cm	1m x 1.5m
Cl	Callistemon viminalis 'White Ash'	Callistemon 'White Ash'	2	30cm	3m x 1.5m
Em	Ericaria ericarioides	Erica 'Dorset'	2	30cm	1.5m x 1.5m
Fm	Fuchsia longipes	Compact Fuchsia 'Fragrant'	30	20cm	3m x 1.5m
Gm	Grevillea 'Madison Gem'	Grevillea 'Madison'	4	20cm	3m x 1.5m
Hm	Hebe 'Silver Anniversary'	Hebe 'Silver Anniversary'	8	30cm	3m x 1.5m
Mm	Magnolia grandiflora 'Little Bear'	Magnolia 'Little Bear'	1	30cm	8m x 1.5m
Nm	Nerium oleander	Scarlet Lily Bush 'Red Hot'	3	30cm	3m x 1.5m
Om	Ornithoglossum punctatum	Scarlet Lily Bush 'Red Hot'	3	30cm	3m x 1.5m
Pm	Phlox paniculata	Scarlet Lily Bush 'Red Hot'	3	30cm	3m x 1.5m
Sm	Styracis japonica 'Sunny Blue'	Scarlet Lily Bush 'Red Hot'	3	30cm	3m x 1.5m
Tm	Taxus media 'Dorset Blue'	Scarlet Lily Bush 'Red Hot'	3	30cm	3m x 1.5m
Trees / Climbers					
DB	Dawsonia tereticaulis 'Shady Blue'	Fernaceae 'Shady Blue'	30	30cm	Plants x 75cm
LTL	Lonicera linearis 'Lily'	Spray heather-like shrub	60	30cm	3m x 1.5m
Am	Angelicum officinale	Angelicum 'Blue'	10	30cm	3m x 1.5m
Herbs					
Ll	Lupinus albus 'Lupinus'	Coronilla 'Lupinus'	1	200 Tall	8m x 3m
Fa	Fuchsia longipes	Manchurian Pear	1	200 Tall	8m x 3m
Ll	Lupinus albus 'Lupinus'	Kanran	1	200 Tall	8m x 3m
Ml	Melaleuca bracteata	Shepherd's Lily 'Pine'	1	200 Tall	10m x 3m

MATERIALS SCHEDULE

Stepping Stones	Concrete pavers 400 x 400 x 40mm Charcoal colour
Paved areas	400 x 400 x 40 Concrete Pavers on compacted crushed rock and sand base with pavlock swept between the pavers and concrete mound on edges
Garden Beds	100mm Pine bark mulch to a depth of 75mm.
Garden Edging	75mm x 25mm Treated Pine, screwed onto hardwood timber stakes
Driveway	All weather hard sealed driveway
Clothesline	Hills wall mounted clothesline or similar
Toppings	Compacted Tuscan Topplings or similar
Lawn areas	Drought Tolerant Instant Turf
Decking	Merbau or similar sustainable timber



Revision #:
 Date: 6/07/2019
 Scale: 1:100

Landscape Plan:
 22 Stayner Gve Moorabbin

Landscape Design by: S.F.
 Sun 'n' Shade Pty Ltd
 info@slandscapesigns.com.au
 ABN 12 263 341 652
 ACN 139 557 912
 03 9893 3043
 0412 372 011




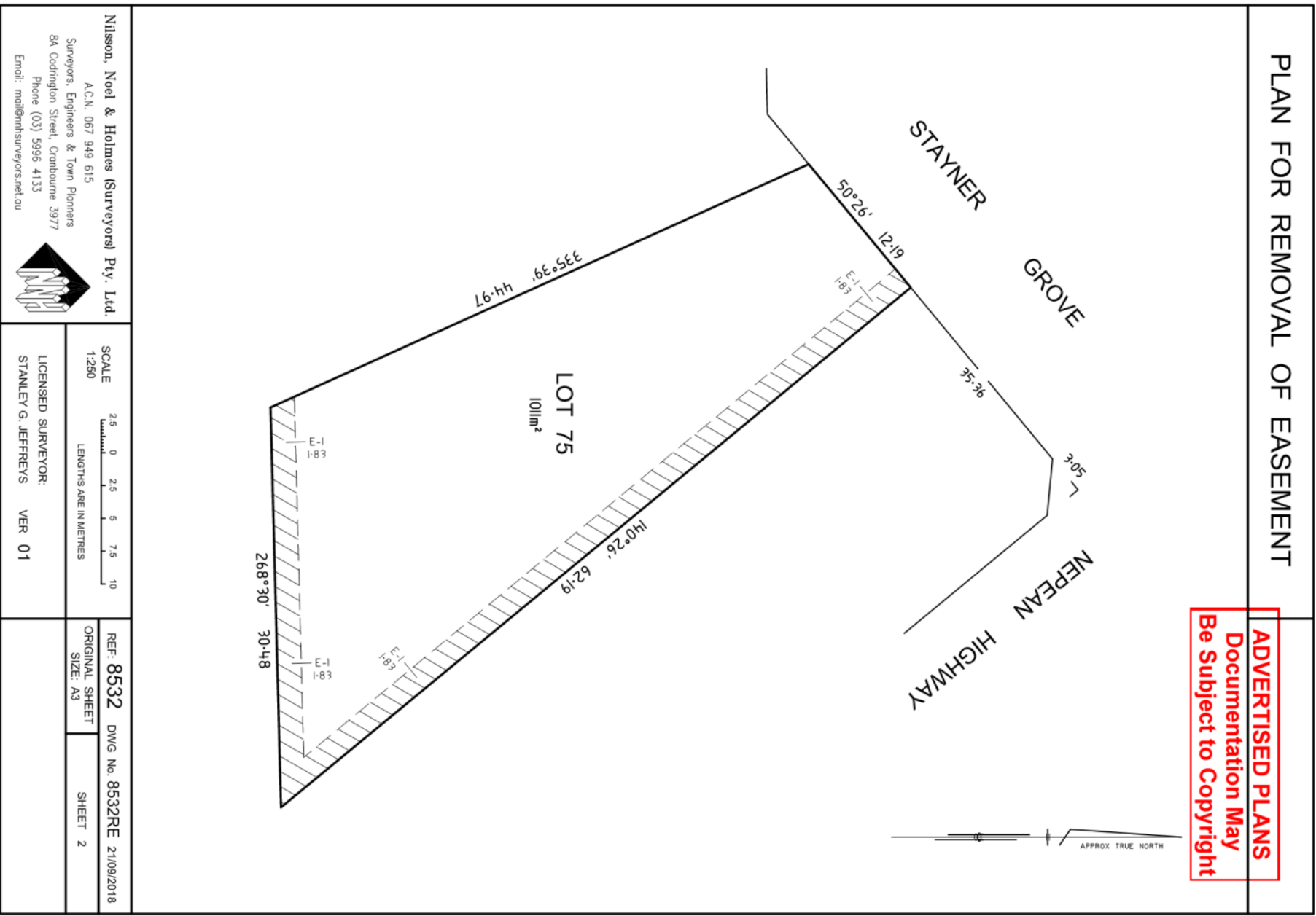
Appendix 1
4.2 KP-2018/934 - 22 Stayner Grove, Moorabbin - KP-2018/934 - 22 Stayner Grove, Moorabbin -
Considered Plans for Planning Committee meeting 18 September 2019







PLAN FOR REMOVAL OF EASEMENT		LV USE ONLY EDITION	ADVERTISED PLANS Documentation May Be Subject to Copyright
LOCATION OF LAND		Council Name: CITY OF MOORABBIN	
Parish: MOORABBIN			
Township: -			
Section: -			
Crown Allotment: -			
Crown Portion: 37 (PART)			
Title Reference:			
Last Plan Reference: LOT 75 ON LP 34504			
Postal Address: 22 STAYNER GROVE, MOORABBIN 3189 (at time of removal)			
MGA94 Co-ordinates: E 327 925 Zone: 55 (of approx. centre of land in plan) N 5 798 545			
EASEMENT INFORMATION			
LEGEND:	A - Appurtenant Easement	E - Encumbering Easement	R - Encumbering Easement (Road)
Easement Reference	Purpose	Width (Metres)	Origin
E-1	DRAINAGE & SEWERAGE	1.83	LP 34504
			LOTS ON LP 34504
NOTATIONS			
THIS IS A SPEAR PLAN. Depth Limitation: DOES NOT APPLY Purpose of the Plan: Removal of the easement E-1 shown hatched. Grounds for Removal: As directed in Planning Permit No. Survey: This plan is not based on survey.			
SEE SHEET 2 FOR DIAGRAM			
Niisson, Noel & Holmes (Surveyors) Pty. Ltd. A.C.N. 067 949 615 Surveyors, Engineers & Town Planners 8A Cadfrington Street, Cambourne 3977 Phone (03) 5996 4133 Email: mol@nissurveys.net.au		REF: 8532 DWG No. 8532RE 21/09/2018	ORIGINAL SHEET SIZE: A3
		LICENSED SURVEYOR: STANLEY G. JEFFREYS	Sheet 1 of 2 sheets
		VER 01	



Niisson, Noel & Holmes (Surveyors) Pty. Ltd.
 A.C.N. 067 949 615
 Surveyors, Engineers & Town Planners
 8A Cochrington Street, Cobourne 3977
 Phone (03) 5996 4133
 Email: mail@nhnsurveyors.net.au



LICENSED SURVEYOR:
 STANLEY G. JEFFREYS VER 01

REF: **8532** DWG No. 8532RE 21/09/2018
 ORIGINAL SHEET SHEET 2

Planning Committee Meeting

18 September 2019

Agenda Item No: 4.3

KP-2019/173 - 11 & 15 WIMBORNE AVENUE, CHELSEA

Contact Officer: Amy Lin, Statutory Planning

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2019/173 - 11 & 15 Wimborne Avenue, 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 the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for the construction of eight (8) dwellings at 11 & 15 Wimborne Avenue, Chelsea, subject to the conditions contained within this report.

EXECUTIVE SUMMARY			
Address	11 and 15 Wimborne Avenue Chelsea		
Legal Description	Lot 11 and 12 Block D on PS5211		
Applicant	Kiril Architects		
Planning Officer	Amy Lin		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 2 Zone		
Overlays	Clause 43.02 – Design and Development Overlay 1 & 4		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development		
Permit Triggers	Clause 32.08 – 6 – Construct two or more dwellings on a lot Clause 43.02 – 2 – A building which has an internal storey height (measured from floor to ceiling) exceeding 3.5m		
APPLICATION / PROCESS			
Proposal	Develop the land for the construction of eight (8) dwellings		
Reference No.	KP-2019/173	RFI Received	29 May 2019
App. Received	26 March 2019	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Commenced: 30 May 2019	Advertising Completed	20 June 2019
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	Three (TRIM checked on 21/08/2019)		
Mandatory Garden area requirement	Complies (>35% provided)	Mandatory Building Height requirement	None specified
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	YES – CHMP 16351		
Considered Plans	Kiril Architects, Project No. WIA-11, Drawing No's. TP00-TP13 (Revision A), Date created AUG 18, submitted on 14 May 2019		

1.0 RELEVANT LAND HISTORY

1.1 There are no recent planning decisions on the subject site relevant to this application. A number of approvals have been received in the site and surrounds. This includes:

- Planning Permit KP-2001/565 was issued by Kingston City Council on 4 March 2003 at 483 Nepean Highway CHELSEA for the use and development of the site for the purpose of a shop, caretakers dwelling and two attached dwellings.
- Planning Permit KP-2014/213 was issued by Kingston City Council, at the direction of the Victorian Civil and Administrative Tribunal at 1 Wimborne Avenue CHELSEA for:
 - the construction of two or more dwellings on a lot (6 dwellings)
 - the construction and carrying out of works in accordance with the endorsed plans

- Planning Permit KP-2014/949 was issued by Kingston City Council on 12 Jun 2015 at 3 Wimborne Avenue CHELSEA to develop the land for the construction of three (3) dwellings.
- Planning Permit -2016/737 was issued on 22 March 2017 at 9 Wimborne Ave Chelsea to develop the land for the construction of two double storey dwellings.
- Planning Permit KP-2017/318 was issued by Kingston City Council on 6 November 2017 at 1 Wimborne Lane Chelsea to develop the land for the construction of two dwellings.

2.0 SITE PARTICULARS

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

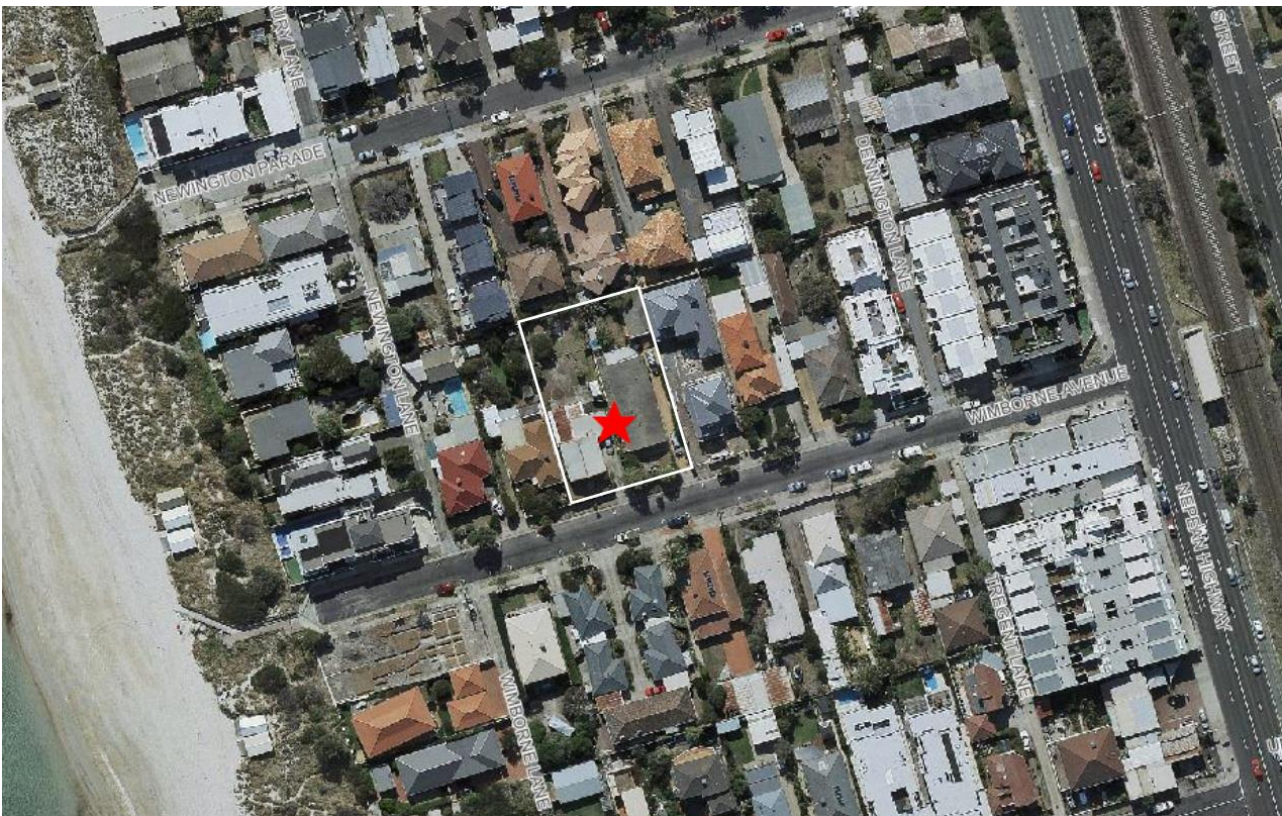


Built form	<p>11 Wimborne Avenue contains a single storey brick dwelling with a double garage located along the rear north east boundary of the site. The dwelling has a pitched roof.</p> <p>15 Wimborne Avenue contains a single storey weatherboard and fibro dwelling with a double carport located to the side of the dwelling. This dwelling contains flat and pitched roofing.</p>
Size (m²)	1402.84m ² - 30.48m (frontage) and a depth of 46.02m
Topography	The land is generally flat, with a fall towards the south (towards the street frontage) of 400mm and a cross fall to the west (towards the foreshore reserve) of approximately 200mm.
Fencing	<p>11 Wimborne Avenue contains a 1.9m high brick fence</p> <p>15 Wimborne Avenue contains a 1.7m high paling fence.</p>
Vegetation	Void of any significant vegetation
Easement(s)	None

Footpath assets / access	Two (2) crossovers and two street trees (one per lot) are located along the site's south boundary.
Covenant(s) / Restrictions	There is no restriction listed on the Certificate of Titles.

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	<p>2/12 Newington Parade contains a double storey brick dwelling, setback 6.0m from the common boundary. This dwelling also contains windows facing the subject site.</p> <p>2/10 Newington Parade contains a double storey brick dwelling and shares the site's northern boundary. This dwelling is angled and setback a minimum of 2.1m from the shared boundary.</p>
East	9 Wimborne Avenue contains two double storey weatherboard dwellings sited in a tandem formation. The front dwelling is setback a minimum of 8.0m and is unfenced.
South	10 Wimborne Avenue contains a double storey dwelling brick dwelling. This dwelling contains a 2.0m high brick fence.

	12-14 Wimborne Avenue contains six single storey dwellings. The front two dwellings are rendered and setback 4.6m from the street with a 0.5m high brick fence.
West	17 Wimborne Avenue contains a single storey rendered brick dwelling setback 6.6m from the front boundary. This dwelling contains a pitched and flat roof and has a 1.7m high rendered brick and picket fence.
Neighbourhood Character	<p>The subject site is located within a predominately residential area where single storey and double storey brick and weatherboard dwellings are prevalent. Contemporary two storey dwellings with large building footprints, balcony and rooftop terraces are also commonly found, particularly in close proximity to the foreshore reserve.</p> <p>A number of multi-unit developments typically consisting of two to five dwellings can also be found within the surrounding neighbourhood due to the site being located within close proximity to Nepean Highway and the Chelsea Activity Centre which includes the Chelsea Railway Station.</p>

4.0 PROPOSAL

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

Description	Demolish the existing dwellings and associated outbuildings on the land to develop the land for the construction of eight (8) dwellings.			
Storeys	Double storey and proposed basement			
Maximum building height	9.9m			
Bedrooms (including study)	Three (3) bedrooms per dwelling			
Car parking	22 spaces in total consisting of 20 resident spaces with two visitor parking spaces			
Front setback	6.6m			
Private Open Space		Ground floor	Balcony/Roof (sqm)	Total (sqm)
	Dwelling 1	73.81	14.35	88.16
	Dwelling 2	61.34	14.88	76.22
	Dwelling 3	25.52	17	42.52

	Dwelling 4	25.01	17	42.01
	Dwelling 5	25.52	17	42.52
	Dwelling 6	25.27	18.85	44.12
	Dwelling 7	27.1	17	44.1
	Dwelling 8	27.27	18.85	46.12
Site Coverage	55.45%	Permeability	34.23%	
Access	Two existing vehicle crossovers are to be reinstated with one new crossover centrally to the basement.			
Vegetation removal/retention	No significant vegetation located on subject site. It is noted 17 Wimborne Avenue contains existing trees in close proximity to the shared boundary.			
Building materials	Rendered blockwork, timber cladding, stone, colorbond cladding, JH Scyon Linea and Axon cladding			

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 (Schedule 1): Pursuant to 43.02 of the Kingston Planning Scheme a planning permit is required to construct a building which has an internal storey height measured from floor to ceiling) exceeding 3.5 metres. A planning permit is required as Dwelling 1 and 2 includes clearstory windows with an internal floor to ceiling height of 3.8m.

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 17 spaces (including 1 visitor spaces) for the proposed development.

As the required number of car parking spaces is provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3. It is noted the proposal seeks to provide 22 on site car parking spaces.

In addition, vehicle movements, access, splays, garaging dimensions and ramp grades have been reviewed by Council's Traffic Engineer and are considered compliant with Clause 52.06 – 8 Design standards.

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

6.2 Local Planning Policy Framework (LPP)

- Clause 21.05 Residential Land Use
- Clause 22.11 Residential Development Policy

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. Three (3) objections to the proposal were received. The grounds of objection raised are summarised as follows:

- Traffic and car parking concerns including:
 - Additional traffic generation
 - Ramp design (angle and lack of passing area)
 - Safety
 - Visitor parking within the underground car park will not be used
- Construction noise and vehicle's blocking the street
- Noise from outdoor balcony/terraces
- Rubbish collection
- Impact on sleep

8.0 PLANNING CONSULTATION MEETING

- 8.1 The objectors were contacted by the planning officer on 27 June 2019 to discuss their concerns, with this information then being relayed to the applicant.
- 8.2 In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as three (3) objections to the application were received. However, as required by the Policy, Council's planning officer attempted to contact the objectors followed by further discussions with the applicant to ascertain if the concerns raised by the objectors could be resolved. It should be noted that during the discussion with the objectors who answered, no request was received by the planning officer for a planning consultation meeting to be held.

9.0 AMENDMENT TO PLANS

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

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 replanting on site via an approved landscape plan and tree protection measures.
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater and flood apex requirements.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to vehicle crossover and footpath reconstruction.
Traffic Engineer	The provision of car parking, vehicle access/width, ramp grades, headroom clearances and traffic generation were assessed and deemed to be satisfactory. No objections raised to the proposal subject to conditions in relation to pedestrian sight splays, use of warning device or convex traffic mirrors for pedestrian safety and a one-way traffic management system to reduce the potential for vehicle queuing at the access point.

ESD	No objection raised, subject to conditions included on any permit issued relating to a revised BESS assessment, rainwater tanks, bicycle parking and electric vehicle infrastructure.
------------	---

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Melbourne Water	52	Recommending	No objection	Referral for sea level rise

11.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by ‘Plan Melbourne 2017-2050: Metropolitan Planning Strategy’ (Department of Environment, Land, Water and Planning, 2017).
- 11.2 The settlement policies at **Clause 11** seek to promote sustainable growth and development and deliver choice and opportunity through a network of settlements. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1S** (Supply of urban land) states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:
- Planning for urban growth should consider:*
- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*
- 11.3 **Clause 11.01-1R1** (Settlement – Metropolitan Melbourne) and **Clause 11.03-1S** (Activity centres) places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.
- 11.4 **Clause 11.02** (Managing Growth) main directive is to ensure a sufficient supply of land is made available for a variety of purposes, including residential. To achieve this, it takes into account sufficient land availability to meet forecasted demand. **Clause 11.03-1S** places particular emphasis on providing a diversity of housing, including forms of higher density housing, in defined activity centres to cater for different households that are close to jobs and services.

