

Agenda

Planning Committee Meeting

Wednesday, 23rd June 2021

Commencing at 7.00pm

via the Zoom platform and live streamed

kingston.vic.gov.au

Tim Tamlin
Interim Chief Executive Officer
Kingston City Council



**City of Kingston
Planning Committee Meeting**

Agenda

23 June 2021

Notice is given that Planning Committee Meeting of Kingston City Council will be held at 7.00pm via the Zoom platform and live streamed, on Wednesday, 23 June 2021.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 19 May 2021

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

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5. Confidential Items

Nil

4. Planning and Development Reports

Planning Committee Meeting

23 June 2021

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - MAY 2021

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

Town Planning Application Decisions – May 2021

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

Author: Alfred Carnovale – Acting Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of May, 2021.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	69	78
Notice of Decision	11	12
Refusal to Grant a Permit	1	1
Other - Withdrawn (5) - Prohibited (0) - Permit not required (2) - Lapsed (1) - Failure to Determine (0)	8	9
Total	89	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions May 2021 (Ref 21/136855)  

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 - MAY 2021

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Planning Decisions May, 2021							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2019/291	6 Taverner Street	MOORABBIN	15/05/2019	2/05/2021	The development of four (4) dwellings	Refused	No
KP-2018/382/A	113 McDonald Street	MORDIALLOC	12/05/2020	2/05/2021	Use and Develop the land for a four storey mixed use building in a Special Building Overlay including a Residential Aged Care Facility, Child care centre, Medical centre, Restricted recreation facility (gym), Food and drink premises (café), creation of access to a Road Zone Category 1, and reduction	Permit	No
KP-2005/421/A	28 Booker Street	CHELTENHAM	15/12/2020	2/05/2021	Develop the land for the construction of a single storey dwelling (Dwelling 2) at the rear of the existing dwelling and alterations and additions to the existing dwelling (Dwelling 1) including a first floor addition and a 1.8m high front fence, in accordance with the plans to be submitted pursuant	Permit	No
KP-2020/526	2-58 Governor Road	MORDIALLOC	2/09/2020	2/05/2021	Building & works for the construction of replacement boating gangways and pontoons and associated works in accordance with the endorsed plans	Permit	No
KP-2020/514	29 Evan Street	PARKDALE	2/09/2020	3/05/2021	The development of two (2) dwellings	Permit	No
KP-2018/909	2 397 Nepean Highway	CHELSEA	12/11/2018	3/05/2021	Display of four (4) business identification signs	Permit	No

KP-1996/323/B	2 13 Chadwell Grove	CHELSEA	13/01/2021	3/05/2021	To develop and use this site for a Dual Occupancy, in accordance with plans to be submitted pursuant to Condition 1 hereof	Permit	No
KP-2021/40	3-5 Boundary Road	MORDIALLOC	2/02/2021	3/05/2021	The development of an extension to an existing building in the Land Subject to Inundation Overlay	Permit	No
KP-2020/552	86 Albert Street	MORDIALLOC	18/09/2020	3/05/2021	The development of three (3) dwellings.	Notice of Decision	No
KP-2020/665	260 Governor Road	BRAESIDE	12/11/2020	3/05/2021	The use of the land for a convenience restaurant, the construction of buildings and works up to two storeys accommodating a convenience restaurant, service station and motor repairs, the alteration of access to a road in a Road Zone, Category 1 and the display of business identification signage	Permit	No
KP-2020/421	15 Central Avenue	MOORABBIN	23/07/2020	3/05/2021	Subdivide the Land into Four (4) Lots	Permit	No
KP-2021/69	8 Melaleuca Drive	CLARINDA	17/02/2021	3/05/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2021/129	9 Smith Street	CARRUM	17/03/2021	4/05/2021	Subdivide the Land into Four (4) Lots	Lapsed	No
KP-2021/77	1 Park Street	MORDIALLOC	23/02/2021	4/05/2021	Subdivide the Land into Five (5) Lots	Permit	No
KP-2021/25	95 Devon Street	CHELTENHAM	20/01/2021	4/05/2021	Subdivide the Land into four (4) Lots in a Special Building Overlay	Permit	No
KP-2021/112	10 Lawborough Avenue	PARKDALE	10/03/2021	5/05/2021	To vary Easement E-1 on Lot 11 of LP41688	Permit	No
KP-2021/17	22-24 Wyndarra Crescent	DINGLEY VILLAGE	6/04/2021	5/05/2021	Develop the land for the construction of one (1) dwelling and fencing on land within a Special Building Overlay	Permit	No
KP-2020/717	115 Mentone Parade	MENTONE	4/12/2020	5/05/2021	The use and development of a medical centre with a frontage	Permit	No

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KP-2021/239	21 True Avenue	CARRUM	26/04/2021	5/05/2021	exceeding 2 metres in the Activity Centre Zone (Schedule 2); and a reduction of the required car parking spaces.	Permit	No
KP-2020/764	25 Church Road	CARRUM	22/12/2020	6/05/2021	Develop the land for the construction of an extension to the existing dwelling on land within a Special Building Overlay	Notice of Decision	No
KP-2018/697	1129 Nepean Highway	HIGHETT	29/08/2018	6/05/2021	The development of two (2) dwellings	Withdrawn	No
KP-2020/393	27 260 Wickham Road	HIGHETT	10/07/2020	6/05/2021	The development of three (3) double storey dwellings	Permit	No
KP-2021/115	17 Northcliffe Road	EDITHVALE	10/03/2021	6/05/2021	Use of the land for place of assembly (Virtual Reality Function Centre) and a reduction in the car parking requirements	Permit	No
KP-2021/211	6 Kylie Place	CHELTENHAM	20/04/2021	7/05/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2021/100	209 Beach Road	MORDIALLOC	27/04/2021	7/05/2021	construct wall to divide warehouse into 2 warehouse	Permit Not Required	No
KP-2021/232	22 Clare Street	PARKDALE	27/04/2021	7/05/2021	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit	No
KP-2021/64	78 Albenca Street	CHELTENHAM	15/02/2021	10/05/2021	Prune a significant tree (Jacaranda mimosifolia) within the Environmental Significance Overlay	Permit	No
KP-2021/167	13 Rochelle Court	ASPENDALE GARDENS	12/04/2021	10/05/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2020/633/A	3 Sugar Gum Court	BRAESIDE	17/03/2021	11/05/2021	Buildings and works within an Environmental Significance Overlay and the Tree Protection Zone of a River Red Gum (Eucalyptus camaldensis) listed in the City of Kingston Register of Significant Trees	Permit	No
					Subdivide the Land into Five (5) Lots and to create common property, on	Permit	No

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KP-2017/409/A	13 Southern Road	MENTONE	1/03/2021	11/05/2021	Land affected by the Land Subject to Inundation Overlay Develop the land for the construction of three (3) double storey dwellings	Permit	No
KP-2017/840/B	13 Tennyson Street	HIGHETT	11/12/2020	11/05/2021	Develop the land for the construction of Three (3) Double Storey Dwellings	Permit	No
KP-2021/105	140 Chute Street	MORDIALLOC	4/03/2021	11/05/2021	Construct a deck and pergola	Withdrawn	No
KP-2021/251	46 Turner Road	HIGHETT	5/05/2021	11/05/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/648	9 Sinclair Avenue	EDITHVALE	6/11/2020	12/05/2021	Extension to the existing dwelling and development of a second dwelling	Permit	No
KP-2019/372	297-301 Boundary Road	MORDIALLOC	18/06/2019	12/05/2021	Use and develop the land for a Telecommunications Facility in a Design and Development Overlay Schedule 4, Land Subject to Inundation Overlay and Airport Environs Overlay 1	Permit	Yes
KP-2016/171/A	101-103 Collins Street	MENTONE	10/09/2018	12/05/2021	In accordance with the endorsed plans: Development of the land for the construction of buildings and works for a Residential Aged Care Facility within an Activity Centre Zone, Schedule 2 The reduction of bicycle facilities under Clause 52.34 The display of two business identification signs under Clause 52.34	Permit	No
KP-2021/126	207 Centre Dandenong Road	CHELTENHAM	17/03/2021	12/05/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2021/136	101 Station Street	ASPENDALE	22/03/2021	12/05/2021	Subdivide the Land into Six (6) Lots	Permit	No

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KP-2020/254	111 Lower Dandenong Road	MENTONE	15/05/2020	12/05/2021	Development of one (1) dwelling to the rear of an existing dwelling and extension to the existing dwelling and alter access to a Road Zone, Category 1	Permit	No
KP-2018/595/B	8 Sheppard Street	MOORABBIN	22/12/2020	12/05/2021	The development of two (2) double storey dwellings (side by side)	Permit	No
KP-2018/496	238 Centre Dandenong Road	CHELTENHAM	20/06/2018	12/05/2021	Use and develop the land for a child care centre and signage	Permit	No
KP-2021/88	2 347 Station Street	CHELSEA	12/03/2021	12/05/2021	The development of a first floor extension and alterations to an existing dwelling on a lot less than 300m ²	Notice of Decision	No
KP-2020/711	10 Margaret Street	MOORABBIN	2/12/2020	12/05/2021	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2021/240	94 Embankment Grove	CHELSEA	30/04/2021	13/05/2021	alteration to internal ground floor layout, first floor addition	Permit	No
KP-2021/252	435 Lower Dandenong Road	DINGLEY VILLAGE	5/05/2021	13/05/2021	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit	No
KP-2019/324/A	11 Tennyson Street	CARRUM	2/02/2021	13/05/2021	In accordance with the endorsed plans, the Development of two (2) dwellings.	Permit	No
KP-2020/739	3 Hayden Road	CLAYTON SOUTH	15/12/2020	14/05/2021	The development of two (2) dwellings	Permit	No
KP-2019/605	10 Iluka Avenue	ASPENDALE	20/09/2019	14/05/2021	The development of land for two (2) dwellings	Permit	No
KP-2021/12	3 13-17 Spray Avenue	MORDIALLOC	12/01/2021	17/05/2021	Use of the land for Restricted Recreation Facility (Martial Arts Studio)	Permit	No
KP-2019/545/A	127 Westall Road	CLAYTON SOUTH	16/02/2021	17/05/2021	Use of Land as a Medical Centre (Physiotherapy), buildings and works and a reduction of the required car parking spaces.	Permit	No

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KP-2019/749/A	11 3-17 Taylor Street	PARKDALE	17/12/2020	18/05/2021	Construct an extension to an existing dwelling on a lot less than 300 sqm	Permit	No
KP-2020/516/A	210A Station Street	EDITHVALE	12/04/2021	18/05/2021	Extend one dwelling on a lot less than 300m ²	Permit	No
KP-2017/593/C	12 Gale Street	ASPENDALE	15/04/2021	19/05/2021	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2020/474	7 295 Nepean Highway	EDITHVALE	20/08/2020	19/05/2021	The development of an extension to the existing dwelling on a lot less than 300sqm in a Design and Development Overlay Schedule 7	Permit	No
KP-2021/134	56 Matthieson Street	HIGHETT	22/03/2021	19/05/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2021/137	98 Gladesville Boulevard	PATTERSON LAKES	22/03/2021	19/05/2021	Subdivide the Land into Fourteen (14) Lots	Permit	No
KP-2019/813	1-23 Wells Road	CHELSEA HEIGHTS	19/12/2019	19/05/2021	Use and development of the subject land for a supermarket and retail premises in the Commercial 2 Zone and creation of a carriageway easement pursuant to clause 52.02 in accordance with the endorsed plans and reduction of the car parking requirements of clause 52.06	Permit	No
KP-2021/42	1418A Centre Road	CLAYTON SOUTH	3/02/2021	19/05/2021	The use of the land as an indoor recreational facility (indoor bouldering facility) and the display of business identification signage	Permit	No
KP-2020/171	40 Third Street	PARKDALE	6/04/2020	19/05/2021	Develop the land for the construction of two (2) dwellings on a lot in the General Residential Zone (Schedule 2) and Special Building Overlay, in accordance with the endorsed plans	Permit	Yes
KP-2021/26	21 Parnell Street	CHELTENHAM	21/01/2021	20/05/2021	The development of two (2) dwellings	Notice of Decision	No
KP-2021/159	4 Allnutt Court	CHELTENHAM	28/03/2021	21/05/2021	we will do knockdown and rebuild, there is a tree in the middle of	Withdrawn	No

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KP-2021/111	6 Laura Street	CLAYTON SOUTH	9/03/2021	21/05/2021	backyard, so we need to remove the tree	Permit	No
KP-2020/539	1 Mason Court	HIGHETT	14/09/2020	21/05/2021	Subdivide the Land into Two (2) Lots	Notice of Decision	No
KP-2021/267	11 Cedric Street	PARKDALE	12/05/2021	21/05/2021	The development of two (2) dwellings	Permit	No
KP-2017/77/A	34 Langrigg Avenue	EDITHVALE	18/05/2021	21/05/2021	Construction of a dwelling	Withdrawn	No
KP-2021/80	13 Devon Street	CHELTENHAM	24/02/2021	21/05/2021	Withdrawn - Lodged in Error	Permit	No
KP-2021/271	402 Nepean Highway	CHELSEA	13/05/2021	21/05/2021	Subdivide the Land into Two (2) Lots	Permit Not Required	No
KP-2019/647/A	Unit 3 31 York Street	BONBEACH	6/10/2020	21/05/2021	Reduction of the car parking requirement	Permit	No
KP-2020/737	36 Turner Road	HIGHETT	14/12/2020	24/05/2021	Develop the land for the extension of one (1) dwelling on a lot less than 300m2	Permit	No
KP-2020/360	152 Warren Road	MORDIALLOC	25/06/2020	24/05/2021	Develop four (4) dwellings	Notice of Decision	No
KP-2021/49	Unit 21 7 Parkview Drive	ASPENDALE	6/02/2021	24/05/2021	Develop the land for the construction of two (2) double storey dwellings	Notice of Decision	No
KP-2010/268/D	21 Somme Parade	EDITHVALE	2/06/2020	24/05/2021	The development of an extension to the existing dwelling on a lot less than 300sqm	Notice of Decision	No
KP-2020/709	4 Shelford Grove	DINGLEY VILLAGE	1/12/2020	25/05/2021	Develop the Land for the Construction of three (3) Dwellings	Permit	No
KP-2017/703/B	1178-1180 Nepean Highway	CHELTENHAM	29/09/2020	25/05/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/359	94 Tootal Road	DINGLEY VILLAGE	12/06/2019	25/05/2021	Use and develop the land for the construction of a car sales, and the display of internally illuminated business identification signage and pylon signs and alteration to access in a road zone category 1	Permit	No
					Use and develop the land for a minor sport and recreation facility, function	Permit	No

KP-2007/716/A	Unit 1 83 Chute Street	MORDIALLOC	27/04/2021	25/05/2021	centre, indoor recreation facility, medical centre, residential building, and reduction of bicycle parking requirements	2 DWELLINGS / SBO	Withdrawn	No
KP-2019/182/A	602 Lower Dandenong Road	BRAESIDE	15/02/2021	26/05/2021	The development of the land for buildings and works (sheds)		Permit	No
KP-2021/18	Unit 5 1A Somme Parade	EDITHVALE	15/01/2021	26/05/2021	The development of an extension to the existing dwelling on a lot less than 300m ²		Permit	No
KP-2018/102	7 Embankment Grove	CHELSEA	12/02/2018	26/05/2021	In accordance with the endorsed plans Construction of five (5) dwellings; and Removal of an easement under Clause 52.05 of the Kingston Planning Scheme		Permit	Yes
KP-2021/113	14 Field Avenue	EDITHVALE	10/03/2021	27/05/2021	Subdivide the Land into Two (2) Lots		Permit	No
KP-2021/110	131-133 Bernard Street	CHELTENHAM	8/03/2021	27/05/2021	To construct and display business identification signs		Permit	No
KP-2020/699	79 Chute Street	MORDIALLOC	28/11/2020	27/05/2021	The development of two (2) dwellings, on Land affected by a Special Building Overlay		Notice of Decision	No
KP-2020/725	52 Fourth Street	PARKDALE	9/12/2020	27/05/2021	Develop four (4) dwellings		Notice of Decision	No
KP-2021/299	44 Field Avenue	EDITHVALE	24/05/2021	27/05/2021	Subdivide the Land into Two (2) Lots		Permit	No
KP-2021/279	43 McKay Street	MORDIALLOC	18/05/2021	28/05/2021	Construct an in-ground swimming pool on land within a Special Building Overlay		Permit	No
KP-2020/644	12 MacK Crescent	CLARINDA	2/11/2020	28/05/2021	Develop the land for the construction of one (1) dwelling to the rear of the existing dwelling and		Permit	No

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KP-2010/833/A	3A Elm Grove	PARKDALE	25/02/2021	28/05/2021	alterations and alteration to the existing dwelling on land affected by a Special Building Overlay	Permit	No
KP-2021/189	3 Third Avenue	CHELSEA HEIGHTS	13/04/2021	31/05/2021	Develop the land for the Construction of Two (2) Dwellings	Permit	No
KP-2021/193	49 McSwain Street	PARKDALE	13/04/2021	31/05/2021	Subdivide the Land into Two (2) Lots	Permit	No

Planning Committee Meeting

23 June 2021

Agenda Item No: 4.2

KP-2020/530 - 1-2 MOOLA COURT & 4-6 BARKER STREET, CHELTENHAM

Contact Officer: Hugh Charlton, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2020/530 - 1-2 Moola Court & 4-6 Barker Street, Cheltenham.

The application is required to be decided by Council due to it being for five (5) or more dwellings that incorporates one or more double storey dwelling(s) to the rear of the site, with 3 or more objections.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop a four storey residential building at 1-2 Moola Court & 4-6 Barker Street, Cheltenham, subject to the conditions contained within this report.

EXECUTIVE SUMMARY			
Address	1-2 Moola Court & 4-6 Barker Street, CHELTENHAM		
Legal Description	Lot 2,3,4 on PS 52594, Lot 1,2 on SP 017406		
Applicant	Pitard Group		
Planning Officer	Hugh Charlton		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Activity Centre Zone (Schedule 1)		
Overlays	None		
Particular Provisions	Clause 58 – Apartment Developments Clause 52.06 – Car Parking Clause 52.34 – Bicycle Facilities Clause 53.18 – Stormwater management in urban development		
Permit Trigger/s	Clause 37.08: Pursuant to Clause 4.3 of Schedule 1 of the Activity Centre Zone, a planning permit is required to construct two or more dwellings on a lot.		
APPLICATION / PROCESS			
Proposal	develop a four storey residential building comprising 64 dwellings and basement parking		
Reference No.	KP-2020/530	RFI Received	22/12/2020
App. Received	10/9/2020	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Commenced: 21/1/21	Advertising Completed	Yes 8/2/21
S.55 Referrals	Dept Transport		
Internal referrals	Yes		
Objection(s)	27 (TRIM checked on 17/5/21)		
Mandatory Garden area requirement	Complies or N/A	Mandatory Building Height requirement	N/A
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	YES CHMP approved		
Considered Plans	Pitard Group, Drawing No's. TP01 to TP17 inclusive, Revision B dated Dec 20, submitted on 22/12/2020		

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit KP-528/2016 for the subject site was issued on 2 January 2018 by Council's Planning Committee for 49 dwellings in a three to four storey apartment and townhouse form. This permit was not acted on and remains valid.
- 1.2 Nearby comparable approvals within the ACZ3 within the surrounding residential precinct:
 - Planning Permit KP-1062/2016 - 12-14 Barker Street, CHELTENHAM was issued on 29 Aug 2017 by Council's Planning Committee for 19 dwellings in a four storey apartment building at. This permit was not acted on.

- Planning Permit KP-2018/317 - 1-5 Maude Street, Cheltenham was issued on 01 May 2020 by Council's Planning Committee for a 4 storey apartment building comprising 34 dwellings. This is under construction.
- Planning Permit KP-2018/211 - 7-11 Maude Street, Cheltenham was issued on 29-Nov-2018 by VCAT (objector appeal) following a Notice of Decision to Grant a Permit by Council's Planning Committee for a 4 storey apartment building comprising 34 dwellings. This has been completed.
- Planning Permit KP-2015/460 - 11 - 15 - 17 Maude Street and 22 - 24 Barker Street Cheltenham was issued on 28 April 2016 by VCAT for a four storey apartment comprising following a failure to make a decision (no support given by Council Committee).

2.0 SITE PARTICULARS

2.1 The following image shows the subject site from Barker Street.



Built form	Vacant
Size (m²)	4 allotments totalling 2854m ²
Topography	The land is relatively flat having being recently levelled, but has a steep slope of 2.4 metres at the rear that rises to the south
Fencing	1.7m along rear boundary. Temporary protection fencing to each street
Vegetation	Void of any significant vegetation

Easement(s)	A drainage and sewerage easement runs across the site and along the site's eastern boundary
Footpath assets / access	Three (3) existing crossovers to Moola Court. No power poles, bollards or street trees are located along the frontage.
Covenant(s) / Restrictions	No restrictions listed on the Certificate of Title.

3.0 SURROUNDING ENVIRONS

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



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

North	Barker Street, single storey villa units and older 2 storey apartments opposite
East	Single storey dwelling and outbuildings fronting Barker Street with a small area of secluded private open space to the rear. 11-19 Hall Street, a 4 storey apartment building comprising 57 dwellings

South	Frankston railway corridor
West	Moola Court and a double storey dwelling opposite

4.0 PROPOSAL

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

Description	Develop the land for the construction of a four (4) storey apartment building comprising 64 dwellings and basement parking		
Use	Residential		
Storeys	4 storeys and 1 level of basement car parking		
Maximum building height	17m		
Bedrooms (including study)	A mix of apartment types are proposed, consisting of: 3 x 1 bedroom dwellings 57 x 2 bedrooms dwellings 4 x 3 bedroom dwellings		
Car parking	68 resident spaces (fully compliant with Clause 52.06) 0 residential visitor car parking 23 bicycle parking spaces (fully compliant with Clause 52.34)		
Front setback	4.7m to Barker Street, 4m to Moola Court		
Private Open Space	<ul style="list-style-type: none"> ▪ Ground floor: 40m² - 112 m² ▪ Balcony: 10m² - 62m² Communal space of 160m ² is provided on the rooftop		
Site Coverage	57.3%	Permeability	28.9%
Access	Existing 3 crossovers to be reinstated New double crossover proposed to Barker Street		
Vegetation removal/retention	No significant vegetation located on the subject site or on neighbouring properties within close proximity to common boundaries		
Building materials	A contemporary building form that includes: render, brick, timber batten, lined cladding, concrete		

5.0 ADVERTISING

5.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining two notices on site for fourteen (14) days. 27 objection(s) to the proposal were received. The grounds of objection raised are summarised as follows:

- Traffic, access and safety
- Parking
- Emergency service access
- Overdevelopment
- Neighbourhood character
- overlooking
- inadequate garden space
- rooftop deck
- impact to flora/fauna
- height
- overshadowing and access to winter sun
- noise impacts from traffic
- wind tunnel effect
- urban cooling
- waste collection
- decreased liveability for neighbours
- visual massing
- street setback/dominance

Not planning related issues:

- increased pollution
- impact to rent or market value of surrounding properties
- damage to properties during construction
- increased rubbish from residents
- noise from future residents
- longevity of finished construction by applicant
- security impact to adjoining properties
- air con overheating
- loss of views
- damage to roads

6.0 PLANNING CONSULTATION MEETING

6.1 A planning consultation meeting was held on 25 March 2021 with the relevant Planning Officers, the Permit Applicant and 10 objector(s) in attendance. The above-mentioned issues were discussed at length including compliance on the adjoining site.

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

6.3 Some of the above concerns were resolved following the meeting, namely the compliance issues in which the applicant has stopped using the site as a temporary vehicle and soil storage for a nearby construction site.

7.0 AMENDMENT TO PLANS

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

7.2 Following the preliminary conference meeting the Permit Applicant lodged concept plans on 19 April 2021 to address issues with topography, dwelling entry, internal amenity, landscaping, visual amenity, storage. The amended concept plans incorporated the following changes:

- The entire building lowered by 300mm.
- Apartment G15 (deemed subterranean) at rear deleted and replaced with external storage, resulting in all over bonnet storage in basement being deleted.
- An additional pedestrian entry provided to Barker Street by reducing the size of apartment G05.
- The pedestrian entry and apartment G02 have been flipped, bringing the entry closer to Barker Street. This reconfiguration to be replicated on apartments 102-302 above.
- The entries to G01 & G16 (now G15) reconfigured.
- A large light court to communal corridor introduced that will run the full height of the building, replacing storage cages.
- The lift and stair flipped so the lift is closer to the pedestrian entry.
- The southern setback of the master bedroom of G14 increased by approx 1.5m to improve its daylight access.
- The car space in the north west corner of the site associated with G15 deleted. This will create an in ground planting space of 5.6m x 8.35m (ex the corner splay).
- Deletion of the substation and replacement with an LV pillar as confirmed with United Energy. Open space and plantings to be provided in its place

7.3 These plans are conceptual and do not form part of the consideration plans. Generally the above conceptual changes are achieved by the recommended officer permit conditions and discussed in each relevant section of the report assessment.

8.0 REFERRALS

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

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	Raised that the proposal does not meet the deep soil requirements for canopy trees at ground or on the terraces or the ACZ to achieve adequate landscaped street frontages. Conditions were recommended to be included on any permit issued relating to improvements to the submitted landscape plan with additional areas of deep soil
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater management, basement design and WSUD.
Roads and Drains	No objection raised, subject to conditions included on any permit issued.

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Traffic Engineer	Supports the provision of parking and parking design. Noted that the traffic generation is not significant. A SIDRA traffic analysis was requested to review nearby intersections. The planning officer notes that this request was made after further information and at the end of the application, thus was not possible to be requested of the applicant. Its benefit also appears limited given there is only a 16 -dwelling increase over the previous approval on this site.
ESD	No objection subject to changes including a number of smaller design improvements and report corrections and for inclusion of a solar PV system which will be required as a condition of any permit issued. Issues were raised with daylight access to some battle-axe configuration ground floor bedrooms, however the planning officer finds these to be compliant as discussed in the Clause 58 assessment.
Waste Dept	Supported the submitted WMP and private waste collection proposed.
Urban Designer	Objected to the proposal on the grounds of design response to the topography, internal amenity to subterranean dwellings at rear, dwelling entry, substation prominence. The revised concept (of which the changes are generally achieved by recommended permit conditions) was generally supported but issues remain with design response to the topography.
CMP	CMP required via conditions.
Strategic	Raised concern with the Barker Road setback and landscaping opportunities, appearance of the substation, fencing, requested street tree plantings.