- 11.5 **Clause 13** (Environmental Risks and Amenity) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 11.6 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.7 Policies pertaining to urban design, built form and heritage outcomes are found at Clause 15 of the Planning Policy Framework. Of particular significance, **Clause 15.01-1S** (Urban design) and **Clause 15.01-1R** (Urban Design – Metropolitan Melbourne) encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02** (Sustainable Development) promotes energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.8 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.9 The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity.

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

In this instance, as the proposed activity **is not exempt** under the Regulations of the Aboriginal Heritage Act 2006, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council. Accordingly, a CHMP has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. Importantly, the CHMP 16351 has been approved by the Secretary of the Department of Premier and Cabinet.

- 11.10 The approved Plan contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area.
- 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 strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.14 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 manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*
- 11.16 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 **Clause 22.19 (Public Open Space Contributions)** forms the prevailing policy that guides Council to apply a land or cash public open space contribution, which is applicable to all subdivision applications. This policy identifies the important role that contributions play in funding new open space areas and facilitating capital improvements to existing public open space to meet the needs of the future population growth in Kingston.
- 11.20 Whilst the application at hand does not propose to subdivide the land, it is imperative to identify at this stage of the process whether a public open space contribution requirement is likely to be applied should the site be subdivided at a later date and, if so, whether the land is located in a 'cash' or 'land' preferred area. If in a land preferred area, the proposed design and layout must be considered as it will ultimately shape the subdivision configuration and whether any land is set aside for public open space purposes.
- 11.21 **Clause 22.20 – Stormwater Management** is applicable to the consideration of medium developments as specified within Table 1 of the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.
- 11.22 **Clause 22.21 Environmentally Sustainable Development (ESD)** policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS/STORM). This has been reviewed by Council's ESD officer who is supportive of the proposal subject to conditions.

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

Zoning Provisions

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

Lot Size	Minimum percentage of a lot set aside as garden area
400-500m ²	25%
501-650 m ²	30%
Above 650 m ²	35%

11.25 It is considered that the proposal in its current format complies with the mandatory garden area requirement. A total of 35.1% of garden area for the entire planning unit.

Overlay Provisions

11.26 The subject site is located within a Design and Development Overlay (Schedule 1).

11.27 The design objectives of the schedule to this Overlay is to:

- *To protect and enhance the foreshore environment of Mentone, Parkdale, Mordialloc, Aspendale and Chelsea and adjacent areas including Port Phillip Bay.*
- *To ensure that new buildings, works, renovations and extensions are compatible with surrounding buildings and natural features, and sympathetic to the surrounding natural landscape and environment.*
- *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.*

11.28 Dwelling 1 and 2 is proposed to have an internal floor to ceiling height in excess of 3.5m. This requires a planning permit under section 2.0 within the schedule 1. The dwellings are designed to include clearstory windows as a design feature and to allow for additional light. The internal floor to ceiling levels are proposed at 3.8m and is considered to be compatible with the surrounding buildings. The additional height will be inset from within the room and is considered to be appropriate within the foreshore environment and compatible with the immediate surroundings.

Particular Provisions

- 11.29 As identified earlier in Section 5.3 of this report, the car parking provision has been exceeded. **Clause 52.06** requires the provision of 17 car parking spaces made up of two car parking spaces for each dwelling and one visitor car space. The permit applicant proposes the provision of two-three car parking spaces for each dwelling and two visitor car parking spaces, providing 21 car parking spaces exceeding this provision. The proposal has also undergone a full assessment by Council’s Traffic and Transport Engineers as discussed above and is supported subject to conditions in relation to pedestrian sight splays, use of warning device or convex traffic mirrors for pedestrian safety and a one-way traffic management system to reduce the potential for vehicle queuing at the access point. This is recommended to for a condition of any permit issued.
- 11.30 The proposal has also been assessed against **Clause 53.18 – Stormwater Management in Urban Development** and it is considered that the proposal provides for an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off. Council’s Drainage Engineer is satisfied with the proposal subject to conditions included on any permit issued, as specified within the officer recommendation.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 12.1 The proposal has been assessed against the objectives and standards of **Clause 55** (ResCode) of the Kingston Planning Scheme (refer to Appendix A). **Clause 55** requires that a development **must** meet all of the objectives, and all of the standards of this clause **should** be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.
- 12.2 The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions.

12.3 CLAUSE 55: RESCODE TABLE ASSESSMENT

Two or more dwellings on a lot in a General Residential Zone – Schedule 2

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. 	Complies

Assessment: The subject site is located within a predominately residential area where single storey and double storey brick and weatherboard dwellings are prevalent. A number of multi-unit developments typically consisting of two to five dwellings are also found along Wimborne Avenue as the site is located in an area where increased housing diversity is encouraged.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>The proposal is for eight dwellings on two existing lots. The dwellings are presented within four distinctive separate building modules with separation at both ground and first floor. The overall built form is considered to be consistent with the emerging neighbourhood character which includes similar areas of building massing. The proposal also includes a basement car park with one vehicle entry point. This will allow for the two existing vehicles crossings to be reinstated into kerb and channel providing additional off street car parking opportunities and importantly ensuring garages are not a dominant feature from the public realm.</p> <p>The design response is also considered to be responsive to the adjoining properties with visual breaks sited adjacent to existing secluded private open space and locating built form in line with existing buildings. On balance, the proposal is considered to be respectful of the existing and emerging neighbourhood character.</p>		
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> ▪ An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies</p>
<p>Assessment: Section 11 of this report outlines the policy foundation of Clause 22.11, which is based on the principles outlined in the <i>Kingston Residential Strategy (September 2000)</i> and <i>Kingston Neighbourhood Character Guidelines (August 2007)</i>. In unity with the policy premise of the <i>Kingston Residential Strategy</i>, Clause 22.11 seeks to provide a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS</p> <p>Clause 22.11 nominates the site and its surrounds in a General Residential Zone Schedule 2 area for Increased Housing, and states:</p> <p style="padding-left: 40px;"><i>Encourage increased residential densities and a wider diversity in housing types and sizes in areas which are within convenient walking distance of public transport and activity centres. These areas are identified for 'increased housing diversity' on the Residential Framework Plan within the MSS.</i></p> <p>It is considered that the proposed development generally complies and satisfies the Scheme's Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>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: Less than ten dwellings proposed.</p>		

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.02-4 Infrastructure objectives <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	Standard B4 <ul style="list-style-type: none"> • Connection to reticulated services/sewerage, electricity, gas and drainage services • Capacity of infrastructure and utility services should not be exceeded unreasonably • Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	Complies
Assessment: It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.		
Clause 55.02-5 Integration with the street objective <ul style="list-style-type: none"> • To integrate the layout of development with the street. 	Standard B5 <ul style="list-style-type: none"> • Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	Complies
	<ul style="list-style-type: none"> • Development oriented to front existing/proposed streets 	Complies
	<ul style="list-style-type: none"> • High fencing in front of dwellings should be avoided if practicable. 	Variation sought
	<ul style="list-style-type: none"> • Development next to existing public open space should be laid out to complement the open space. 	Complies
Assessment: The proposal includes a communal pedestrian and vehicle access points facing the street, clearly identified by hardscaping treatments and mailboxes. It is noted a 1.8m front fence is proposed. This will be discussed below.		
Clause 55.03-1 Street setback objective <ul style="list-style-type: none"> ▪ To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	Standard B6 Walls of buildings should be set back from streets: <ul style="list-style-type: none"> ▪ If no distance is specified in a schedule to the zone, the distance specified in Table B1 Required: 7.3m Proposed: 6.5 metres	Variation sought
Assessment: The adjacent dwellings have an existing street setback of 6.6m and 8.0m. The proposed building street setback is staged ranging between 6.5m to 6.9m to the street. A street setback variation of 0.8m is therefore been proposed. A review of the surrounding street setbacks has identified that the south adjoining dwellings at 17 and 19 Wimborne Avenue have street setbacks for 6.6m. The north adjoining dwelling is setback 6.2m to the porch entry. Dwellings opposite have street setbacks ranging 4.6m to 7.6m. Reviewing the proposal in the context of the broader area indicates that the staged built form and proposed street setback will respect the existing neighbourhood character and will assist in making more efficient use of the land.		
Clause 55.03-2 Building height objective <ul style="list-style-type: none"> ▪ To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	Standard B7 Maximum: 11 metres and no more than 3 storeys (under GRZ2)	Complies
Assessment: A maximum height of 9.9 is proposed complying with this standard.		
Clause 55.03-3 Site Coverage objective	Standard B8 Maximum: 60%	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 		
Assessment: The proposal achieves a site coverage statistic of 55.5%, complying with this standard.		
Clause 55.03-4 Permeability objectives <ul style="list-style-type: none"> ▪ To reduce the impact of increased stormwater run-off on the drainage system. ▪ To facilitate on-site stormwater infiltration. 	Standard B9 At least: 20%	Complies
Assessment: The 34.2% permeability, complying with this standard		
Clause 55.03-5 Energy Efficiency objectives <ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and residential buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	Standard B10 Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.	Complies
Assessment: A ESD report has been submitted and reviewed by Council's ESD advisor who advises the proposal achieves an adequate level of energy efficiency. Noting the majority of dwellings will have access to a north and west orientation receiving excellent solar orientation.		
Clause 55.03-6 Open Space objective <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	Standard B11 Public or communal open space should: <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	N/A
Assessment: There is no communal private open space adjoining the site.		
Clause 55.03-7 Safety objectives <ul style="list-style-type: none"> ▪ To ensure the layout of development provides for the safety and security of residents and property. 	Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways should be achieved. Private spaces should be protected from inappropriate use as public thoroughfares.	Complies
Assessment: The proposal provides an acceptable level of consideration for safety & security of residents with a highly visibly, identifiable entry to the building.		
Clause 55.03-8 Landscaping objectives	Standard B13 In summary, landscape layout & design should:	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	<ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> ▪ Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. ▪ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ▪ Specify landscape themes, vegetation (location and species), paving and lighting. 	
<p>Assessment: The proposal has been reviewed by Council's vegetation officer who is supportive of the proposal subject to significant replanting on site. This is recommended to form conditions on the permit.</p>		
<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14 The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Complies
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies
	The number of access points to a road in a Road Zone should be minimised.	Complies
	Access for service, emergency and delivery vehicles must be provided.	Complies
<p>Assessment: The proposal seeks to reinstate the two existing vehicles crossovers and create one new vehicles crossover to access all eight dwellings. This will assist with the retention of on street car parking spaces and minimises access points to the road.</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
<p>Assessment: The proposed car parking facility can be conveniently accessed through a basement ramp and through stairs/lifts within the basement. The proposed layout is considered to be secure with gate and garage access required. Noise levels generated is considered to be reasonable as main living areas will be on a higher level.</p>		
<p>Clause 55.04-1 Side and rear setbacks objective</p>	<p>Standard B17</p>	Variation sought

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>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>Assessment: An assessment of all side and rear setbacks have been undertaken and the proposal is considered to be highly compliant with the prescribed limits of standard B17 as evidenced by submitted the sectional diagrams shown in TP09. However, a variation has been sought for the following three areas:</p> <ul style="list-style-type: none"> • Dwelling 1's first floor proposes a 1.955m side setback, where a 2.599m side setback is required under the scheme for a 7.5m high wall. A 0.644m side setback variation is therefore sought. It is noted the walk in robe and ensuite has an overall height of 7.007m and proposes a side setback of 1.885m, seeking a variation of 0.212m. • Dwelling 3's first floor proposes a 1.88m side setback, where a 1.9087 side setback is required under the scheme for a 6.629m high wall. A 0.0287m side setback variation is therefore sought. • Dwelling 4's first floor proposes a 1.78m side setback, where a 1.9027m side setback is required under the scheme for a 7.5m high wall. A 0.1227m side setback variation is therefore sought. <p>In this instance, Dwelling 3 and 4's side setback variations are less than 0.2m which is considered be a minor variation which would be difficult to differentiate when viewed from the ground level or from adjoining properties. However, concerns remain with the side setback variation proposed for Dwelling 1 where a side setback variation of 0.212m to 0.644m, it is considered to be excessive and is not supported. It is therefore recommended for Dwelling 1 to be redesigned to have a maximum 0.2m side setback variation with Standard B17 of the scheme and for these to be limited to within the existing advertised proposed building footprint.</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. 	N/A
<p>Assessment: No walls proposed on the boundary.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into existing habitable room windows. 	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p> <p>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>	<p style="text-align: center;">Complies</p> <p style="text-align: center;">Complies</p>
<p>Assessment: Adequate side setbacks are provided to all existing windows.</p>		
<p>Clause 55.04-4 North facing windows objective</p>	<p>Standard B20</p>	N/A

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To allow adequate solar access to existing north-facing habitable room windows. 	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)	
Assessment: There are no existing north facing windows affected by the proposal.		
<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
Assessment: Shadows cast to east and west adjoining lots are considered to be reasonable and comply with the prescriptive requirements of Standard B21. Shadows to the east adjoining dwelling is mainly limited to the driveway and the dwelling at 17 Wimborne Avenue will receive more than 5 hours of sunlight during the prescribed time for more than 40sqm of SPOS. This is also evidenced by the submitted overshadowing diagrams.		
<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> ▪ To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22</p> <p>A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5m from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7m above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7m above floor level. ▪ Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	Complies
	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
	<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
Assessment: A review of the proposal indicates some windows are designed to include screening treatment where there is a direct outlook onto adjoining SPOS or habitable room windows. However, a number of sill height and treatment methods are unclear. It is therefore recommended for the sill heights and exact window treatments to be clarified through conditions of permit and to ensure full compliance with Standard B22.		
<p>Clause 55.04-7 Internal views objective</p>	<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

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 		
Assessment: No unreasonable internal overlooking will occur with the use of screening devices.		
<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. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	Complies
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
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility as the development includes lift access and dwellings containing bedrooms and living areas at ground floor.		
<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</p> <p>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
Assessment: The main building entry is visible from the public realm.		
<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</p> <p>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
Assessment: It is considered that all proposed windows will receive adequate solar access and natural daylight into primary and secondary living areas.		
<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</p> <p>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 	Complies

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	A roof-top area of 10m ² with a min. width of 2m and convenient access from a living room.	
Assessment: Each dwelling is provided with 25sqm – 73sqm of ground floor private open space and additional 14sqm – 18.8sqm of balcony or rooftop terrace, complying with Standard B28. A summary is provided above in section 4 of the report.		
Clause 55.05-5 Solar Access to Open Space <ul style="list-style-type: none"> ▪ To allow solar access into the secluded private open space of new dwellings and residential buildings. 	Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.	Complies
	The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	N/A
Assessment: The majority of dwellings are provided with north, east or west facing open space, receiving adequate solar access.		
Clause 55.05-6 Storage objective <ul style="list-style-type: none"> ▪ To provide adequate storage facilities for each dwelling. 	Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Complies
Assessment: Secure storage areas have been provided for each dwelling within the basement area.		
Clause 55.06-1 Design Detail objective <ul style="list-style-type: none"> ▪ To encourage design detail that respects the existing or preferred neighbourhood character 	Standard B31 The design of buildings, including: <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies
Assessment: The proposal is considered to be respectful of the existing and preferred neighbourhood character, where contemporary designs incorporating timber and sycon cladding, aluminium windows, balcony and rooftop terraces are becoming more prominent.		
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
	Schedule to GR22: A front fence within 3m of a street should not exceed:2m for streets in a RDZ1 or 1.2m for other streets	Variation sought
Assessment: A 1.8m high front fence is proposed to be constructed within the front boundary, enclosing the front setback areas of Dwelling 1 and 2. A review of the nearby dwellings indicates fencing between 1.7m to 2.0m is common along Wimborne Avenue. The higher fence is sought to provide additional privacy for the private open spaces of Dwellings 1 and 2. Given the prevalence of high fences in the area, a variation is supported in this instance.		
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.	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 location of common property 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</p> <p>Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Complies</p>
<p>Assessment: Site services such as mailboxes and bin/recycling enclosures have been nominated on the respective plans and located appropriately.</p>		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 The objector concerns in relation to traffic and parking have been reviewed by Council's Traffic Engineer and largely addressed in the body of this report.

13.2 The following objector concerns, however, remain outstanding:

Ground(s)	Response
Construction vehicles blocking the street	A construction management plan will be requested to form a condition of permit to assist in minimising disturbances to existing neighbours.
Rubbish collection	A bin store area has been provided within the basement area and the proposal will have adequate frontage for bins to be located on the nature strip. It is noted a waste management plan will be requested to form a condition of permit.
Noise	Concerns were raised in relation to noise generated from balcony and rooftop areas as well as during the construction of the building. It is noted that the Environment Protection Authority (EPA) Victoria sets out the requirements pertaining to site construction hours and permissible noise levels.

14.0 CONCLUSION:

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

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

15.0 RECOMMENDATION

- 15.1 That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to Develop the land for the construction of eight (8) dwellings at 11 and 15 Wimborne Avenue 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 Kiril Architects, Project No. WIA-11, Drawing No's. TP00-TP13 (Revision A), Date created AUG 18, submitted on 14 May 2019, but modified to show:
 - a. The provision of a landscape plan in accordance with the submitted ground floor plan prepared by KIRIL Architects (Aug 18), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) The reconfiguration of the concrete pavers and stairs leading to the deck in the secluded private open space of Unit 3, 4, 5, 6, 7 and 8, to provide a shorter distance from the deck to the clothesline;
 - vi) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart) with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;

- vii) The provision of four (4) coastal indigenous canopy trees capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted within the front setback of the property, with the species chosen to be approved by the Responsible Authority;
 - viii) The provision of one (1) canopy tree capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted within the secluded private open space of dwelling 3, 4, 5, 6, 7 and 8, with the species chosen to be approved by the Responsible Authority;
 - 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) 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 location of any tree protection measures including for street trees accurately drawn to scale and labelled;
- b. The location of tree protection measures illustrated to scale and labelled on the ground floor plan.
 - c. The provision of corner splays or areas in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Kingston Planning Scheme.
 - d. The use of warning devices, convex traffic mirrors or other device to improve pedestrian and vehicles safety along the basement ramp to the satisfaction of the Responsible Authority.
 - e. The gate at the base of the ramp to be nominated as being activated by remote control.
 - f. Minimum sill heights and windows treatments to be clearly shown and designed in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme.
 - g. The first floor side setback of Dwelling 1 to be redesigned to allow for a side setback variation up to 0.2m to Clause 55.04-1 (standard B17) of the Kingston Planning Scheme. The changes must be limited within the advertised building footprint and provide visual interest along the east elevation to the satisfaction of the Responsible Authority.
 - h. The provision of a longitudinal section of the access (including vehicle crossing and basement part) ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
 - i. The required flood proof apex of 150mm above the existing kerb and channel invert level must be provided along the entire Wimborne Avenue frontage of the subject site.
 - j. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Wimborne Avenue and all internal driveways must align with the existing / proposed vehicle crossing.
 - k. An amended Sustainable Design Assessment / BESS assessment and corresponding plans to clarify:
 - i) The exact size and location of rainwater tanks and connection to toilets and irrigation.

- ii) Clarify the type of bicycle parking facilities proposed (noting BESS credits are not available for mounted bicycle parking above car bonnets)
- iii) The location of electric vehicle infrastructure if proposed.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The works hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 16351 prepared by Benchmark Heritage Management and approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 26 July 2019.
- 4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street Trees

- 5. 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

- 6. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 6a, 6b & 6c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.

7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 12.9L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. 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.
9. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 7 and constructed to the satisfaction of the responsible authority.
10. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be a minimum of 150mm above the existing kerb and channel invert along the entire Wimborne Avenue frontage of the subject site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (eg. 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.

Roads and Drains

11. The replacement of all footpaths, including offsets, must be constructed the satisfaction of the Responsible Authority.
12. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
13. Vehicle crossings must be constructed to council's industrial strength specifications.
14. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
15. All front and side fences must be contained wholly within the title property boundaries of the subject land to the satisfaction of the Responsible Authority.
16. 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 or lowered to the satisfaction of the Responsible Authority.

Waste Management Plan

17. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to, the following:
 - a. The manner in which waste will be stored and collected including: type, size and number of containers.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- b. Spatial provision for on-site storage.
 - c. Details whether waste collection is to be performed by Council's services or privately contracted.
 - d. The size of the collection vehicle and the frequency, time and point of collection.
18. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Design Assessment

19. Prior to the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of an amended Sustainable Design Assessment (SDA) / BESS assessment to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority.

Construction Management

20. 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.

General amenity conditions

21. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
22. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
23. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

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

Time Limits

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

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

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

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

Note: 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.

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

Note: For information on how City of Kingston approaches the construction of building and other structures with below ground elements for the benefit of the whole community please refer to City of Kingston 'Basement and Deep Building Construction Policy' and 'Basements and Deep Building Construction Guidelines'. <http://www.kingston.vic.gov.au/Property-and-Development/Engineering-Assessments>

**City of Kingston
Planning Committee Meeting**

Agenda


18 September 2019

Note: During basement construction Council does not permit the discharge of surface water or ground water into the Council drainage system unless a Temporary Discharge Permit (TDP) has been obtained. Application form and other construction related permits can be obtained from the following link: <http://www.kingston.vic.gov.au/Property-and-Development/Construction>.