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Dept of Transport (Clause 66.02-11)	55	Determining	None	Subject to conditions included verbatim within the recommendation

9.0 PLANNING CONTROLS

Zone / Overlay / Particular Provision	Rationale
37.08 - Activity Centre Zone – Schedule 1	Schedule 1 of the ACZ, Precinct 6 – Increased Residential development applies to this site and the immediate area bordered by Barker Street, Maude Street, the railway line, and to a depth of one property behind Charman Road. Relevant guidelines to Precinct 6 seek to achieve a higher density character to support the growth and vitality of the Cheltenham Major Activity Centre. A development within this precinct should meet the following objectives:

	<ul style="list-style-type: none"> ▪ <i>Encourage new, contemporary residential built form within quality landscaped settings that responds to the community/residential focus of the precinct.</i> ▪ <i>To provide opportunities for a mix of dwelling types in the precinct.</i> <p>The proposal accords with the purpose of the Zone and relevant objectives by providing a contemporary residential development with a sufficient scale and apartment style form that respond to the desired precinct character and provide for a density that can support the vitality and viability of the activity centre.</p> <p>A detailed assessment against the precinct guidelines is located later in this report.</p>
52.06 Car parking	<p>Requires 1 space per 1-2 bedroom dwelling, and 2 spaces per 3 plus bedroom dwelling. Proposal generates a requirement for 68 spaces. Complies, 68 spaces provided.</p> <p>Visitor parking is not required (nor provided) as this site is within the Principal Public Transport Network thus there is a variation to the parking requirements under 52.06.</p> <p>A Green Travel Plan has been provided by the applicant which is considered satisfactory for endorsement should a permit issue.</p> <p>Clause 52.06 – 9 Design standards including swept paths, splays, garaging dimensions, headroom clearances, ramp grades, are considered compliant by Council’s Traffic engineer.</p> <p>Council’s Traffic Engineer has reviewed the potential traffic generation and notes it is not significant. The planning officer notes that there is only a 16 dwelling increase over the previous approval on this site and that the building entry is appropriately located to funnel traffic to Barker Street, with a sufficient two way ramp which will avoid queuing on street or delays in traffic movement.</p>
52.02 Easements, restrictions, reserves	<p>Council has referred the application to Council’s Drainage Department who has raised no objection. It is noted that the previous permit application was referred to SE Water who had no objection to the easement being removed and this was reflected by a condition of permit.</p> <p>As such it is considered there is no in-principle issue for building over this easement and this can be dealt with by the permit applicant in a separate application to the relevant authority.</p>
52.34 Bicycle Facilities	<p>The proposed development has a statutory bicycle parking requirement of 19 spaces as specified under Clause 52.34 of the Kingston Planning Scheme. Complies, 23 bicycle spaces provided.</p> <p>The location of parking is however not convenient which would fail to comply with the design standards of this clause to encourages this mode of transport.</p> <p>A condition of permit is recommended that</p>

	a) Bicycle spaces relocated to a more convenient location close to the basement entry, designed in accordance with Clause 52.34 of the Kingston Planning Scheme
53.18 Stormwater management in urban development	It is considered that the proposed development generally complies with this provision and provides an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off. Council's Drainage Engineer is satisfied with the proposal subject to conditions included on any permit issued, as specified within the officer recommendation.
58 Apartment Developments	See assessment below.

10.0 POLICY CONSIDERATIONS

General Provisions

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

Planning Policy Framework

The Planning Policy Framework sets out the relevant state-wide policies for 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).

Clause 11 seeks to ensure planning anticipates and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 11.03-1S (Activity centres) places particular emphasis on providing a diversity of housing types at increased densities in and around activity centres or sites that have good access to a range of services, facilities and transport options.

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

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

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

The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity and a Cultural Heritage Management Plan (CHMP) is required. A CHMP was prepared by Unearthed Heritage and approved in 2018 and remains valid.

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

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

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

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

Clause 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.

It is considered that the proposed development generally complies with the above guidelines and provides for an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off. Council's Drainage Engineer is satisfied with the proposal subject to conditions included on any permit issued, as specified within the officer recommendation.

Clause 22.21 Environmentally Sustainable Development (ESD) policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainability Management Plan (BESS/STORM). Further, the SMP assessment was referred to Council's ESD officer who has advised of no objection subject to conditions for design improvements and report corrections, which will be addressed by a revised SMP required by condition on any permit issued.

It is considered that the proposed development generally complies with the Planning Policy Framework guidelines, which aim to encourage well-designed medium density housing in appropriate locations. A further assessment of the proposal's measure against stormwater management is found within the Clause 55 assessment, later within this report.

11.0 FURTHER CONSIDERATION / ANALYSIS

Schedule 1 to the ACZ

Schedule 1 to the ACZ outlines specific requirements and guidelines for this precinct. The setbacks in the ACZ are discretionary as discussed and established by senior members in Tribunal decisions in *Steller 75 Pty Ltd v Kingston CC [2016] VCAT 661* at 11 - 15 - 17 Maude Street and 22 - 24 Barker Street Cheltenham, and *Steller 107 Pty Ltd v Kingston CC [2017] VCAT 1968 (27 November 2017)* at 44 – 46 Station Road, Cheltenham.

The following is an assessment against the ACZ1 discretionary requirements and guidelines:

Precinct 6 requirements	Assessment
Building Height: 3 storeys (11 metres) subject to achieving precinct guidelines, or 2 storeys (8.5 metres)	<p>Does not comply - the application proposes a three to four storey building which will exceed the three storey / 11m height (precinct 6 requirement). An overall height of 17m is proposed, typical height of 14m.</p> <p>For other reasons of topography, the building and finished floor levels area recommended by permit condition 1c) to be reduced in height by 300mm. The proposal therefore seeks a 5.7m height variation. It is noted that the height limit is not a mandatory requirement and variations can be considered. Council's Urban Designer is supportive of the scale of the proposal.</p> <p>A review of the application and site context indicates that multiple buildings have been approved and constructed at four storeys to a similar overall height in this ACZ residential precinct. Including directly to the east adjoining development at 11-19 Hall Street. Notably on the subject site a four storey development was approved by Council.</p> <p>On balance, the height limit variation is considered to be acceptable.</p>
Setbacks: Minimum 5 metres from street frontages.	<p>Partial complies. Achieved 5.5m setback to Barker Street.</p> <p>Variation sought to Moola Court of 1m, 4 metres proposed.</p> <p>Given this variation is to a side street and Council's VMO is satisfied this setback can be adequately landscaped, and with the further landscaping opportunities recommended</p>

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Precinct 6 requirements	Assessment
<p>All habitable room windows and balconies of development above ground level must be setback 4.5m from side and rear boundaries</p>	<p>below, this minor setback variation is considered acceptable</p> <p>Variation sought. The intention of this side setback requirement is considered to be met, with a minimum setback of 4.5 metres proposed to the site's eastern boundary which is opposite an existing apartment development.</p> <p>A minimum setback of 4.5 metres is proposed to the southern rear boundary to rail corridor. As this is to the rail corridor there are no amenity impacts nor any equitable development implications this setback is acceptable.</p>
<p>The landscaping of front setback areas is encouraged.</p>	<p>Does not comply. Can be addressed by condition.</p> <p>The submitted landscape plan is for the most part acceptable with a range of small and medium trees, however needs further improvement to achieve adequate deep soil areas.</p> <p>The basement intrudes on available planting areas, reducing deep soil to a depth of 3.5m to the front setback of Barker Street.</p> <p>The substation kiosk is a very prominent feature and poorly located at the terminus of the street. Its location also provides a lesser outlook from nearby apartments. The applicant has reviewed this and agrees the substation can be deleted and replaced with an LV pillar on the street.</p> <p>As discussed in detail in the Clause 58 assessment, permit condition 1h) is recommended for additional deep soil landscaping opportunities which can provide for a medium tree adjacent to the street corner and two large trees at the end of the court bowl to replace the substation.</p>

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Precinct 6 requirements	Assessment
Car parking spaces should be provided in basements rather than at ground level, where possible, with access via a single entry onto the site, in order to maximise opportunities to use ground level areas for landscaping and open space.	Complies. One (1) level of basement parking would cater for all residential parking requirements, via one access point. Subject to condition the extent of basement coverage will provide for opportunities for landscaping at the front as previously discussed. It is noted the basement setback is sufficient along the side and rear boundaries for landscaping.
New development should be designed to address the street edge with direct pedestrian access from the street for ground floor apartments.	Does not comply. Can be address by condition The building entry and location compromises the sense of address and appears diminutive to a build of this size. The entry does it appear convenient to residents as it is partially hidden deep into the site and below street level. To address this, a condition of permit is recommended for: 1b) Building entry and arbour to Moola Court relocated closer to Barker Street between Apartment G02 and G03, widened to 2 metres, and with any resultant rearrangement of the dwellings above.
Encourage development on sites of 1,000sqm or less and with a frontage of 30m or less, to not exceed a maximum 2 storeys and be limited to additions to existing dwellings.	N/A.
Ensure development on sites (comprising 1 or more lots) of greater than 1,000sqm and with a frontage of greater than 30m, buildings do not exceed a maximum height of 3 storeys.	Does not comply – the height variation sought is supported as discussed above.
Development should provide for a mix of dwelling options in an apartment format rather than villa units or townhouses.	Complies.

Clause 8.0 of Schedule 1 to the Activity Centre Zone outlines the following relevant decision guidelines:

Design and built form

- *Whether the proposed development ensures that all roof plant and equipment is sufficiently screened or hidden from view.*

Access

- *Incorporates provisions for pedestrians, cyclists, and people with a disability demonstrating how access needs are accommodated*
- *Provides vehicular access to buildings fronting key roads off side streets or via rear access.*

11.1 The proposal generally satisfies the above key matters.

12.0 CLAUSE 58 – APARTMENT DEVELOPMENTS

Construct or extend an apartment development of five (5) or more storeys (excluding a basement) in a GRZ, RGZ, MUZ or TZ OR the apartment development is in the C1Z, C3Z, SUZ, CDZ, or ACZ.

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

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 58 – URBAN CONTEXT		
Clause 58.02-1 Urban context objectives <ul style="list-style-type: none"> ▪ To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. ▪ To ensure that development responds to the features of the site and the surrounding area. 	Standard D1 <ul style="list-style-type: none"> ▪ The design response must be appropriate to the urban context and the site. ▪ The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	Subject to condition will comply with standard & objective (see condition discussion below in bold)

Assessment: The proposal is considered to satisfy the objective of this Clause, where any shortcomings can be mitigated by the recommended permit conditions.

The proposed building is considered to be respectful of the emerging neighbourhood character when considering the underlying policy context of the site. The height of the proposal has been commented on by objectors, and noted as being out of character. As discussed above, there are multiple 4 storey buildings in the immediate area and a four storey building was previously approved by Council on this site. It is noted there is no fifth storey as objectors asserted. The top level is an open communal terrace and with services and corridors necessary to allow for access.

On balance and subject to conditions the proposal is considered to contribute to the preferred neighbourhood character in terms of scale, street setbacks, and a side setback that exceeds the recommended ACZ standard. Further, the development has adequately responded to its direct abutments and sensitive interfaces, avoiding unreasonably off-site amenity impacts, providing decent side setbacks and adequate rear setbacks to a non sensitive interface that reduce visual dominance and ensure any overshadowing is within reason.

The applicant has agreed to make further improvements to increase landscaping including by deleting the substation and replacing with open space, providing an attractive opportunity for landscaping at the street terminus.

Further changes agreed to with the applicant includes revising the design response to adequately respond to the topography of the land and thereby improve street integration, height transitions and internal amenity. The issue relates to a raised building to the street with a finished ground floor level of 1.4m above footpath. At the rear the cutting of the land creates a sub-terranean dwelling G15 opposite a retaining wall/fence between 3.25m and 5.7m which compromises daylight and internal amenity. To a

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>lesser extent apartments G14 and G16 are affected similarly and which can also be dealt with by condition. As such conditions of permit are recommended for:</p> <ul style="list-style-type: none"> c) Reduction of the overall building and finished floor levels by 300mm d) Deletion of Dwelling G15 (and replaced with external storage). e) Reduction of the retaining wall adjacent to Dwellings G01 and G16 private open space f) Southern setback of the master bedroom of Dwelling G14 increased by a minimum of 1.5 metres to improve daylight access. 		
<p>Clause 58.02-2 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 Municipal Planning Strategy and the Planning Policy Framework. • To support higher density residential development where development can take advantage of public and community infrastructure and services. 	<p>Standard D2</p> <ul style="list-style-type: none"> ▪ An application must be accompanied by a written statement to the satisfaction of the RA that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 	<p>Complies with standard & meets objective</p>
<p>Assessment:</p> <p>The proposal accords with the purpose of the Zone and relevant objectives by providing a contemporary residential development with a sufficient scale and apartment style form that respond to the desired precinct character and provide for a density that can support the vitality and viability of the activity centre.</p> <p>The site is located within an area where a preferred character has been nominated by the ACZ1 – where more intensive apartment style development on consolidated lots is sought. It has been demonstrated that subject to condition, the development satisfies the objectives of the relevant ACZ precinct, see previous detailed assessment.</p> <p>The proposal enjoys a high level of policy support within the relevant planning policy framework including the ACZ, Clauses 11.03-1, 21.04, and 21.05, and 22.11 – all of which support more intensive forms of development on this site.</p>		
<p>Clause 58.02-3 Dwelling diversity objective</p> <ul style="list-style-type: none"> • To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	<p>Standard D3</p> <ul style="list-style-type: none"> ▪ Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal and respective floor plans accommodate for a variety of typologies.</p>		
<p>Clause 58.02-4 Infrastructure objectives</p>	<p>Standard D4</p>	<p>Complies with standard & meets objective</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> ▪ To ensure development is provided with appropriate utility services and infrastructure. ▪ To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<ul style="list-style-type: none"> ▪ Connection to reticulated services/sewerage, electricity, gas and drainage services ▪ Capacity of infrastructure and utility services should not be exceeded unreasonably ▪ Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	
<p>Assessment: The site is in an established area that is well serviced by existing infrastructure. Additionally, it is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 58.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with the street. 	<p>Standard D5</p> <ul style="list-style-type: none"> ▪ Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	<p>Subject to condition will comply with standard & objective (see discussion in bold below)</p>
	<ul style="list-style-type: none"> ▪ Development oriented to front existing/proposed streets 	
	<ul style="list-style-type: none"> ▪ High fencing in front of dwellings should be avoided if practicable. 	
	<ul style="list-style-type: none"> ▪ Development next to existing public open space should be laid out to complement the open space. 	
<p>Assessment: The proposal presents an active frontage with the development making provision for safe and functional connectivity. Upper levels have been designed with balconies presenting to the street, providing excellent passive surveillance opportunities to the public realm.</p> <p>The proposal indicates there will be high but permeable front fence to Baker Street, and lower fence to Moola Court. Fencing is typically low in the emerging character. A condition of permit is recommended to require</p> <p style="padding-left: 40px;">g) plans and elevations of front fencing with a maximum height of 1.5 metres that complies with Standard D5 of Clause 58 of the Kingston Planning Scheme.</p> <p>Subject to the previously discussed recommended permit condition to relocate the building entry, the entry will be open and inviting, demonstrating an engaging frontage that positively contributes to the street integration.</p>		
<p>Clause 58.03 – SITE LAYOUT</p>		
<p>Clause 58.03-1 Energy efficiency objectives</p> <ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. ▪ To ensure dwellings achieve adequate thermal efficiency. 	<p>Standard D6</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and POS should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p>	<p>Subject to condition will comply with standard & objective (see discussion in bold below)</p>

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<p>Assessment: Council's ESD Officer had no objection subject to minor changes and corrections to the Sustainable Management Plan, and provision of a solar PV system, which have been included within the recommended permit conditions (condition 12).</p> <p>The proposal is generally energy efficient with acceptable dwelling orientation subject the previously recommended deletion of apartment G15 and improvements to apartments G14 and G16 adjacent to the rear retaining wall. Access to daylight is otherwise supported for dwellings and the proposal maintains good energy efficiency whilst maximising north facing windows where possible.</p> <p>Given the proposed siting of the building, good side setbacks and a receding upper level, the proposal will not unreasonably impact on the energy efficiency of the adjoining residential lots.</p>		
<p>Clause 58.03-2 Communal open space objective</p> <ul style="list-style-type: none"> ▪ To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. 	<p>Standard D7 Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. Communal open space should:</p> <ul style="list-style-type: none"> ▪ Be located to: <ul style="list-style-type: none"> - Provide passive surveillance opportunities - Provide outlook for as many dwellings as practicable - Avoid overlooking into habitable rooms and POS of new dwellings. - Minimise noise impacts to new & existing dwellings. - Be designed to protect any natural features on the site. ▪ Maximise landscaping opportunities. <ul style="list-style-type: none"> - Be accessible, useable and capable of efficient management. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The development provides predominantly external communal space area of 160m² at the rooftop terrace. The outdoor communal area is well designed as shown on the landscape plan with different areas for relaxation. The setback of the terrace mitigates any potential overlooking. The communal open space also provides reasonable opportunities for landscaping that is accessible and allows for efficient management.</p> <p>As previously mentioned an additional area of open space at ground level will be provided by deletion of the substation, to be used for a landscaped outcome which could be either communal or private open space. It is not considered appropriate that this land be made public open space (as suggested by the applicant) given it is small, not well located nor has good sightlines.</p>		
<p>Clause 58.03-3 Solar access to communal outdoor open space objective</p> <ul style="list-style-type: none"> ▪ To allow solar access into communal outdoor open space. 	<p>Standard D8 The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50% or 125m², whichever is the lesser, of the primary communal outdoor open space should receive a minimum of 2 hrs of sunlight between 9am-3pm on 21 June.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The communal open space area will be located with a good orientation that will receive the recommended levels of sunlight between the relevant times of day.</p>		
<p>Clause 58.03-4 Safety objective</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 D9 Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided.</p>	<p>Subject to condition will meet the standard & objective (see</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	<p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	discussion in bold below)
<p>Assessment: The residential lobby to the street is not adequately visible from the public domain as it is tucked away around the rear of the site (see 1b).</p> <p>As previously recommended this should be located closer to Barker Street. As such this will achieve the objective to provide for the safety and security of residents and property and which offers good visibility and surveillance.</p>		
<p>Clause 58.03-5 Landscaping objectives</p> <ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the area. ▪ To encourage development that maintains and enhances habitat for plants & animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. ▪ To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. 	<p>Standard D10</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> ▪ Be responsive to the site context. ▪ Protect any predominant landscape features of the area. ▪ Take into account the soil type and drainage patterns of the site and integrate planting & water management. ▪ Allow for intended vegetation growth & structural protection of buildings. ▪ In locations of habitat importance, maintain existing habitat & provide for new habitat for plants & animals. ▪ Provide a safe, attractive & functional environment for residents. ▪ Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs & roof top gardens & improve on-site stormwater infiltration. ▪ Maximise deep soil areas for planting of canopy trees. <p>Development should provide for the retention or planting of trees, where these are part of the urban context.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should provide the deep soil areas and canopy trees specified in Table D2.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> ▪ Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. ▪ Vegetated planters, green roofs or green facades. 	Subject to condition can meet objective (see discussion in bold below)

Assessment: Council's Vegetation Management Office raised that the proposal does not meet the deep soil requirements for canopy trees at ground or on the terraces or the ACZ for landscaped street frontages. This Standard requires deep soil for 15 per cent of the site area of 423m² with a minimum

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>dimension of 6m. Within Precinct 6 of the ACZ the plan envisages continuous landscaping along the Barker Street and Moola Court frontages.</p> <p>As previously discussed in the ACZ assessment, permit conditions are recommended for additional deep soil areas to achieve the preferred landscape character, as follows:</p> <p style="padding-left: 40px;">h) reduce the basement by deletion of the car space in the north west corner to create a deep soil planting space of 5.6m x 8.3m at the street corner.</p> <p style="padding-left: 40px;">i) deletion of the substation and the area be replaced with a landscaped outcome</p> <p>The submitted landscape plan provides a range of small and medium trees across each site frontage and along side boundaries which is for the most part acceptable subject to improvements for deep soil and provision of 2 large trees in the former substation area and realisation of the proposed medium tree to the site's street corner, and a recommendation to provide a green wall on the west facing elevations, see condition 1u)</p> <p>As such the objective is met, subject to the recommended conditions</p>		
<p>Clause 58.03-6 Access objective</p> <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the urban context. 	<p>Standard D11</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Council's Traffic Engineers has no objection to the double crossover access point to Barker Street which is designed in accordance with this Standard. The proposal will also result in a number of driveways being reinstated to Moola Court and increasing street parking opportunities.</p>		
<p>Clause 58.03-7 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 D12</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings 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 with standard & meets objective</p>
<p>Assessment: Parking is located within the basement. Parking areas are secure and convenient to the dwellings. A condition of permit is recommended to require</p> <p style="padding-left: 40px;">j) mechanical ventilation of the basement.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 58.03-8 Integrated water & stormwater management objective</p> <ul style="list-style-type: none"> ▪ To encourage the use of alternative water sources such as rainwater, stormwater & recycled water. ▪ To facilitate stormwater collection, utilisation and infiltration within the development. ▪ To encourage development that reduces the impact of stormwater run-off on the drainage system & filters sediment & waste from stormwater prior to discharge from the site. 	<p>Standard D13</p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> ▪ Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). <p>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal includes WSUD considerations and appears to provide sufficient stormwater management measures. The application was referred to Council's Development Approvals Engineer – as detailed earlier in this report, who is satisfied subject to standard conditions for detailed stormwater management plans and basement design.</p>		
Clause 58.04 – AMENITY IMPACTS		
<p>Clause 58.04-1 Building setback objectives</p> <ul style="list-style-type: none"> ▪ To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. ▪ To allow adequate daylight into new dwellings. ▪ To limit views into habitable room windows and private open space of new and existing dwellings. ▪ To provide a reasonable outlook from new dwellings. ▪ To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. 	<p>Standard D14</p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> ▪ Ensure adequate daylight into new habitable room windows. ▪ Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. ▪ Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. ▪ Ensure the dwellings are designed to meet the objectives of Clause 58. 	<p>Complies with standard & meets objective</p>

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<p>Assessment: The proposal provides for equitable development outcomes. The building siting will not prejudice daylight opportunities or development opportunities on the adjoining lots. Side setbacks to the east to habitable room windows and balconies exceed the 4.5m setback, thus protect equitable development rights or existing developed outcomes. The rear setback is to the rail corridor thus there are no equitable considerations and the reduced setback is considered appropriate.</p> <p>Overlooking onto adjoining sensitive areas at ground level is limited by screening or raised planter boxes on balconies. Screening from balconies or windows is not required on the horizontal plane looking east as the apartments at 11-19 Hall Street exceed a setback of 9m. It is also noted these existing balconies and windows are partially screened by planter boxes and vertical battens, or highlight windows. Obscure glazing is proposed where required to limit views to the adjacent dwelling facing Barker Street.</p> <p>Overshadowing is not considered to be unreasonable. When measured at the equinox the shadow plans provided demonstrate that overshadowing will not cast onto adjoining properties until 3pm, where the majority of the shadows cast fall onto the road or rail reserve. Winter shadow is not a planning consideration as raised by an objector.</p>		
<p>Clause 58.04-2 Internal views objective</p> <ul style="list-style-type: none"> ▪ To limit views into the private open space and habitable room windows of dwellings within a development. 	<p>Standard D15</p> <ul style="list-style-type: none"> ▪ Windows & balconies should be designed to prevent overlooking of more than 50% of the POS of a lower-level dwelling directly below & within the same development. 	<p>Subject to condition will meet standard and objective (see discussion in bold below)</p>
<p>Assessment: Internal overlooking is possible as internal fencing between private open space has not been specified. This matter can be adequately addressed by the following condition:</p> <p style="padding-left: 40px;">k) screening/internal fencing provided between balconies, terraces and private open space that limits internal overlooking</p>		
<p>Clause 58.04-3 Noise impacts objectives</p> <ul style="list-style-type: none"> ▪ To contain noise sources in developments that may affect existing dwellings. ▪ To protect residents from external and internal noise sources. 	<p>Standard D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings & buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas & bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed & constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> ▪ Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. ▪ Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the</p>	<p>Subject to condition can comply with standard & meet objective (see discussion in bold below)</p>

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	<p>natural topography of the land, do not need to meet the specified noise level requirements.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p>	
<p>Assessment: The proposal is within a noise influence area primarily due to the freight rail corridor. The applicant has provided an acoustic report by Acoustic Logic dated 10/11/2020 which makes recommendations to alter the building fabric to mitigate noise and vibrations. The report and its recommendations should be endorsed as part of the recommended conditions of permit, should one issue. Department of Transport has similarly requested by condition vibration considerations (see DOT conditions 15-34).</p>		
<p>Clause 58.05 – ON-SITE AMENITY AND FACILITIES</p>		
<p>Clause 58.05 On-site amenity and facilities</p> <ul style="list-style-type: none"> ▪ To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Standard D17</p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> ▪ A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. ▪ A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom & the living area. ▪ A main bedroom with access to an adaptable bathroom. ▪ At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 	<p>Subject to condition can comply with standard & meet objective (see discussion in bold below)</p>
<p>Assessment: The design layout does not achieve the minimum 50% of accessible dwellings, where only 29 comply (32 required). The non compliances require minor alterations to bathroom wheelchair clearances and door positions to meet the Standard. This can be addressed by the following condition of permit:</p> <p style="padding-left: 20px;">1) a minimum 50% accessible dwellings that comply with Standard D17 of Clause 58 of the Kingston Planning Scheme</p>		
<p>Clause 58.05-2 Building entry and circulation objectives</p> <ul style="list-style-type: none"> ▪ To provide each dwelling and building with its own sense of identity. ▪ To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. ▪ To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	<p>Standard D18</p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> ▪ Be visible and easily identifiable. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> ▪ Clearly distinguish entrances to residential and non-residential areas. Provide windows to building entrances and lift areas. ▪ Provide visible, safe and attractive stairs from the entry level to encourage use by residents. ▪ Provide common areas and corridors that: <ul style="list-style-type: none"> - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines. 	<p>Subject to condition can comply with standard & meet objective (see discussion in bold below)</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
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Assessment: As previously noted, permit conditions are recommended to address the shortcomings with the compromised sense of address around the rear of the building. The recommended conditions seek the building entry relocated closer to Barker Street.

The communal corridors would have limited daylight access and substandard level of internal amenity with inadequate cross ventilation and no outlook once within corridors, thus would fail to meet the principles of this Clause. To address this a condition on permit, should one issue, is recommended to require:

- m) external dwelling storage at each level replaced with a light court of a minimum 14m² to run the full height of the building from the ground level, with an openable skylight automated for ventilation, and with any required reconfiguration of the entries to Dwellings G01 & G16**

Clause 58.05-3 Private open space objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19

A dwelling should have private open space consisting of:

- An area of 25m², with a minimum dimension of 3m at natural ground floor level & convenient access from a living room, or
- An area of 15m², with a minimum dimension of 3m at a podium or other similar base & convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 & convenient access from a living room, or
- A roof-top area of 10m² with a minimum dimension of 2m and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5m².

Table D5 Balcony size

Dwelling type	Min area	Minimum dimension
<i>Studio or 1 bedroom</i>	<i>8 sq m</i>	<i>1.8m</i>
<i>2 bedroom</i>	<i>8 sq m</i>	<i>2m</i>
<i>3+ bedroom</i>	<i>12 sq m</i>	<i>2.4m</i>

Subject to condition, will comply with standard & objective (see discussion in **bold** below)

Assessment:

For the majority, each dwelling has been provided with adequate POS that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents. This includes the additional 1.5sqm for cooling and heating units as they proposed on balconies.

However the balconies to Dwellings 301 and 314 are inadequate in minimum dim (1.4m) and must be 2m. This can be achieved by deleting /relocating planter box forward. A condition of permit will require:

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD															
n) balconies to Dwellings 301 and 314 have a minimum width of 2m, not including planter box dimensions																	
<p>Clause 58.05-4 Storage objective</p> <ul style="list-style-type: none"> ▪ To provide adequate storage facilities for each dwelling. 	<p>Standard D20 Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="background-color: #2c5e8c; color: white;">Dwelling type</th> <th style="background-color: #2c5e8c; color: white;">Total minimum storage volume</th> <th style="background-color: #2c5e8c; color: white;">Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Studio</td> <td style="text-align: center;">8 cubic metres</td> <td style="text-align: center;">5 cubic metres</td> </tr> <tr> <td style="text-align: center;">1 bedroom dwelling</td> <td style="text-align: center;">10 cubic metres</td> <td style="text-align: center;">6 cubic metres</td> </tr> <tr> <td style="text-align: center;">2 bedroom dwelling</td> <td style="text-align: center;">14 cubic metres</td> <td style="text-align: center;">9 cubic metres</td> </tr> <tr> <td style="text-align: center;">3 or more bedroom dwelling</td> <td style="text-align: center;">18 cubic metres</td> <td style="text-align: center;">12 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres	3 or more bedroom dwelling	18 cubic metres	12 cubic metres	<p>Subject to condition, will comply with standard & objective (see discussion in bold below)</p>
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling															
Studio	8 cubic metres	5 cubic metres															
1 bedroom dwelling	10 cubic metres	6 cubic metres															
2 bedroom dwelling	14 cubic metres	9 cubic metres															
3 or more bedroom dwelling	18 cubic metres	12 cubic metres															
<p>Assessment:</p> <p>Internally each dwelling has sufficient space for storage as sought under the standard. However external storage relies mainly on over bonnet storage which results in compromised car parking spaces, difficult and limited storage abilities. To address this, a condition of permit is recommended that:</p> <p style="text-align: center;">o) deletion over bonnet storage and replaced with externally accessible storage at ground floor (replacing Dwelling G15) that complies with Standard D20 of Clause 58 of the Kingston Planning Scheme</p>																	
58.06 DETAILED DESIGN																	
<p>Clause 58.06-1 Common property objective</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 D21 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. 	<p>Complies with standard subject to condition & meets objective</p>															

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<p>Assessment: Where common property is proposed, it is functional, well-designed and capable of efficient management through an owner's corporation arrangement.</p>		
<p>Clause 58.06-2 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 D22</p> <p>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Subject to condition, will comply with standard & objective (see discussion in bold below)</p>
<p>Assessment: Service facilities are shown within the design response in appropriate locations. It is recommended that a condition require further detailed improvements to ensure an attractive outcome as sought by the Standard, that:</p> <ul style="list-style-type: none"> p) building services shown as finished in a concealed way that integrates with the overall façade materials; q) provision of mailboxes at the dwelling entry 		
<p>Clause 58.06-3 Waste and recycling objectives</p> <ul style="list-style-type: none"> ▪ To ensure dwellings are designed to encourage waste recycling. ▪ To ensure that waste and recycling facilities are accessible, adequate and attractive. ▪ To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	<p>Standard D23</p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> ▪ Waste and recycling enclosures which are: <ul style="list-style-type: none"> – Adequate in size, durable, waterproof and blend in with the development. – Adequately ventilated. – Located and designed for convenient access by residents and made easily accessible to people with limited mobility. 	<p>Complies with standard & meets objective</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	<ul style="list-style-type: none"> ▪ Adequate facilities for bin washing. These areas should be adequately ventilated. ▪ Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. ▪ Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. ▪ Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. ▪ Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. ▪ Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: <ul style="list-style-type: none"> ▪ Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. ▪ Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	

Assessment:

Council's Waste Dept. was satisfied with the Waste Management Plan provided for private collection.

Clause 58.07 – INTERNAL AMENITY

Clause 58.07-01 Functional layout objective

- To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Complies with standard & meets objective

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Assessment: All dwellings are compliant in habitable room dimensions to meet the above functional room requirements.</p>		
<p>Clause 58.07-2 Room depth objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into single aspect habitable rooms. 	<p>Standard D25 Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> ▪ The room combines the living area, dining area and kitchen. ▪ The kitchen is located furthest from the window. ▪ The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: All dwellings are compliant in living room depth, noting ceiling heights of 2.7m.</p>		
<p>Clause 58.07-3 Windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into new habitable room windows. 	<p>Standard D26 HRW should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:</p> <ul style="list-style-type: none"> ▪ A minimum width of 1.2 metres. ▪ A maximum depth of 1.5 times the width, measured from the external surface of the window. 	<p>Complies with standard & meets objective</p>
<p>Assessment: All new habitable rooms have adequate access to daylight in accordance with the Standard. It is noted that the battle-axe configuration bedrooms have a lightcourt clear to the sky opposite the windows thus meet the maximum depth of this standard.</p>		
<p>Clause 58.07-4 Natural ventilation objectives</p> <ul style="list-style-type: none"> ▪ To encourage natural ventilation of dwellings. ▪ To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Standard D27 The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40% of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> ▪ A maximum breeze path through the dwelling of 18 metres. ▪ A minimum breeze path through the dwelling of 5 metres. ▪ Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Complies with standard & meets objective</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Assessment: The floor plans provide for appropriate natural cross ventilation for all dwellings in accordance with this Standard.</p>		

13.0 RESPONSE TO GROUNDS OF OBJECTION

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

Ground of Objection	Response
Overdevelopment/character	<p>The proposal meets the preferred character set down under the Activity Centre Zone 1 and Precinct 6 by the provision of a 4 storey development with a recessive fourth storey, and which reflects the emerging character of multiple 4 storey apartment buildings in the immediate context.</p> <p>The intensity of the development is consistent with the purpose to the Activity Centre Zone to provide for housing at higher densities, with an apartment typology that provides sufficient density to capitalise on the strategic benefit and close proximity to an activity centre and rail station.</p>
Traffic and parking	<p>The provision of car parking for residential is according to the statutory requirements. There are no visitor parking requirements in this location. Alternative means of transport are also provided by the provision of bicycle parking.</p> <p>The traffic issues in the local area, particularly the queuing along the abutting streets is noted, as raised by objectors. Council's Traffic Department has reviewed the applicant submission and notes that the projected potential traffic generation is not significant, and notes there is only 16 additional dwellings from the previous approval on this land.</p>
Visual bulk	<p>The proposal addresses any perceived visual bulk, providing a form that is consistent with the intensity anticipated by the preferred character with a recessive fourth storey.</p> <p>Overall the proposal achieves a high architectural and urban design standard. Design detail is considered to be at high level and a design enhanced by expressed beams throughout on brick and concrete base. Additional architectural features are clearly expressed and provide a consistent and visually interesting design that respects the preferred character.</p>
Impact to flora/fauna	<p>It is unlikely the application would impact flora/fauna. The site has limited vegetation having been previously cleared. There are no trees on adjoining properties that will be adversely impacted upon. The site is not subject to native vegetation protection under the Kingston Planning Scheme given it is less than 0.4ha in area.</p>

Wind tunnel affect

This is not a relevant planning consideration for a four storey building under the Kingston Planning Scheme.

14.0 CONCLUSION

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

As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of the *Planning and Environment Act 1987* have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

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

- The compatibility of the design and siting with the surrounding area
- The mitigation of off-site amenity impacts
- A suitable level of compliance with all relevant policies, including **Clause 58** 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 a four storey residential building at 1-2 Moola Court & 4-6 Barker Street, Cheltenham, 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 Pitard Group, Drawing No's. TP01 to TP17 inclusive, Revision B dated Dec 20, submitted to Council on 22/12/2020, but modified to show:
 - a. bicycle spaces relocated to a more convenient location closer to the basement vehicle entry and designed in accordance with Clause 52.34 of the Kingston Planning Scheme
 - b. building entry from Moola Court and its arbour relocated between Dwellings G02 and G03, entry widened to 2 metres, and with any resultant rearrangement of the dwellings above
 - c. reduction of the overall building and finished floor levels by 300mm
 - d. deletion of Dwelling G15 and replaced by external storage for dwellings
 - e. reduction of retaining wall height adjacent to Dwellings G01 and G16 private open space
 - f. southern setback of the master bedroom of Dwelling G14 increased by a minimum of 1.5 metres to improve daylight access.
 - g. plans and elevations of front fencing with a maximum height of 1.5 metres that complies with Standard D5 of Clause 58 of the Kingston Planning Scheme
 - h. reduce the basement by deletion of the car space in the north west corner to create a deep soil planting space of 5.6m x 8.3m at the street corner
 - i. deletion of the substation and the area replaced with a landscaped outcome and suitable fencing
 - j. mechanical ventilation of the basement
 - k. screening/internal fencing provided between balconies, terraces and private open space that limits internal overlooking
 - l. a minimum 50% accessible dwellings that comply with Standard D17 of Clause 58 of the Kingston Planning Scheme
 - m. external dwellings storage at each level replaced with a light court of a minimum area of 14m² to run the full height of the building from the ground level, with an openable skylight automated for ventilation, and with any required reconfiguration of the entries to Dwellings G01 & G16
 - n. balconies to Dwellings 301 and 314 have a minimum width of 2 metres, not including planter box dimensions
 - o. deletion over bonnet storage and replaced with externally accessible storage at ground floor (replacing Dwelling G15) that complies with Standard D20 of Clause 58 of the Kingston Planning Scheme
 - p. building services shown as finished in a concealed way that integrates with the overall façade materials

- q. provision of mailboxes at the dwelling entry
- r. the following plan notations:
 - i) the applicant must carry out CCTV investigation on all existing connection to the existing easement drain and make good all the connections. If no live connections to Council drain is revealed from the investigation, the applicant must de-commission the easement drain and block off drain at the downstream pit located in 11-19 Hall Street to Council satisfaction
 - ii) existing crossovers to be reinstated
 - iii) overall height dimensioned
- s. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development
- t. all requirements of the Department of Transport, in accordance with Conditions 14 to 33 of this permit
- u. The provision of landscape plans in accordance with the plan submitted by John Patrick Landscape Architect, Revision B dated 08/09/2020, amended to the satisfaction of the Responsible Authority to incorporate:
 - i) Provision of a landscaped outcome with 2 large trees (at least 15 metres high) in the former substation area, and maintaining a retaining wall to the footpath edge with adequate soil volume
 - ii) Provision of green façades on the west facing vertical screens
- v. provision of an adequate solar PV system that provides for renewable energy generation
- w. all relevant commitments shown on plans as identified within a revised Sustainable Management Plan, prepared by Sustainable Development Consultants dated August 2020, with any changes required under condition 11 of this permit
- x. endorsement of the Green Travel Plan prepared by Quantum Traffic dated 17/12/2020 and uniformity with any recommendations shown on plan, updated where required to the satisfaction of the Responsible Authority
- y. endorsement of the acoustic report by Acoustic Logic dated 10/11/2020 and uniformity with any recommendations shown on plan, updated where required to the satisfaction of the Responsible Authority
- z. endorsement of the Waste Management Plan by Frater dated 30/10/2020, updated where required to the satisfaction of the Responsible Authority.

Endorsed Plans

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

Drainage and Water Sensitive Urban Design

- 4. 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:

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- a) Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b) Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
5. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 26L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
6. The existing easement must be investigated for all discontinued and the existing council pipe must be removed from the easement and blocked off at the neighbouring pit 11-19 Hall Street to Council satisfaction.
7. The applicant must carry out CCTV investigation on all existing connections to the existing Council easement drain within the easement and make good all the connections. If no live connections to Council drain is revealed from the investigation, the applicant must de-commission the easement drain and block off the drain at the downstream pit located in 11-19 Hall Street to Council satisfaction.
8. A groundwater assessment report (GAR) must be prepared by a qualified hydrogeologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
- a) 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 and constructed to the satisfaction of the responsible authority and must address the following:
- a) The basement design must address the findings of the GAR and GMP required under condition above, and
 - b) The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for

hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.

10. In any case where the basement design and construction, required by the condition above of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

Sustainable Management Plan

11. Prior to the endorsement of plans required by Condition 1 of this permit, a revised Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The SMP must incorporate consideration of the following sustainable design criteria:

- Indoor environment
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

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

Construction Management

13. 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.

Department of Transport

14. Prior to the commencement of any buildings or works, the permit holder must provide to the satisfaction of the Responsible Authority a revised acoustic report that also assesses the potential impact of vibration from the operation of the rail corridor services upon the development and recommends appropriate ameliorative measures.
15. Prior to the commencement of any buildings or works, including demolition and bulk excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with the Head TfV, VicTrack and Rail Operators. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations, including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D. The development must be constructed in accordance with the plans approved by the Responsible Authority.
16. Before the commencement of the development, including demolition and bulk excavation, detailed construction/ engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by the Head TfV, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land. The Design Plans must ensure compliance regarding:
 - AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
 - AS1170 Part 4 - Earthquake Actions in Australia,
 - demonstrate a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
 - That any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land.The construction or works must be carried out in accordance with the plans approved by the Head TfV, VicTrack and the Rail Operator.
17. Before development starts, including bulk excavation, a Construction Management Plan as applicable must be submitted to VicTrack, TfV and the Rail Operator which must be to the satisfaction of Head TfV, VicTrack and the Rail Operator. The Construction Management Plan must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for—
 - a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
 - b) Approvals and permits required from the Head TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the rail land.
 - c) Rail safety requirements that must be adhered to by the permit holder.
 - d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.

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- e) Minimising disruption to train services and railway commuter access.
 - f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.
 - g) Public safety, amenity and site security.
 - h) Operating hours, noise and vibration controls.
 - i) Air and dust management.
18. All demolition and construction works must be carried out in accordance with the approved Demolition Plan and the approved Construction Management Plan. The Demolition Plan and Construction Management Plan must be implemented at no cost to VicTrack, the Head TfV and/or the Rail Operator.
19. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Head, Transport for Victoria (TfV), VicTrack and Rail Operator.
20. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address: metrositeaccess@metrotrains.com.au to obtain the Rail Operator 's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
21. During the construction of the development, including demolition and bulk excavation, the permit holder must:
- a) take all reasonable steps to avoid disruptions to rail operations; and
 - b) comply with:
 - i) the Rail Operator's safety and environmental requirements; and
 - ii) the requirements of any construction control and indemnity agreement it has entered with the Rail Operator.
22. Prior to the occupation of the development, all recommendations of the acoustic and vibration impact assessment report must be implemented to the satisfaction of the Responsible Authority and the acoustic and vibration engineer must provide written certification to the Responsible Authority that this has been achieved in accordance with their recommendations.
23. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land during and post construction and access can be applied for through the Internet web site: www.metrotrains.com.au/metrositeaccess.
24. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of the Head TfV, VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by the Head TfV, VicTrack and the Rail Operator.
25. The permit holder must, always, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor. The replacement repair or reconstruction of any wall or screen which may be permitted to

be located on or adjacent to the rail land boundary must be agreed with the Rail Operator and be finished using a graffiti resistant finish or alternative measures used to prevent or reduce the potential of graffiti.

26. The permit holder must not, at any time:
 - a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b) store or deposit any waste, soil or other materials on the railway land.
27. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack, TfV and the Rail Operator.
28. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers. Building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study not to cause reflections or glare that may interfere with train driver operations and avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals to the satisfaction of the Rail Operator.
29. If the relocation of railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at the cost of the permit holder.
30. The Landscaping Plans for the development shall have the following conditions:
 - The development's landscaping and planting will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future.
 - The development's landscaping and planting will not facilitate illegal access to railway land over boundary fence or wall via tree climbing upon completion or in the future.
 - The development's landscaping and planting will not cause damage to any rail assets or infrastructure, via root or branch ingress, upon completion or in the future.
31. The development should be designed so that maintenance can occur from within the development site without access to the rail land to the satisfaction of the Rail Operator.
32. The developer shall pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.
33. Any wall, balcony balustrade, opening window or other opening above ground level in the vicinity of the rail land boundary shall be designed to the Head TFV, VicTrack and Rail Operators approval to prevent objects being thrown into or trespasses accessing the rail land. Any wall which may be permitted to be located on or in the vicinity of the rail land boundary shall not have any fitting, window or doorway when opened intrudes into the rail land boundary.

Infrastructure and Road Works

34. 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.
35. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.

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36. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
37. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
38. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
39. 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.
40. The proposed stormwater discharge must be located at least 500mm from the vehicle crossing.

General amenity conditions

41. 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.
42. 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.
43. 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

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

Time Limits

46. 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.

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

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

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

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

Note: 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: Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

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

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

Appendices

Appendix 1 - KP/2020/530 - 1-2 Moola Court and 4-6 Barker Street Cheltenham -
Decision plans by Committee (Ref 21/118644) 

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

4.2

KP-2020/530 - 1-2 MOOLA COURT & 4-6 BARKER STREET, CHELTENHAM

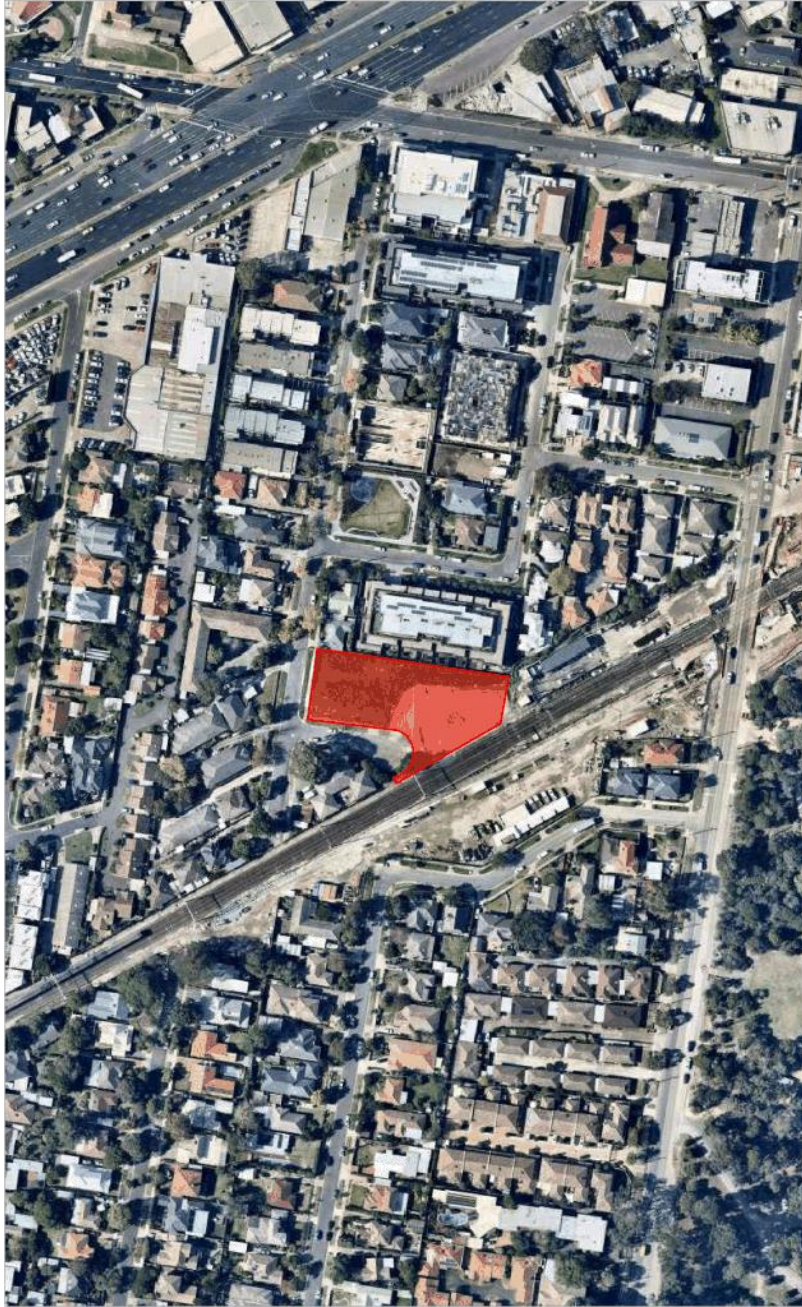
1	KP/2020/530 - 1-2 Moola Court and 4-6 Barker Street Cheltenham - Decision plans by Committee	61
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PITARD GROUP

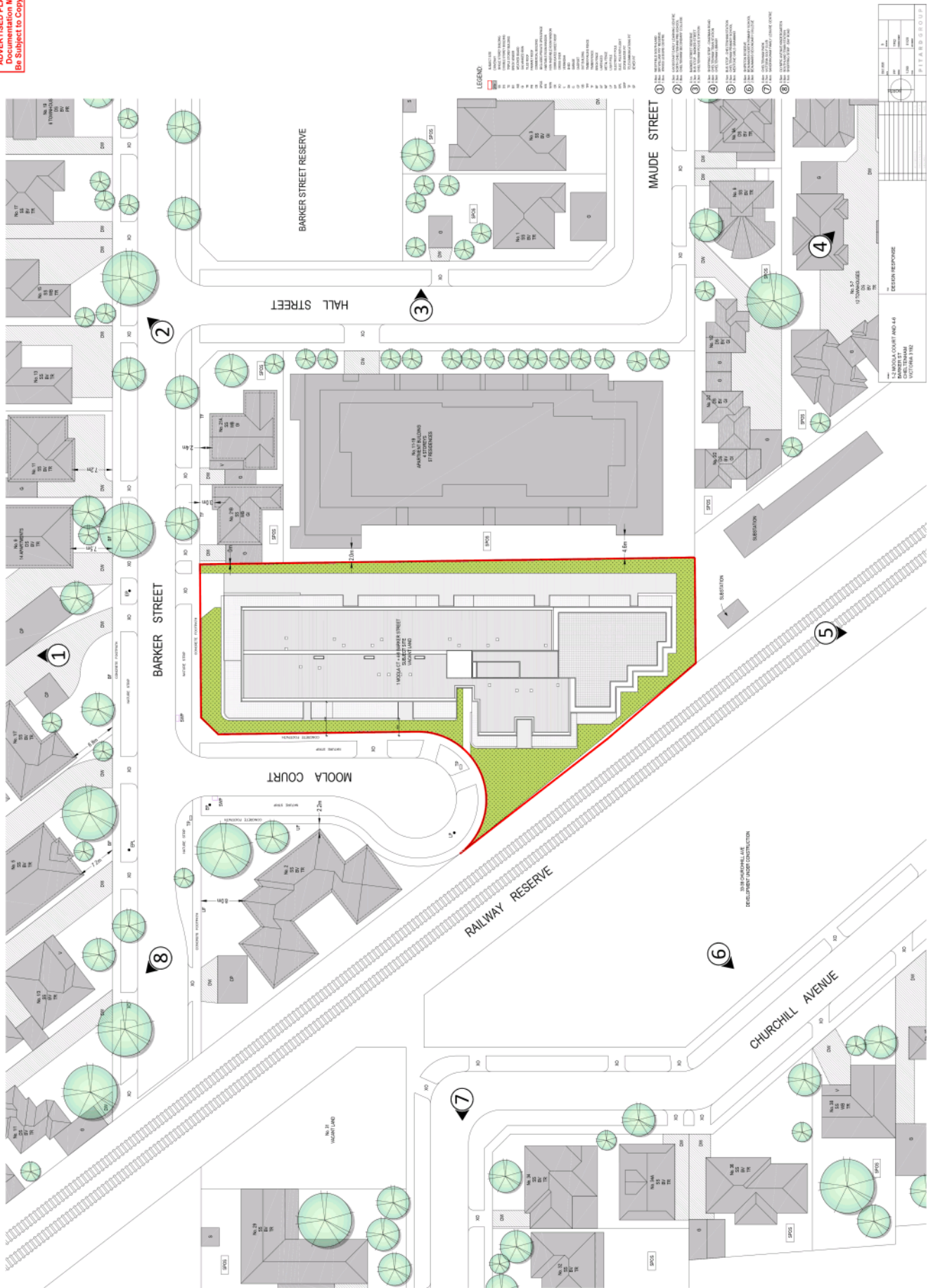
DRAWING SCHEDULE

- TP01 URBAN CONTEXT
- TP02 DESIGN RESPONSE
- TP02A DESIGN RESPONSE - STREETSCAPE - PERSPECTIVE
- TP03 BASEMENT PLAN
- TP04 GROUND FLOOR PLAN
- TP05 1ST FLOOR PLAN
- TP06 2ND FLOOR PLAN
- TP07 3RD FLOOR PLAN
- TP08 4TH FLOOR PLAN
- TP09 ROOF PLAN
- TP10 ELEVATIONS MATERIAL SCHEDULE
- TP11 ELEVATIONS
- TP12 SECTIONS
- TP12A OVERLOOKING DIAGRAMS
- TP13 SHADOW STUDY 9AM & 10AM
- TP14 SHADOW STUDY 11AM & 12PM
- TP15 SHADOW STUDY 1PM & 2PM
- TP16 SHADOW STUDY 3PM
- TP17 DIMENSIONED APARTMENT LAYOUTS



1-2 MOOLA COURT AND 4-6 BARKER ST CHELTENHAM
RFI RESPONSE DEC 2020

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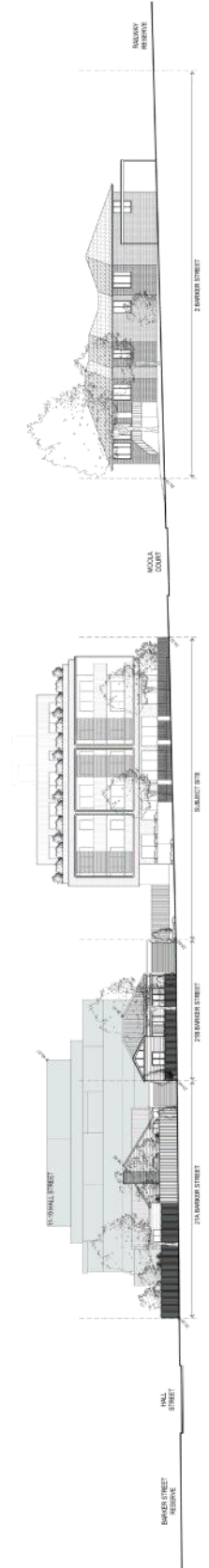
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TOTAL SITE AREA - 2864 SQM
GROUND FLOOR BUILDING
FOOTPRINT - 1634 SQM
TOTAL FLOOR AREA - 10065 SQM
PERCENTAGE - 37.20%
GARDEN AREA - 1066 SQM
PERCENTAGE - 37.31%
PERMEABILITY SQM - 8265 SQM
PERMEABILITY PERCENTAGE - 28.9%