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

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. The proposal results in excessive visual bulk and massing to the detriment of the local neighbourhood character.
3. The proposal fails to comply with relevant following objectives and standards of Clause 55 of the Kingston Planning Scheme (ResCode):
 - Clause 55.02-1 - Neighbourhood character
 - Clause 55.03-1 - Street Setback
 - Clause 55.04-1 - Side Setback

Appendices

Appendix 1 - KP-2019173 - 11 & 15 Wimborne Avenue, Chelsea - Considered Plans
(Ref 19/206961) 

Author/s: Amy Lin, Statutory Planning

Reviewed and Approved By: Nicole Bartley, Team Leader Statutory Planning

4.3

KP-2019/173 - 11 & 15 WIMBORNE AVENUE, CHELSEA

1	KP-2019173 - 11 & 15 Wimborne Avenue, Chelsea - Considered Plans	105
---	---	-----

ADVERTISED PLANS
 Documentation May
 Be Subject to Copyright

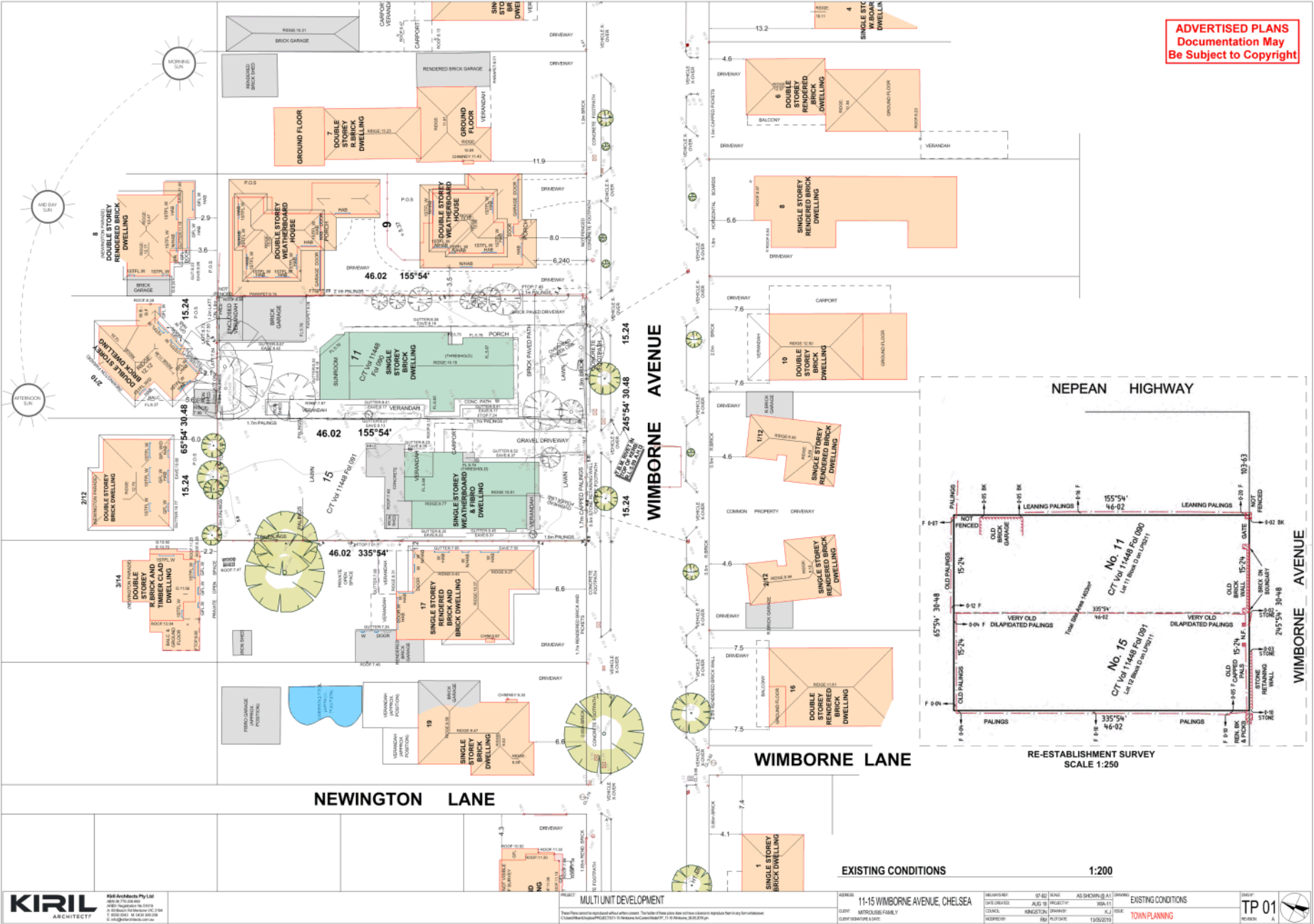


DRAWING INDEX	
DRAWING No:	DRAWING:
TP 00	COVER PAGE
TP 01	EXISTING CONDITIONS
TP 02	DESIGN RESPONSE
TP 03	BASEMENT FLOOR PLAN
TP 04	GROUND FLOOR PLAN
TP 05	FIRST FLOOR PLAN
TP 06	ROOF PLAN
TP 07	ELEVATIONS
TP 08	SECTIONAL ELEVATIONS
TP 09	SECTIONS
TP 10	SHADOW DIAGRAMS
TP 11	W.S.U.D PLAN
TP 12	GARDEN AREA ANALYSIS - STREET SCAPE
TP 13	3D IMAGES

11-15 WIMBORNE AVENUE, CHELSEA
 MULTI UNIT DEVELOPMENT



ADVERTISED PLANS
Documentation May
Be Subject to Copyright



KIRIL ARCHITECTS
 Kiril Architects Pty Ltd
 ABN 70 202 881 444
 111-115 Newington Lane, Chelsea
 VIC 3192
 T: 03 9594 1111
 F: 03 9594 1112
 E: info@kirilarchitects.com.au
 W: www.kirilarchitects.com.au

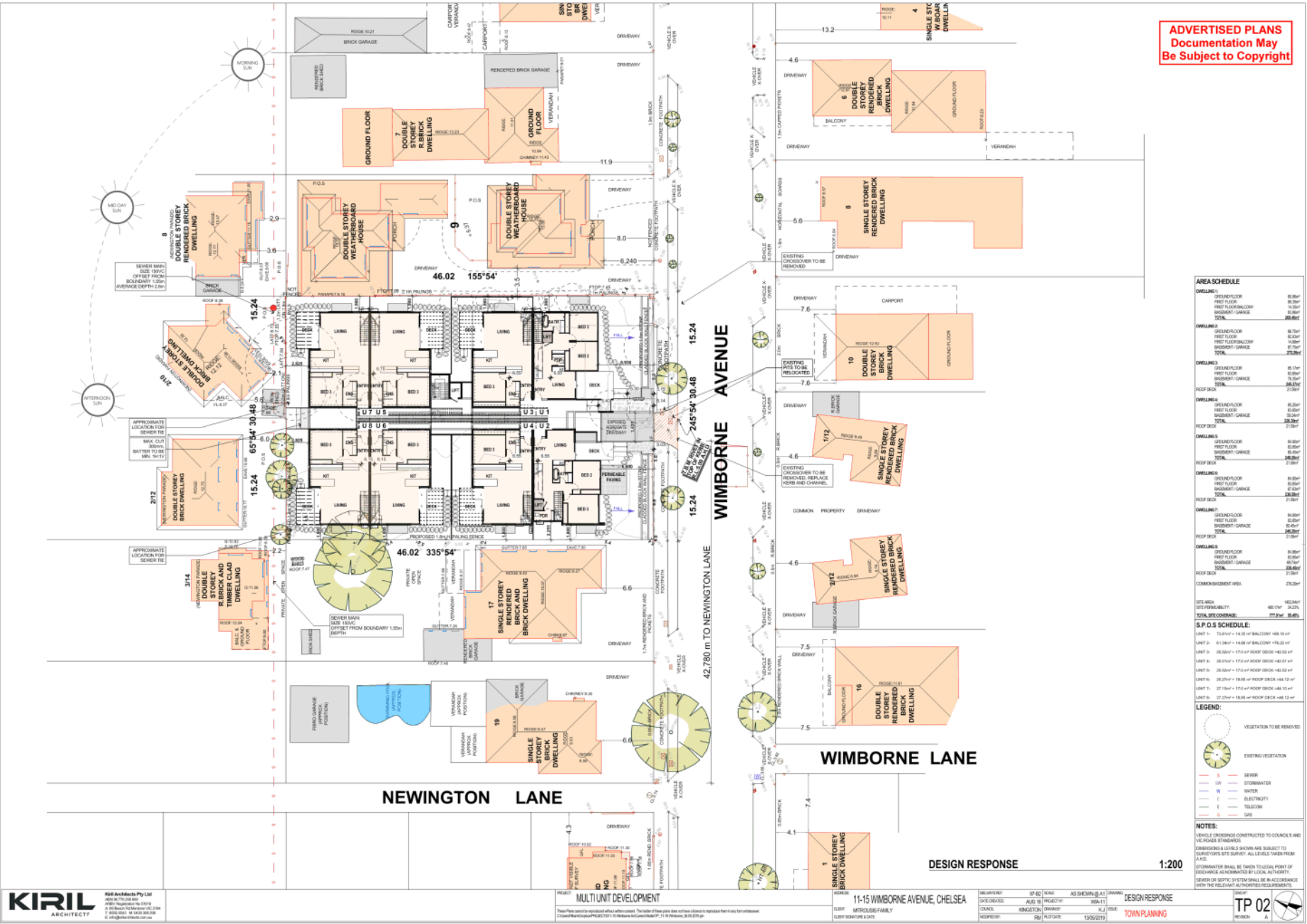
MULTI UNIT DEVELOPMENT
 These Plans are prepared without endorsement. The holder of these plans does not warrant or guarantee their use for any purpose.
 C:\Users\karch\Documents\PROJECTS\11-15 Wimborne Ave\Commitment_Plan_11-15 Wimborne_Ave.dwg

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
 CLIENT: MITROVISE FAMILY
 CLIENTS' NAME & DATE:

WORKSHOP: ST 02 NONE AS SHOWN (G.A.) DRAWING: EXISTING CONDITIONS
 CHECKED: ANDREW MITROVISE 19/08/11 SCALE: 1:250
 COORD: KINGSTON DRAWING: K.J. DATE: 13/05/2019
 RECHECKED: RM DATE: 13/05/2019

SHEET: TP 01
 NUMBER: A

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



AREA SCHEDULE

DWELLING	GROUND FLOOR	FIRST FLOOR	RESIDENT GARAGE	TOTAL
DWELLING 1	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 2	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 3	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 4	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 5	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 6	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 7	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 8	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 9	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 10	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 11	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 12	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 13	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 14	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 15	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 16	88.20sqm	88.20sqm	14.20sqm	190.60sqm
DWELLING 17	88.20sqm	88.20sqm	14.20sqm	190.60sqm
COMMON RESIDENT AREA	276.20sqm			276.20sqm
SITE AREA	1452.00sqm			1452.00sqm
PERFORMABILITY	461.70%			31.76%
TOTAL SITE COVERABLE	1772.90%			121.65%

- S.P.O.S SCHEDULE:**
- UNIT 1: 73.20m² + 14.50m² BALCONY = 87.70m²
 - UNIT 2: 81.20m² + 14.50m² BALCONY = 95.70m²
 - UNIT 3: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 4: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 5: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 6: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 7: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 8: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 9: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 10: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 11: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 12: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 13: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 14: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 15: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 16: 35.20m² + 17.00m² ROOF DECK = 52.20m²
 - UNIT 17: 35.20m² + 17.00m² ROOF DECK = 52.20m²
- LEGEND:**
- VEGETATION TO BE REMOVED
 - EXISTING VEGETATION
 - S SEWER
 - SW STORMWATER
 - W WATER
 - E ELECTRICITY
 - T TELECOM
 - G GAS

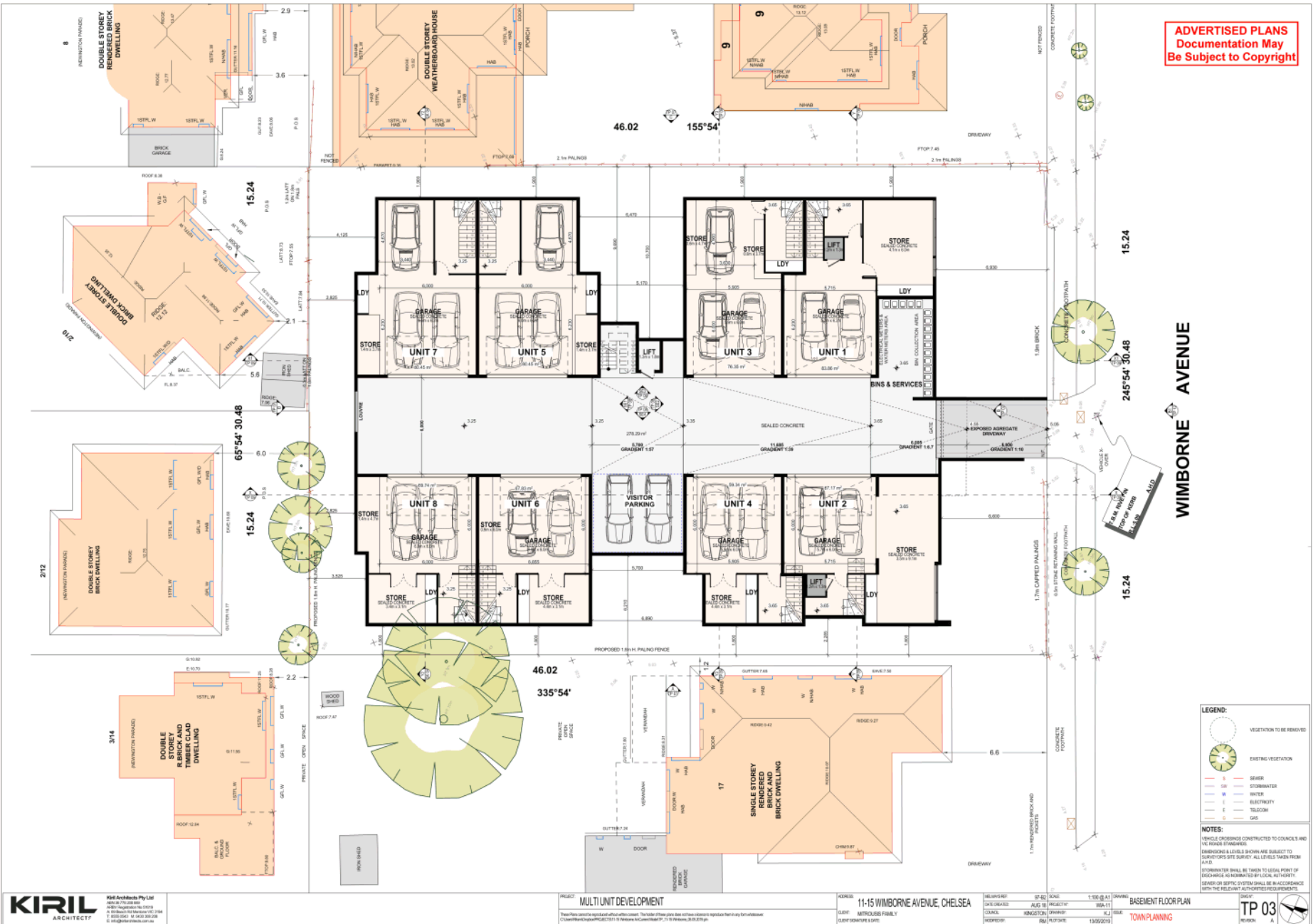
NOTES:

- VEHICLE DRIVeways CONSTRUCTED TO COUNCILS AND VEHICLE STANDARDS.
- DRAININGS LEVELS SHOWN ARE SUBJECT TO EXISTING SITE GRADIENT. ALL LEVELS TAKEN FROM A.M.D.
- CONTRACTOR SHALL BE TAKEN TO LEGAL POINT OF ENCUMBRANCE AS INDICATED BY LOCAL AUTHORITY.
- DESIGN OF SERVICE SYSTEMS SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORIZED REQUIREMENTS.

KIRIL ARCHITECT
Kiril Architects Pty Ltd
ABN 70 202 845 111
111 St Georges Road, Chelsea
VIC 3199
T: 03 9594 1111
E: kiril@kirilarchitect.com.au
W: www.kirilarchitect.com.au

MULTI UNIT DEVELOPMENT
These Plans are prepared and issued as indicated. The holder of these plans does not warrant or undertake to provide any form of insurance.
© Kiril Architects Pty Ltd 2019. All Rights Reserved.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
CLIENT: MITCHELL FAMILY
CLIENT ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
DRAWING NO: AS SHOWN (A)
DATE: 15/05/2019
SCALE: AS SHOWN
DESIGN RESPONSE
TOWN PLANNING
TP 02
REVISION: A



ADVERTISED PLANS
Documentation May
Be Subject to Copyright

WIMBORNE AVENUE

LEGEND:

	VEGETATION TO BE REMOVED
	EXISTING VEGETATION
	SEWER
	STORMWATER
	WATER
	ELECTRICITY
	TELECOM
	GAS

NOTES:
VEHICLE CROSSINGS CONSTRUCTED TO COUNCIL'S AND VIC ROAD STANDARDS.
DIMENSIONS & LEVELS SHOWN ARE SUBJECT TO SURVEYORS SITE SURVEY. ALL LEVELS TAKEN FROM A.M.D.
SEWERMASTER SHALL BE TAKEN TO LEGAL POINT OF DISCHARGE AS INDICATED BY LOCAL AUTHORITY.
DESIGN OF SEPTIC SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORIZED REQUIREMENTS.

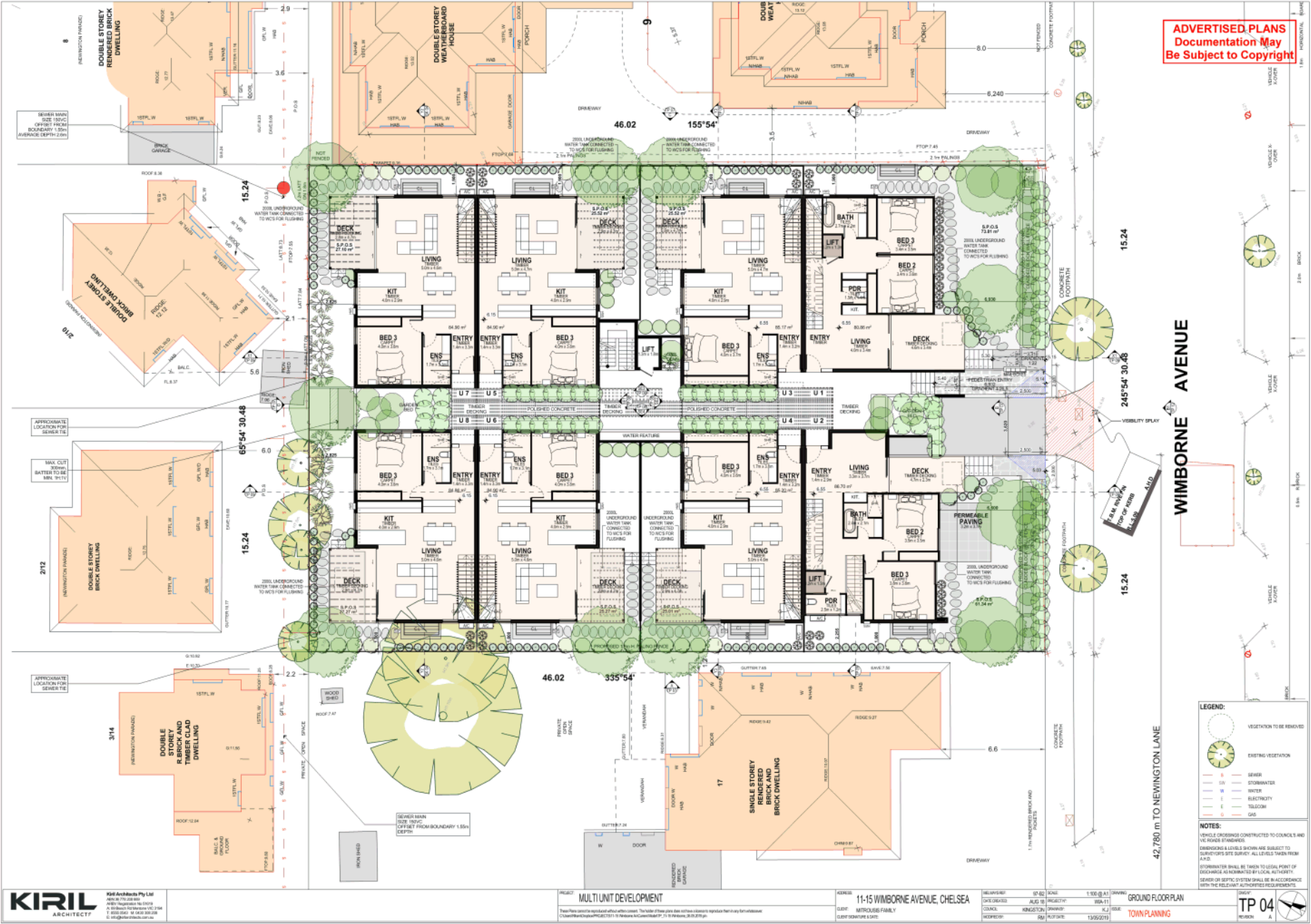
KIRIL ARCHITECTS
KIRIL Architects Pty Ltd
ABN 76 170 88 000
111 WIMBORNE AVENUE, CHELSEA
VIC 3199
T: 03 9594 1111
F: 03 9594 1112
E: info@kirilarchitects.com.au
www.kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT
These Plans are prepared and issued as indicated. The holder of these plans shall not be liable to anyone for any loss or damage.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
CLIENT: MITROUSIS FAMILY
CLIENTS NAME & DATE:

SCALE: 1:100 (S.A.)
DATE: 13/05/2019
DESIGNED BY: J.S.
CHECKED BY: R.M.
DATE: 13/05/2019

PROJECT: BASEMENT FLOOR PLAN
DATE: 13/05/2019
SCALE: 1:100 (S.A.)
DESIGNED BY: J.S.
CHECKED BY: R.M.
DATE: 13/05/2019
PROJECT: TOWN PLANNING
DATE: 13/05/2019
PROJECT: TP 03
DATE: 13/05/2019



ADVERTISED PLANS
Documentation May
Be Subject to Copyright

WIMBORNE AVENUE

42,780.00 (M 087.8)

LEGEND:

- VEGETATION TO BE REMOVED
- EXISTING VEGETATION
- SEWER
- STORMWATER
- WATER
- ELECTRICITY
- TELECOM
- GAS

NOTES:

- VEHICLE CROSSINGS CONSTRUCTED TO COUNCIL'S AND VIC ROAD STANDARDS.
- DRAININGS & LEVELS SHOWN ARE SUBJECT TO SURVEYORS SITE SURVEY. ALL LEVELS TAKEN FROM A.M.D.
- RECONSTRUCTION SHALL BE TAKEN TO LEGAL POINT OF ENCUMBRANCE AS INDICATED BY LOCAL AUTHORITY.
- SEWER OR GASEOUS SYSTEM SHALL BE IN ACCORDANCE WITH THE RELEVANT AUTHORIZED REQUIREMENTS.

KIRIL ARCHITECTS

Kiril Architects Pty Ltd
 4/100-102, The Arcade
 111 Sturt Street
 Adelaide SA 5000
 T: 08 8232 2222
 F: 08 8232 2222
 E: info@kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT

These Plans are prepared and issued as indicated. The title of these plans does not constitute an approval from any Government Authority.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA

CLIENT: MITROUSIS FAMILY

CLIENT'S ARCHITECT & LANDSCAPE ARCHITECT:

DRAWING NO: 1100 (G.A.)

DATE: 15/05/2019

SCALE: AS SHOWN

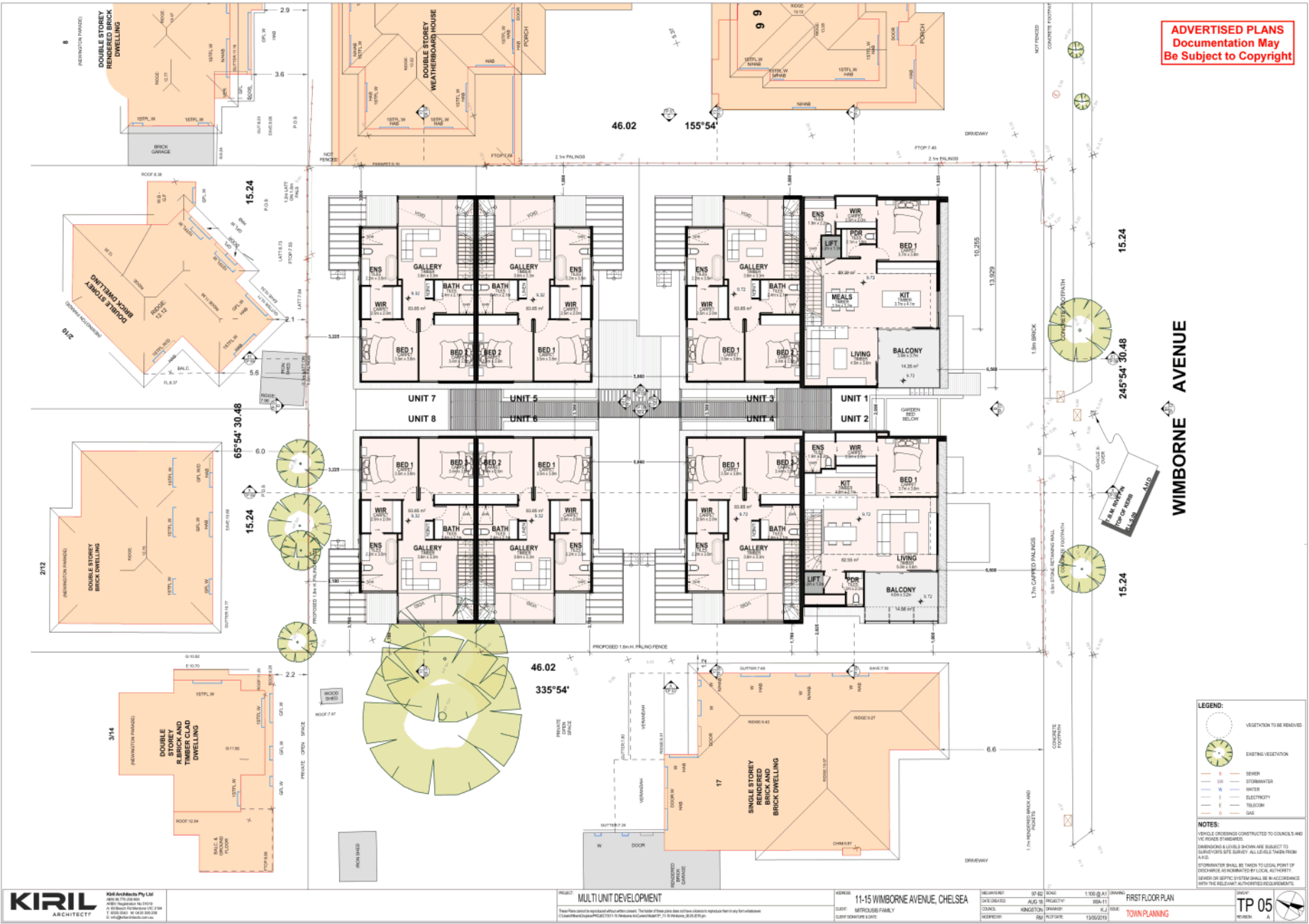
PROJECT NO: 13/05/2019

GROUND FLOOR PLAN

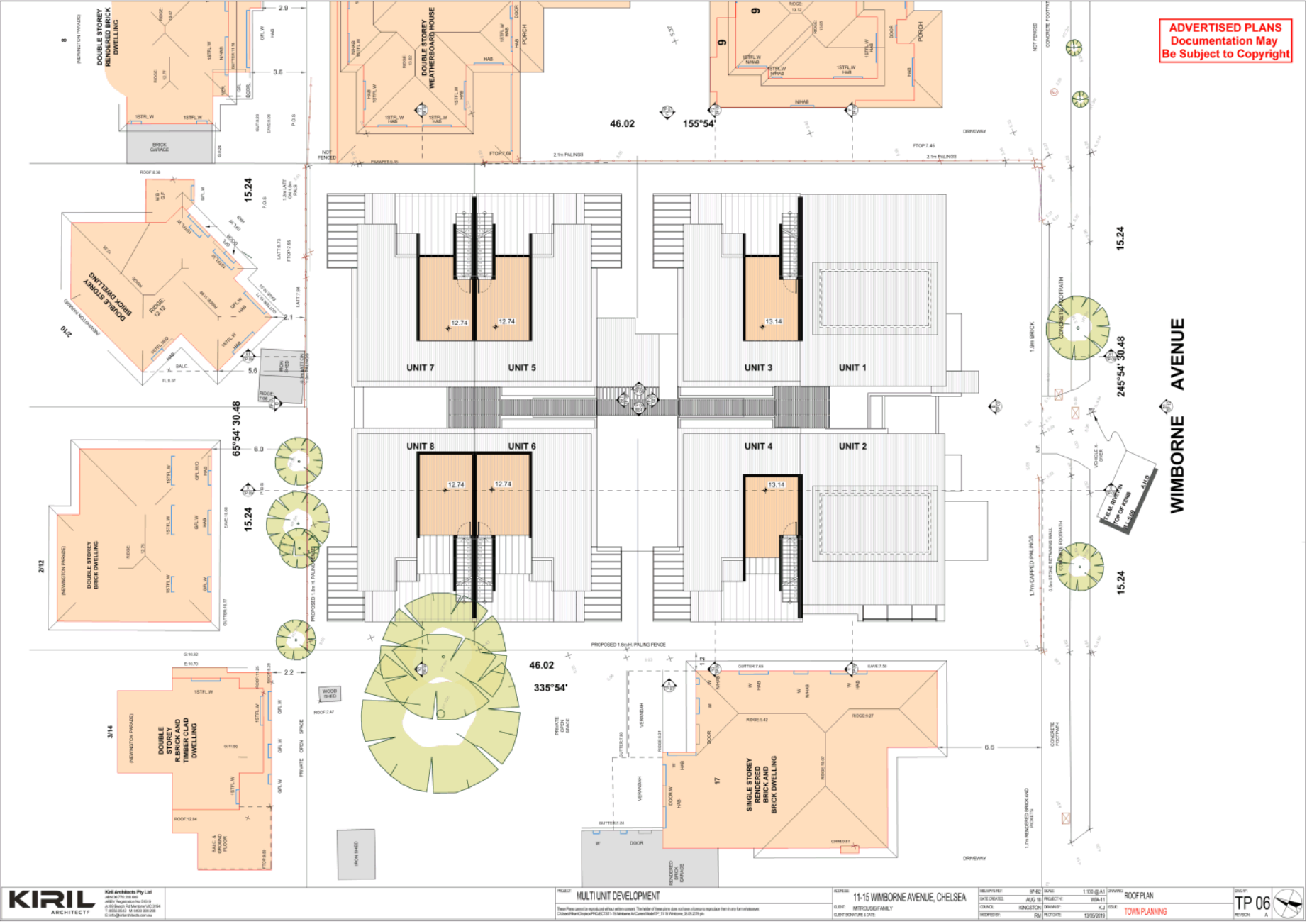
TOWN PLANNING

TP 04

REVISION A



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



KIRIL ARCHITECTS

Kiril Architects Pty Ltd
 Kiril Architects Pty Ltd
 11/15 Wimborne Ave, Chelsea
 VIC 3130
 T: 03 9594 1111
 F: 03 9594 1112
 E: kiril@kirilarchitects.com.au
 www.kirilarchitects.com.au

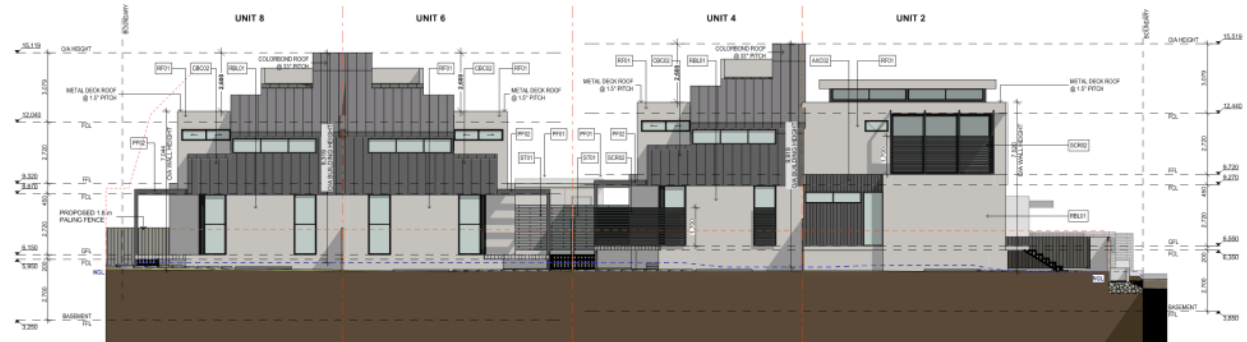
PROJECT: **MULTI UNIT DEVELOPMENT**
 These Plans are prepared solely for the client. The holder of these plans does not warrant or guarantee their use for any other purpose.
 © Kiril Architects Pty Ltd 2019. All Rights Reserved. TP 06

ADDRESS: **11-15 WIMBORNE AVENUE, CHELSEA**
 CLIENT: **MTRIOUSE FAMILY**
 CLIENT REFERENCE ID: **173**

DATE: **11/05/2019**
 DRAWING NO: **1100 (S.A.)**
 SHEET NO: **06**
 PROJECT NO: **173**
 DRAWING TITLE: **ROOF PLAN**
 SCALE: **TOWN PLANNING**

PROJECT: **TP 06**
 REVISION: **A**

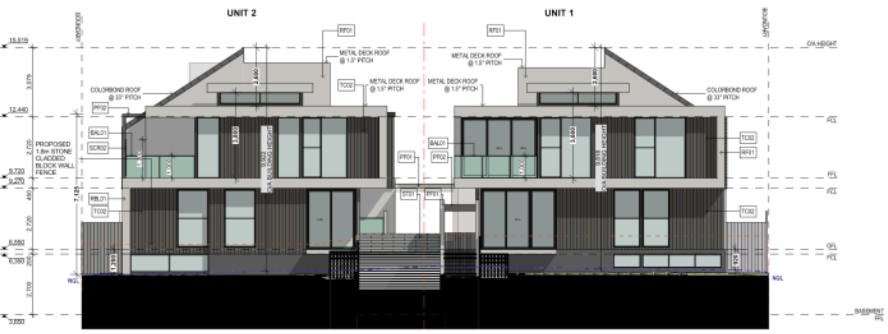
ADVERTISED PLANS
Documentation May
Be Subject to Copyright



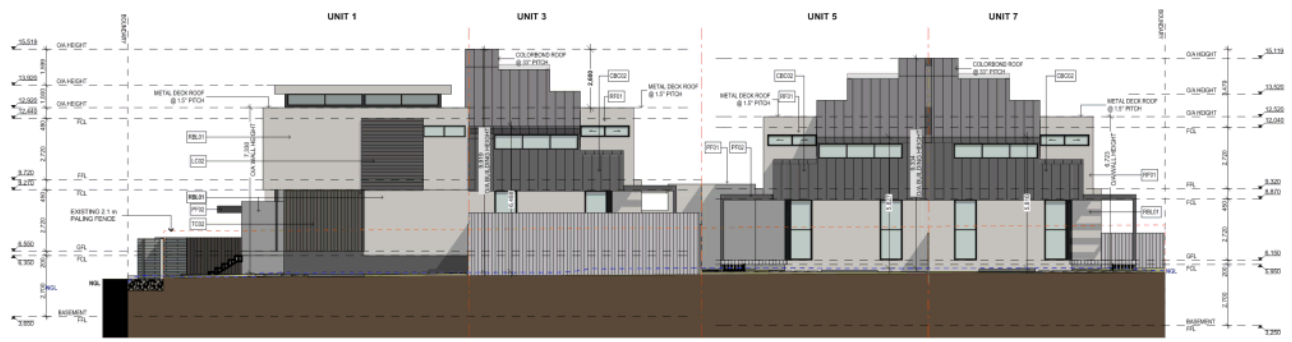
WEST ELEVATION 1:100



NORTH ELEVATION 1:100



SOUTH ELEVATION 1:100



EAST ELEVATION 1:100

FINISHES SCHEDULE:

- PRF - ACRYLIC RENDERED FINISH TO BLOCKWORK
- RF - ACRYLIC RENDERED FINISH TO FRAME
- PF - PAINT FINISH
- ST - STONE
- TC - TIMBER CLADDING
- CR - COLOURED CLADDING
- ANC - JH BOYER ANCHOR CLADDING
- AC - JH BOYER ANCHOR CLADDING
- BA - BALUSTRADE
- SCR - SCREEN

REFER SPECIFICATION SECTION 27 FOR COLOUR SELECTION

KIRIL ARCHITECTS
KIRIL Architects Pty Ltd
ABN 70 225 815 415
115 WIMBORNE AVENUE, CHELSEA
VIC 3192
T: 03 9594 1111
E: info@kirilarchitects.com.au
www.kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT
These Plans are not to be used for any other purpose without the written consent of Kiril Architects Pty Ltd.
DRAWN BY: JACOB B. PROBERT
CHECKED BY: JACOB B. PROBERT
DATE: 13/05/2019

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
CLIENT: MITROUSIS FAMILY
CLIENT CONTACT: JACOB B. PROBERT

SCALE: 1:100 (E.A.)
DATE: 13/05/2019
JOB NO: 1906-11
JOB NO: 1906-11
JOB NO: 1906-11
JOB NO: 1906-11

TITLE: ELEVATIONS
SUBTITLE: TOWN PLANNING
DRAWN BY: JACOB B. PROBERT
CHECKED BY: JACOB B. PROBERT
DATE: 13/05/2019
JOB NO: 1906-11
JOB NO: 1906-11
JOB NO: 1906-11
JOB NO: 1906-11







KIRIL ARCHITECTS
 Kiril Architects Pty Ltd
 ABN 79 020 846 111
 111/113 St Albans Road
 St Albans, VIC 3024
 P 03 9487 1111
 F 03 9487 1112
 E info@kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT
 These Plans are prepared subject to the following conditions. The holder of these plans does not intend to reproduce them in any form without the written consent of Kiril Architects Pty Ltd. 11/13 St Albans Road, St Albans, VIC 3024.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
 CLIENT: MITROUXIS FAMILY
 CLIENTS REFERENCE NO: 173

SCALE: AS SHOWN
 DATE: 13/05/2019
 DRAWING NO: 1006 (A)
 SHEET NO: 1006-11

DESIGNED BY: JAMES MITROUXIS
 CHECKED BY: KIMBERLEY MITROUXIS
 DRAWING NO: 1006 (A)
 SHEET NO: 1006-11
 DATE: 13/05/2019
 DRAWING TITLE: SHADOW DIAGRAMS
 TOWN PLANNING
 SHEET NO: TP 10
 REVISION: A

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



Melbourne Water STORM Rating Report

TransactionID: 730900
 Municipality: KINGSTON
 Rainfall Station: KINGSTON
 Address: 11-15 WIMBORNE AVENUE

 CHELSEA
 VIC 3193
 Assessor: Rhham Morcos
 Development Type: Residential - Multiunit
 Allotment Site (m2): 1,402.84
 STORM Rating %: 104

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
ROOF UNIT 1	109.97	Rainwater Tank	2,000.00	3	111.00	91.00
ROOF UNIT 2	107.54	Rainwater Tank	2,000.00	3	111.60	91.00
ROOF UNIT 3	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
ROOF UNIT 4	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
ROOF UNIT 5	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
ROOF UNIT 6	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
ROOF UNIT 7	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
ROOF UNIT 8	90.44	Rainwater Tank	2,000.00	3	127.00	87.80
DRIVEWAYS & PATHWAYS	132.98	None	0.00	0	0.00	0.00



Kiril Architects Pty Ltd
 ABN 70 058 856 100
 100/102 Springvale Rd
 Springvale VIC 3174
 T: 03 9481 1100 F: 03 9481 1102
 E: info@kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT
 These Plans are to be used only for the purposes stated. The holder of these plans has no liability for any loss or damage caused by their use for any other purpose.
 13/05/2019 11:15 AM

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
 CLIENT: MITROUSIS FAMILY
 CLIENT REPRESENTATIVE:

DATE: 07/02/2019
 DRAWN BY: JUNE
 CHECKED BY: JUNE
 SCALE: 1:100 (A3)
 PROJECT: 1906-11
 ISSUE: 01
 DATE: 13/05/2019
 DRAWING: W.S.U.D PLAN
 TOWN PLANNING
 SHEET: TP 11
 REVISION: A

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



GARDEN AREA 1:100

GARDEN AREAS ANALYSIS
= 492.02m² = 35.1%



SOUTH (STREET SCAPE) 1:200



SOUTH ELEVATION 1:100

KIRIL ARCHITECTS
Kiril Architects Pty Ltd
ABN 70 204 895 495
111/111 St Georges Road, Chelsea
VIC 3196
T: 03 9594 1111 F: 03 9594 1111
E: kiril@kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT
These Plans are prepared solely for the client. The client is responsible for ensuring that the Plans are used for the intended purpose and that they comply with all applicable laws and regulations.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA
CLIENT: MITROVSKI FAMILY
CLIENT REFERENCE: 11/15

DATE: 13/05/2019
DRAWN BY: JAS SHKINJA
CHECKED BY: JAS SHKINJA
SCALE: AS SHOWN
PROJECT: GARDEN AREA ANALYSIS - STREET SCAPE

DATE: 13/05/2019
DRAWN BY: JAS SHKINJA
CHECKED BY: JAS SHKINJA
SCALE: AS SHOWN
PROJECT: GARDEN AREA ANALYSIS - STREET SCAPE
DRAWN BY: TP 12
REVISION: A

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



KIRIL
ARCHITECTS

Kiril Architects Pty Ltd
ABN 69 702 225 846
100/100 Springvale Rd, Springvale
VIC 3171
T: 03 9594 1000
E: info@kirilarchitects.com.au

PROJECT: MULTI UNIT DEVELOPMENT

These Plans represent a preliminary architectural proposal. The holder of these plans does not warrant or guarantee their accuracy or reliability.

ADDRESS: 11-15 WIMBORNE AVENUE, CHELSEA

CLIENT: MITROVIC'S FAMILY

CLIENT IDENTIFY & DATE:

DESIGNED BY:	STAGE:	DATE:	PROJECT NO.:
CONCEPT:	ASSET ID:	PROJECT ID:	1000-11
CONTRACT:	CONSTRUCTION:	DRIVING:	CLJ
INSPECTED BY:	RM:	PLATON:	13/05/2019

3D IMAGES

TOWN PLANNING

PROJECT: TP 13

REVISION: A

ADVERTISED PLANS
 EXTERNAL FINISHES BOARD
 Documentation May
 Be Subject to Copyright



Please note finishes are indicative only

- 01. STONE CLADDING - HAMMERED MARBLE
- 02. RENDER - GREY PEBBLE- QUARTER
- 03. CRAZY PAVING
- 04. RENDER - CB MONUMENT
- 05. WINDOW FRAMES - BLACK SATIN

- 06. STANDING SEAM COLORBOND CLADDING
- 07. ROOF DECKING - COLORBOND SHALE GREY
- 08. DRIVEWAY - EXPOSED AGREGATE
- 09. TIMBER DECKING - NATURAL SILVER
- 10. TIMBER CLADDING - BLACK ASH

- 11. LINEA CLADDING - MONUMENT
- 12. AXON CLEDDING - MONUMENT

Planning Committee Meeting

18 September 2019

Agenda Item No: 4.4

KP-2018/676 - 236 - 242 CLARINDA ROAD, HEATHERTON

Contact Officer: Tim Yildirim, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2018/676 - 236 - 242 Clarinda 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 Notice of Decision to use the land as a place of worship and buildings and works for the construction of an associated car parking area. at 236 - 242 Clarinda Road, Heatherton, subject to the conditions contained within this report.


This application requires a decision by Planning Committee, as it is an application within a Green Wedge Zone with an anticipated cost of works exceeding \$20,000.


EXECUTIVE SUMMARY			
Address	236 Clarinda Road, Heatherton		
Legal Description	Lot 1 on PS 405579F		
Applicant	Change of Plan		
Planning Officer	Tim Yildirim		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 35.05 – Green Wedge A Zone		
Overlays	Clause 42.01 – Environmental Significance Overlay		
	Clause 45.01 – Public Acquisition Overlay		
	Clause 45.03 – Environmental Audit Overlay		
Particular Provisions	Clause 52.05 – Signs		
	Clause 52.06 – Car Parking		
	Clause 52.29 – Land adjacent to a Road Zone Category 1		
	Clause 52.34 – Bicycle Facilities		
Permit Trigger/s	Clause 35.05-1 – Section 2 Land Use (Place of Worship); Clause 35.05-5 – Buildings and Works associated with a Use in Section 2 of Clause 35.05-1.		
APPLICATION / PROCESS			
Proposal	Use the Land as a Place of Worship, Buildings and Works, including for the construction of an associated car parking area and to construct or put up Business Identification Signage, on land subject to a Public Acquisition Overlay.		
Reference No.	KP-2018/676	RFI Received	12.06.2019
App. Received	23.08.2018	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Commenced: 17.6.2019	Advertising Completed	4 July 2019
S.55 Referrals	VicRoads		
Internal referrals	Yes		
Objection(s)	One (1)		
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	YES		
Considered Plans	Draft Point; Project No. COP04; Revision 5; dated 18/04/2019; submitted to Council on 12/06/2019.		