DEVELOPMENT SCHEDULE

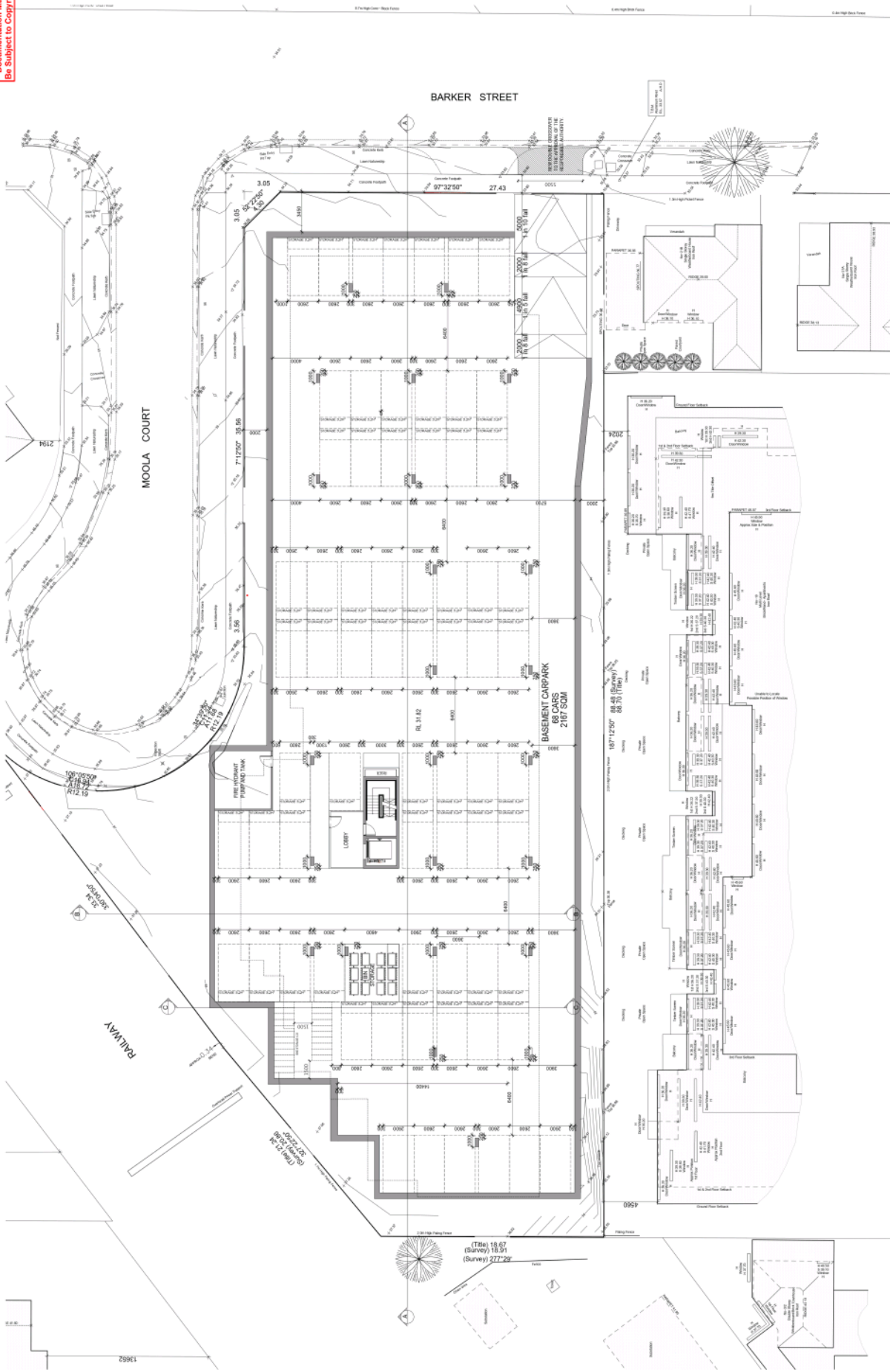
PERSPECTIVE



STREETSCAPE ELEVATION 1 : 150

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CHECKED BY		DATE	
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CHECKED BY		DATE	
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SCALE		DATE	
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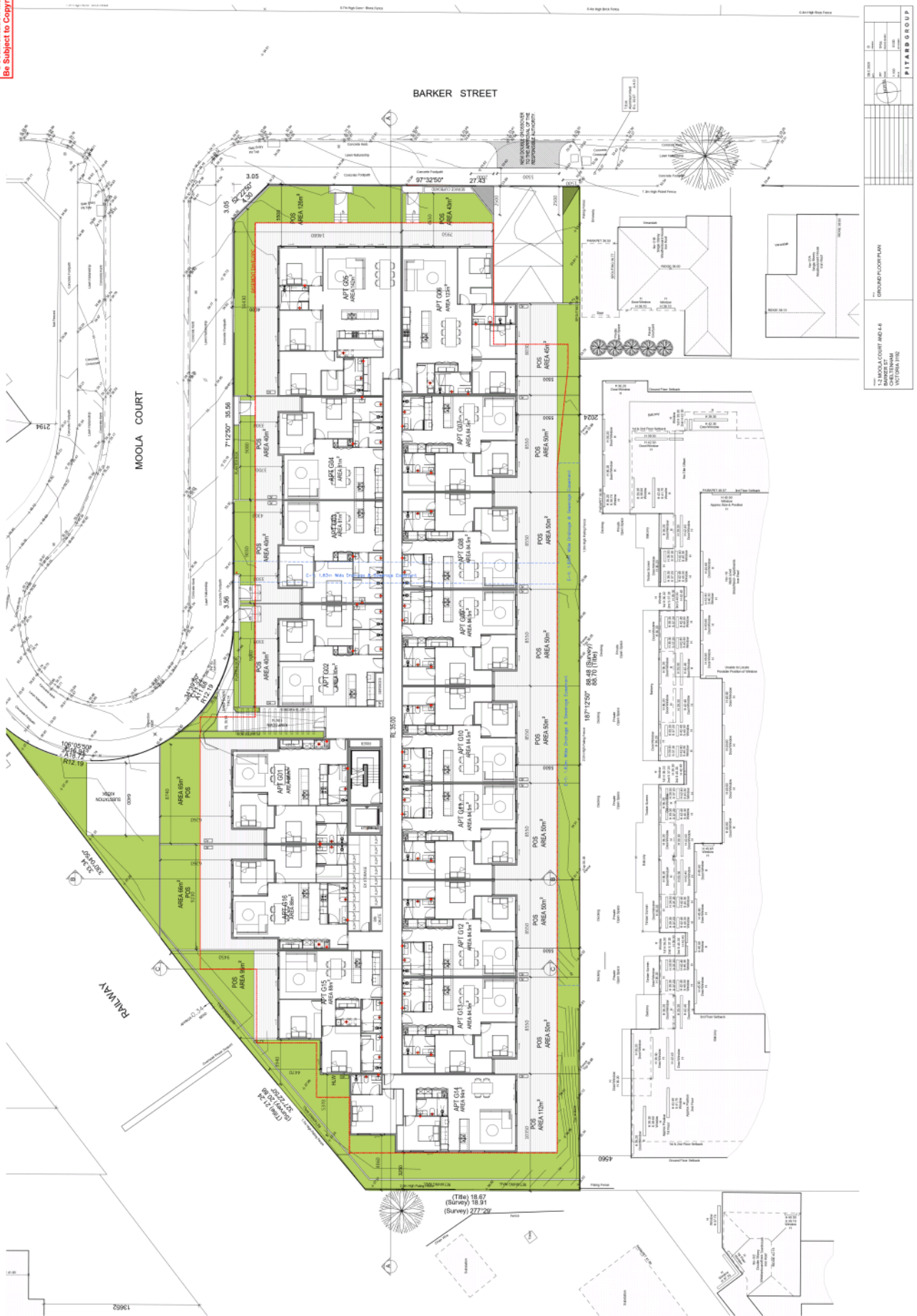
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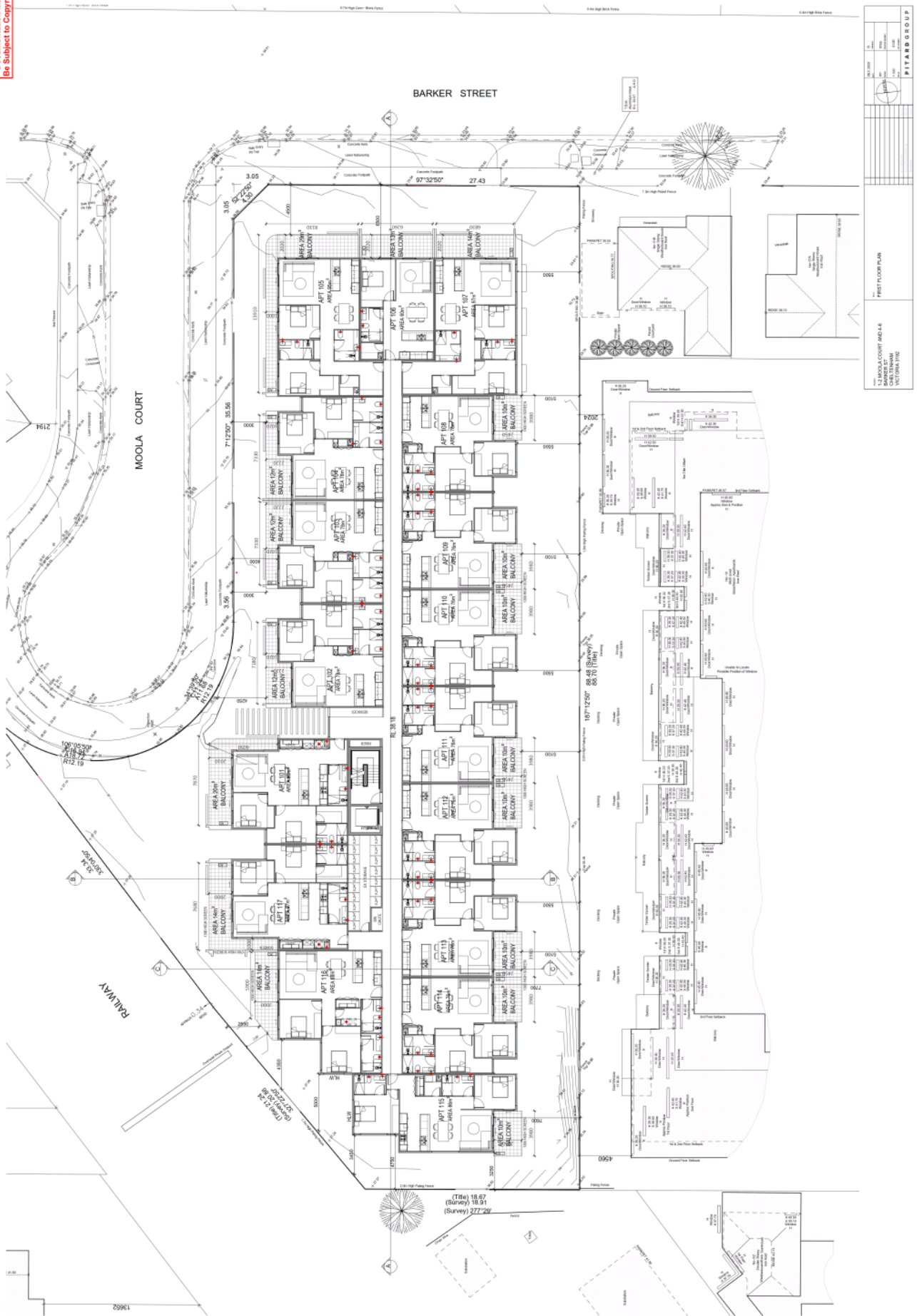
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Basement Plan
Moola Court and 4-6 Barker Street
Cheltenham
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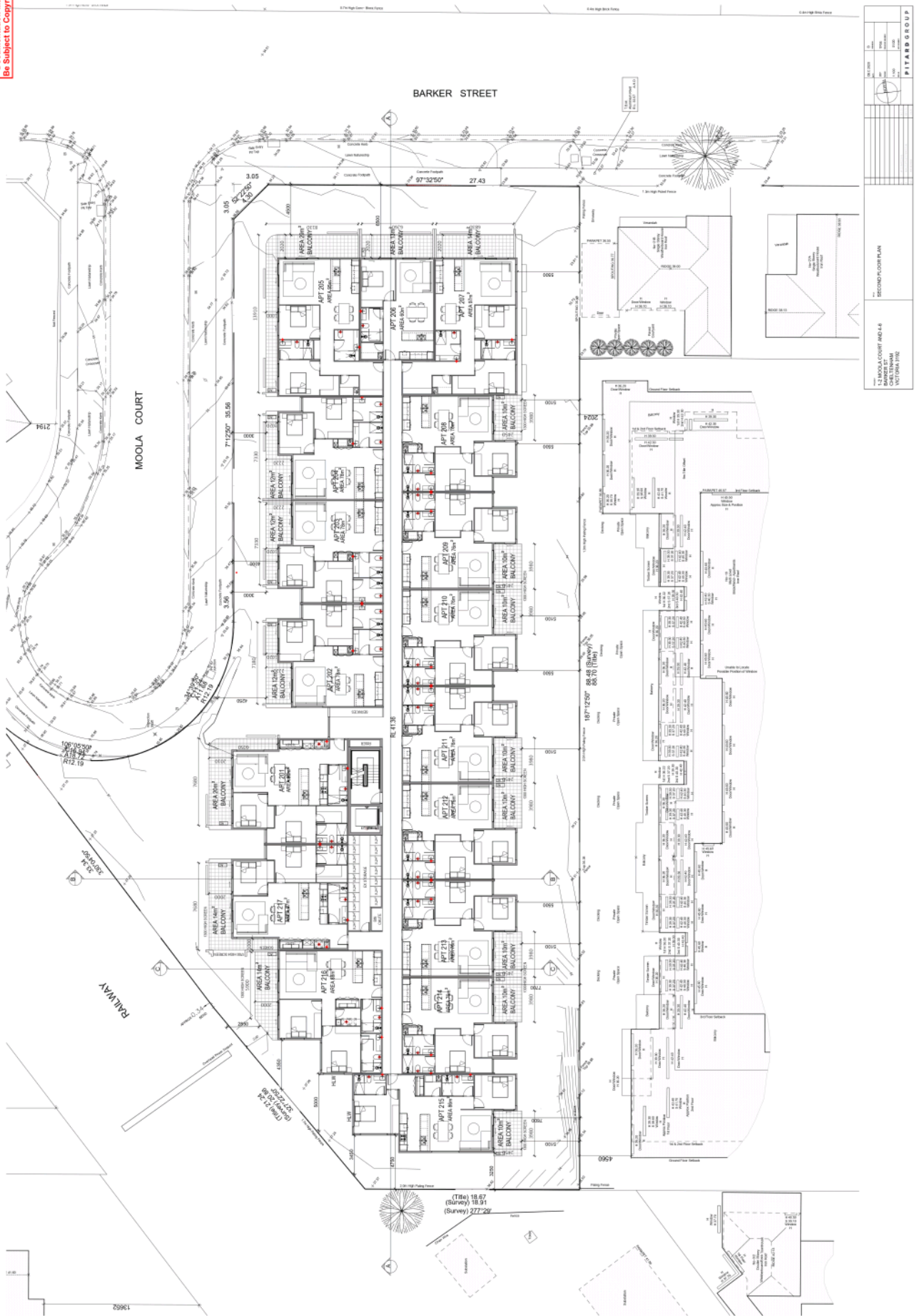
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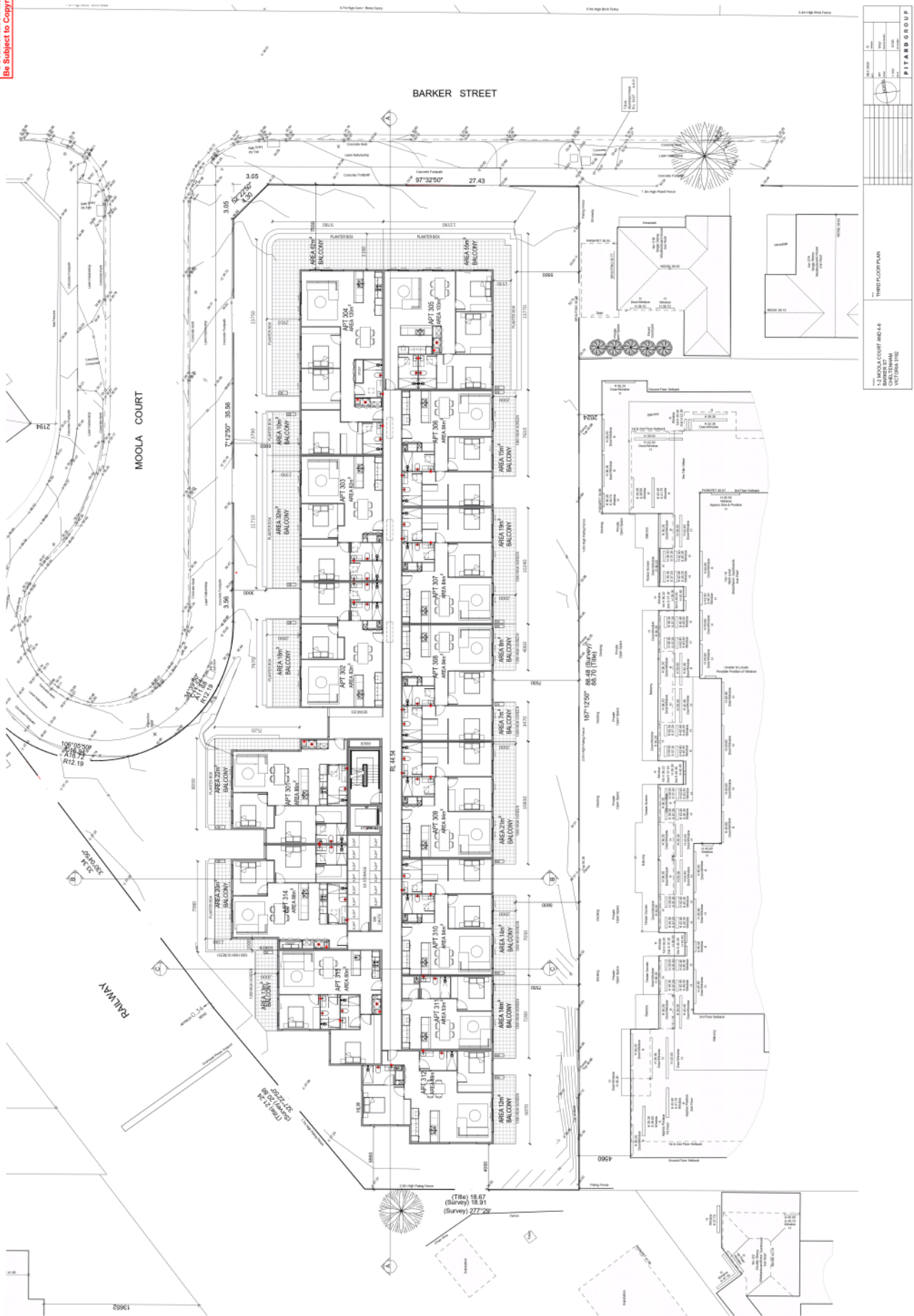
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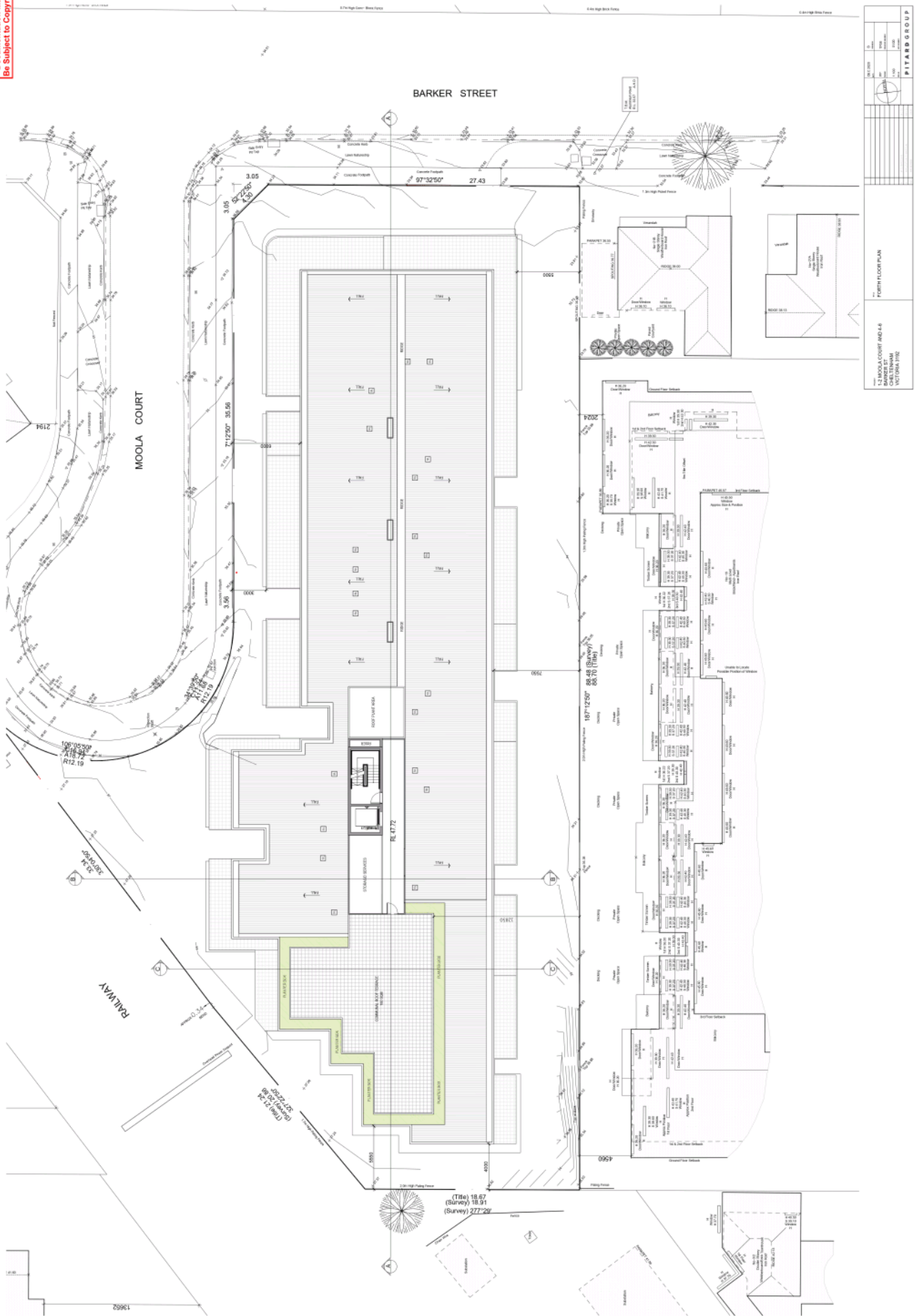
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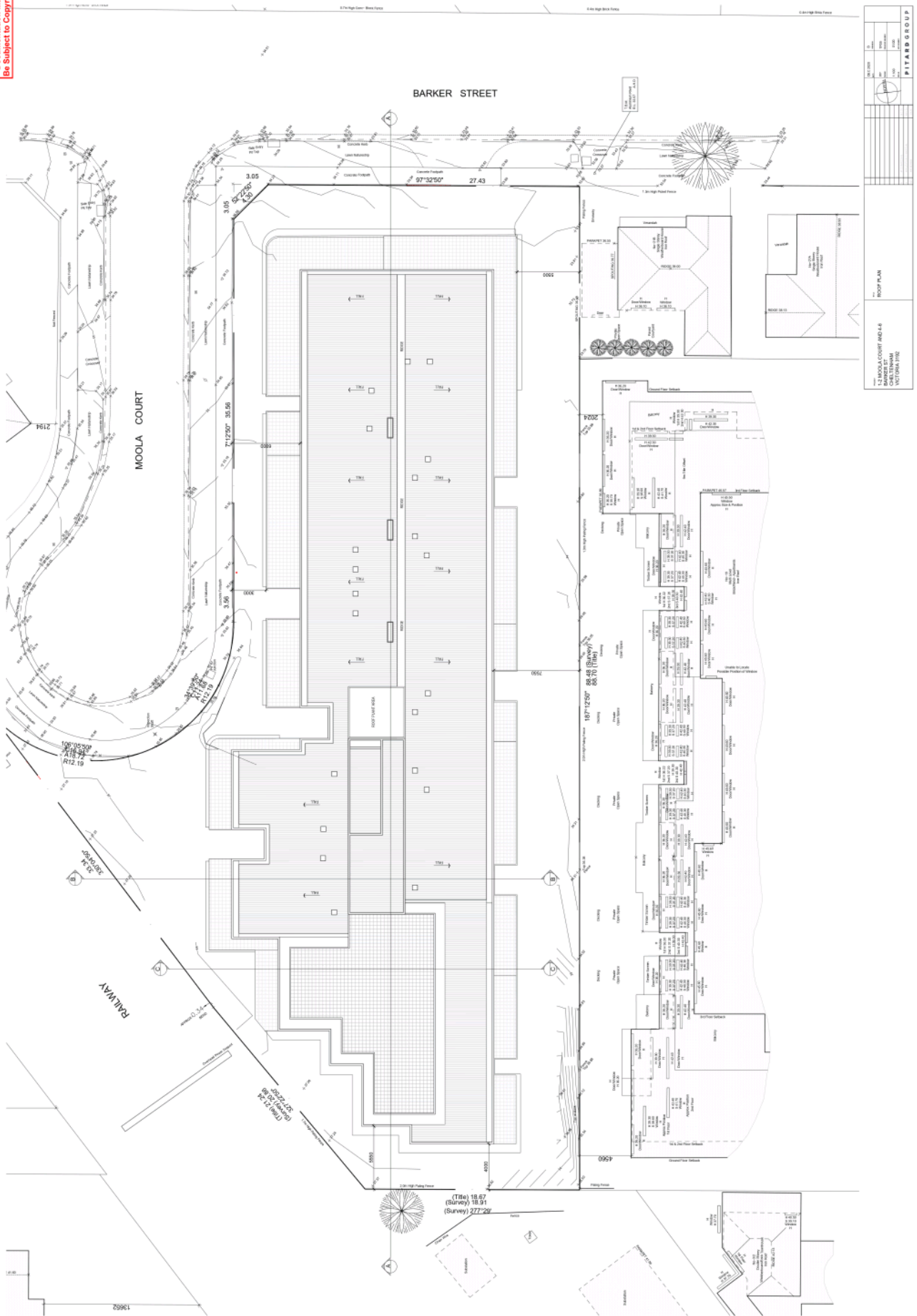
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2 North
1:100



1 East
1:100

PROJECT INFORMATION		DRAWING INFORMATION	
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DESIGNED BY: [Name]		APPROVED BY: [Name]	
PROJECT MANAGER: [Name]		DRAWING GROUP	

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Documentation May
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1 South
1:100



2 West
1:100

- MAT 01 - POLISHED CONCRETE BRICK SMOOTH FINISH
- MAT 02 - RED SQUARE FACE BRICK
- MAT 03 - UNPAINTED BRICK FACED BRICK
- MAT 04 - WHITE METAL CLAD PANEL PANEL
- MAT 05 - COULDMOULD FINISHING BRICK CERAMIC GLAZEMENT
- MAT 06 - ALUMINIUM SCREENING PANEL PANEL
- MAT 07 - THICK SLATTA SCREEN
- MAT 08 - ALUMINIUM FRAMED SHIRING BRICK

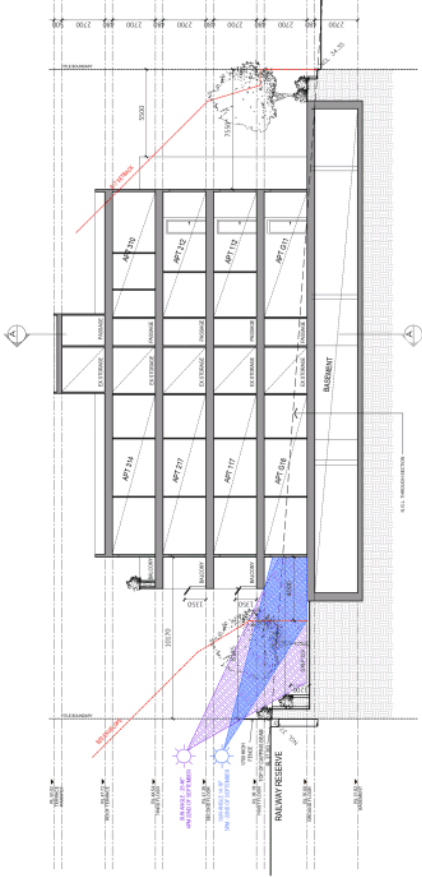
PIYARD GROUP			
NO.	DATE	BY	CHK.
01	14/08/2022		
02			
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PROJECT: Moola Court and 4-6 Barker Street Cheltenham
 DATE: 14/08/2022

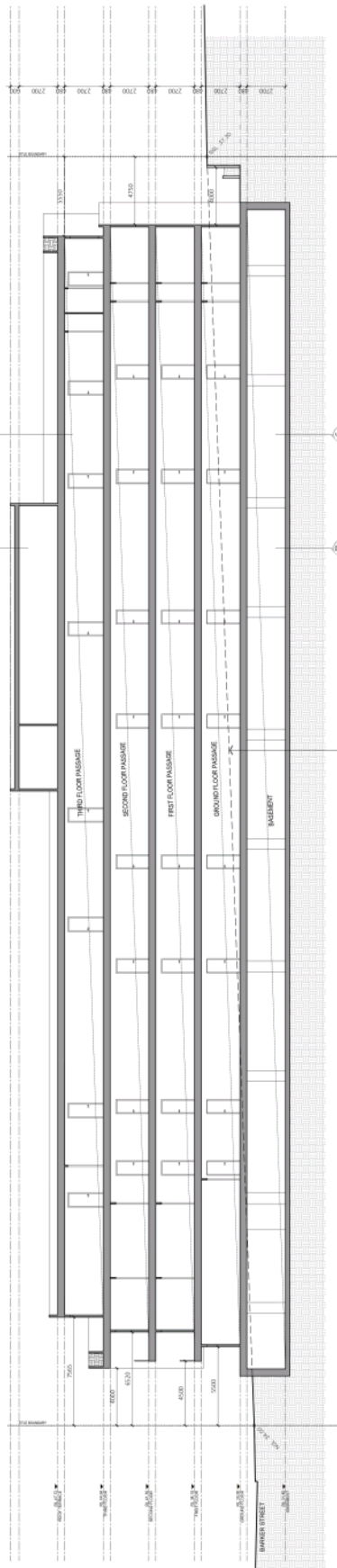
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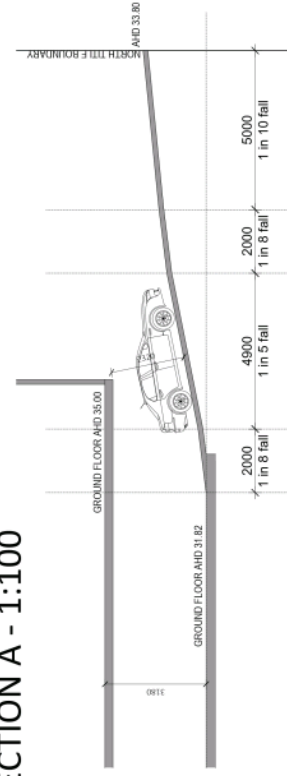
SECTION B - 1:100