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit No. KP-2010/235 was issued by the City of Kingston on 3 November 2011 for *the use of land for a plant nursery with associated office and sales building and to waive or reduce the car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme.*
- 1.2 Planning Permit No. KP-2010/644 was issued by City of Kingston on 28 October 2011 to *undertake works on the land comprising Earthworks and Fill.*

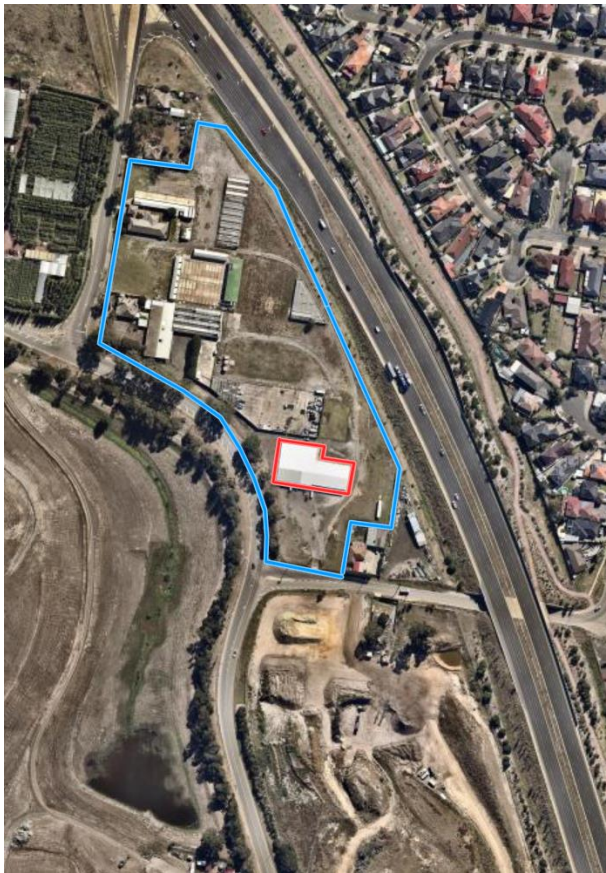
2.0 SITE PARTICULARS

Built form	<p>The site is currently developed with an array of buildings, including structures used for agriculture.</p> <p>The proposal seeks to utilise the existing building located in the southern portion of the site, as indicated via the red outline below:</p>  <p>The identified building on site is setback:</p> <ul style="list-style-type: none"> - 10.0 metres from Old Dandenong Road (west) - 31.9 metres from the adjoining property to the eastern interface; - 56.8 metres from Elder Street South (south); and - 56.4 metres to the Dingley Bypass (east).
Size (m²)	The site has an overall size of 3.718 hectare.
Topography	The site has a slight slope of 1.5 metres that falls from the north (corner of Clarinda Road and the Dingley Bypass) boundary, to the south-east (Elder Street South) boundary.
Fencing	The site is enclosed via a 1.8 metre high cyclone wire fence.
Vegetation	There are several large trees along the Old Dandenong Road frontage within the site boundary (outside the existing boundary fence). There is also four <i>Melaleuca</i> sp. at the corner of Old Dandenong Road and Elder Street South. These trees are mature healthy specimens, contributing to a high level of

	<p>amenity. They will also contribute to the screening of the large amount of hard surfacing as required by the building and design guidelines of the Green Wedge Management Plan.</p>
<p>Easement(s)</p>	<p>A 1.83 metre wide E-1 easement is located along the site's east (side) property boundary. An easement also extends along the south (Elder Street South) property frontage, as indicated via Council's mapping software below:</p> 
<p>Footpath assets / access</p>	<p>One (1) existing crossover adjacent to the south (Elder Street South) boundary. There are two (2) power poles located along the Elder Street frontage.</p>
<p>Covenant(s) / Restrictions</p>	<p>There appears to be no restrictions listed on the Certificate of Title.</p>

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 / north-east	Directly north of the subject site is the Dingley Bypass, including Road Reserves (forming part of the Road Zone, Category 1) and subsequently residential zoned and developed land.
East	As per above – Dingley Bypass followed by land used and developed for residential purposes.
South	Land to the south contains two (2) residential dwellings, at the properties known as No. 1 & 2 Elder Street South, Heatherton. Residual land uses comprise of the Heatherton Sand Mines (which extends to the south/west beyond Old Dandenong Road).
West	Land to the west contains Old Dandenong Road followed by the Heatherton Sand Mines.

3.3 The surrounding area generally comprises of agricultural, extractive industry and residential land uses.

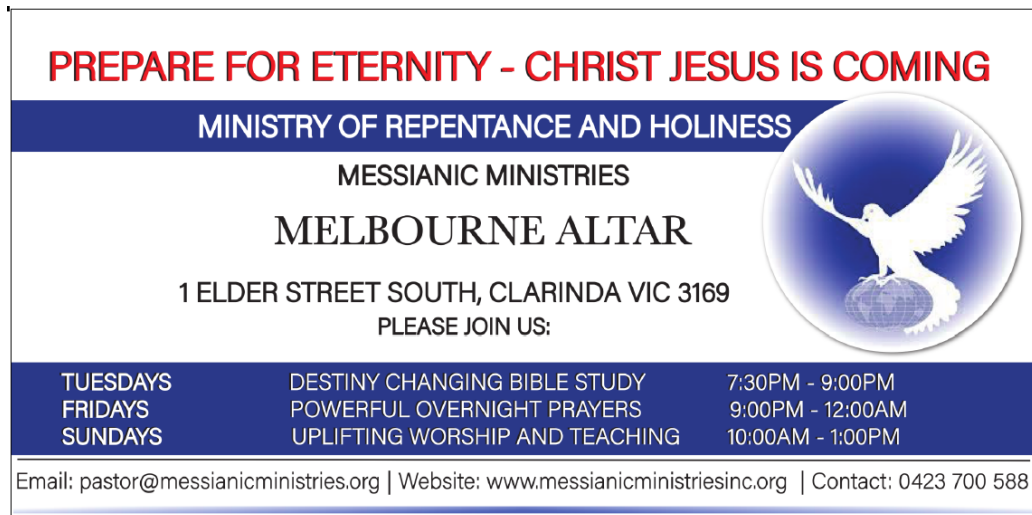
4.0 PROPOSAL

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

Description	<p>Use of the existing building within the southern portion of the land for the purposes of a Place of Worship. The proposal also encapsulates associated buildings and works for the construction of a compacted gravel car parking area, as indicated on the advertised plans. Residual works include the installation of windows above existing doorways, to accentuate entry components and improve natural light into the building.</p> <p>Associated with the use of land as a Place of Worship, the applicant seeks to erect Business Identification Signage, with an overall advertising area of 6.0m². Further details regarding signage will be discussed later in this report.</p>
Hours of Operation:	<p>Monday: 9.00am – 5.00pm;</p> <p>Tuesday – Thursday: 9.00am – 9.00pm;</p> <p>Friday & Saturday: 9.00am – 12.00am; and</p> <p>Sunday: 9.00am – 6.00pm.</p>
Maximum No. of patrons:	<p>Staff: ten (10).</p> <p>Patrons: 300.</p>
Floor area (m²)	1064m ² .
Car parking	90 spaces proposed.
Access	Existing access via Elder Street nominated to be utilised.
Proposed Activities	<ol style="list-style-type: none"> 1. Church services will occur two (2) times per week and typically the services will have 100 patrons. The applicant anticipates a maximum of 200 patrons attending these services. 2. Religious education sessions will occur at regular times throughout the year. These will typically have 50 patrons for a session, but may have a maximum of 300 for specific sessions. Education sessions will occur approximately three (3) times per week. 3. General administration will occur Monday to Friday, from 8.00am – 6.00pm. During these times, there will be a maximum of 20 patrons on site. 4. Meetings will occur once a week and will have between 200-300 patrons. 5. At special times throughout the year they will also host wedding functions. There will be a maximum of 250 patrons attending a wedding, with an average of 150 patrons per wedding. There will be approximately

	<p>six (6) weddings a year. Wedding functions will be limited to the ceremony only.</p> <p>These activities are to be controlled by way of conditions on any permit issued.</p>
Amplified Noise (music and instruction)	<p>Amplification of music and speaking will be carried out during services. Amplification will be only within the building and openings (windows and doors) will be closed during these times to ensure there will be no noise spill outside of the building. Amplification volumes will be in accordance with the requirements of SEPP No. N-2 (Control of Music Noise from Public Premises) and will be made condition of any permit issued. The building is well separated from surrounding properties and will have no impact on the area; it is further noted no objection was received from the adjacent property at No. 2 Elder Street South.</p>

Signage	Description
Type	Business Identification Signage.
No. of signs	One (1)
Total area	6.0m²
Illumination	None proposed
Content	See image below.



5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 Green Wedge A Zone: pertaining to the table of uses pursuant to Clause 35.05-1 of the Kingston Planning Scheme, a Planning Permit is required to use the land for a Section 2 land use.
- 5.2 Green Wedge A Zone: pursuant to Clause 35.05-5 of the Kingston Planning Scheme, a planning permit is required to construct or carry out buildings and works associated with a use in Section 2 of Clause 35.05-1.

Overlay

- 5.3 **Environmental Significance Overlay:** Pursuant to Clause 42.01 of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- 5.4 **Public Acquisition Overlay:** Pursuant to Clause 45.01 of the Kingston Planning Scheme, a planning permit is required to:
- a) Use the land for any Section 1 or Section 2 use in the zone; and
 - b) Construct a building or construct and carry out works.

- 5.5 Pursuant to Clause 45.01-3, an application must be referred under Section 55 of the Act to the acquiring authority for the land.

- 5.6 **Environmental Audit Overlay:** Pursuant to Clause 45.03-1, before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The application was referred to Council's Environmental Planning Department, who advised of no objection subject to conditions being included on any permit issued for a staged Environmental Site Assessment and, dependant on findings at any stage, appropriate further action undertaken (if any required).

Particular Provisions

- 5.7 **Clause 52.05 – Signs:** Pursuant to Clause 52.05 of the Kingston Planning Scheme, a planning permit is required to construct or put up for display a sign in Section 2.

With regard given to the Clause 35.05-7 (signage requirements for land zoned Green Wedge A) the sign requirements of Clause 52.05 are noted to fall within Category 3.

Pursuant to the Category 3 Signage (High Amenity Areas) pertaining to Clause 52.05-13, a Business Identification Sign is listed as a Section 2 sign, whereby a planning permit is required.

- 5.8 **Clause 52.06 - Car Parking:** Pursuant to Clause 52.06 of the Kingston Planning Scheme, a planning permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5. As the required number of spaces are provided (see Section 10.29 of Report) no planning permit is required in this respect.

- 5.9 **Clause 52.29 - 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 to construct or alter an access to a Road Zone Category 1. As the proposal does not seek to construct or alter access to a Road Zone Category 1, no planning permit is required in this respect.

- 5.10 **Clause 52.34 - Bicycle Facilities:** Pursuant to Clause 52.34 of the Kingston Planning Scheme, a planning permit is required to reduce or waive the bicycle facility requirements associated with a Place of Assembly. Pursuant to Clause 73.04 (Nesting Diagrams) the use of Land for a Place of Worship is nested under the broader definition of Place of Assembly.

General Provisions

- 5.11 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 15 Built Environment and Heritage
Clause 19 Infrastructure

6.2 Local Planning Policy Framework (LPP)

- Clause 21.03 Land Use Challenges for the New Millennium
Clause 21.04 Vision
Clause 21.10 Green Wedge
Clause 22.04 – South East Non urban Area Policy
Clause 22.15 Outdoor Advertising Signage Policy

Other

- 6.3 Kingston City Council's Green Wedge Plan (Final Plan, dated April 2012) Incorporated under Clause 21.10 – Green Wedge of the LPPF).

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. One (1) objection to the proposal was received. The grounds of objection raised are summarised as follows:

- Lack of landscaping provisions;
- *“There is nothing to stop the building being subsequently repainted using an inappropriate colour scheme”;*
- Building height limitations; and
- Any planning permit issued should contain conditions restricting removal of existing vegetation.

8.0 PLANNING CONSULTATION MEETING

- 8.1 The objector was contacted by the planning officer on 12 August 2019 to discuss their concerns, with this information then being relayed to the applicant.
- 8.2 In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as one (1) objection to the application was received. However, as required by the Policy, Council's planning officer contacted the objector followed by further discussions with the applicant to ascertain if the concerns raised by the objector could be resolved. It should be noted that during the discussion with the objector no request was received by the planning officer for a planning consultation meeting to be held.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

8.3 Some of the matters were addressed, however the full scope of the objector concerns were unable to be resolved, and thus the objection still stand.

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

9.0 REFERRALS

9.1 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, trees to be retained, a Root Investigation Report, and a Tree Management and Protection Plan.
Council's Development Engineer	No objection raised to the proposed arrangement, subject to conditions on any permit issued relating to water sensitive urban design treatments and stormwater management.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to vehicle crossing alignment, property boundary and footpath levels, general reinstatement requirements, removal of redundant portions of vehicle crossings and upgrading of the existing vehicle crossing to Council's industrial strength specifications.
Traffic Engineer	No objection raised, subject to conditions included on any permit issued relating to limitations on the maximum numbers of staff and patrons at the site.
Environmental Planning	No objection raised, subject to conditions included on any permit issued for a staged Environmental Site Assessment to be conducted on the site.

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
VicRoads	55	Determining	No	Subject to following condition to be included on any permit issued: - No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

10.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 10.1 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 19** (Infrastructure). 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).
- 10.2 The settlement policies at **Clause 11** (as relevant to the proposal) seeks to ensure that land use and development appropriately responds to its surrounding landscape and character. Furthermore, planning is to accommodate for people of all cultures and reflect cultural identity of the broader community. **Clause 11.01-1S** (Settlement) states that Planning Authorities should plan to achieve sustainable communities through offering convenient access to community facilities and improved land use planning outcomes, at a local level.
- 10.3 **Clause 11.01-1R** (Green Wedges – Metropolitan Melbourne) seeks to support development and land use within green wedge areas that provide for social benefits.
- 10.4 **Clause 11.02** (Managing Growth) the main directive is to ensure a sufficient supply of land is made available for a variety of purposes, including community and cultural. To achieve this, it takes into account sufficient land availability to meet forecasted demand.
- 10.5 **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.
- 10.6 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) ensures land use and development contributes to cultural life by facilitating accessibility and providing for inclusiveness, and ensuring the design of publicly accessible private car parking areas are of high standard, are safe for users and enables easy and efficient use. Finally, **Clause 15.01-1S** seeks to ensure that development (including signs) minimises detrimental amenity impacts on the natural and built environment, and on the safety and efficiency of roads.
- 10.7 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 10.8 Importantly, the Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity.

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

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

- 10.9 The approved Plan contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area.
- 10.10 **Clause 19** (Infrastructure) encourages planning to recognise the accessibility of community resources, including community and cultural facilities. **Clause 19.02-3S** (Cultural Facilities) encourages the development of cultural environments in local communities. **Clause 19.02-4S** (Social and Cultural Facilities) seeks to provide fairer distribution and access to social and cultural infrastructure. Planning is to consider the provision of social infrastructure, in suitable locations.
- 10.11 It is submitted that the proposed use and development satisfies the aforementioned State strategies and policy directives. Specifically, the use is found to be appropriate in its context. Subject to conditions on any permit issued, the proposal achieves an acceptable design outcome for the site and its immediate abutments.

Local Planning Policy Framework

- 10.12 **Clause 21.03** (Land Use Challenges for the New Millennium) identifies the challenges associated with sustainable management of non-urban areas. This particular issue is elaborated upon in **Clause 21.10**, which is of relevance to this application.
- 10.13 The City of Kingston's MSS at **Clause 21.10 – Green Wedge** of the Kingston Planning Scheme, seeks to provide guidance to land use and development outcomes within green wedge areas. **Clause 21.10-2** illustrates a number of fundamental planning issues faced in these locations.
- 10.14 The relevant Objectives and strategies in **Clause 21.10-2** include:
- *To support and maintain the Green Wedge Plan and ensuring proposals are consistent with and contribute to the long term planning solutions for the whole south east metropolitan Green Wedge. This is to be achieved by protecting green wedge areas from non-urban uses unless where identified in the Green Wedge Plan.*
 - *To protect the use of high quality agricultural land for agricultural purposes. Strategies in place to achieve this include supporting and protecting areas of viable agricultural activities, discouraging further subdivision and ensuring that agricultural and 'sensitive' non agricultural land uses are separated by buffers.*
 - *To support the transition of landfill, recycling or transfer station on appropriate land to new uses that are consistent with the long term strategies for the Green Wedge. Strategies in place to achieve this include the discouragement in the expansion of existing extractive industries, land filling operations, materials recycling facilities or transfer station north of Kingston and Heatherton Roads (noting the subject site is to the north of these roads).*

- *To manage the edge of urban areas in a manner which ensures that the Green Wedge is both stable and enduring. This is to be achieved by maintaining the urban edge identified in the Green Wedge land use framework plan unless an alternative sustainable edge is identified through the structure planning process.*

10.15 **Clause 21.10** identifies that Kingston's green wedge areas are under pressure from intensive urban development, the availability of existing infrastructure and ongoing decline in agricultural land uses. The proposal is found to respond to the objectives of **Clause 21.10** by maintaining and upholding the sought after outcomes within Council's Green Wedge Plan, whilst also contributing to the long-term vision for the metropolitan green wedge area.

The proposal is considered to support the relevant strategies pertaining to **Clause 21.10** of the Kingston Planning Scheme by:

- *Maintaining the environmental, scenic and landscape values of the area;*
- *Protecting the use of high quality agriculture land for agricultural purposes; and*
- *Not encouraging any further subdivision on the land.*

The proposal appropriately utilises an existing building, ensuring no impact on existing surrounding agricultural uses. Furthermore, the proposed Place of Worship is in a location that will not impact on the existing surrounding extractive industries, whilst also limiting future expansion of such industries, as encouraged within the Green Wedge Plan. The proposal is found to be consistent with the Green Wedge Plan. The proposal will not impede on identified conservation areas that a) safeguard the environment and b) provide passive open space opportunities. Finally, the proposal will maintain the existing scenic and landscape values of the area through utilising the existing building, ensuring no existing vegetation is being removed and providing generous setbacks to title boundaries. By way of conditions on any permit issued, the existing scenic and landscape values will be further enhanced (see below).

The site's location adjacent to three (3) main / arterial roads, with good linkages to these arterial roads is considered beneficial for the site and facilitates the efficient movement of people to and from the site. Whilst the proposed use is an urban related use, it is considered an appropriate transition into the Green Wedge. The site currently contains very little vegetation, noting that the proposal fails to incorporate landscaping provisions.

It is recommended to include a condition on any permit issued for the provision of landscaping around the proposed car parking area, in order to improve the overall vegetated appearance of the site. Existing vegetation along Old Dandenong Road will serve as pre-existing visual buffers along this interface.

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

10.17 The objectives of **Clause 22.04-2**, include:

- *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 ensure that use and development does not compromise metropolitan urban growth strategies.*

The proposal is considered to support the relevant strategies at **Clause 22.04** of the Scheme by:

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

10.18 **Clause 22.04-3** suggests that the policy for this area protects high quality rural landscapes, by which the following uses are supported within the non-urban area: “low density institutional uses e.g. schools, clubs, churches.” The proposed place of worship is considered to be consistent with the policy directives.

10.19 The City of Kingston’s Local Planning Policy **Clause 22.15 – Outdoor Advertising Signage Policy** of the Kingston Planning Scheme, seeks to provide guidance for the construction or display of signage. The Outdoor Advertising Signage Policy illustrates a range of signage Policy and objectives, dependant on the applicable ‘area’.