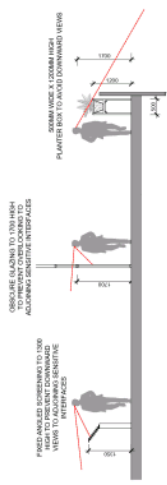
SECTION C - 1:100



SECTION A - 1:100



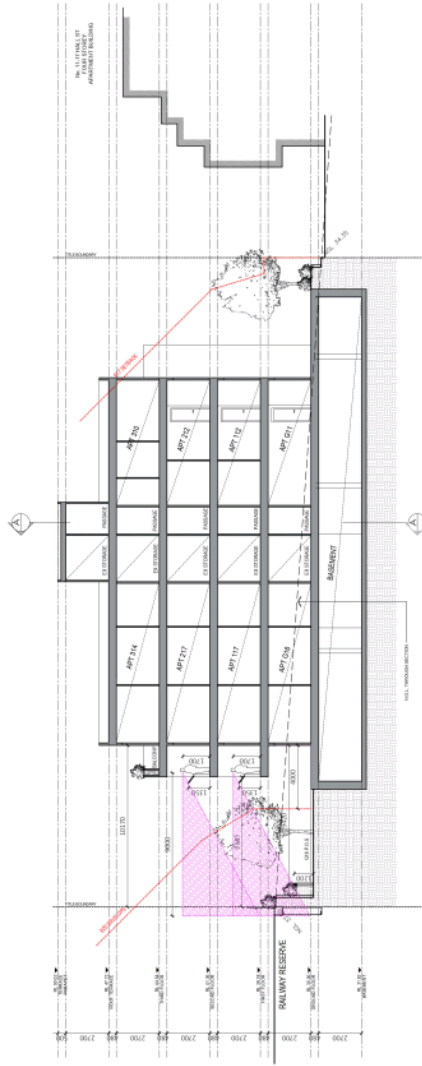
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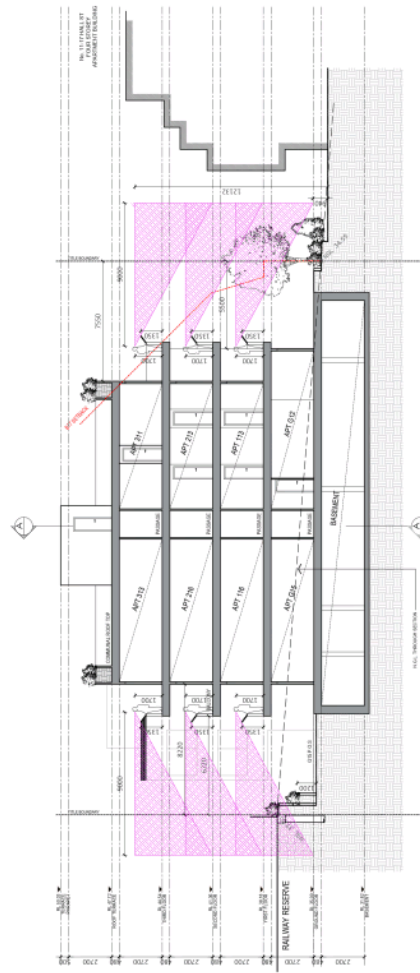
DETAILS - 1:50

1:2 MOOLA COURT AND 4-6 BARKER ST CHELTEMHAM VICTORIA 3122		CROSS SECTIONS	
DATE	BY	SCALE	PROJECT
18/08/2020	PT/ABD	1:50	PT/ABD GROUP

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OVERLOOKING
DIAGRAM A - 1:100



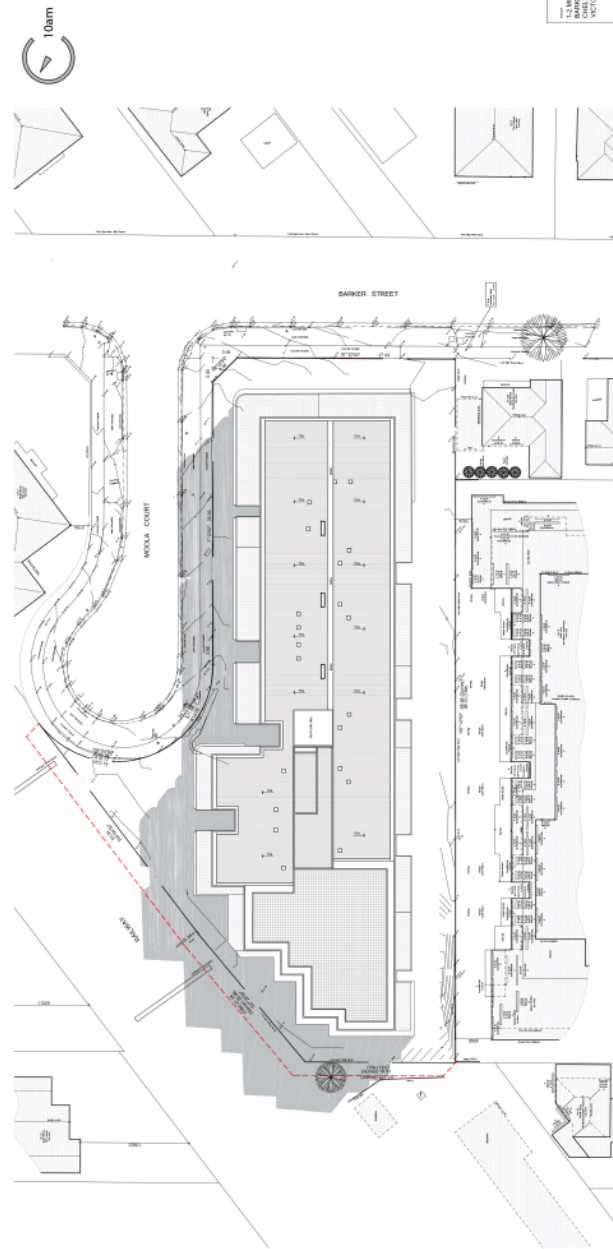
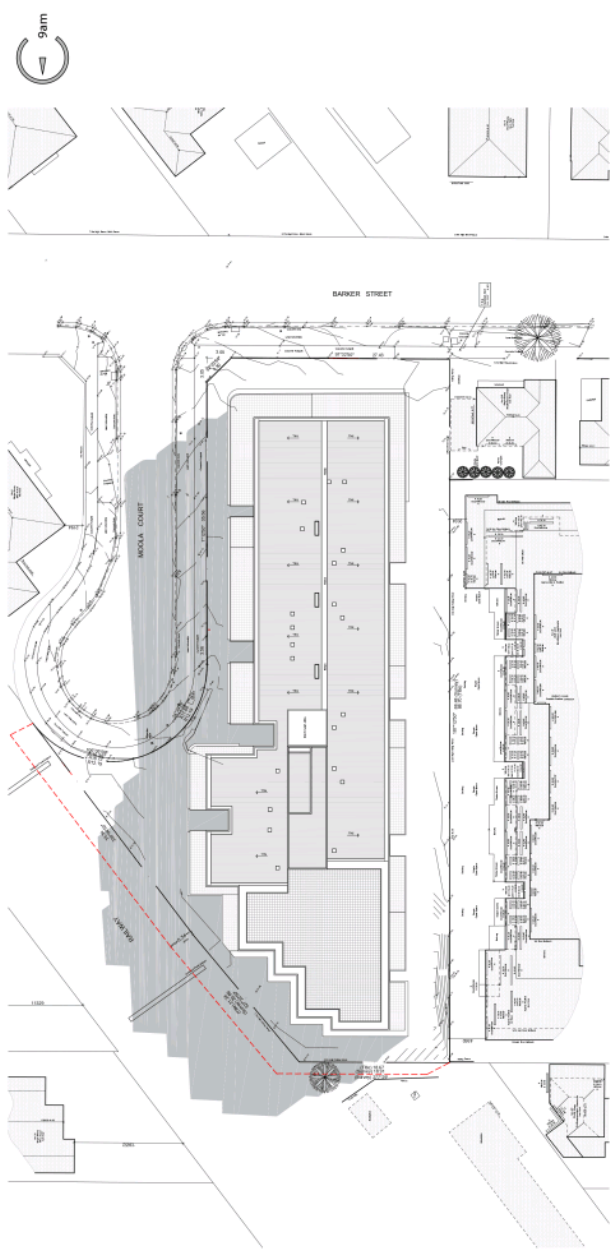
OVERLOOKING
DIAGRAM B - 1:100

PROJECT INFORMATION	
PROJECT NAME	1-2 MOOLA COURT AND 4-6 BARKER ST, CHELTENHAM
CLIENT	PTFA RB GROUP
DATE	2020
SCALE	1:100
DRAWING INFORMATION	
DRAWING NO.	OVERLOOKING DIAGRAMS
DATE	2020
DESIGNER INFORMATION	
DESIGNER	PTFA RB GROUP
DATE	2020

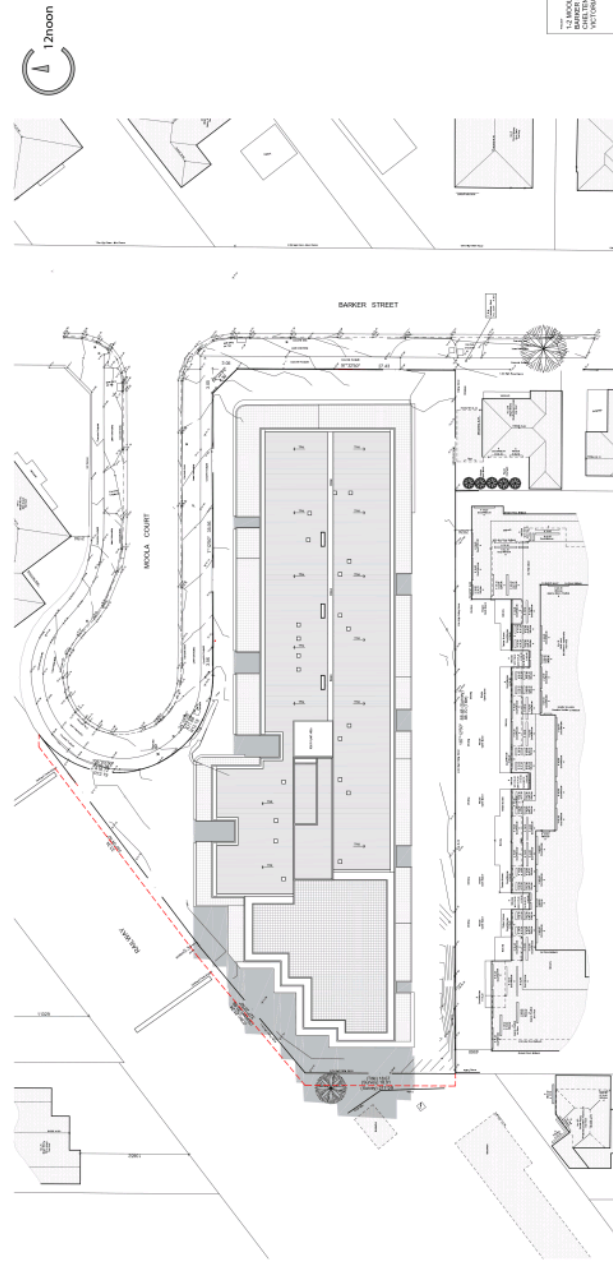
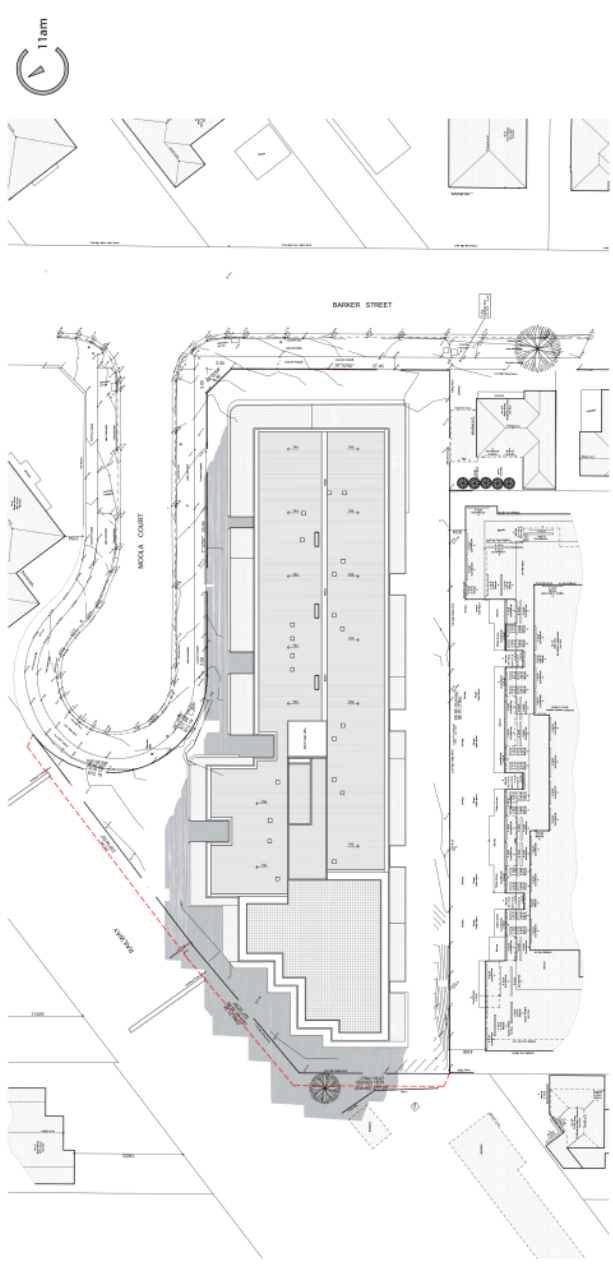
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SHADED REGION SHOWS EXTENT OF SHADOW
 FROM PROPOSED BUILDING AT INDICATED TIME
 RED DASHED LINE SHOWS EXTENT OF SHADOW
 FROM EXISTING PALLING FENCE AT INDICATED TIME

PROJECT INFORMATION		DRAWING GROUP	
PROJECT NAME	1-2 MOOLA COURT AND 4-6 BARKER STREET, CHELTENHAM	NO. OF SHEETS	1
CLIENT	WILSON & PARTNERS	DRAWN BY	WJ
DATE	15/08/2024	CHECKED BY	WJ
SCALE	1:1000	DATE	15/08/2024
DRAWING TITLE		DRAWING NO.	
1-2 MOOLA COURT AND 4-6 BARKER STREET		1	
SITE PLAN		1	
SECTION		1	
ELEVATION		1	
PLAN		1	
DETAIL		1	
OTHER		1	
REVISIONS		1	
DATE		15/08/2024	
BY		WJ	
CHECKED BY		WJ	
DATE		15/08/2024	



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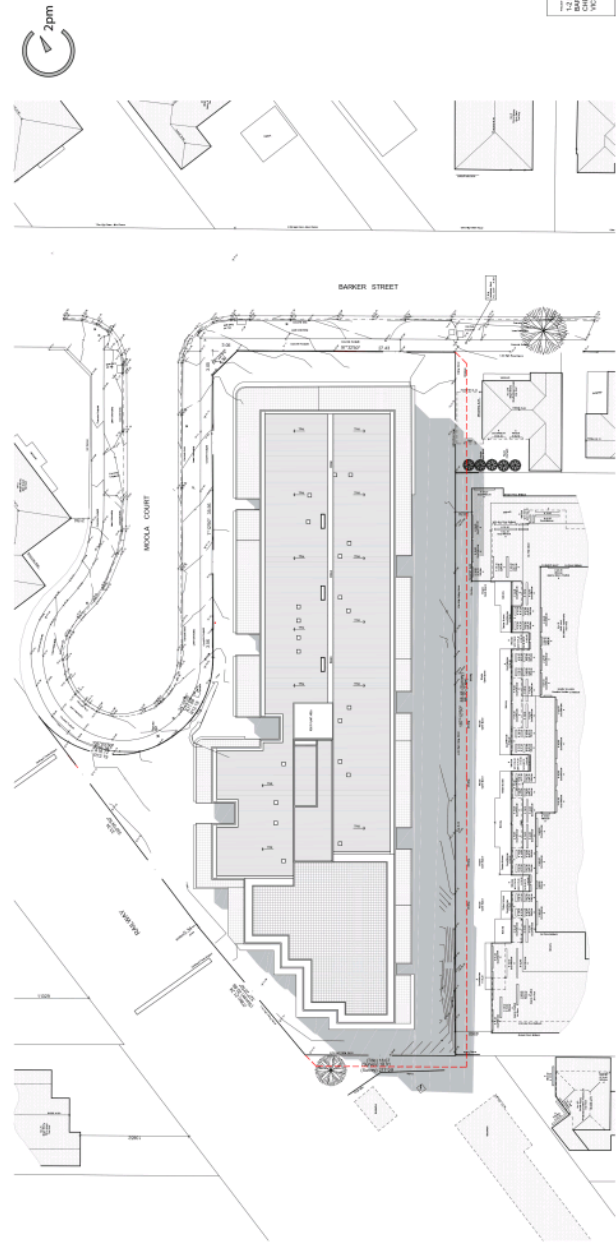
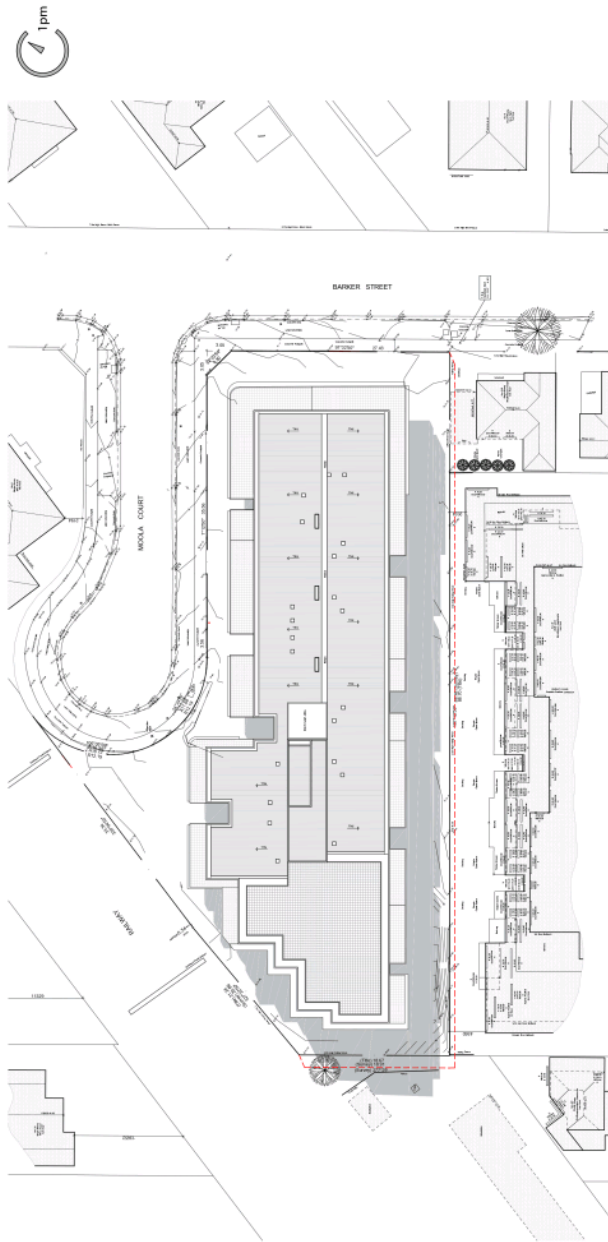
SHADED REGION SHOWS EXTENT OF SHADOW FROM PROPOSED BUILDING AT INDICATED TIME
 RED DASHED LINE SHOWS EXTENT OF SHADOW FROM EXISTING PALLING FENCE AT INDICATED TIME

PROJECT INFORMATION		
PROJECT NAME	1-2 MOOLA COURT AND 4-6 BARKER STREET	PROJECT REF
CLIENT	PT&R DEVELOP	DATE
DESIGNER		SCALE
DATE	11/11/2020	
BY		
CHECKED BY		
DATE		
APPROVED BY		
DATE		

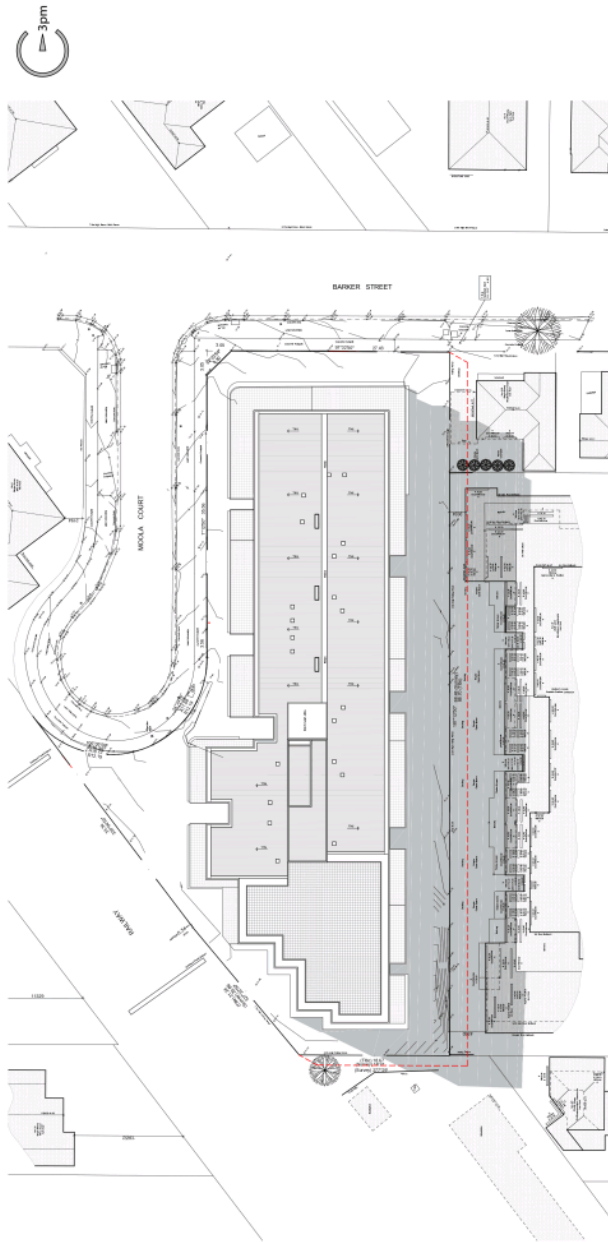
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SHADED REGION SHOWS EXTENT OF SHADOW FROM PROPOSED BUILDING AT INDICATED TIME
RED DASHED LINE SHOWS EXTENT OF SHADOW FROM EXISTING PAILING FENCE AT INDICATED TIME

Moola Court (1-2)		Barker Street (4-6)		PICTURE GROUP
NO.	DATE	NO.	DATE	
Moola Court (1-2)		Barker Street (4-6)		PICTURE GROUP
NO.	DATE	NO.	DATE	
Moola Court (1-2)		Barker Street (4-6)		PICTURE GROUP
NO.	DATE	NO.	DATE	



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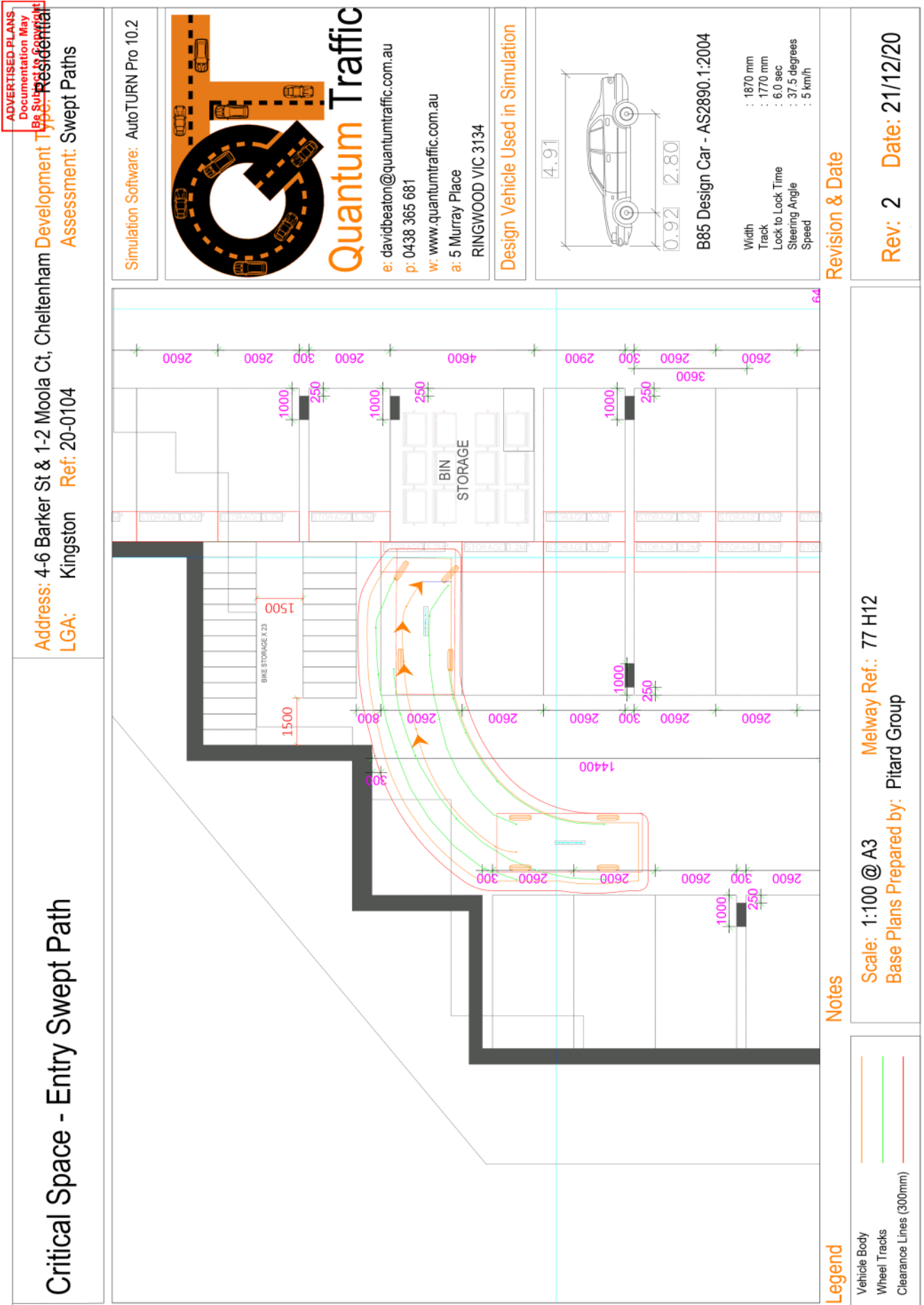
SHADED REGION SHOWS EXTENT OF SHADOW FROM PROPOSED BUILDING AT INDICATED TIME
RED DASHED LINE SHOWS EXTENT OF SHADOW FROM EXISTING PALLING FENCE AT INDICATED TIME

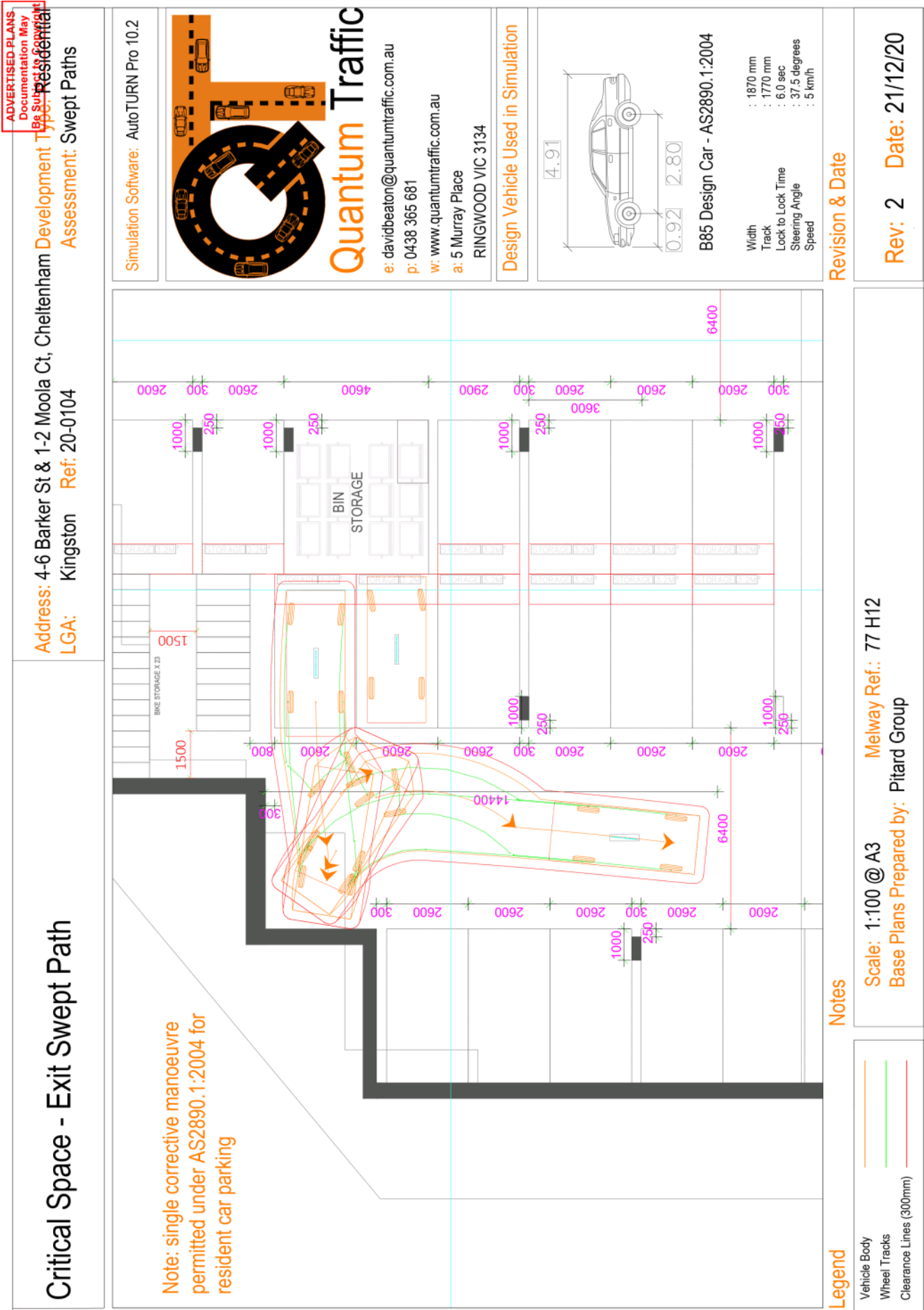
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CLIENT	PITARD GROUP
DATE	15/05/2024
SCALE	1:500
DRAWING INFORMATION	
DRAWING NO.	1-2 MOOLA COURT AND 4-6 BARKER STREET - SHADOW STUDY
DATE	15/05/2024
SCALE	1:500
APPROVALS	
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	15/05/2024

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APARTMENT TYPES		PITAB GROUP
APT-001	APT-002	
APT-003	APT-004	
APT-005	APT-006	
APT-007	APT-008	
APT-009	APT-010	
APT-011	APT-012	
APT-013	APT-014	
APT-015	APT-016	
APT-017	APT-018	
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APT-305	APT-306	
APT-307	APT-308	
APT-309	APT-310	
APT-311	APT-312	
APT-313		





Revision & Date

Rev: 2 Date: 21/12/20

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Residential



SPECIFICATION NOTES

1. All trees and shrubs to be planted in accordance with the following specifications. The minimum standards for all trees and shrubs to be planted shall be as follows:

- Planting Standards:** All trees and shrubs to be planted shall be of a minimum size of 100mm stem diameter (DBH) at 1.3m above ground level.
- Planting Method:** All trees and shrubs to be planted shall be planted in a hole which is 100mm wider and 100mm deeper than the root ball.
- Planting Media:** All trees and shrubs to be planted shall be planted in a hole which is filled with a minimum of 100mm of topsoil.
- Planting Date:** All trees and shrubs to be planted shall be planted between 1st September and 31st March.
- Planting Protection:** All trees and shrubs to be planted shall be protected by a minimum of 100mm of mulch.
- Planting Watering:** All trees and shrubs to be planted shall be watered regularly to ensure they establish themselves.

2. All trees and shrubs to be planted shall be of a minimum size of 100mm stem diameter (DBH) at 1.3m above ground level.

3. All trees and shrubs to be planted shall be planted in a hole which is 100mm wider and 100mm deeper than the root ball.

4. All trees and shrubs to be planted shall be planted in a hole which is filled with a minimum of 100mm of topsoil.

5. All trees and shrubs to be planted shall be planted between 1st September and 31st March.

6. All trees and shrubs to be planted shall be protected by a minimum of 100mm of mulch.

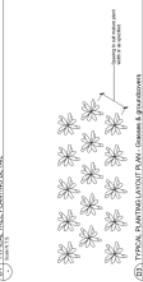
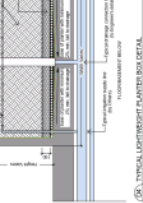
7. All trees and shrubs to be planted shall be watered regularly to ensure they establish themselves.

8. All trees and shrubs to be planted shall be of a minimum size of 100mm stem diameter (DBH) at 1.3m above ground level.

9. All trees and shrubs to be planted shall be planted in a hole which is 100mm wider and 100mm deeper than the root ball.

10. All trees and shrubs to be planted shall be planted in a hole which is filled with a minimum of 100mm of topsoil.

- LEGEND**
- Planting Area
 - Planting Zone
 - Planting Code
 - Planting Species
 - Planting Quantity
 - Planting Dimensions
 - Planting Orientation
 - Planting Spacing
 - Planting Protection
 - Planting Watering
 - Planting Maintenance
 - Planting Removal
 - Planting Replacement
 - Planting Pruning
 - Planting Fertilising
 - Planting Irrigation
 - Planting Mulching
 - Planting Weeding
 - Planting Pest Control
 - Planting Disease Control
 - Planting Safety
 - Planting Accessibility
 - Planting Aesthetics
 - Planting Sustainability
 - Planting Resilience
 - Planting Adaptability
 - Planting Versatility
 - Planting Flexibility
 - Planting Scalability
 - Planting Replicability
 - Planting Transferability
 - Planting Portability
 - Planting Reusability
 - Planting Recoverability
 - Planting Resilience
 - Planting Adaptability
 - Planting Versatility
 - Planting Flexibility
 - Planting Scalability
 - Planting Replicability
 - Planting Transferability
 - Planting Portability
 - Planting Reusability
 - Planting Recoverability



PLANTING SCHEDULE

ITEM	SYMBOL	QUANTITY	SPECIFICATION	UNIT
1	PC(1)	100	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
2	PC(2)	50	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
3	PC(3)	20	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
4	PC(4)	10	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
5	PC(5)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
6	PC(6)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
7	PC(7)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
8	PC(8)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
9	PC(9)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
10	PC(10)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
11	PC(11)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
12	PC(12)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
13	PC(13)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
14	PC(14)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
15	PC(15)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
16	PC(16)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
17	PC(17)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
18	PC(18)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
19	PC(19)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
20	PC(20)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
21	PC(21)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
22	PC(22)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
23	PC(23)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
24	PC(24)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
25	PC(25)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
26	PC(26)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
27	PC(27)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
28	PC(28)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
29	PC(29)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
30	PC(30)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
31	PC(31)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
32	PC(32)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
33	PC(33)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
34	PC(34)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
35	PC(35)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
36	PC(36)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
37	PC(37)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
38	PC(38)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
39	PC(39)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
40	PC(40)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
41	PC(41)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
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47	PC(47)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
48	PC(48)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
49	PC(49)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree
50	PC(50)	5	100mm Stem Diameter (DBH) at 1.3m above ground level	Tree

JOHN PATRICK
 CONSULTING ARCHITECTS LTD
 11-13 THE ARCADE
 CHICHESTER PO14 3AA
 TEL: 01243 773333
 FAX: 01243 773334
 EMAIL: john.patrick@johnpatrick.co.uk
 WWW: www.johnpatrick.co.uk

PROJECT
 1-2 MOOLA COURT
 4-6 BARKER STREET
 CHELTENHAM
 GLOUCEstershire

DATE
 10/03/2020

SCALE
 1:100

PROJECT NUMBER
 2020/001

CLIENT
 JOHN PATRICK ARCHITECTS LTD

DESIGNED BY
 JOHN PATRICK

DRAWN BY
 JOHN PATRICK

CHECKED BY
 JOHN PATRICK

APPROVED BY
 JOHN PATRICK

NOT FOR CONSTRUCTION

Planning Committee Meeting

23 June 2021

Agenda Item No: 4.3

KP-2016/97/C - 123 & 125 COMO PARADE EAST, PARKDALE

Contact Officer: Rochelle Reinhardt, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2016/97/C - 123 & 125 Como Parade East, Parkdale.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee, had an appeal not been lodged, determine to support the Amendment to Planning Permit KP-2016/97 at 123 & 125 Como Parade East, Parkdale, in accordance with the conditions of the planning permit.

This application requires a decision by the Planning Committee given the involvement with the original application and previous amendments to the planning permit.

EXECUTIVE SUMMARY

Address	123 & 125 Como Parade East PARKDALE
Legal Description	Lot 1 and 2 on PS501411
Applicant	123 Como Pty Ltd
Planning Officer	Rochelle Reinhardt

PLANNING REQUIREMENTS

Planning Scheme	Kingston
Zoning	Clause 32.08 – General Residential 2 Zone
Overlays	None
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot

APPLICATION / PROCESS

Proposal Amending the plans endorsed under the permit generally involving:

- Alterations to the Basement Level generally including:
 - Increase the overall dimensions and net floor area of the basement;
 - Alterations to setbacks to boundaries;
 - Increase the number of car parking spaces (11 to 16);
 - Increased and improved bin storage, internal storage and bicycle parking facilities;
 - Inclusion of a below ground water tank;
 - Modified access ramp and floor to ceiling clearance to allow for waste collection within the basement.
 - Minor modifications to the lift and stairs
- Alterations to the Ground Floor Level generally including:
 - Alterations to the internal configuration
 - Alterations to the Eighth Street Entry door
- Alterations to the First Floor Level generally including:
 - Alterations to the internal configuration
- Additional Second Floor Level generally including
 - The provision of three (3) additional dwellings
 - Alterations to the building facade
- Increased maximum building height from 8.235 metres to 10.17 metres (+1.935 metres).

Amending the description of what the permit authorises by

- Replacing the words “ten (10) dwellings” with the words ‘thirteen (13) dwellings’.

Refer to Section 5 of this report for more details of the amendment.

	1.		
Reference No.	KP-2016/97/C	RFI Received	N/A
App. Received	15/09/2020	App. Amended	N/A
Site inspection	Yes		

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S.52 Advertising	30/09/2020	Advertising Completed	19/10/2020
S.55 Referrals	None		
Internal referrals	Traffic, Waste Management, Vegetation and ESD		
Objection(s)	19 (TRIM checked on 17/05/2021)		
Mandatory Garden area requirement	N/A	Mandatory Building Height requirement	Complies
LEGISLATIVE			
Covenant/other Restriction	Yes	Complies: Yes	
Aboriginal Cultural Heritage Sensitivity Area	Original Approval: No Currently: Yes		
CHMP	Exempt		
Considered Plans	<ul style="list-style-type: none"> • Peter Hendy design and drafting services, Ref: 18504 TP17, Sheets 4 – 12 (inclusive), Revision 17, dated 28/08/2020. • Peter Hendy design and drafting services, Ref: 18504 TP17, Sheet 3D, Revision 17, dated 28/08/2020. • Peter Hendy design and drafting services, Ref: 18504 TP17, Sheet: Extra Info, Revision 17, dated 28/08/2020. • Wallbrink Landscape Architecture – Landscape Plan Ref: 2070TP1 & 2070TP2, Issue G, dated 02/09/2020. 		

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit KP-2016/97 (**Permit**) was issued on 28 August 2017 for: In accordance with the endorsed plans, the construction of 10 dwellings.
- 1.2 Plans satisfying condition 1 of the Permit were endorsed on 17 November 2017.
- 1.3 The permit expiry condition allowed two years to commence works and four years to complete from the date of permit issue. The Owner has not yet acted on the Permit. The permit remains valid.
- 1.4 An Extension of Time was issued on the 3 July 2019, which allowed an additional two years for commencement and completion. The development must be commenced by 28 August 2021 and completed by 28 August 2023.
- 1.5 The Permit was a permit issued at the direction of the Victorian Civil and Administrative Tribunal (**Tribunal**) or a permit issued under Division 6 (Powers of Minister in relation to applications) of the *Planning and Environment Act 1987 (Act)*.
- 1.6 Application for a Section 72 Amendment KP-2016/97/A was lodged on the 8 February 2019 and an approval subsequently issued on 4 June 2019, which approved the following:
 - Amend the plans endorsed under the permit generally involving:
 - Changes of external materials, window treatment and facade treatments
 - Internal reconfiguration of apartments at level 1 and 2
 - Increase of floor area of unit 5 at ground level
 - Increase of floor area of unit 10 at first floor level
 - Increase of balcony associated with unit 8 at first floor level

- Amend the material of the front fencing
- Alteration to roof form including clerestory windows

Amending the conditions of the permit by:

- Amending Condition 1 of the permit by adding the words “and the subsequent amended plans including the Development Plans prepared by Peter Hendy Design and Drafting Services, dated 18/03/2019 and the Landscape Plan, prepared by Wallbrink Landscape Architecture dated 4/02/2019” before the words “but modified to show”.
- Deleting Condition 1(a) of the permit.
- Deleting Condition 1(h) of the permit.
- Adding Condition 1(i), 1(j).
- Adding Condition 31.

- 1.7 Application for a Section 72 Amendment KP-2016/97/B was lodged on the 13 September 2019 seeking approval for the following:

Amend the plans endorsed under the permit generally involving:

- Alterations to the Basement Level generally including:
 - Increase the overall dimensions and net floor area of the basement
 - Alterations to setbacks to boundaries
 - Increase the number of car parking spaces
 - Improved bin storage, internal storage and bicycle parking facilities
 - Inclusion of a below ground water tank.
- Alterations to the Ground Floor Level generally including:
 - Alterations to the internal configuration
 - Alterations to the Eighth Street Entry door
- Alterations to the First Floor Level generally including:
 - Alterations to the internal configuration
- Additional Second Floor Level generally including
 - The provision of four (4) additional dwellings
- Alterations to the building facade
- Increased maximum building height from 8.235 metres to 10.17 metres.

Amending the conditions of the permit by:

- Condition 18c. Changing the words from ‘Details whether waste collection is to be performed by Council’s services or privately contracted’ to ‘Details of the Private Waste Collection Contractor’

Adding Conditions to the permit:

- Condition 18e which states ‘All waste must be collected from Eighth Street only’

Amending the description of what the permit authorises by:

- Replacing the words “ten (10) dwellings” with the words “fourteen (14) dwellings”.

- 1.8 The amendment (KP-2016/97/B) was advertised and sixty (60) objections were received. A Planning Consultation Meeting was held on the 29 January 2020 between several objectors, the applicant, Ward Councillors and planning officers.

- 1.9 Following the above, on the 31 January 2020, council received a VCAT order for a Section 79 Appeal (Applications for review of failures to grant permits) as the application had exceeded 60 statutory days.

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- 1.10 As a result of various negotiations with Council officers, the application received officer support however was subsequently overturned and recommended for refusal via Council Meeting held on 18 March 2020.
- 1.11 The Section 79 Appeal, and ultimate Recommendation of Refusal of the application amendment was heard at the Major Cases Hearing on the 25 June 2020. VCAT decided to affirm the decision of the Responsible Authority. This will be discussed further within the report.
- 1.12 In regard to the current application, pursuant to section 52 of the Act, Notice (advertising) of the current application was required. 19 objections were received by the Department.
- 1.13 The proposed changes sought under this application do not undermine any agreement or offer put forward by the Permit Applicant during the consideration of the original proposal.

2.0 KP-2016/97/C (CURRENT APPLICATION) - SECTION 79 APPEAL

- 2.1 On the 23 February 2021, Council received a VCAT order for a Section 79 Appeal (Applications for review of failures to grant permits) as the application has exceeded 60 statutory days.
- 2.2 The order (dated 17 February 2021) lists the following dates:
- A merits hearing scheduled for the 7 September 2021.
- 2.3 As the appeal has been lodged, the Responsible Authority is the Tribunal. Council is required to provide a recommendation to support or refuse the application to be heard before the Tribunal.
- 2.4 Council has been notified of one (1) statement of grounds being lodged. This person has not elected to become a party to the proceeding.

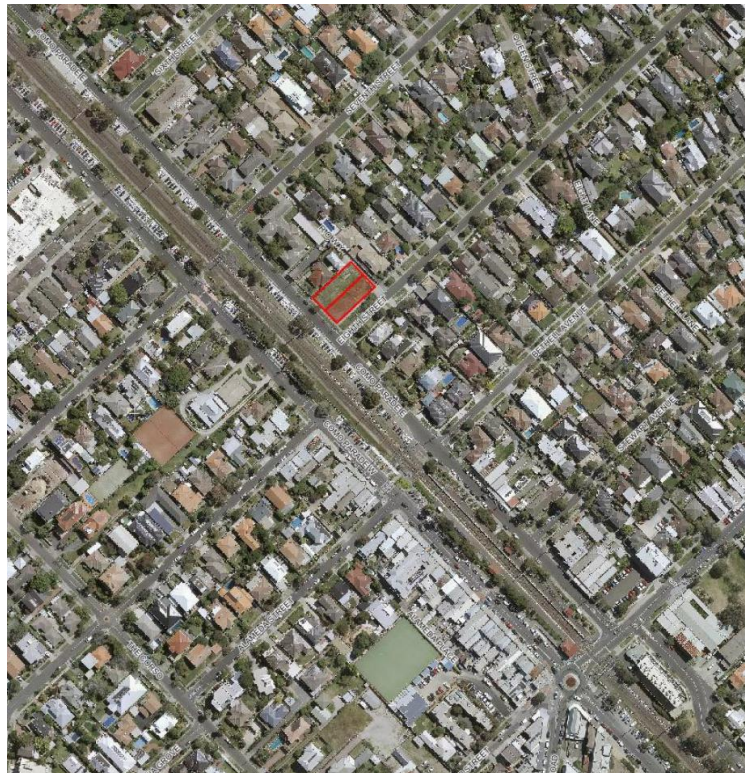
3.0 SITE PARTICULARS

Built form	Vacant Land
Size (m²)	892m ² The site is comprised of two (2) rectangular allotments (123 & 125 Como Parade East) located on the northern side of the intersection between Como Parade East and Eighth Street, Parkdale. The site adjoins a right of way to its rear which connects Eighth Street with Seventh Street and provides vehicle access to properties between Seventh and Eighth Streets.
Topography	The land has a slight slope of 0.80 metres that falls from north to south.
Fencing	All permanent fencing removed, temporary construction fencing erected around the subject site.
Vegetation	Void of any significant vegetation.
Easement(s)	None.

Footpath assets / access	<p>One (1) existing crossover adjacent to the north-east (side) corner (Eighth Street Frontage). One power pole to the south (intersection of Como Parade East & Eighth Street), One power pole within the Eighth Street road reserve.</p> <p>Street trees located in both the Eighth Street and Como Parade East road reserves.</p>
Covenant(s) / Restrictions	<p>173 Agreement (AD359605N) affects the subject site. The agreement relates to the subdivision of the land into two lots as approved in Planning Permit KP775/04. The agreement requires consent from the responsible authority before the construction of any buildings or extensions. The proposed development is not considered to result in any breach of restriction as consent can be provided under this permit.</p>
Principal Public Transport Network (PPTN)	<p>The subject site is located within the PPTN.</p>

4.0 SURROUNDING ENVIRONS

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



Source: GIS Mapping, March 2021



Source: NearMap, March 2021

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

North-East (opposite the laneway):

No. 1 Eighth Street is occupied by two single storey dwellings comprising a battle-axe arrangement. The dwelling at the front of the lot is set back approximately 5m from the site's frontage. Vehicle access is provided via two crossings each located on opposite sides of the site's Eighth Street frontage. A driveway providing access to the dwelling at the rear extends along the southern boundary opposite to the laneway. There is a 1.9m high brick fence extending along a section of the front boundary.

North-West:

No.121 Eighth Street is occupied by a dual occupancy development comprising one single storey dwelling and one double storey dwelling. The dwelling within the front of the lot is set back approximately 7.7m from the site's Como Parade frontage.

South-East:

No.127 Eighth Street is a single storey, weatherboard dwelling located on the south east side of the intersection between Como Parade East and Eighth Street. The dwelling is set back 9.85m from Como Parade and 1.6m from Eighth Street. Vehicle access to this site is provided via a single width crossing located on Eighth Street.

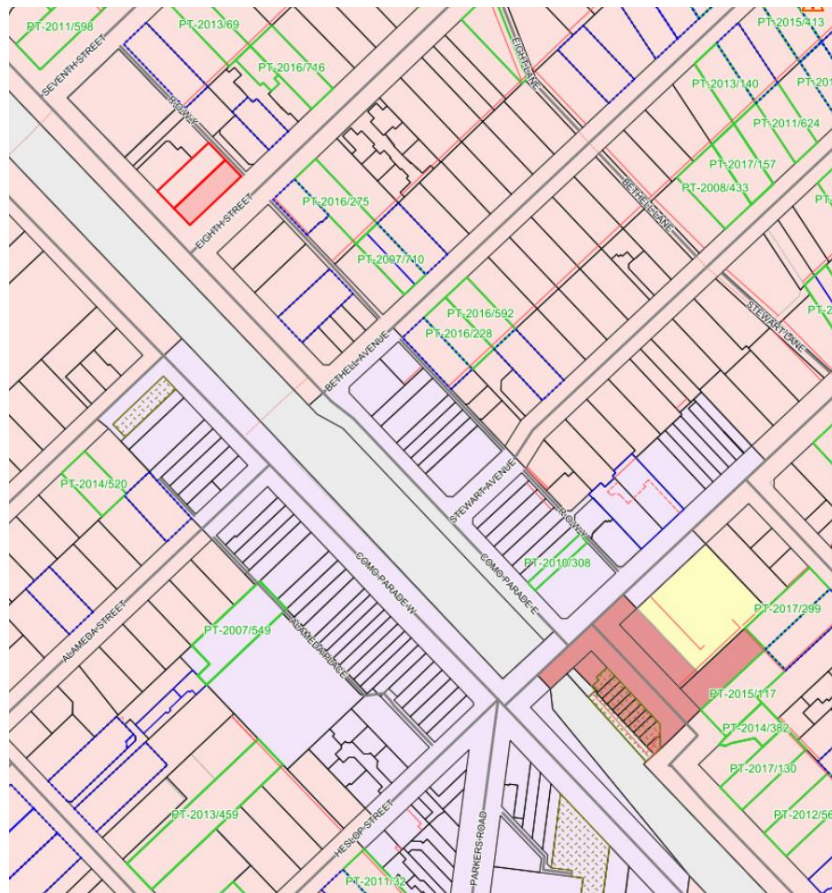
South-West:

Land to the southwest is occupied by Como Parade and the Frankston railway line beyond.

4.3 The site is located within an established residential area with built form comprised typically of a mix of one and two storeys found on both Como Parade and Eighth Street. Dwellings within the locality are generally sited square to the street and setback from at least one side boundary with vehicle access to the side of buildings. The architectural style found within the area is formed by a combination of older housing stock comprising traditional pitched roof forms and constructed of weatherboard and brick wall materials, and more contemporary designs comprising flat and skillion roof forms and a mixture of render and selected cladding.

4.4 Evidence of dual occupancy developments and more intensive multi-unit developments can be found within the immediate surrounds. This exhibits a high site coverage pattern where the majority of sites include buildings to the rear of sites. Some of the medium density developments found within the area include:

- 65-67 Como Parade East, comprising 4 double storey units each
- 79 Como Parade East, comprising 8 dwellings in a two storey building
- 87 Como Parade East, comprising 5 dwellings in a double storey building
- 117 Como Parade East, comprising 15 dwellings in a two storey apartment style development
- 167 Como Parade East, comprising 6 dwellings in a double storey dwelling
- 190-208 Como Parade East, a terrace style development comprising of 10 three
- 131 Parkers Road, a three storey development comprising a mixed use of residential and commercial properties, and storey dwellings.



4.5 As shown on the map above, the subject site (located within the General Residential Zone shown pink), is located approximately 60 meters from the commercial precinct (shown purple) on Como Parade West and approximately 110 metres from the commercial precinct (shown purple) along Como Parade East.

4.6 The site is also located within walking distance to the Parkdale Railway Station (approximately 250 metres to the south-east) and the Parkdale Activity Centre as a broader activity area. The surrounding residential area is well serviced by public transport, primary and secondary schools, community facilities and public reserves.

5.0 PROPOSAL

5.1 It is proposed to increase the number of dwellings approved by the permit from ten (10) to thirteen (13) by the addition of a second level.

5.2 The proposed additional three dwellings are all three (3) bedroom dwellings. The overall height of the building is proposed to increase from the previously approved 8.235 metres to 10.17 metres, which is an increase of 1.935 metres.

5.3 To accommodate the additional level including the three (3) dwellings, the amended proposal may be summarised as following with the alterations required at each level described below.

Basement Level

- Increase:
 - The number of car parking spaces provided from 11 to 16 spaces.
 - Size of the bin storage area.
 - The number of stores to provide a 6m³ storage facility for each dwelling.
 - The provision for bicycle parking.
 - Increase the floor area of the basement from 449.21 square metres to 521.06 square metres.
 - Minor reconfiguration to the basement ramp to provide improves entry / egress.
- Reduce the setback to Como Parade East from 6.0 to 2.68 metres (below natural ground level).
- Reduce the setback to the laneway from between 3.0 and 4.2 metres to between 0.8 and 4.2 metres (below natural ground level).
- The basement will remain setback 3.0 metres from the northwest boundary (below natural ground level).
- Provide 12,000 litre below ground rain water harvesting tank.

Ground Floor Level

- Setbacks to each frontage and the northwest boundary remain as approved.
- A minor reconfiguration to the floor plan of Dwelling 4 for the bathroom, ensuite and laundry.
- The entry door to Eighth Street has been moved from the right to the left hand side and the internal stairs have been moved from the left to the right hand side.

The number of dwellings at ground floor level remains at five (5).

First Floor Level

- Minor configurations to the floor plans of:
 - Dwelling 6 to improve access to bedroom 2.
 - Dwelling 8 to improve the bathroom and kitchen area.
 - Dwelling 9 to improve the bathroom, laundry, kitchen and dwelling entry; and
 - Dwelling 10 to improve the layout of the ensuite and reduce the area of the balcony from 8.66 square metres to 8.02 square metres.
- The setback of the building to all boundaries remains as approved.

- Relocation of stairs, lift etc to match floors.
- The number of dwellings at first floor level remains at five (5).