10.20 The broader objectives pertaining to **Clause 22.15-2 – Outdoor Advertising Signage Policy**, include:

- *To ensure excellence in the design and presentation of all outdoor advertising displays.*
- *To ensure that signs achieve maximum effectiveness without being excessive in their size, height, number or appearance.*
- *To protect visual amenity by avoiding visual disorder and clutter throughout the municipality*
- *To ensure that signage does not obscure or detract from the architectural and historical qualities and features of the host, adjacent and or nearby buildings.*
- *To ensure that the scale and form of signage is compatible with the size and style of the building, adjacent built form and land use, and the streetscape in which it is set.*
- *To ensure that signage is located and designed with regard to safety and the operation of the road network.*
- *To provide for the orderly display of signs.*

10.21 Pertaining to **Clause 22.15-3**, it is Policy to (as relevant to this application):

- *Discourage the display of animated signs, sky signs, panel signs, major promotion signs, pole signs, bunting signs, inflatable and blimp signs, high wall signs, and V-board signs to reduce visual clutter.*
- *Discourage signage that detracts from the architectural quality of buildings or obscure architectural features.*

- *Discourage signage that dominates the building to which it is fixed or the property on which it is sited.*
- *Encourage signs to be orientated either vertically or horizontally unless it can be demonstrated that an alternative orientation is appropriate due to the design of the sign or the area to which it is to be displayed.*
- *Encourage signs to be located on the land to which they relate.*
- *Limit the impact of signs on surrounding sensitive uses such as residential areas and public land.*

Signage Policy pertaining to Non-Urban Areas includes:

- *Discourage the display of animated signs, pole signs, sky signs, panel signs, major promotion signs, bunting signs, high wall signs, reflective signs, and V-board signs to reduce visual clutter.*
- *Consider whether signs are sympathetic to the landscape character of the area.*
- *Encourage landscaping around signs to soften their impact and appearance.*

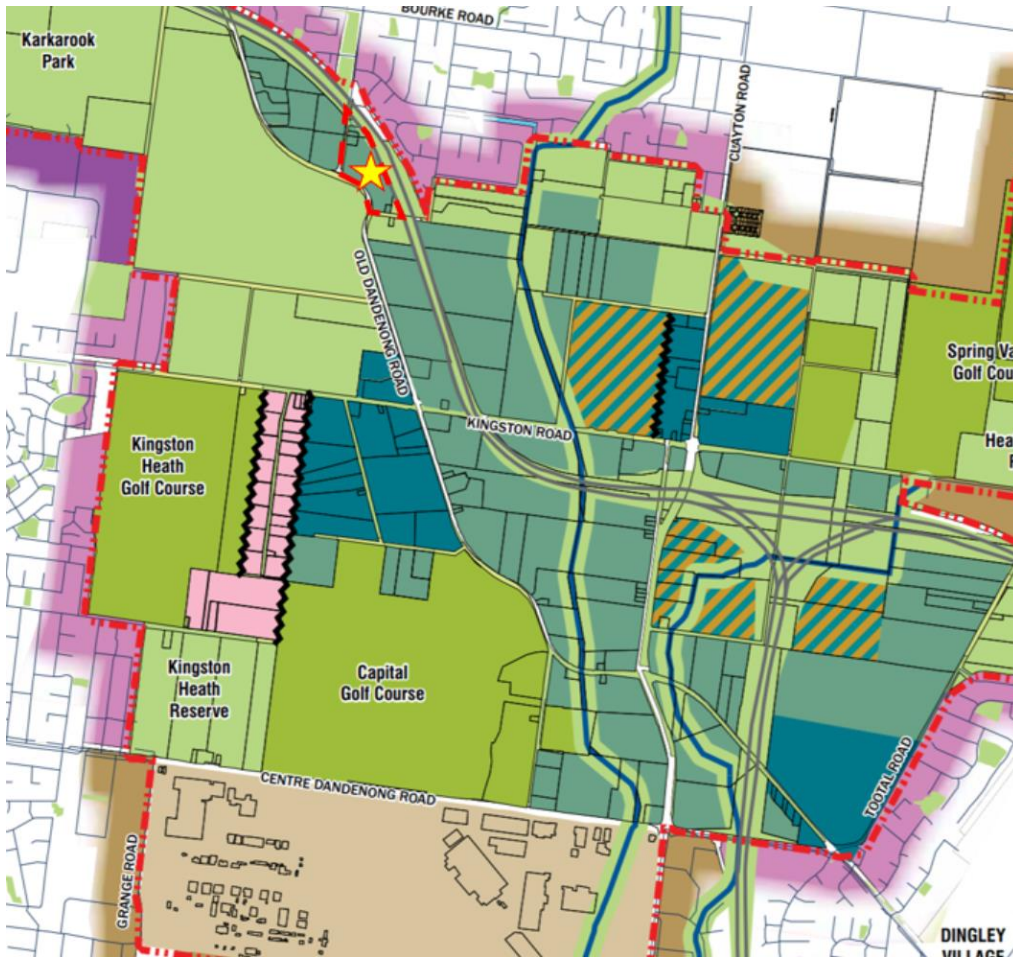
10.22 **Clause 22.15-4** outlines a number of performance standards. Signs are considered to be appropriate when it can be demonstrated that they meet the following criteria (as applicable to Non-Urban Areas):

- *Large supporting frameworks for signs are avoided.*
- *Signs are not duplicated.*
- *Signs are not located on walls facing residential uses or the entrance to residential streets unless the use is in a residential area and the sign is on the frontage of the site.*
- *Signs do not obscure a motorist's view of pedestrians and vice versa, or obscure views to nearby pedestrian and traffic signal facilities.*
- *In the opinion of the responsible authority, signs do not reduce the visual quality of the setting through their size, scale, content or placement.*

Incorporated Documents

10.23 Consideration must be given to Kingston City Council's Green Wedge Plan, as incorporated into Clause 21.10. The Plan discusses preferred uses within the Green Wedge and identifies *community and church facilities that offer services or are available for use by the local and regional community as being 'suitable'*.

10.24 With regard to the City of Kingston Green Wedge Management Plan, the site is identified in area nominated for 'green wedge low intensity'. Please see the site's location with respect to - Map 5 Future Land Use, sourced from the Green Wedge Management Plan, below:



MAP 5 FUTURE LAND USE

- Green wedge sway area
- Railway lines & stations
- Creeks & waterways
- FUTURE LAND USES:**
- Open space areas, reserves & recreation (refer to Future Environment maps for distinctions)
- Existing active recreation areas
- Green wedge low intensity
- Green wedge intensive
- Low site coverage commercial
- Low density residential
- Residential
- Transition areas (until 2025)
- Airport related activities
- Business activity
- Industrial activity
- Proposed freeway / bypass (approximate location)
- Interface Buffer
- Possible inclusion in Green Wedge
- Possible exclusion from Green Wedge

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

10.25 With regard given to the Policy directives contained within the Green Wedge Management Plan, the below table summarises the relevant requirements and includes an assessment to each:

Requirement	Assessment
<i>Buildings should be subordinate visually to the spacious, rural landscape.</i>	<p>The proposed buildings and works on the site is considered to be subordinate to the visually spacious and rural landscape due to its setbacks to main roads of:</p> <ul style="list-style-type: none"> - 10.0 metres from Old Dandenong Road (west) - 31.9 metres from the adjoining property to the eastern interface; - 56.8 metres from Elder Street South (south); and <p>56.4 metres to the Dingley Bypass (east).</p> <p>The existing built form on site entails a relatively low site coverage, which is consistent with the objectives for the 'Low Intensity Area'. Built form is of a single storey scale. The utilisation of the existing building ensures the building on site remains subordinate to the visually spacious and rural landscape.</p>
<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 existing building is considered to be subordinate to the rural character and openness of the area. There is no proposed extension to the existing building envelope.
<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 existing building will remain in its current location.
<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 proposal will be adequately screened from its surrounding interfaces, by way of conditions on any permit issued. Existing vegetation on site serves as a visual barrier, particularly along the Old Dandenong Road interface. The building and proposed car parking area will be adequately screened to Council satisfaction, should a permit ultimately issue.
<i>Maintain wide spacing between groups/clusters of buildings.</i>	Given the existing conditions of the area and the proposed scope of works, the spacing is considered to be reasonable.
<i>Avoid development on any property boundary.</i>	There are no works or development in close proximity to any property boundary. The proposal will be adequately recessed and concealed from the public realm, by way of both existing and proposed vegetation (via conditions on any permit issued).
<i>Limit building heights to a maximum of 8 metres (2 storeys) above natural ground level.</i>	The existing single storey building is being maintained with no increase in height.

	Given the above, the scale of the building and the proposal is considered to be suitable for the subject site and the context of the area.
<i>Ensure development adopts best practice environmentally sustainable design and development principles.</i>	Conditions on any permit issued seek to improve the existing conditions on the building and the site.
<i>Ensure all buildings and structures are designed and oriented to utilise natural light and ensure optimal thermal performance.</i>	This was raised as a preliminary concern; the applicant now seeks the provision of windows to the existing building to improve solar access.
<i>Avoid large areas of nonpermeable surfaces including yards, driveways and car parking areas.</i>	The site will remain largely permeable. The only works proposed is a compact gravel car park, which is permeable in nature. Thus, existing permeability is not overtly impacted by the proposal.
<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>	Conditions of any permit issued will require external improvements to the existing building, to Council satisfaction.
<i>Bright, bold, extravagant colour schemes are to be avoided.</i>	As per above, this is to be controlled by conditions of any permit issued.
<i>Use glazing and roofing materials of low reflectivity.</i>	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>	The size and extent of signage proposed is considered suitable in its context. Please refer to signage assessment throughout the course of this report.
<i>Locate signage on the building where possible, so that it complements the architecture.</i>	Whilst the sign is not proposed to be affixed to the existing building, the location is deemed suitable, with respect to signage guidelines pertaining to green Wedge area. Please refer to signage assessment throughout the course of this report.
<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>	No vegetation is to be removed as part of this application.
<i>Development which requires native vegetation removal should aim to replace or rehabilitate with an equivalent vegetation cover using locally appropriate species.</i>	N/A

Zoning Provisions

Clause 35.05 (Green Wedge A Zone)

It is considered that the proposed use and development satisfies the purposes of the zone, which are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that use and development promotes sustainable land management practices and infrastructure provision.*

- *To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.*
- *To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.*
- *To recognise and protect the amenity of existing rural living areas.*

The proposal is a Section 2 use within the Zone, with Clause 73.03 of the Kingston Planning Scheme providing the definition for a Place of Worship:

- *Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.*

It is considered that the proposed activities associated also fall within the land use definition for a Place of Worship, where activities undertaken within the building generally being 'religious activities' and can also entail activities ancillary to the Place of Worship. Existing facilities within the building include bathrooms/toilets and an office/kitchenette area serving the needs of staff and parishioners attending services.

Under the decision guidelines of the Green Wedge Zone, a number of matters under the 'general issues'; 'rural issues'; 'environmental issues' and 'design and siting issues' are nominated as requiring consideration where appropriate in the assessment of applications. Of particular relevance to this application are decision guidelines regarding the compatibility of the proposal with surrounding uses, protecting and enhancing the biodiversity of the area and minimising any adverse impacts of the siting and design of the proposed works.

General Issues

The existing land capability can accommodate for the proposed use of land and associated works. The use is considered suitable in its context and is unlikely to result in adverse amenity impact on surrounding land uses. These uses are agricultural and / or extractive industries and will not have their amenity impacted by the Place of Worship. There are noted to be two (2) residential properties in proximity to the vehicular entrance along Elder Street South, as well as the existing building proposed to be occupied. Conditions of any permit issued will restrict hours of operations, maximum patron numbers in line with the proposed activities and noise attenuation measures (i.e. restrict noise amplification). Further, as notice (advertising) was given, and that the adjoining residential properties did not object to the proposal, proves to be an appropriate test that the adjacent residents do not object to the proposal.

There was preliminary concern resting with the application, particularly regarding vehicular movement, when exiting the site and turning left onto Elder Street South and entering the established residential area. The concern here was that up to ninety (90) vehicles may drive through this area and result in significant residential traffic and associated amenity impacts, including congestion and noise. This has been discussed with Council's Traffic Engineer who has advised that "*should all the vehicles enter/exit the subject site in the 'peak hours' an additional 90 vehicles per hour (vph) would be generated. There would likely be a split of direction of approach and departure dependent on where the parishioners are primarily located. Even so, if the whole 90 vph is adopted for the surrounding streets, this is not considered a significant increase and well within the capacity of surrounding streets*". Accordingly, an additional 90 vph in the peak hour is considered to be within acceptable limits for this classification of street.

Whilst the proposal is considered an urban related use, it is deemed appropriate with respect to the nature of land uses, particularly stretching along Old Dandenong Road (including plant nursery, fruit and vegetable market). Furthermore, the land use is in line with the identified low-intensity areas in the green wedge. The site's location between a number of declared roads sets a somewhat different context to consider as opposed to a site entrenched deep within the Green Wedge. Furthermore, the sites location adjacent to such declared roads provides a high level of accessibility for vehicular traffic, acknowledging that a degree of parishioners will likely be traveling from outside the Kingston municipality and will be reliant on the Dingley Bypass, Clarinda Road and Old Dandenong Road (via South Road). The level of accessibility is considered important and provides an opportunity to locate the Place of Worship on a road which is unlikely to have a significant impact on surrounding uses, when compared to locating the use in an established and built up area.

Environmental Issues

The proposed car parking area, as originally submitted, required the removal of a number of trees on site, where adjacent to the Old Dandenong Road property boundary. Concerns were raised with the applicant advising that this would not likely be supported. The applicant proceeded to address this concern and revised the plan to increase the setback offered. The application was referred to Council Vegetation Management Officer who advised of no objection subject to conditions requiring the applicant to demonstrate trees will remain viable during and post the construction of the car parking area.

In noting the proposed car parking area is nominated to be treated with a compacted gravel surface, the application was referred to Council's Development Approval Engineering Department to provide comment on the envisaged likely environmental impact on soil and water quality. Council's Development Approval Engineer advised that *"compacted gravel carpark surface will be considered impermeable with appropriate runoff coefficient and will trigger all drainage/stormwater conditions as new carpark of concrete or asphalt surface."* Accordingly, appropriate conditions are to be included on any permit issued, as directed by Council's DAE Officer.

Design and Siting Issues

The utilisation of the existing building on site ensures that the overall existing built form character of the area is maintained. The car parking arrangement proposed will not entail significant site coverage, in comparison to the overall area of the parent allotment and will provide an arrangement complimentary to the existing built form on site that will sit comfortably on the site, with good landscaping (subject to conditions on any permit issued).

For the above reasons, the overall proposed use and associated buildings and works on the subject site, subject to conditions on any permit issued, is deemed acceptable with respect to the Objectives of the Green Wedge A Zone, and Council's applicable Local Planning Policies relating to Green Wedge areas. The proposal will not be an overtly dominant feature within its context and would result in improved site conditions, regarding removal of unsightly weeds, appearance of the building, vehicle and parking arrangements, and associated landscaping treatments.

A general amenity condition is to require site clean up (i.e. removal of weeds) prior to the commencement of the use.

Overlay Provisions

10.26 The subject site is affected by the following Overlay controls:

- Environmental Significance Overlay (Schedule 4)
- Public Acquisition Overlay (Schedule 1)
- Environmental Audit Overlay

10.27 Schedule 4 to the Environmental Significance overlay relates to the identification of areas where the development of land may be affected by environmental constraints. A planning permit is required to construct a building or construct or carry out works unless the schedule to this overlay specifically states that a permit is not required. The Schedule to the Overlay does not exempt the proposal. The Schedule to the Overlay contains a statement of environmental significance and the applicable objectives to be achieved, which include:

Statement of Environmental Significance:

- *parts of Clayton South and Heatherton have been extensively developed and used for the purposes of extractive industries with subsequent rehabilitation of the land through waste disposal by landfilling. Land developed and used for the purpose of waste disposal by landfilling and adjoining or surrounding land may be impacted by the migration of landfill gas and/or leachate contamination of waters (groundwater or surface water) during the operation of the landfill and for decades after the closure and rehabilitation of a landfill.*

Environmental Objectives to be achieved:

- *Mitigate the accumulation of landfill gas in confined spaces;*
- *Mitigate the abstraction of leachate or groundwater contaminated with leachate, other than for the purpose of management of the landfill (i.e. monitoring or storage, treatment and disposal or irrigation);*
- *Protect the buildings or works from damage caused by settlement of the waste in any landfill; and*
- *Minimise any impact on any landfill, including final capping, landfill gas system, leachate system, surface drainage, trade waste infrastructure, monitoring infrastructure or landscaping, including protective vegetation of a landfill.*

The applicant was requested, and proceeded, to submit a Landfill Gas Risk Assessment to ascertain whether the existing building on site was subjected to land contaminates and gas migration from the surrounding Landfills. The assessment determined that no ongoing monitoring or further assessment is required as the risk of gas migration is 'very low'. The application was referred to Council's Environmental Officer, who advised of no objection in this respect.

- 10.28 Schedule 1 to the Public Acquisition Overlay relates to land which is proposed to be acquired by a Minister, public authority or municipal council, reserving land for a public purpose. A planning permit is required for any Section 1 or 2 land use in the zone and to construct a building or construct or carry out works. An application must be referred under Section 55 of the Act to the acquiring authority for the land. With regard to Schedule 1 of the Public Acquisition Overlay, the acquiring authority is the Roads Corporation (VicRoads). The application was referred to VicRoads who advised of no objection, subject to conditions on any permit issued relating to *no compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit*.
- 10.29 The Environmental Audit Overlay relates to the consideration of potentially contaminated land and whether the proposed use would be adversely affected by any such contamination. The Overlay specifies that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences, or before the construction or carrying out of buildings and works in association with a sensitive use commences, the applicant must provide either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The application was referred to Council's Environmental Planning Departments, who advised of no objection, subject to conditions included on any permit issued for a staged Environmental Site Assessment.

Particular Provisions

10.30 **Clause 52.05 (Signs)**

The purpose of **Clause 52.05** is to regulate the development of land signs in a manner which is compatible with the amenity and visual appearance of an area, through avoiding excessive visual clutter and disorder, whilst ensuring no loss of amenity or adverse effect on the natural and built environment.

As mentioned in Section 5.8 of this Report, the proposed Signage falls into Category 3 (High Amenity Areas) pursuant to **Clause 52.05-13**. The purpose of Category 3 signage is to ensure signage is orderly, of good design and does not detract from the appearance of the surrounding area. With regard to **Clause 52.05-8**, Decision Guidelines, the proposed sign is considered to be sensitive to the natural environment / rural landscape character and is not overtly dominant in its context.

The proposed sign is considered compatible with its surrounding signage context. It is noted similar forms of signage (in respect to both size and location to public interfaces) are existing along Old Dandenong Road, particularly at the following sites:

- 114 Old Dandenong Road (950m to north-east of the site);
- Gold & Co Nurseries (700m to north-east of the site); and
- Bakaloumas Fresh Fruit and Vegetable Market (1.5km to south of the site)

The proposal does not present any perceived impact on existing views and vistas and is not impactful on the public realm. The sign is considered to be proportionate to the streetscape and landscape setting and is compatible with the characteristics of the host building. The sign is considered appropriate in its identification of the intended land use without obstructing drivers line of site, both along Elder Street South and when entering and egressing the site in which it is associated with.

It is concluded that the proposed signage is substantially in accordance with the requirements and guidelines of **Clause 52.05** and is deemed appropriate, thus warranting support.

10.31 Clause 52.06 (Car Parking)

The table pertaining to **Clause 52.06-5** specifies that a Place of Assembly has a statutory car parking rate 0.3 spaces to each patron permitted. The applicant has specified a maximum of 300 patrons would be present on the site at any one time – this would equate to a requirement of 90 spaces for patrons (noting staff members are not captured in the car parking rate). The proposal accommodates 90 car parking spaces and therefore satisfies the statutory requirement. Further, there is a substantial portion of the site which is not proposed to be developed and could be used for parking overflow if it were required (and formally expanded in future if both necessary and found appropriate by way of future amendment to any permit issued).

The design of the car parking spaces and accessway meet the requirements of Clause 52.06-8 with spaces provided with adequate dimensions and accessway at a width of 6.4 metres. Two (2) disabled parking spaces would be located adjacent to the main entrance of the building for easy access. Car parking arrangement and dimensions are deemed satisfactory. A condition of any permit issued is to require a stand-alone Car Parking Plan.

Lighting in the car parking area has not been nominated, however a condition is recommended to be included on any permit issued to ensure that when the site is being used at night that the car parking area is adequately lit.

Overall, the proposal satisfies the requirements of Clause 52.06 and, whilst it is acknowledged that the use will result in an increase in traffic, the most significant increase will generally be at times (such as Sunday morning) that are outside peak travel times.

A condition of any permit issued is to require the provision of associated landscape planting around the car parking area so as to conceal the car parking area and preserve the Green Wedge character. This will ensure that the proposal remains in line with Council's Green Wedge Plan, as discussed earlier in this Report.

Clause 52.06 – 8 Design standards, car parking dimensions, vehicle access and car parking access widths, vehicle movements and overall layout have been reviewed and are considered functional and compliant. The application was referred to Council Traffic Engineering Department who advised of no objection subject to the car parking spaces offering a minimum dimension of 4.9 m x 2.6m. As the Site Plan notates 'all car parking spaces 4.9 x 2.6' Traffic's requirement is satisfied. A Car Parking Plan is recommended to denote these requirements in greater detail.

10.32 Clause 52.34 (Bicycle Facilities)

The relevant purpose of this Clause is “to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities”. Pursuant to Clause 52.34, the proposal is required to provide for staff at the site, 1 bicycle space to each 1500 square metres of net floor and for visitors to the site (members of the congregation) 2 bicycle spaces to each 1500 square metres of net floor area. As the overall net floor area equates to 1064m², the proposal is not required to supply any bicycle parking spaces.

10.33 Clause 51.02 (Metropolitan Green Wedge Land)

The key objectives of this section of the Scheme include:

- *Protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreation values; and*
- *Ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*

The proposed use is not one identified as prohibited under this Clause of the Scheme and therefore is considered a use that may be appropriate on the site. The proposal is considered to be an acceptable land use outcome for the subject site having regard to applicable policy and associated assessment conducted, as well as the overall community benefit at a local and regional level.

11.0 RESPONSE TO GROUNDS OF OBJECTIONS

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

11.2 The following contains a summarised response to each ground of objection received:

Ground(s)	Response
Lack of landscaping provisions	A condition of any permit issued will require planting of vegetation to screen the proposed car parking area to both preserve / enhance the Green Wedge character as well as conceal the car parking area from the public realm.
<i>“There is nothing to stop the building being subsequently repainted using an inappropriate colour scheme”;</i>	As discussed above, and in order to satisfy the requirements of Council’s Green Wedge Plan, a condition of any permit issued will require: <ul style="list-style-type: none"> • The provision of visual improvements to the external interfaces of the existing building on site, including, but not limited to, paint and material treatments, to Council satisfaction. <p>Any changes or variations to the approved improvements will require Council approval in the form of an Amendment to any permit issued.</p>
Building height limitations	Any increase to existing building height would need to be formalised under an application for a planning permit / an amendment to any permit issued. Should the building height be increased without planning approval, this would be subject to planning enforcement.

Ground(s)	Response
Any planning permit issued should contain conditions restricting removal of existing vegetation	Any removal of vegetation from the site would require planning approval. Should any vegetation be removed without prior planning approval, this would be subject to planning enforcement.

12.0 CONCLUSION:

- 12.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the Act have been considered. Further to this, the proposal does not give rise to any significant social 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
 - A suitable level of compliance with all relevant policies, including Council’s incorporated Green Wedge Plan.