Second Floor Level

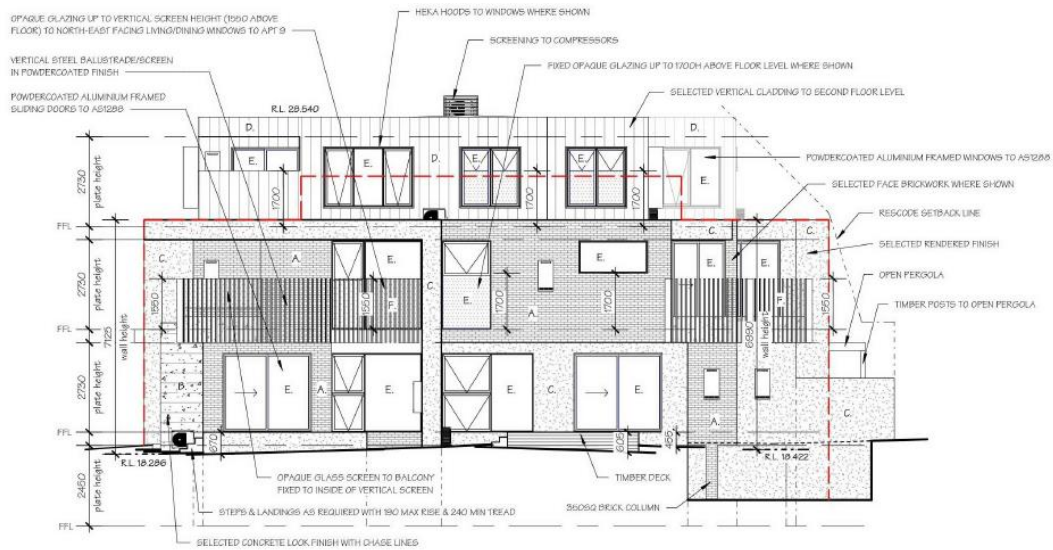
- The provision of three (3) additional dwellings (Dwellings 11 to 13).
- Each dwelling provides kitchen, living/dining room, closet laundry, three (3) bedrooms, two (2) bathrooms, each with varied floor plan and orientation, and external balcony accessed from the living room.
- Dwellings 11 to 13 will have floor area that varies between 99.65 and 111.48 square metres.
- Each additional dwelling is provided with private open space in the form of a balcony that varies in area from 9.31 and 11.09 square metres, with a minimum dimension that varies between 2.25 and 3.1 metres.
- The second floor level will be setback between 7.45 and 8.35 metres from the Como Parade East frontage, 3.15 metres to the balconies and between 3.4 and 6.25 metres from the Eighth Street frontage, between 4.0 and 4.5 metres from the laneway frontage and between 4.85 and 7.5 metres from the northwest boundary.
- The dwellings will have varying height due to the articulation of the buildings. Building height will vary between 9.575 and 10.17 metres, stepping down to the first floor level below at 7.125 metres.
- In comparison to the approved development, overall building height increases by 1.935 metres. The increase in overall height is best reflected in the following elevation plans where the approved building height (shown red dashed line) is shown in comparison to proposed building height.



South-East Elevation
SCALE: 1:100



North-West Elevation



North-East Elevation



South-West Elevation

- Building materials through each level will comprise an appropriate balanced blend of face brick, render and vertical cladding to external walls, flat roof profile and wide eaves. Window proportions will be generally vertical with the grouping of some windows and provision of some restricted outlook windows. Screening devices to the balconies will combine the use of opaque glass behind vertical screens to provide an architectural feature. The varied use and colour of building materials combined with the balconies provides both vertical and horizontal articulation to provide a modern/contemporary built form that will complement the evolving character of the neighbourhood expected by policy.
- The overall site coverage remains at 57.74%.
- The overall permeability is 28.54%.
- Garden Area is 36.45%.

6.0 LEGISLATIVE PROVISIONS

6.1 The amendment has been requested pursuant to section 72 of the Act.

6.2 Section 72 of the Act states:

- (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
- (2) *This section does not apply to-*
 - a. *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - b. *a permit issued under Division 6.*

6.3 It has been established that the Permit:

- was issued at the direction of the Tribunal, however no direction was made under section 85 that The Permit was not to be amended;

6.4 Section 73 of the Act states that sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit. This includes reference to the permit expiry date, allowing the amended permit to be acted upon without needing to amend the expiry condition.

7.0 PLANNING PERMIT (AMENDED) PROVISIONS

Zone

7.1 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.

7.2 A development must meet the requirements of Clause 55 of the Scheme.

Overlay

7.3 The subject site is not affected by any Overlays.

Particular Provisions

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

- 1 space to each 1 or 2 bedroom dwelling
- 2 spaces to each 3 or more bedroom dwelling; and
- 1 visitor space for every 5 dwellings.

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- 7.5 As the subject site is located within the Principal Public Transport Network (PPTN), Clause 52.06 stipulates that the provision of visitor spaces is not required to be provided. The previous approval contained two (2) visitor spaces within the basement which have been removed, and re-purposed for car parking associated with the additional dwellings.
- 7.6 The development has a parking requirement of sixteen (16) car spaces pursuant to Clause 52.06.
- 7.7 As the required number of car parking spaces is provided, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3.
- 7.8 Clause 52.06 – 8 Design standards, includes vehicle movements, access, splays, garaging dimensions, car space dimensions, ramp gradients and clearance heights have been reviewed and are considered compliant.
- It is noted the access arrangement, including access to the basement from the rear laneway has slightly been revised to provide better entry / egress from the site. A passing bay within the entry and traffic control systems remain unaltered from the previous approval.
- 7.9 Planning Scheme Amendment VC136 introduced Clause 55.07 and Clause 58 (which are applicable to Apartment Developments) into the Kingston Planning Scheme on the 13 April 2017. For a development of this scale, Clause 55.07 would generally be applicable and would be assessed as part of Clause 55.
- 7.10 Clause 55.07 does not apply to applications lodged before the introduction of Amendment VC136 on 13 April 2017. The transitional arrangements also apply to an application lodged for an amendment of a permit where the original permit application was lodged before the introduction of Amendment VC136 on 13 April 2017.
- 7.11 As the original application was lodged on the 18 February 2016, the transitional provisions apply, therefore Clause 55.07 has not been considered in this application.

General Provisions

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

8.0 RELEVANT POLICIES

8.1 Planning Policy Framework (PPF)

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing

8.2 Local Planning Policy Framework (LPP)

- Clause 21.01 Vision and Strategic Framework
- Clause 21.02 Settlement
- Clause 21.07 Housing
- Clause 22.06 Residential Development Policy
- Clause 22.12 Stormwater Management Policy
- Clause 22.13 Environmentally Sustainable Development

Other

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- 8.3 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 20 of the Neighbourhood Character Guidelines.
- 8.4 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.06 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.

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	<p>No objection raised, conditions of the planning permit to be retained and modified to require planting on the second floor balconies (as per previous application KP-2016/97/B).</p> <p>The comments were as follows:</p> <ul style="list-style-type: none"> • The second floor balcony plant schedule has been omitted from the landscape plan. • We will require these balcony planters to be reinstated unless reasonable justification for their omission can be provided. • Deep soil volume provided: 272 m³ (topsoil depth at approx. 1 m). • Total of 12 canopy trees provided on the landscape plan. • The minimum soil volume required for the largest tree in the planting schedule for <i>Banksia integrifolia</i> is approx. 24 m³ (calculated using Soil Volume Simulator - Elke). • The <i>Pyrus calleryana</i> 'Capital; will require similar soil volume and the remaining 4 trees are a smaller sized species <i>Hymenosporum flavum</i> which will require less. • The volume of deep soil is sufficient for the trees nominated on the submitted landscape plan. <p>The submitted landscape plan will need to be revised prior to endorsement to include planting within the second floor balconies.</p>
Council's Development Engineer	<p>All existing DAE conditions as shown on the issued permit dated 28/8/2017 must remain unchanged.</p> <p>An additional condition for options in the delivery of water sensitive urban design for the site has been included on the previous amendment.</p> <p>It was also noted that given there is still basement proposed, the previous condition will not change if they reduce from 14 to 13 dwellings. Same conditions apply for 10 or more dwellings.</p>
Roads and Drains	<p>All existing Infrastructure and Road Works conditions as shown on the issued permit dated 28/8/2017 must remain unchanged.</p>
Traffic Engineer	<p>All existing conditions as shown on the issued permit dated 28/8/2017 must remain unchanged. The following comments have been provided:</p>

	<ul style="list-style-type: none"> • It should be noted that since the original application was approved, amendment VC148 has been approved and the requirement for the visitor car spaces no longer is valid, as the subject site is located within the PPTN area. • The proposed basement is generally consistent with the previous approval. The additional car parking spaces and revised layout does not restrict functionality. <p>In regard to issues raised around vehicle access, use of the laneway and increased demand on road infrastructure, the traffic team made the following comments on Amendment B: <i>The additional 4 units will have not a noticeable impact given the following considerations:</i></p> <ul style="list-style-type: none"> • <i>There are total of 17 dwellings current accessing from the laneway.</i> • <i>The additional 14 dwellings as the result of the development will increase the total number of dwellings to 31.</i> • <i>Based on RTA guideline the medium density residential flat will generate 4-5 trips per day per dwelling or .4-.5 trips per peak hour per dwelling. As such the peak traffic generation of these units are 15.5 trips per hour during peak hours or 155 trips per day.</i> • <i>The peak hour traffic in the laneway is therefore considered to be minor in accordance with ASNZS 2890.1 2004, which outlines 30trips per hour will require the provision of as passing area to manage conflicts.</i> <p>It is noted that the proposed amendment reduces the number of dwellings previously proposed in Amendment B. Therefore, these comments still apply to this current amendment.</p> <p>Furthermore, concerns were raised by Council’s Traffic Engineer about the turning circles for some of the car spaces and the ability for a small garbage truck to access the basement. The applicant submitted without prejudice plans on 15 April 2021 which included swept path analysis for the car parking spaces and a small 6.4 metre garbage truck. As a result of this swept path analysis, minor changes were required to the internal layout of the basement. This information and amended basement plan was provided to Council’s Traffic Engineer and supported.</p> <p>Given that these changes are minor and will not adversely impact the overall design of the building, it is recommended a condition be included on any amended permit issued which requires the development plans to be amended under Condition 1 to reflect the alterations to show all vehicles swept paths, access arrangements and the small waste truck.</p>
Waste Management	<p>All existing Waste Management conditions as shown on the issued permit dated 28/8/2017 are appropriate, however it is considered reasonable to delete the option for council collection, thus requiring private collection, as recommended by Council’s Waste Management Officer.</p> <p>The Waste Management for 123-125 Como Parade East Parkdale has been assessed against current Kingston waste collection practices and collection contractor requirements.</p>

The current waste management plan was prepared in regard to 10 dwellings, and 20 bins. The additional 3 dwellings results in a net increase of 6 bins.

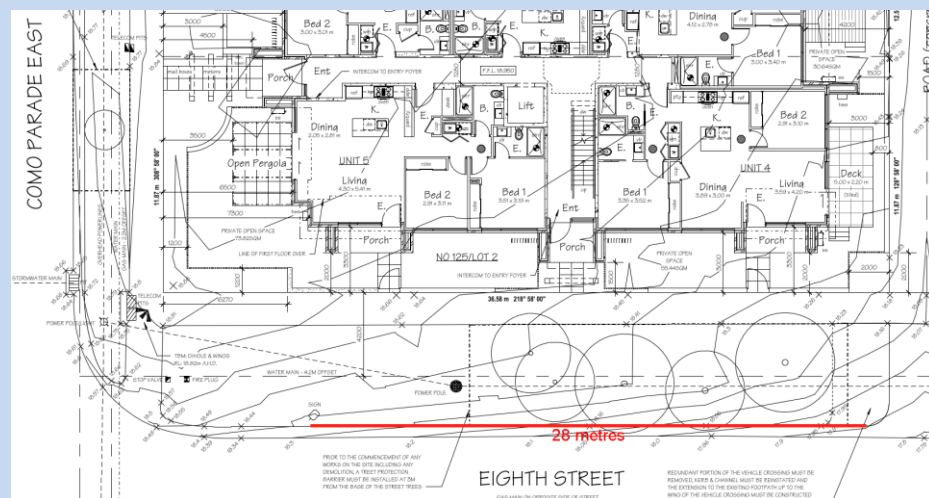
The increase in the number of dwellings to 13 will require that there are 26 mobile garbage bins on the nature strip for collection on recycling day every second fortnight. For Council to collect bins from the nature strip, the bins need to fit (with a space of 300mm between bins) and not obstruct sightlines for vehicles on the road network or entering / exiting the property.

The standard bins range in width from approximately 600mm to 700mm depending on the capacity.

Nature Strip Placement

This assumes that the nature strip has the appropriate storage length within a reasonable distance from the basement ramp to store 26 bins. The existing crossover is to be removed and nature strip re-instated, thus increasing the available area on site.

As per trapeze, there is approximately 28 metres from the no standing zone to the proposed driveway / Laneway.



Sightlines from property

For vehicles exiting the proposed development, the placement of 26 bins in Eighth St would create poor sightlines.

Sightlines for on road motorists.

Would only present a problem if bins were presented on Como Parade East. Any vehicle looking to turn out of Eighth St would have sightlines obstructed by 26 bins. The reality is that residents would not place their bins on Como Parade East as it is too far from the basement ramp.

Basement Ramp

In locations with a basement ramp, it is frequently not practical to provide kerbside collection due to the difficulty in moving bins up and down the ramp. Residents leave the bins on the nature strip for longer than the 24 hours nominated in Local Laws.

	<p><i>Amenity issues</i></p> <p>Council receives many complaints from both nearby residents and the waste collection contractor about poorly placed bins around unit developments.</p> <p>As part of the planning process there is an opportunity for Council officers to make a recommendation around what is best for the site. As noted by Council's Traffic Engineer, it is possible for a small garbage truck to enter and exit the basement. Furthermore, Council's Waste Management Officer has advised that private waste collection is preferred for the proposed development.</p> <p>On balance with all of these factors, it recommended to have a private waste collection service for this development. It is further recommended the conditions be altered to restrict bins to only be collected from within the basement given the concerns above.</p>
ESD	<p>As the number of dwellings has increased, Clause 22.13 requires a Sustainable Management Plan to be submitted for the overall development. This report was prepared and submitted as of the application.</p> <p>On review by councils ESD officer, the following comments have been provided:</p> <ul style="list-style-type: none">• The application almost meets Council's expectations in relation to ESD for a development of this scale. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. Items to be addressed are outlined below:• <u>BESS Assessment</u> <p>The project needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. Considering your response to the points below, should any category fall short of the minimum targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.</p> <ul style="list-style-type: none">• <u>Water 1.1 Water Efficient Fixtures</u> <p>Washing machines have been incorrectly scoped out of the BESS assessment there are laundries indicated on plans. This is giving the development a higher score than what it has committed to. 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". Current statement on dishwashers is unclear. Please amend report and BESS entries accordingly.• <u>Energy 1.2 Thermal Performance Rating - Residential</u><p>Energy ratings of a 6.7 average has been entered into BESS, however report indicates no commitment to achieving a rating beyond the 6-star minimum requirement under the National Construction Code (NCC). Please indicate on plans a clear commitment to achieving a 6.7-star average or amend BESS entries.</p></p>

- Stormwater Management

Note that further detail of the stormwater management system will be required at a later stage as according to

<https://www.kingston.vic.gov.au/files/assets/public/sustainability-and-environment/stormwater/civil-design-requirements-for-developers-part-a.pdf>

This includes addressing the following:

- 5000L tank proposed in report does not correspond to the 12,000L tank indicated on plans. Please clarify and amend.

If the developer is having difficulties achieving the required stormwater best practice requirements. 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>

- Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology

To claim this credit, provide additional notes on the drawings and in the report, which shows that each dwelling's private open space area either a balcony or courtyard will be provided with an external tap and floor waste.

The Sustainable Management Plan (SMP) will need to be amended prior to endorsement to address the above issues. A condition will be included on the permit requiring the SMP be amended.

10.0 ADVERTISING

10.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers, providing notification to all submitters of the original application, providing notification to all submitters of amendment KP-2016/97/B and maintaining a notice on site for fourteen (14) days.

10.2 Nineteen (19) objections to the amended proposal were received. The grounds of objection raised are summarised as follows:

- Neighbourhood Character
- Visual Bulk, Scale and Mass
 - Increased Height
 - Addition of a storey
- Increase in Dimension to the Basement
 - Drainage
 - Effects of Excavation
 - Potential Damage to adjoining dwellings / structures.

- Loss of Garden Area and Green Space
- Parking and traffic concerns
 - On-site parking provision
 - Access arrangement
 - Safety for pedestrians
- Waste Collection
- Overlooking
- Increased Noise
- Precedent set within the Neighbourhood

10.3 The following objections raised are not valid planning considerations:

- Decreased property prices.
- Reports (soil testing / engineering reports for basement construction) not submitted with the Planning Application.
- The previous application on the site (KP-2016/97/B) was refused by Councillors.
- The previous application on the site (KP-2016/97/B) was refused by VCAT.

11.0 PLANNING CONSULTATION MEETING

11.1 A planning consultation meeting was held on Wednesday 10 March 2021 with the relevant Planning Officers, the Permit Applicant and one (1) objector in attendance. The above-mentioned issues were discussed at length.

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

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

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

13.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 13.1 The Planning Policy Framework sets out the relevant state-wide policies for residential development at Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing). 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).
- 13.2 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.
- 13.3 Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.
- 13.4 Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- 13.5 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.
- 13.6 Clause 15.01-1S encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of Clause 15.02-1S promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 13.7 Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 13.8 The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity, however the proposed activity is exempt from requiring a Cultural Heritage Management Plan, as the development of three or more dwellings on a lot is (reg.10 of the Aboriginal Heritage Regulations 2018):
- less than 0.11 hectares in size; and
 - not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River.
- 13.9 Housing objectives are further advanced at Clause 22.06 which seek to encourage increased diversity in housing.
- 13.10 Clause 16.01-1S (Housing Supply) has the objective to facilitate well-located, integrated and diverse housing that meets community needs. Key strategies include:
- *Ensure that an appropriate quantity, quality and type of housing is provided...*
 - *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
 - *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
 - *Identify opportunities for increased residential densities to help consolidate urban areas.*

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- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Encourage the development of well-designed housing that: Provides a high level of internal and external amenity.*

- 13.11 The development is located on a site within proximity to Parkdale Activity Centre and the Parkdale train station, which is considered to provide appropriate access to transport and jobs. The development includes a range of two and three bedroom apartments, which provides diversity through the built form and neighbourhood. Higher density development as proposed meets the strategies and objective of Clause 16.01-1S.
- 13.12 Further to the above, Clause 22.06 (Residential Development) seeks to promote a housing market that meets community needs and is located in areas which offer good access to jobs, services and transport.
- 13.13 The City of Kingston's MSS at Clause 21.07 (Housing) 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.
- 13.14 Relevant objectives and strategies are contained at Clause 21.07-1 (Residential Development). These essentially reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 13.15 Clause 22.06 Residential Development Policy extends upon the provision contained at Clause 21.07 (Housing), 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.
- 13.16 Clause 22.06 nominates the surrounding General Residential Zone Schedule 2 area for Increased Housing, and states:
- 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.*
- 13.17 It is submitted that the proposed development satisfies the aforementioned Planning Policy Framework.
- 13.18 Clause 22.12 – 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.
- 13.19 It is considered that the proposed development generally complies with the above guidelines and provides for an ability to incorporate WSUD and adequate space to include measures that can be used to reduce run-off.
- 13.20 Council's Drainage Engineer is satisfied the existing conditions of the planning permit adequately address the above.
- 13.21 Clause 22.13 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 amendment was accompanied by a Sustainability Management.

- 13.22 Further, the ESD assessment was referred to Council's ESD officer who has advised the alterations to the development, including the deletion of the clerestory window on the first floor and inclusion of a second level did not have a detrimental impact to the overall performance of the development.
- 13.23 It is considered that the commitments expressed in the SMP report submitted with the amendment, coupled with the proposed amended development plans and dwelling layouts, the proposal is considered to be able to achieve an appropriate best practice ESD standard, subject to conditions of the permit, thus meeting the objectives of this policy.

Zoning Provisions

- 13.24 Pursuant to Clause 32.08-10 (Maximum building height requirement for a dwelling or residential building), a building must not be constructed for use of a dwelling or residential building that:

- Exceeds the maximum building height specified in a schedule to this zone; or
- Contains more than the maximum number of storeys specified in a schedule to this zone

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- The building height must not exceed 11 metres: and
- The building must contain no more than 3 storeys at any point.

- 13.25 Schedule 2 of the General residential Zone does not specify a maximum building height therefore the 11 metres and three storey building maximum is applicable.
- 13.26 The application proposes a maximum building height of 10.17 metres, and no more than three storeys above natural ground level, therefore meets the requirements of the General Residential Zone.
- 13.27 Clause 32.08-4 requires an application must provide the minimum garden area as specified in the table. Clause 32.08-15 (Transitional Provisions) stipulates that the minimum garden area requirements of Clause 32.08-4 introduced by Amendment VC110 do not apply to a planning permit application for the construction of a dwelling or residential building lodged before the approval date of Amendment VC110.
- 13.28 As this is an amendment to the original planning permit, the lodgement of the application was on the 18 February 2016. VC110 was gazetted on the 27 March 2017, therefore the application benefits from the transitional provisions and is not required to comply with the garden area requirements.
- 13.29 Notwithstanding the above, the applicant has provided a minimum garden area of 325.05 square metres of 36.45% of the site, therefore exceeding the minimum garden area requirement for the overall site.

Particular Provisions

- 13.30 As identified earlier in Section 6 of this report, the car parking provision has been satisfied. Clause 52.06 requires the provision of 16 car parking spaces made up of one (1) car parking space for each two bedroom dwelling, and two (2) car parking spaces per three bedroom dwelling. No visitor spaces are required for the development given the site is located within the PPTN Area.

- 13.31 Council is required to assess the car parking provided against the provision of Clause 52.06. This provision stipulates one (1) car space for a two bedroom dwelling or two (2) spaces for a three bedroom dwelling. Council cannot require additional parking spaces be provided above this requirement.
- 13.32 With the deletion and re-purposing of the two visitor spaces (as allowable within Clause 52.06 as the visitor spaces are no longer required), the development must provide an additional four spaces within the development. The development meets this requirement.
- 13.33 The access arrangement from the rear laneway, basement access (including ramp grades, splays, angles) and the impact to the existing road network by the 10 dwellings was assessed through the original application.
- 13.34 This assessment is restricted purely to the additional three dwellings, the generation of additional car parking requirements and their associated layouts and the potential increased demand on the infrastructure from the four additional car spaces.
- 13.35 Council is satisfied the traffic generated from the additional three dwellings will not result in an adverse impact to the existing road network, will not detrimentally impact the street or road network, require the access to be altered, or pose substantial increased danger to surrounding people or properties. It is considered that the amendment is acceptable.

14.0 RESPONSE TO GROUNDS OF OBJECTION

14.1 The majority of concerns raised by objectors have been considered within the assessment in the report, or within the Clause 55 assessment. Any remaining concerns are addressed as follows:

14.2 *Neighbourhood Character*

- The subject site is located in a General Residential Zone – Schedule 2 which encourages higher density development. The number of dwellings on the site is not restricted and the maximum number of storey or maximum building height is three storeys or 11 metres respectively.
- The assessment of Clause 55.02-2 below has identified there are examples of apartment style development and three storey development within the surrounding area.
- It is considered the development of three additional dwellings in a generally reduced second floor footprint does not constitute an overdevelopment of the site and does not detrimentally increase density within the area.
- The additional storey increases the building height from 8.235 metres to a maximum height of 10.17 metres. It is noted however due to the slight slope on the land and the articulation in the built form the overall building height varies from 9.575 metres to the maximum 10.17 metres, stepping down to 7.125 to the first floor below.
- The proposed amendment including the three additional dwellings with the additional storey is considered appropriate given it is on a corner allotment with three road interfaces (Como Parade East, Eighth Street and the rear laneway). The three road interfaces result in a significantly reduced impact to any surrounding sensitive interfaces and allows a second floor to be incorporated into the design.
- The second floor will be setback between 7.45 and 8.35 metres from the Como Parade East frontage, 3.15 metres to the balconies and between 3.4 and 6.25 metres from the

Eighth Street frontage, between 4.0 and 4.5 metres from the laneway frontage and between 4.85 and 7.5 metres from the northwest boundary.

- It is considered the second floor has generous setbacks resulting in the additional floor being subservient to the overall building design and being less intrusive to the overall design.
- Whilst it is acknowledged there are limited examples of three storey development in the immediate area, several examples of three storey development can be found within proximity to the subject site. Examples include:

131 Parkers Road – approximately 260 metres to the south-east.



Whilst it is acknowledged this property is within a commercial zone and is a combination of both commercial and residential properties, residential dwellings abut the property to the north-west. The three storey building has a substantial upper floor which is prominent on the site. The second floor has a footprint similar to the ground and first floor.

190 – 208 Como Parade East - approximately 300 metres to the south-east.



This development includes 10 three storey dwellings in a terrace style arrangement. The upper floors are recessed similar to the proposed amendment.

14.3 *Visual Bulk, Scale and Mass*

The assessment above generally addresses the concerns regarding bulk, mass and scale.

Whilst it is acknowledged there are limited examples of three storey development within the immediate area, the second floor includes a relatively reduced footprint compared to the lower storeys and incorporates generous setbacks, therefore the additional level is not considered to be a dominant element when viewed from either Como Parade East, Eighth Street, or the surrounding private realm.

The subject site is not centrally located in the residential precinct, but at the edge at the interface with car parking and railway line and three (3) road frontages or abutments to provide separation. The proposed built form achieves an appropriate balance between built form, landscaping, setbacks and separation.

It is considered the additional storey of the development responds to the unique opportunities and is an appropriate site for the three storey development.

14.4 *Increase in Dimension to the Basement and Loss of Garden Area and Green Space*

The ground floor plan has not been altered, therefore the street setbacks to Como Parade East, Eighth Street & the rear laneway are consistent with the previous approval.

Whilst the basement level has been increased in size, the basement footprint is confined to the area of the ground floor, including pergolas and decks. The increased basement has not reduced any potential for deep soil planting.

A landscape plan has been submitted which demonstrates the increased basement does not reduce or remove any planting as per the previous approval or result in a net loss of green area.

In addition to the above, the garden area is unaltered between this current amendment and the previous approval therefore there is no loss of green areas from this proposal.

14.5 *Parking and traffic concerns*

Concern was raised in regard to single dwellings having more than one car, visitors utilising the on-street parking, and limited parking due to commuters using the surrounding streets. Assumptions have also been made in the objections that residents will own more vehicles than they have parking spaces for.

An assessment for car parking can only occur against the relevant provisions, being Clause 52.06.

The development is not required to provide any visitor parking on site as it is located within the Principal Public Transport Network.

Onsite parking provisions meet the requirements of Clause 52.06.

14.6 *Waste Collection*

The proposed amendment of three additional dwellings results in an increase from 20 bins to 26 bins for collection (combination of 1 waste and 1 recycling bin per dwelling). This has been assessed by Council's Waste Management Team who have determined the existing condition requiring a Waste Management Plan to be provided prior to the commencement of works is sufficient and should not be altered.

The Waste Department has advised the applicant will be required to enter into a Private Waste Agreement.

Council has undertaken further review of the basement layout and has determined that 'in-basement collection' can occur from a private waste collector. Vehicle swept paths confirm that a small waste truck can access the basement. As part of the private waste collection, the applicant can choose to have individual bins per dwelling or have a shared waste point (i.e. dumpster style bins).