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 use the land as a Place of Worship, Buildings and Works for the construction of an associated car parking area and to construct or put up Business Identification Signage, on land subject to a Public Acquisition Overlay, at No. 236 – 242 Clarinda 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 Draft Point, comprising Project No. COP04; Revision 5, dated 18/04/2019, submitted to Council of 12/06/2019, but modified to show:
 - a. a notation reading: “vehicle crossings must be constructed at a 90 degree alignment with the kerb on Elder Street South and all internal driveways must align with the existing / proposed vehicle crossing”;
 - b. the provision of vegetative treatments to the associated car parking area, to the satisfaction of the Responsible Authority. This is to be in the form of a Landscape Plan;
 - c. any window glazing associated with the proposed windows, nominated to be low reflectivity;
 - d. the provision of visual improvements to the external interfaces of the existing building on site, including, but not limited to, paint and material treatments, to the satisfaction of the Responsible Authority;

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- e. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- f. the provision of a stand-alone Car Parking Plan, at a scale of 1:100;
- g. the location of proposed external lighting, as required under Condition 12 of this Permit;
- h. a notation which reads: "site clean-up is required (i.e. removal of weeds) prior to the commencement of the use";
- i. an Acoustic Report, as per Condition 21 of this Permit;
- j. 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 with all plants chosen to be to the satisfaction of the Responsible Authority;
 - ii. a range of plant types from ground covers to large shrubs, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - iii. plant species chosen to comprise of 100 % indigenous species; EVC 175 Grassy Woodland of the Gippsland Plain bioregion;
 - iv. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. all existing trees within the site and adjacent trees whose tree protection zone (TPZ) extends within the site, accurately illustrated and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - vi. the provision of a minimum five-metre-wide landscaped buffer, with suitable canopy trees and screening vegetation adjacent to the perimeter of the site;
 - vii. the relocation of the carparking spaces adjacent to the site boundary, with this area to be replaced by the landscaped buffer referred to in condition 1a) vi;
 - viii. the provision of fifteen (15) *Eucalyptus radiata* (Narrow-leaved Peppermint) to be planted along the Old Dandenong Road and Elder Street frontages;
 - ix. the provision of fifteen (15) *Allocasuarina verticillata* (Drooping Sheoak) to be planted along the Old Dandenong Road and Elder Street frontages;
 - x. 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;

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

- xi. 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
- xii. the location of any tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- k. the location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
- l. any changes as required by Conditions 4 and 6.

Endorsed Plans

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

Trees to be Retained

- 4. The retention of the *Grevilea robusta*, the six *Eucalyptus nicholii*, the group of five multistemmed *Melaleuca lancolata* and the *Eucalyptus viminalis* sbsp. *pyrrioriana* located along the Old Dandenong Road frontage.

Root Investigation Report

- 5. Concurrent with the endorsement of plans, a report written to the satisfaction of the Responsible Authority by a minimum AQF Certificate 5 arborist which documents the results of a non-destructive (compressed air or hydro excavation) root investigation to be undertaken in the location of all encroachments by the carpark into the tree protection zone of the trees located along the Old Dandenong Road frontage. The report is to detail;
 - a. The number, depth and location of any roots uncovered;
 - b. Include photographic evidence; and
 - c. Provide an opinion on minimum setback for the trees to be retained.

Tree Management and Protection Plan

- 6. Concurrent with the endorsement of plans, a Tree Management Plan must be submitted to and be endorsed by the Responsible Authority and incorporating:
- 7.
 - a) A Tree Protection Plan (scale drawing) with a notation referring to the Tree Management Plan must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site;

- ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009;
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified;
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist;
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009; and
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
- b) Tree Management Plan (written report) must be prepared by a suitably qualified arborist, with reference the Tree Protection Plan and provide details of:
- i. The non-destructive root investigation undertaken in accordance with condition 4;
 - ii. Proposed construction methods for works within the Tree Protection Zone nominated on the Tree Protection Plan;
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed;
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected; and
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
8. 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.
9. 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.

Drainage and Water Sensitive Urban Design

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

- a) Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b) Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 5a, 5b, & 5c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
11. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
12. Prior to the commencement of the use on site, the site is required to be cleaned up, including the removal of any dead and deceased vegetation and weeds (with appropriate replacement of any such dead and deceased vegetation).
13. Exterior lights must be installed in such positions to effectively illuminate all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
14. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

15. The use must operate only between the hours of:
Monday: 9.00am – 5.00pm;
Tuesday – Thursday: 9.00am – 9.00pm;
Friday & Saturday: 9.00am – 12.00am; and
Sunday: 9.00am – 6.00pm.
Or as otherwise approved by the Responsible Authority.
16. Not more than 300 patrons are to be on the premises at any one time.
17. Not more than two (2) church services are to occur each week and not more than 200 patrons are to attend these services.
18. Not more than three (3) religious education sessions are to occur each week and not more than 300 patrons are attend these sessions.
19. General administration must be limited to the following times, with not more than 20 patrons in attendance:

Monday to Friday: 8.00am – 6.00pm.
20. Not more than one Meeting is to occur within a week and not more than 300 patrons are to be in attendance.
21. Not more than six (6) wedding ceremonies are to occur within a calendar year and not more than 250 patrons are to attend such ceremonies.

Acoustic Treatments

22. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) and relevant Australian Standards will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:
 - a. The form of acoustic treatment(s) to the premises demonstrating the control of noise (amplified music and speaking) spill outside the building.

The plans submitted to the Responsible Authority for endorsement pursuant to this condition must be updated to incorporate the acoustic engineer's recommendations to the satisfaction of the Responsible Authority and where there are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Vic Roads Condition

23. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

Infrastructure and Road Works

24. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
26. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
27. Vehicle crossings must be constructed to council's industrial strength specifications.
28. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
29. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Environmental Site Assessment

30. Before the construction of the development authorised by this permit commences, other than demolition and works required by this environmental assessment process, a contamination assessment of the land must be submitted to and approved by the Responsible Authority. The assessment must be:
 - a) carried out by a suitably qualified environmental professional with suitable qualifications who is a member of the Australian Contaminated Land Consultants Association (Victoria);
 - b) carried out in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability and Environment June 2005) to the satisfaction of the Responsible Authority; and
 - c) paid for by the owner or permit holder along with all costs and expenses associated with the preparation of the Site Contamination Assessment Report and those incurred by the Responsible Authority to review the Report.
31. The Site Contamination Assessment Report must include:
 - a) a review of the site history, including previous land uses and activities that may have had the potential to cause contamination of the land, and including anything known about the likelihood and significance of any contamination of the land;
 - b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance and monitoring) required to effectively address and manage any contamination within the land; and

- d) recommendations as to whether the land is suitable for the use for which the land is proposed to be development and whether an Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake and Environmental Audit in accordance with the provisions of the EP Act.
32. The Site Contamination Assessment Report must be provided in its entirety to the Responsible Authority. The Responsible Authority, upon reviewing the Site Contamination Assessment Report, will make the determination as to whether an Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
33. If the Responsible Authority, upon reviewing the Site Contamination Assessment Report, determines an Environmental Auditor does not need to be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act;
- a) the development authorised by this permit must not be undertaken unless the Site Contamination Assessment Report clearly states that the land is currently, or following remediation or other works will be, suitable for the sensitive use for which the land is proposed to be developed;
- b) the development authorised by this permit must not be undertaken until compliance is achieved with any provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development commences (precommencement conditions);
- c) if there are any pre-commencement conditions, then before the construction of the development authorised by this permit commences, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;
- d) the development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development is occupied (preoccupancy conditions);
- e) before the development authorised by this permit is occupied, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that all pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;
- f) if any provision, recommendation or requirement of the Site Contamination Assessment Report requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
- i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Assessment Report; and

- ii. be executed before the sensitive use for which the land is being developed commences; and
 - g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
- 34. If the Responsible Authority, upon reviewing the Site Contamination Assessment Report and in the reasonable exercise of its judgement, determines an Environmental Auditor should be appointed under section 53S of the Environmental Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor must be appointed and undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement); and
 - c) the Certificate or Statement must be provided to the Responsible Authority along with any and all reports and other materials provided to or created by the Environmental Auditor for the purposes of completing the Environmental Audit, including the report produced by the Environmental Auditor as a result of the Environmental Audit.
- 35. If, pursuant to Condition 29, a Statement is issued:
 - a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (precommencement conditions);
 - c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under Condition 28 above which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;
 - d) the development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Statement states must be implemented and complied with before the development is occupied (pre-occupancy conditions);
 - e) before the development authorised by this permit is occupied, a letter prepared by the Environmental Auditor appointed under Condition 28 above which states that the pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;

- f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
- i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - ii. be executed before the sensitive use for which the land is being developed commences; and
- g) the owner of the land, or other person in anticipation of becoming the owner of the land, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

36. Written notice of the engagement or termination of the engagement of an environmental auditor to undertake an environmental audit of the land required by this Permit must be provided to the Council within 30 days of that engagement or termination.

General amenity conditions

37. 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.
38. 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.
39. 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

40. Prior to the commencement of the use 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.
41. Prior to the commencement of the use 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

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

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

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

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

1. The proposal fails to comply with relevant local planning policies contained within of the Kingston Planning Scheme.
2. Pursuant to Clause 35.05, the proposal does not provide for the use of land for agriculture.
3. The proposal fails to demonstrate how the use and development relates to, and seeks to implement, sustainable land management practices.

Appendices

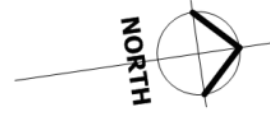
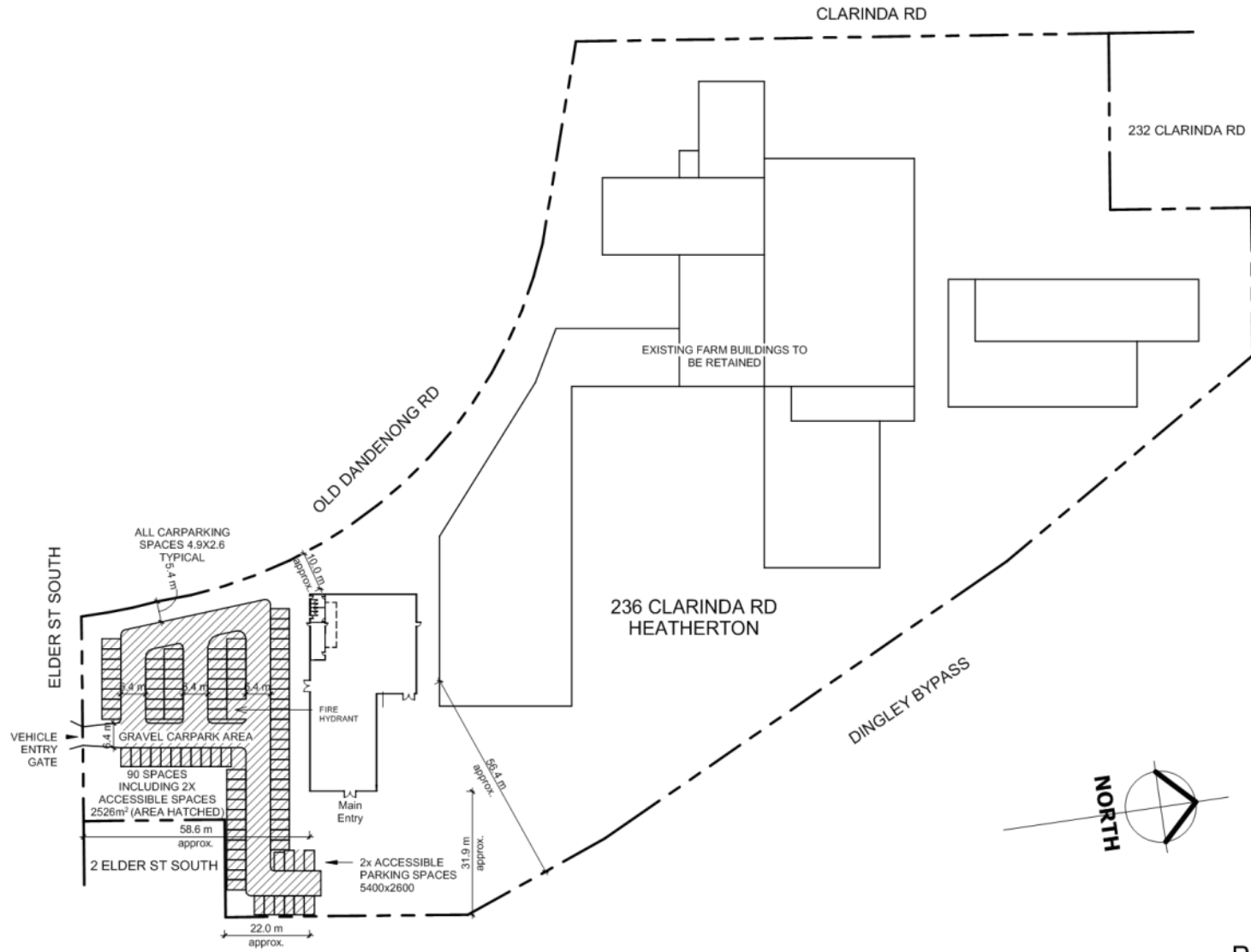
Appendix 1 - KP-2018/676 - 236 Clarinda Road Heatheron VIC 3202 - Advertised
Plans (attachment to Council Report) (Ref 19/212107) 

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

4.4

KP-2018/676 - 236 - 242 CLARINDA ROAD, HEATHERTON

- 1 KP-2018/676 - 236 Clarinda Road Heatheron VIC 3202 -
Advertised Plans (attachment to Council Report) 159



PRELIMINARY

NOTES:

DO NOT SCALE.
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS WHICH MUST BE APPROVED BY THE ARCHITECT BEFORE MANUFACTURE.
ANY EXTRA ENTAILLED IN WORK SHOWN ON THIS DRAWING MUST BE CLAIMED AND APPROVED BEFORE PROCEEDING.

C - COPYRIGHT

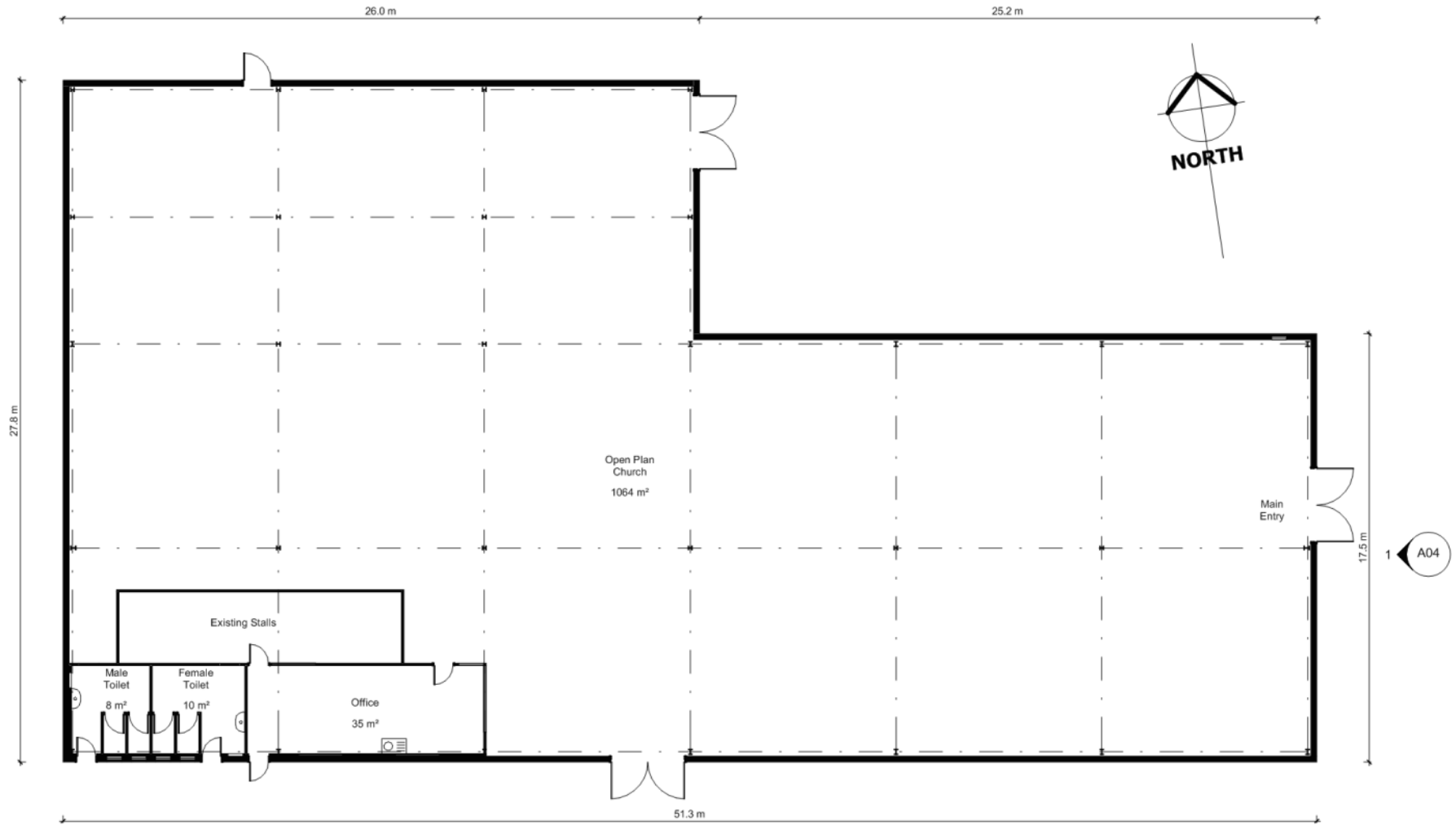
REPRODUCTION OF THE WHOLE OR PART OF THE DOCUMENT CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. THE INFORMATION, IDEAS AND CONCEPTS CONTAINED IN THIS DOCUMENT IS/ARE CONFIDENTIAL. THE RECIPIENT(S) OF THIS DOCUMENT IS/ARE PROHIBITED FROM DISCLOSING SUCH INFORMATION, IDEAS AND CONCEPTS TO ANY PERSON WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT HOLDER.

NOT FOR CONSTRUCTION

draft point
Arda Sander
Architect ARBV (19189)
0403 364 967
www.draftpoint.com.au

Ammish Adu
236 Clarinda Road
Heatherton

SITE PLAN		A00
Project number	COP04	
Date	07/06/2019	Scale 1 : 1000@A3
Issue	PRELIMINARY	
Revision	P5	



PRELIMINARY

NOTES:

DO NOT SCALE.
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS WHICH MUST BE APPROVED BY THE ARCHITECT BEFORE MANUFACTURE.
ANY EXTRA ENTAINED IN WORK SHOWN ON THIS DRAWING MUST BE CLAIMED AND APPROVED BEFORE PROCEEDING.

C - COPYRIGHT

REPRODUCTION OF THE WHOLE OR PART OF THE DOCUMENT CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. THE INFORMATION, IDEAS AND CONCEPTS CONTAINED IN THIS DOCUMENT IS/ARE CONFIDENTIAL. THE RECIPIENT(S) OF THIS DOCUMENT IS/ARE PROHIBITED FROM DISCLOSING SUCH INFORMATION, IDEAS AND CONCEPTS TO ANY PERSON WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT HOLDER.

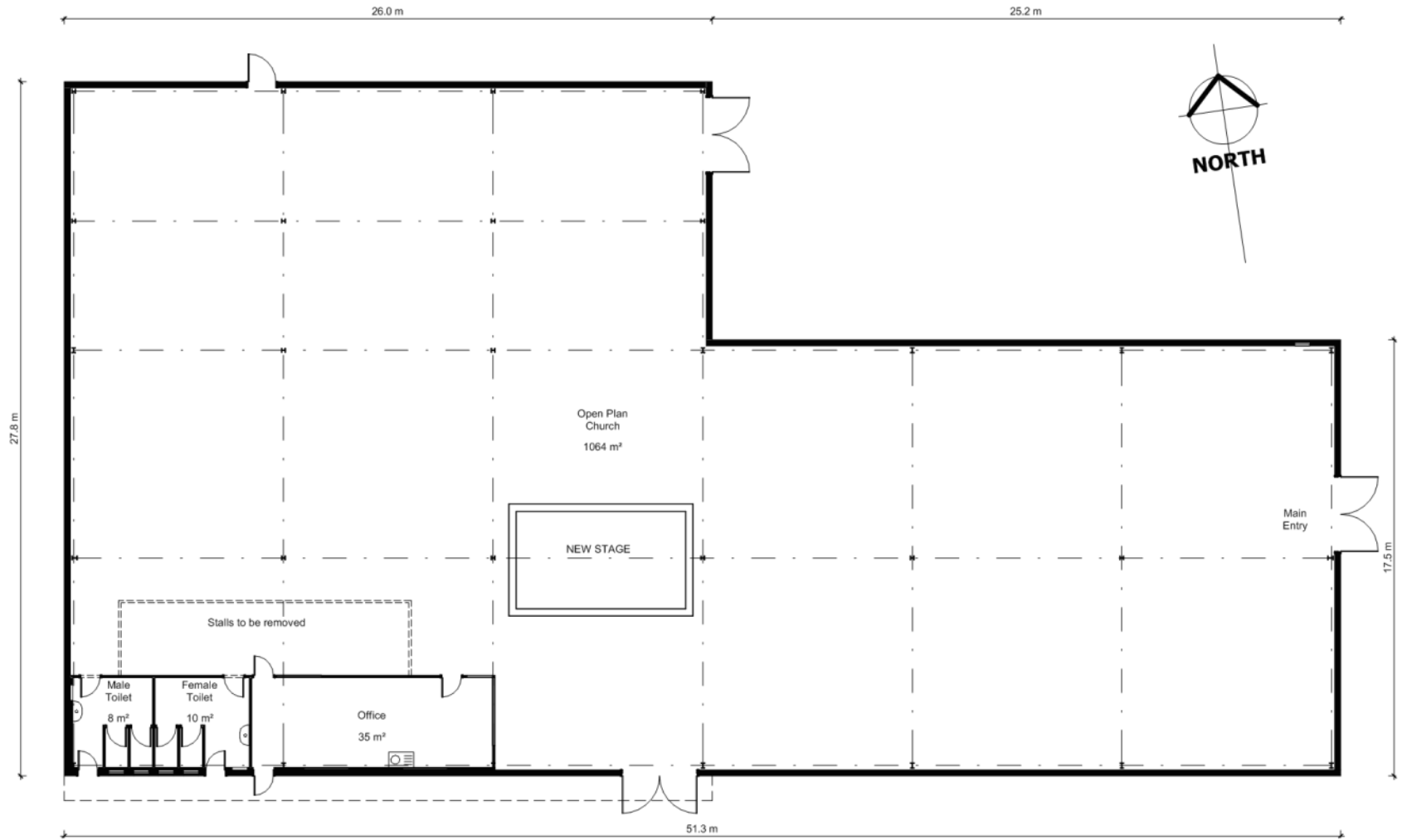
NOT FOR CONSTRUCTION

draft point
Arda Sander
Architect ARBV (19189)
0403 364 967
www.draftpoint.com.au

Ammish Adu
236 Clarinda Road
Heatherton

FLOOR PLAN - EXISTING		A01
Project number	COP04	
Date	18/04/2019	
Issue	PRELIMINARY	
Revision	P5	Scale 1 : 150@A3

PM 27:21:3 6/10/2019



PRELIMINARY

NOTES:

DO NOT SCALE.
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS WHICH MUST BE APPROVED BY THE ARCHITECT BEFORE MANUFACTURE.
ANY EXTRA ENTAINED IN WORK SHOWN ON THIS DRAWING MUST BE CLAIMED AND APPROVED BEFORE PROCEEDING.

C - COPYRIGHT

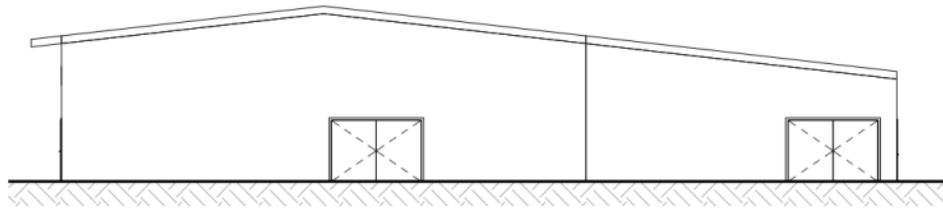
REPRODUCTION OF THE WHOLE OR PART OF THE DOCUMENT CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. THE INFORMATION, IDEAS AND CONCEPTS CONTAINED IN THIS DOCUMENT IS/ARE CONFIDENTIAL. THE RECIPIENT(S) OF THIS DOCUMENT IS/ARE PROHIBITED FROM DISCLOSING SUCH INFORMATION, IDEAS AND CONCEPTS TO ANY PERSON WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT HOLDER.

NOT FOR CONSTRUCTION

draft point
Arda Sander
Architect ARBV (19189)
0403 364 967
www.draftpoint.com.au

Ammish Adu
236 Clarinda Road
Heatherton

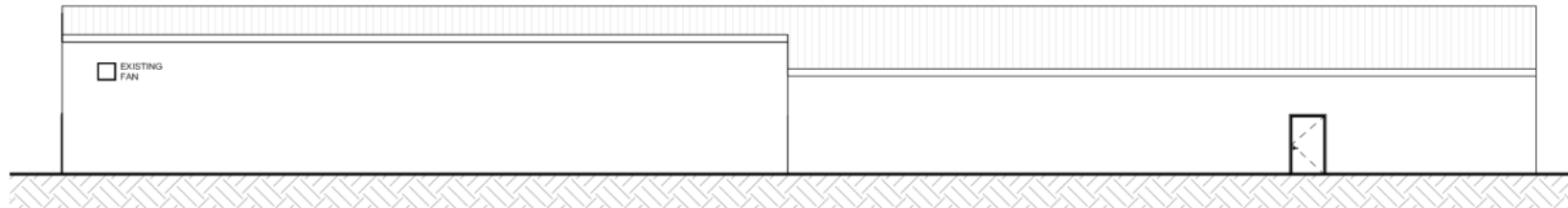
FLOOR PLAN PROPOSED		A02
Project number	COP04	
Date	23/04/2019	
Issue	PRELIMINARY	
Revision	P5	Scale
		1 : 150@A3



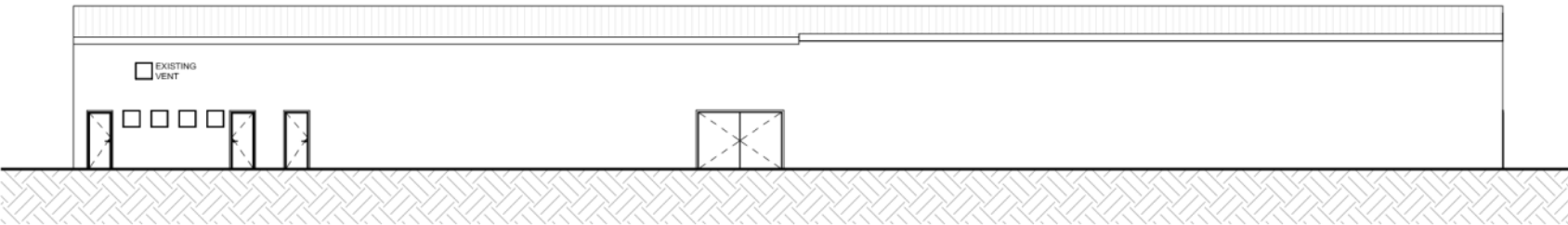
1 EAST ELEVATION EXISTING
1 : 150



2 WEST ELEVATION EXISTING
1 : 150



3 NORTH ELEVATION EXISTING
1 : 150



4 SOUTH ELEVATION EXISTING
1 : 150

NOTES:

DO NOT SCALE.
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS WHICH MUST BE APPROVED BY THE ARCHITECT BEFORE MANUFACTURE.
ANY EXTRA ENTAILLED IN WORK SHOWN ON THIS DRAWING MUST BE CLAIMED AND APPROVED BEFORE PROCEEDING.

C - COPYRIGHT

REPRODUCTION OF THE WHOLE OR PART OF THE DOCUMENT CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. THE INFORMATION, IDEAS AND CONCEPTS CONTAINED IN THIS DOCUMENT IS/ARE CONFIDENTIAL. THE RECIPIENT(S) OF THIS DOCUMENT IS/ARE PROHIBITED FROM DISCLOSING SUCH INFORMATION, IDEAS AND CONCEPTS TO ANY PERSON WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT HOLDER.

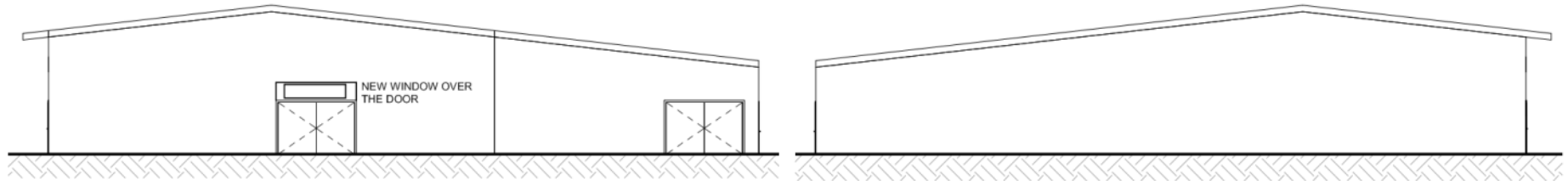
NOT FOR CONSTRUCTION

draft point
Arda Sander
Architect ARBV (19189)
0403 364 967
www.draftpoint.com.au

Ammish Adu
236 Clarinda Road
Heatherton

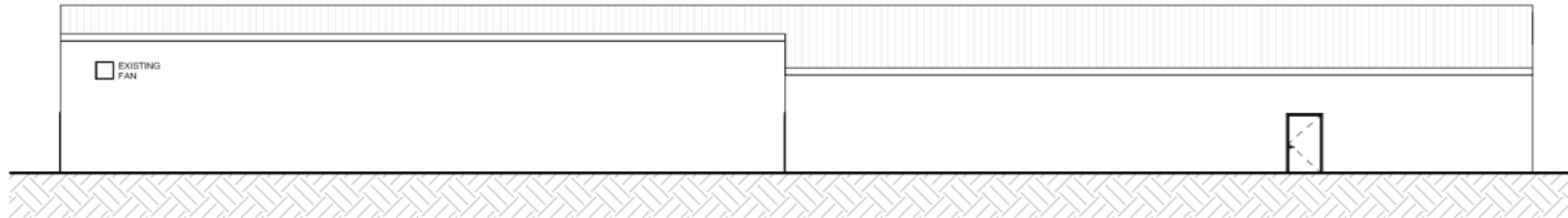
ELEVATIONS - EXISTING			
Project number	COP04	A03	
Date	23/04/2019		
Issue	PRELIMINARY		
Revision	P5	Scale	1 : 150@A3

PRELIMINARY



1 EAST ELEVATION PROPOSED
1 : 150

2 WEST ELEVATION PROPOSED
1 : 150



3 NORTH ELEVATION PROPOSED
1 : 150



4 SOUTH ELEVATION PROPOSED
1 : 150

PRELIMINARY

NOTES:

DO NOT SCALE.
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS WHICH MUST BE APPROVED BY THE ARCHITECT BEFORE MANUFACTURE.
ANY EXTRA ENTAILLED IN WORK SHOWN ON THIS DRAWING MUST BE CLAIMED AND APPROVED BEFORE PROCEEDING.

C - COPYRIGHT

REPRODUCTION OF THE WHOLE OR PART OF THE DOCUMENT CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. THE INFORMATION, IDEAS AND CONCEPTS CONTAINED IN THIS DOCUMENT IS/ARE CONFIDENTIAL. THE RECIPIENT(S) OF THIS DOCUMENT IS/ARE PROHIBITED FROM DISCLOSING SUCH INFORMATION, IDEAS AND CONCEPTS TO ANY PERSON WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT HOLDER.

NOT FOR CONSTRUCTION

draft point
Arda Sander
Architect ARBV (19189)
0403 364 967
www.draftpoint.com.au

Ammish Adu
236 Clarinda Road
Heatherton

ELEVATIONS - PROPOSED		A04
Project number	COP04	
Date	23/04/2019	
Issue	PRELIMINARY	
Revision	P5	Scale 1 : 150@A3

Proposed sign for 236 Clarinda Road, Heatherton

3000mm

2000mm

PREPARE FOR ETERNITY - CHRIST JESUS IS COMING

MINISTRY OF REPENTANCE AND HOLINESS

MESSIANIC MINISTRIES

MELBOURNE ALTAR


1 ELDER STREET SOUTH, CLARINDA VIC 3169

PLEASE JOIN US:

TUESDAYS	DESTINY CHANGING BIBLE STUDY	7:30PM - 9:00PM
FRIDAYS	POWERFUL OVERNIGHT PRAYERS	9:00PM - 12:00AM
SUNDAYS	UPLIFTING WORSHIP AND TEACHING	10:00AM - 1:00PM

Email: pastor@messianicministries.org | Website: www.messianicministriesinc.org | Contact: 0423 700 588

1000mm



Planning Committee Meeting

18 September 2019

Agenda Item No: 4.5

KP-2019/432 - 798-808 SPRINGVALE ROAD, BRAESIDE

Contact Officer: Hugh Charlton, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2019/432 - 798-808 Springvale Road, Braeside.

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 for buildings and works to construct a verandah associated with an existing Section 2 use at 798-808 Springvale Road, Braeside, subject to the conditions contained within this report.

EXECUTIVE SUMMARY			
Address	798-808 Springvale Road, Braeside		
Legal Description	Lot 2 on LP 58470		
Applicant	Profine Constructions Pty Ltd		
Planning Officer	Hugh Charlton		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 35.04 – Green Wedge Zone		
Overlays	None		
Particular Provisions	Clause 52.06 – Car parking Clause 52.17 – Native Vegetation Clause 52.29 – Land adjacent to a Road Zone 1		
Permit Trigger/s	Clause 35.04 – 5 – buildings and works to construct a verandah associated with an existing Section 2 use		
APPLICATION / PROCESS			
Proposal	buildings and works to construct a verandah associated with an existing Section 2 use		
Reference No.	KP-2019/432	RFI Received	N/A
App. Received	23-Jul-2019	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	N/A	Advertising Completed	N/A
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	None		
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
Aboriginal Cultural Sensitivity Area	YES		
CHMP	EXEMPT		
Considered Plans	Prepared by Profine Building Group, comprising Drawing No's. 1 -2 inclusive, Issue D, dated Feb 19		

1. SITE HISTORY

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

2. SUBJECT LAND

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



Built form	A substantial education and place of worship, identified as the Croatian Catholic Community Centre.		
Lot Size (m²)	2.03ha	Dimensions	Width: 106m Length: 193m
Topography	The land falls gently to the rear		
Fencing	2m metal picket		
Vegetation	A range of vegetation. Two <i>Olea europaea</i> Olive trees within the development area. Established vegetation exists around the perimeter of the site.		
Easement(s)	None		
Footpath assets / access	One (1) existing crossover adjacent to the frontage		

3. SURROUNDING LAND

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



North	Single storey detached buildings known as Caesar's Lounge/Freccia Azzurra Club and a second property comprising a single storey building which appears to be used as a medical business
East	Springvale Road
South	Single storey buildings known as Garden World
West	Mentone Grammar playing fields

4. PROPOSAL

Description	buildings and works to construct a verandah associated with an existing Section 2 use		
Storeys	Single storey	Maximum height	building 3.5m
Setback	87m from street 29m from nearest southern boundary		
Size of development	13.5m x 8.5m.		
Vegetation removal/retention	No significant vegetation located on subject site or on neighbouring properties within close proximity		
Building materials	Steel		

5. ADVERTISING

The proposal was deemed to not cause material detriment to surrounding owners/occupants given the modest scale and size of the works, consistent with existing built form, well setback from boundaries, and therefore was not required to be advertised.

6. OBJECTIONS

None received.

7. PLANNING CONSULTATION MEETING

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

8. REFERRALS

Department / Area	Comments / Rationale / Recommended Conditions
Council's Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to provision of one (1) native tree

No external referrals were required in respect of this application.

9. POLICY CONSIDERATIONS

General Provisions

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

Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clauses 11** Settlement, **11.01-1R** – Green Wedges, **15** Built Environment and Heritage.

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.

The protection of Melbourne's Green Wedges is detailed at **Clause 11.01-1R** (Green wedges), with the importance of strategic planning highlighted in regard to land management. Development is not excluded within the green wedge, however should be supported where it provides for environmental, economic and social benefits. It also seeks to consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.

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

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

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 does not result in significant ground disturbance for a High impact use, and further the land for the development appears to have already been significantly disturbed. Therefore it is established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan.

It is considered that the proposal accords with the above policies.

Local Planning Policy Framework

The site is located within the **South East Non Urban Area Policy (Clause 22.04)** which seeks to:

- *Protect and create a high quality rural landscape.*
- *Protect and create flora and fauna habitats and networks.*
- *Result in an urban form which is of a high design standard and low visual impact.*
- *To ensure that use and development does not compromise metropolitan urban growth strategies.*

The proposed works to the established education/worship facility maintains a 'low density institutional use', one of the preferred uses for the non urban land which are consistent with the function and character of the area. The proposal is of low visual impact and unlikely to compromise any established biodiversity thus accords with the above local policy.

It is considered that the proposed development generally complies with the Local Planning Policy Framework guidelines which allows for compatible, low scale and low density housing in appropriate locations. This is discussed in the assessment under section 12 of this report.

Council Policy - Green Wedge Plan

Section 60 1A (g) allows the Responsible Authority to consider *'any other strategic plans, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council'*.

The Kingston Green Wedge Plan (the Plan) was adopted by Council on the 27th August 2012. The plan *'identifies the values and features of the Green Wedge, the preferred land uses, environmental and natural resources that should be protected, and the needs of the local community. The Plan will stand alone, but is also intended to sit within the South East Green Wedge Management Plan when completed.'*

The Plan identified Kingston's Green Wedges as non urban areas of metropolitan outside the Urban Growth Boundary, identified for various uses including agriculture, biodiversity, recreation, open space, natural resources, heritage and landscape conservation and to preserve locations for service industries and infrastructure away from urban uses such as the airport, freeway reservations, quarries and waste management operations.

This plan identifies the subject land as being within a typology of **Business activity** and for **Possible exclusion from the Green Wedge.**

There are no design guidelines in the policy for this typology and therefore no assessment (table) has been provided.

The proposed modest works to improve an established business, along with the recommended improved landscaping, will remain consistent with the long-term vision and policy intentions stated in the Green Wedge Plan.



★ Subject site

Green Wedge Zone

The purpose of the Zone states the following:

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

The existing development notably diverts from any agricultural use, being a large education facility and place of worship.

The proposal seeks to modestly improve the existing development by a small verandah on its southern side.

It is considered that the proposal accords with the relevant purposes of the Zone by providing development that is sympathetic to any remnant open rural character and scenic non-urban landscapes, does not alter any established landscape character, provides works substantially setback from the street and neighbouring properties. The proposal remains sensitive to the open character and landscaped environment given the open structure and small proportions. Modest landscaping will be required by condition which will broadly reflect the outcomes sought under the Green Wedge Plan.

Car parking - Clause 52.06

The proposed development does not result in any increase to patrons or net floor area, thus does not trigger any parking requirement under this clause.

Native vegetation – Clause 52.17

The purpose of this clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Given the lot size exceeds 0.4ha, consideration of this particular provision is required.

Council's Vegetation Management Officer confirms that there will be no native, non-planted vegetation removed as part of this application. As such there is no impact to native vegetation and no permit is triggered under this Clause. It is noted the recommended conditions for a replacement native tree to offset the loss of the removal of the two non-native small olive trees.

Land adjacent to a Road Zone 1 - Clause 52.29

The proposed development does not create or alter the access to a road in a Road Zone Category 1 (Springvale Road), thus a permit is not triggered under this clause.

10. CONCLUSION:

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

As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of The Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

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

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

11. RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Planning Permit for buildings and works to construct a verandah associated with an existing Section 2 use at 798-808 Springvale Road, Braeside, 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 one copy must be provided. The plans must be substantially in accordance with the application plans prepared by Profine Building Group, comprising Drawing No's. 1 -2 inclusive, Issue D, dated Feb 19, but modified to show:
 - a) provision of one (1) native canopy tree capable of growing to minimum mature dimensions of 12 metres in height and 8 metres in width to be planted on site, preferably in the front setback of the property;
 - b) provision of a full colour palette, finishes and building materials schedule for the proposed development.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Time limits

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. 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 date of this permit.
 - The development is not completed within four (4) years from the date of this permit.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing within the prescribed timeframe.

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.

**City of Kingston
Planning Committee Meeting**

Agenda

18 September 2019

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

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

1. The proposal fails to comply with relevant state and local planning policies contained within of the Kingston Planning Scheme.
2. The proposal is contrary to the purpose of Clause 35.04 – Green Wedge Zone.

Appendices

Appendix 1 - KP-2019/432 - 798-808 Springvale Road, BRAESIDE VIC 3195 -
Committee plans for decision (Ref 19/205471)  [↓](#)

Author/s: Hugh Charlton, Statutory Planner

Reviewed and Approved By: Nicole Bartley, Team Leader Statutory Planning

4.5

KP-2019/432 - 798-808 SPRINGVALE ROAD, BRAESIDE

- 1 KP-2019/432 - 798-808 Springvale Road, BRAESIDE VIC
3195 - Committee plans for decision 179

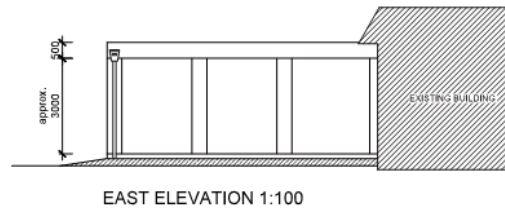
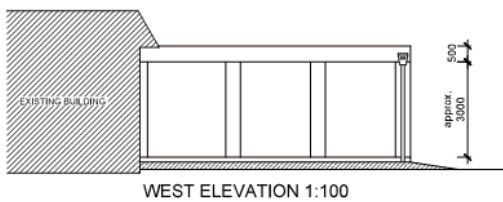
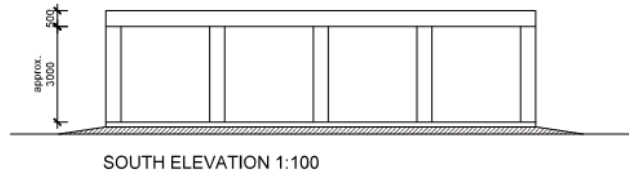
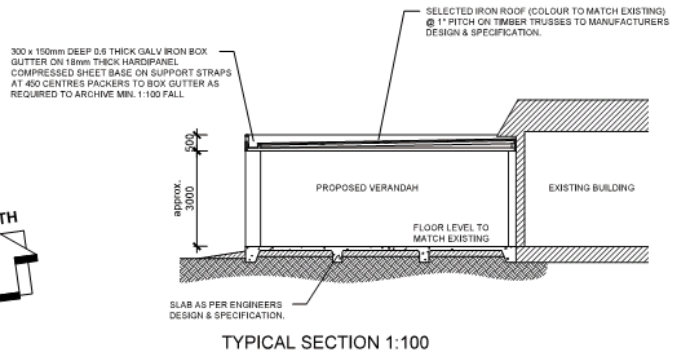
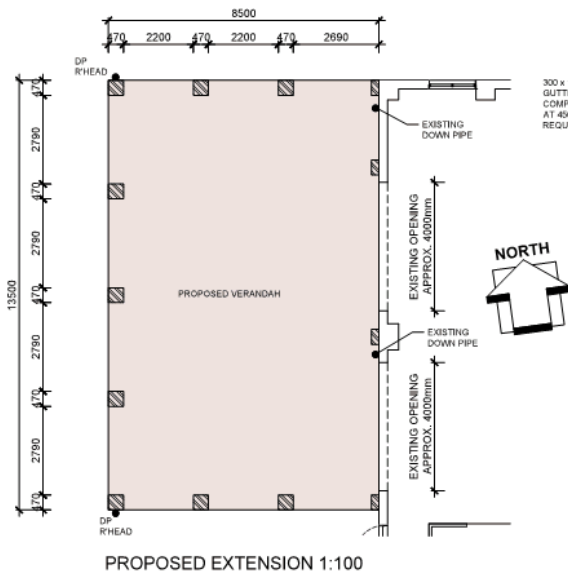


Proposed Verandah
Croatian Catholic Community Centre

PROFINE BUILDING GROUP
PHONE: (03) 9736 3444
EMAIL: info@profine.com.au

798-808 Springvale Road
Braeside

19-0034
FEB 19
CCC/BW ISSUED



Proposed Verandah
Craion Catholic Community Centre

PROFINE BUILDING GROUP
PHONE: (051) 4736 2844
EMAIL: info@profine.com.au

798-808 Springvale Road
Braeside

19-0034
FEB 19
C.C./B.W. ISSUE 2