14.7 *Overlooking*

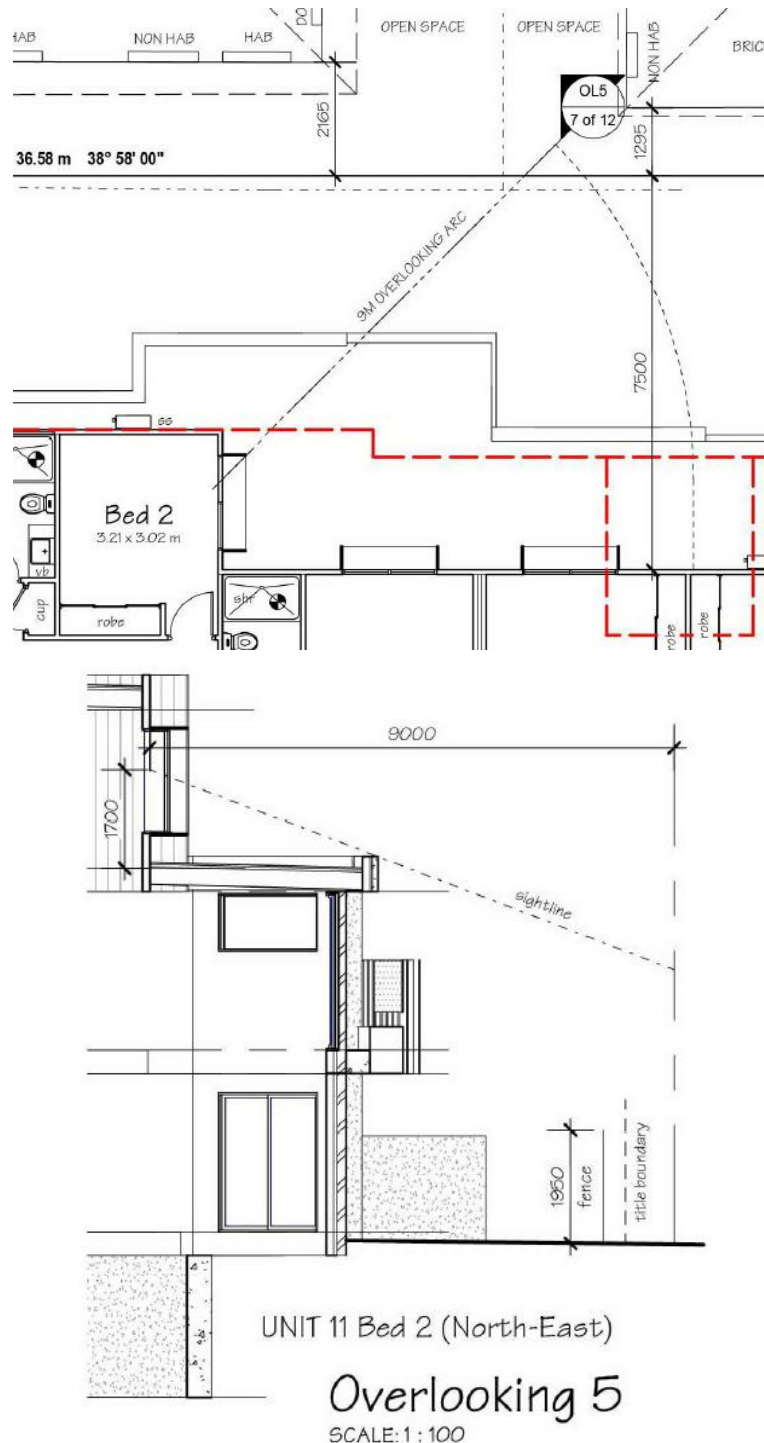
The submitted second floor plan includes overlooking diagrams and sections where windows and balconies are proposed. Given the properties three road frontages and the significant setbacks of the upper level, there is reduced overlooking potential from the first floor windows and balconies.

Screening methods have been incorporated into the first floor (via a previous amendment) which is a combination of vertical battens, obscure glazing, and planter boxes. Council is satisfied there are no overlooking opportunities from the first floor (windows or balconies) into the adjoining properties habitable room windows, or areas of Secluded Private Open Space.

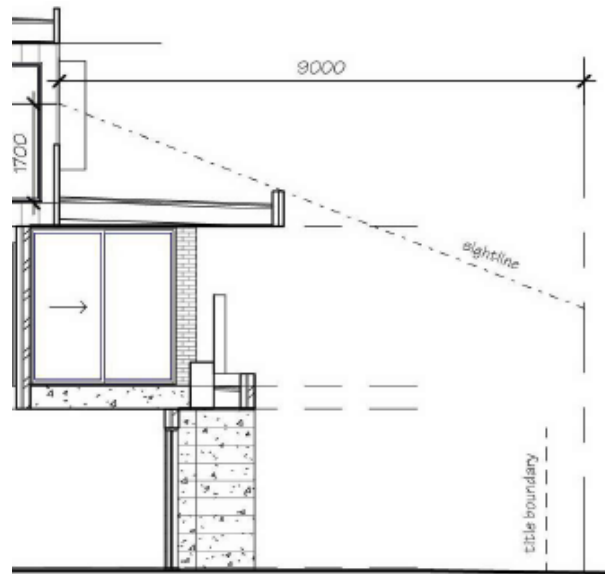
The applicant has provided overlooking diagrams and sections diagrams for the Second Floor, demonstrating all windows and balconies have been appropriately screened where required.

Dwelling 11

- The balcony has been designed to include a 1.7m high screen on the North-Western side.
- Windows on the north-west elevation (Bed 1) has obscure glazing to 1.7m above FFL.
- Windows on the north-west elevation (Bed 2 and Bed 3) have sill heights of at least 1.7m above FFL.
- The north-east facing window (Bed 2) has not been screened. The plans include an overlooking diagram and Sectional Diagram (OL5) which demonstrate the view towards the ground level SPOS is obstructed by the first floor roof of the development.



- Sectional Diagram OL2 demonstrates the roof form associated with the lower level prevents any downward views into balconies or areas of SPOS within the development.

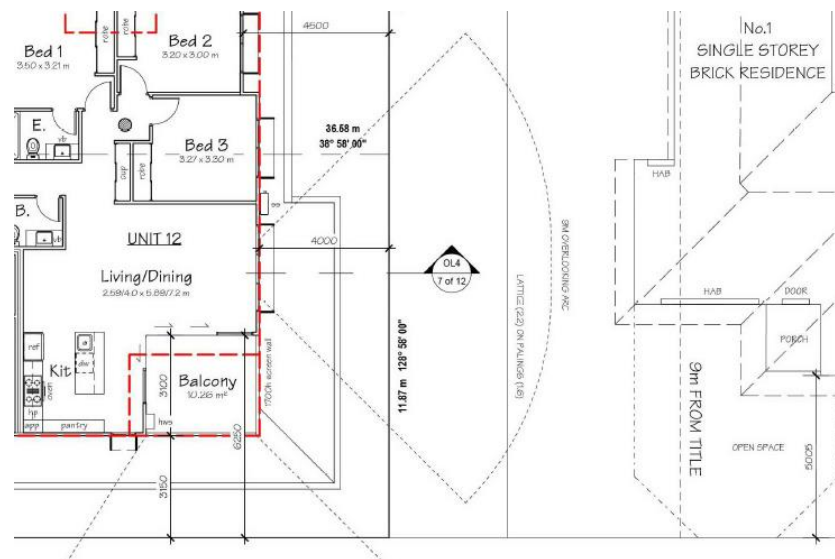


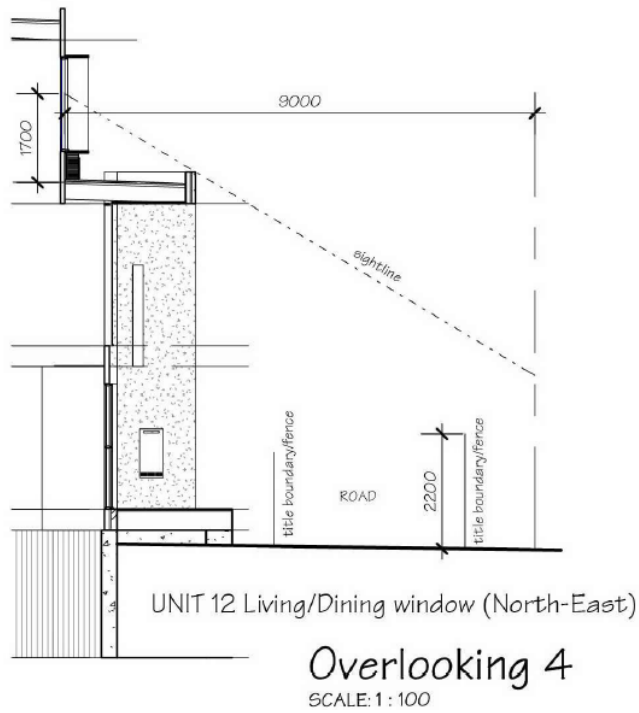
Overlooking 2 UNIT 11 Balcony (South-West)
 SCALE: 1 : 100

- Due to the first floor footprint, the roof form associated with the lower level prevents any downward views into balconies or areas of SPOS contained within the development.
- There is no unreasonable overlooking from Dwelling 11.

Dwelling 12

- Windows on the north-west elevation (Bed 1) has obscure glazing to 1.7m above FFL.
- Windows on the north-east elevation (Bed 2 and bed 3) have obscure glazing to 1.7m above FFL.
- The north-east facing window (Living/Dining) has not been screened. The plans include an overlooking diagram and Sectional Diagram (OL4) which demonstrate the view towards the ground level of the dwelling at 1 Eighth Street is obstructed by the first floor roof of the development.





- It is further considered this is a driveway, and not a habitable room or area of Secluded Private Open Space. This area is open to the public realm when viewed from Eighth Street. The area of POS is located further north-east to the driveway and includes a transparent fence. This area is not private or obscured from the public realm.

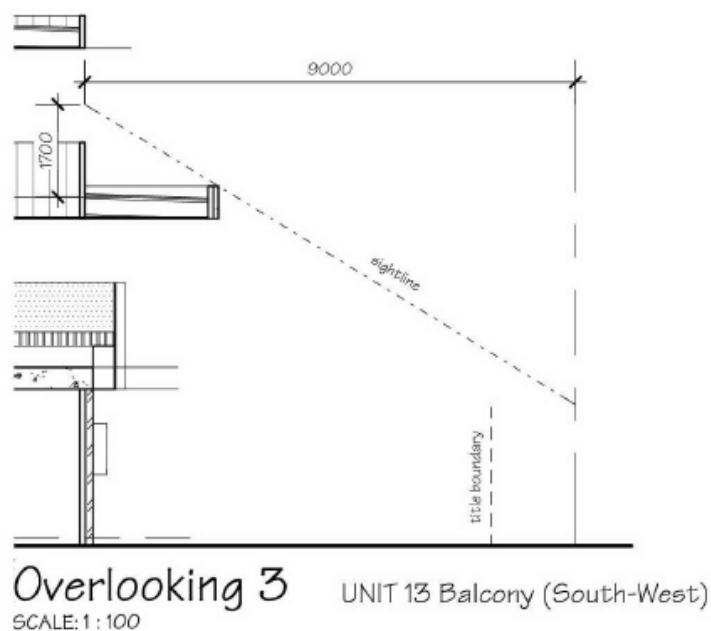




- The balcony of Dwelling 12 has included a 1.7m high screen on the north-eastern elevation, however it is not considered this is necessary as there is no overlooking potential into SPOS or habitable rooms on adjoining properties. This has been included as an outcome of the previous VCAT decision, which will be discussed in this report.
- The south-east side of this balcony has not been screened. Views from this balcony extend only into the Eighth Street Road reserve, with no habitable rooms windows or areas of SPOS within 9 metres. The balcony does not require an additional screening.
- Due to the first floor footprint, the roof form associated with the lower level prevents any downward views into balconies or areas of SPOS contained within the development.
- Similarly, the kitchen window does not require screening as the outlook is into the public realm.

Dwelling 13

- Windows on the south-east elevation (Bed 1, Bed 2 and Bed 3) do not require screening as the outlook is into the public realm.
- Due to the first floor footprint, the roof form associated with the lower level prevents any downward views into balconies or areas of SPOS contained within the development. Sectional Diagram OL3 demonstrates the roof form associated with the lower level prevents any downward views into balconies or areas of SPOS within the development. The living room view is also obstructed by built form.



Concern was raised that the second level provides elevated views across other properties, however the Standard B22 must be considered in regard to the 9 metre measurement. Anywhere views are achievable the development has been screened appropriately.

It is considered the proposal does not provide any overlooking potential and is compliant with Standard B22.

14.8 *Increased Noise*

The noise generated from the additional three dwellings within the residential development is not considered to be beyond what is generally expected in a residential area.

14.9 *Precedent set within the Neighbourhood*

Each proposed development will be assessed against the Kingston Planning Scheme and the merits of the application at the time of submission. Each site is unique; therefore, it is unreasonable to expect this development to be replicated on any other site.

15.0 PREVIOUS VCAT DECISION

15.1 As identified in Section 1 of this report, Planning Application No. KP-2016/97/B was submitted to Council on 13 September 2019, seeking approval for the following:

Amend the plans endorsed under the permit generally involving:

- Alterations to the Basement Level generally including:
 - Increase the overall dimensions and net floor area of the basement
 - Alterations to setbacks to boundaries
 - Increase the number of car parking spaces
 - Improved bin storage, internal storage and bicycle parking facilities
 - Inclusion of a below ground water tank.
- Alterations to the Ground Floor Level generally including:
 - Alterations to the internal configuration
 - Alterations to the Eighth Street Entry door
- Alterations to the First Floor Level generally including:
 - Alterations to the internal configuration
- Additional Second Floor Level generally including
 - The provision of four (4) additional dwellings
- Alterations to the building facade
- Increased maximum building height from 8.235 metres to 10.17 metres.

Amending the conditions of the permit by:

- Condition 18c. Changing the words from 'Details whether waste collection is to be performed by Council's services or privately contracted' to 'Details of the Private Waste Collection Contractor'

Adding Conditions to the permit:

- Condition 18e which states 'All waste must be collected from Eighth Street only'.

Amending the description of what the permit authorises by:

- Replacing the words "ten (10) dwellings" with the words "fourteen (14) dwellings".

15.2 The Section 79 Appeal, and ultimate recommendation of refusal of the application amendment was heard at the Major Cases Hearing (Application for Review was lodged with the Tribunal and allocated VCAT Reference No. P107/2020, 123 Como Pty Ltd v Kingston CC [2020] VCAT 903) on the 25 June 2020.

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- 15.3 VCAT affirmed the decision of the Responsible Authority, with the decision issued on the 21 August 2020.
- 16.0 The hearing was before Senior Member Rachel Naylor. The Tribunal subsequently decided to uphold Councils refusal, with the following statements provided in the written decision:
- [2] *I am not going to allow the additional storey, but it is because there are particular design aspects that are of concern. My decision is not because there is any fundamental concern to a third storey per se.*
- [26] *It is for those reasons that I am going to refuse to grant this amendment. To be clear, it is this particular design that I am refusing, as opposed to refusing a third storey in principle given the zoning of this site.*
- 16.1 The current application for consideration has been lodged by the same applicant, therefore the application is considered to be a repeat application.
- 16.2 The principles for consideration of repeat appeals have been set out and reaffirmed by the courts and the Tribunal over time through various VCAT decisions. These decisions have found that when an application has been lodged as a repeat appeal, the Responsible Authority must have consideration for the previous decision, if it has been demonstrated the applicant has made alterations or significant changes in the application itself in response to the decision.
- 16.3 It is however discretionary of the Responsible Authority to determine how much weight any previous decision has when assessing the current proposal.
- 16.4 It has also been established that an alternate decision may be appropriate if the proposal under consideration can demonstrate that it has responded to clear directions from a previous review.
- 16.5 It is reasonable that Council as the Responsible Authority have consideration of the previous VCAT decision, and this forms part of the decision making process for the current application.
- 16.6 The following is a summary of the reasons for the above decision:
- Excessive visual bulk to the north-west side elevation and north-east rear elevation.
 - The setbacks (second floor) along the rear section of the north-west boundary, and the north-east interface are unacceptable.
 - The development has not had sufficient regard to the amenity of the secluded private open space of 1/121 Como Parade East. A lack of articulation in that rear section of the building and that is unfortunate as it also happens to be adjacent to a sensitive secluded private open space. Therefore, a better design solution is needed.
 - Concern with the design is the proposed apartment in the rear corner of the third storey of the building, which based on the proposed second floor plan is Unit 12.
- 16.7 The following is an assessment of the current proposal against the decisions and commentary made by Senior Member Naylor.
- 16.8 In regard to the proposed three storey height within the General Residential Zone, Senior Member Naylor stated the following:
- [3] *There is nothing in the planning scheme that can lead me to the conclusion that a three storey building in general terms in this location is unacceptable. The reasons why are because:*
- *The General Residential Zone that applies to this land and the residential area surrounding encourages a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.*
 - *This is reiterated in the Council's local policy at clause 22.06, which places this site and the surrounding residential area in an increased housing diversity area that, again, encourages increased residential densities and a wider diversity of housing types and sizes in areas that have convenient walking distance to public transport and activity centres.*

- *This site is situated in such a location. It and the surrounding neighbourhood are very proximate to an activity centre and public transport. This means those aspirations of both the General Residential Zone and local policy are met.*
- *The General Residential Zone allows for building heights up to 11 metres, which does equate to three storeys.*

[4] *Again, it is just not possible for me to find that a three storey building, in general terms, in this neighbourhood is unacceptable. But, having said that, the General Residential Zone, at the same time that it encourages diversity of housing types and housing growth, also encourages development to respect neighbourhood character. Therefore, the general ability to propose a three storey building must be balanced with achieving a design that respects the neighbourhood character.*

16.9 The revised design retains the third storey, however at a reduced footprint with one less dwelling.

16.10 Senior Member Naylor made it clear in her decision that:

[4] *... The purpose of the General Residential Zone does not specify whether it is the existing character or a preferred neighbourhood character that you need to consider. It is a general purpose/statement about respecting neighbourhood character, so therefore both the existing character and any preferred neighbourhood character statement are relevant in this case.*

16.11 Senior Member Naylor agreed there was a prevalence of single storey detached dwellings, mostly with a single or double storey (6-9 metre height) built form within the surrounding neighbourhood. It was found that the existing neighbourhood character within the area is generally in accordance with the Neighbourhood Character Area 20, which was established in 2007.

16.12 Senior Member Naylor also made a clear determination that the current application should not be assessed against the 'Housing Strategy & Neighbourhood Character Study'. This document identifies potential future alterations to areas (subject to community consultation and assessment), and a preferred neighbourhood character. Senior Member Naylor stated that as this is not a Council adopted document in any form, and a Planning Scheme Amendment would be required to make any formal changes to the Planning Scheme, therefore this document has no weight and it would be premature to utilise this to form any basis of consideration.

16.13 The VCAT decision also looked closely at Clause 21.07 and Clause 22.06, which identifies the subject site is within the area designated for Increased Housing Diversity. SM Naylor's decision states that:

[8] *... There is nothing in that description (Increased Housing Diversity) that specifically identifies apartment buildings or three storey buildings. The description merely says that design of new medium density housing proposals need to display sensitivity to the existing residential context and amenity standards. Similarly, in regard to clause 22.06 about the neighbourhood character, the Council took me to the built form outcomes. They are focused, again, on two storey scale or upper storey components at the rear being sensitively designed to avoid unreasonable adverse amenity impacts on neighbours; and to encourage well articulated and graduated elevations in order to avoid box-like double storey designs and thus reducing visual bulk.*

16.14 When considering the merit of a three storey development on its own, Senior Member Naylor found that the three storey development and overall height of the development was not problematic, and is an appropriate response given the location of the subject site. It was considered the three storey development is an appropriate response to the neighbourhood character and policy of the Kingston Planning Scheme.

16.15 The decision established that whilst a three storey development is acceptable, the detailed design and overall footprint of the upper level posed an unreasonable amenity impact to adjoining properties. It was considered the bulk associated with the upper floor towards the

northern rear corner of the development is excessive and must be revised for any further consideration.

- 16.16 Senior Member Naylor found that in this context, when viewed from Como Parade East or Eighth Street, the three storey development was well considered and an acceptable development outcome. Paragraph 14 and 15 below are relevant to the decision on the overall bulk and presentation:

[14] ... the bulk in the context of the street frontages to Como Parade East and Eighth Street does not concern me. This is because the proportions of the elevations and the roof form work acceptably in terms of presentation.

[15] However, whilst I am generally comfortable with the street presentations, I am not comfortable with either the northwest side elevation or the northeast rear elevation.

- 16.17 The proposal before the Tribunal satisfied measurable standards within Clause 55 such as side and rear setbacks, therefore there was an expectation that compliance with the standard is a direct correlation to an acceptable design response. Senior Member Naylor does not agree with this and considered compliance with a standard can still result in unreasonable and detrimental amenity impacts, or a poor design. Senior Member Naylor determined the following:

[16] ... the bulk of the building is evidenced in the northwest and the northeast elevations and where they intersect. They appear to be the poor cousin in terms of a comparison to the streetscape presentations.

[17] ... the setbacks of the proposed new level along that rear section of the northwest boundary, and the northeast interface is also unacceptable.

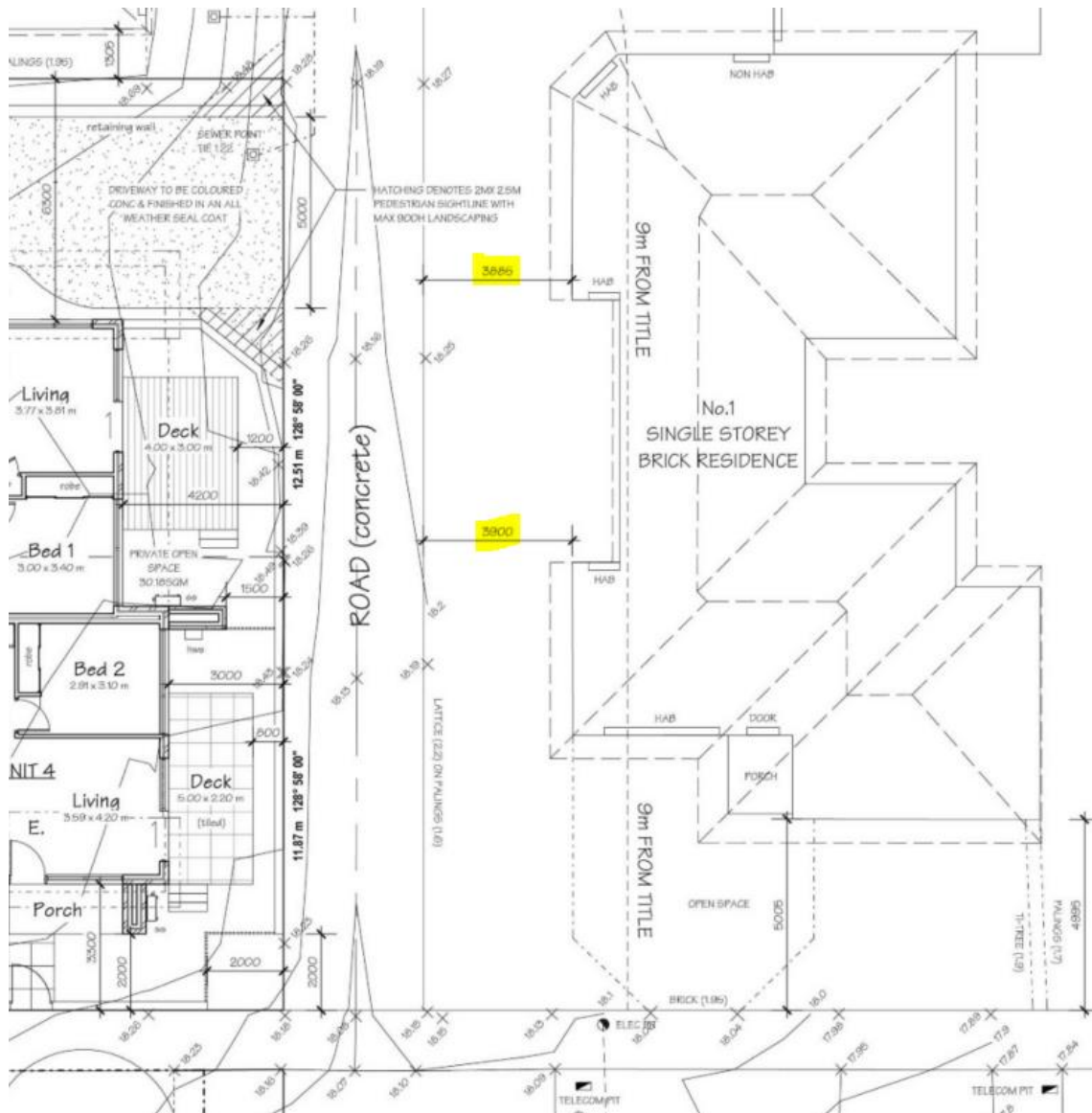
- 16.18 The written decision from Senior Member Naylor provides an interpretation of where the sensitive interfaces were considered to be, Paragraph 17 as follows, and are relevant to ensure the current proposal has sufficiently changed to address the areas raised as concern.

[17] I agree with the submissions made by Mr Sissons about focussing on the courtyard space of unit 1 of No. 121. That is the only proximate secluded private open space that has a level of amenity that needs to be reasonably protected. The space associated with unit 2 does have more of a service role, and the houses that exist on the other side of the rear laneway have more of a front entry and/or garages and driveways or the like. I am not saying that those residential properties do not have a level of amenity associated with them, but they do not have the same level of sensitivity that needs to be considered for unit 1 of No. 121. Again, the courtyard of unit 1 of No. 121 does form the role of secluded private open space and their concerns as expressed in their objection raise issues about the visual impression of this building.

- 16.19 The aerial image below shows the relationship between the subject site (123 & 125 Como Parade East, 1/121 Como Parade East, 2/121 Como Parade East and the dwellings to the north-east of the laneway, 1 Eighth Street and 1A Eighth Street.



- 16.20 Council agree with Senior Member Naylor in that the courtyard for 1/121 Como Parade East is Secluded Open Space, whereas the courtyard for 2/121 Como Parade East is better defined as a service yard.
- 16.21 A driveway providing access to 1A Eighth Street is located along the north-eastern side of the laneway at the rear of the site, with the dwelling (habitable windows and areas of open space) associated with 1 Eighth Street located approximately 3.89 metres further to the north-east.

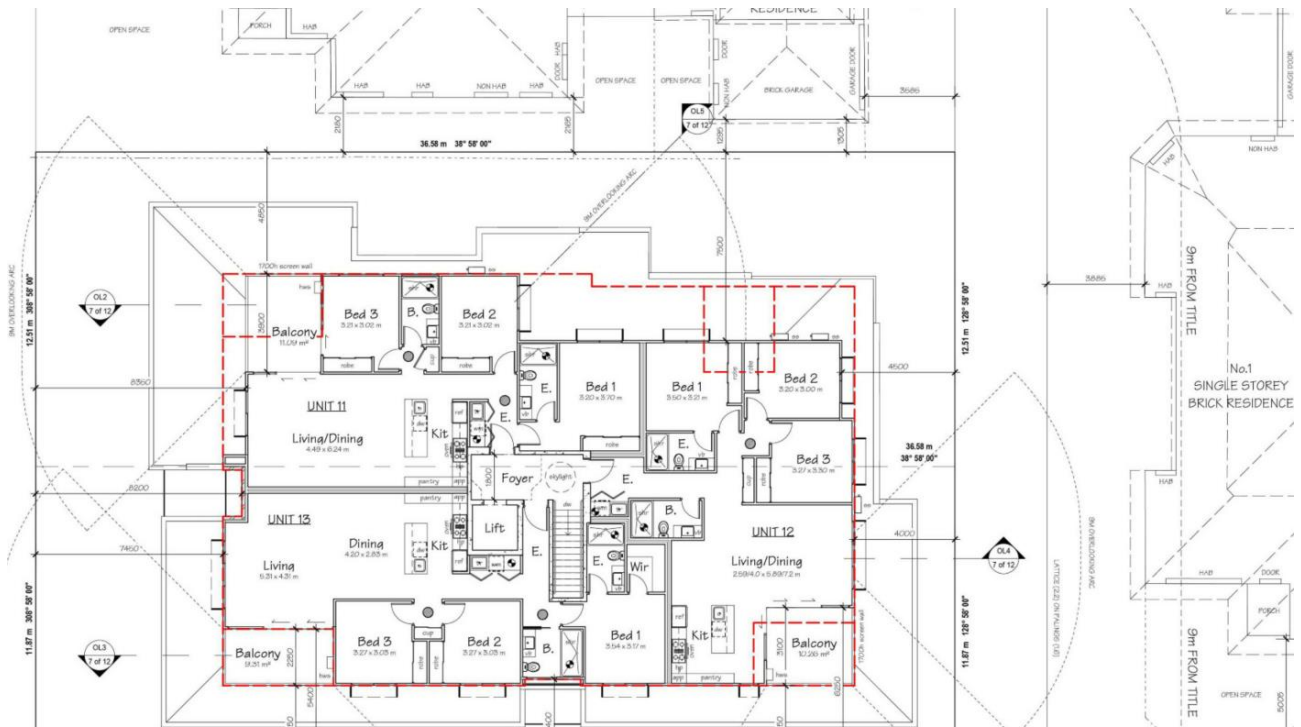


16.22 In the assessment of the design of the upper floor, Senior Member Naylor stated the following:

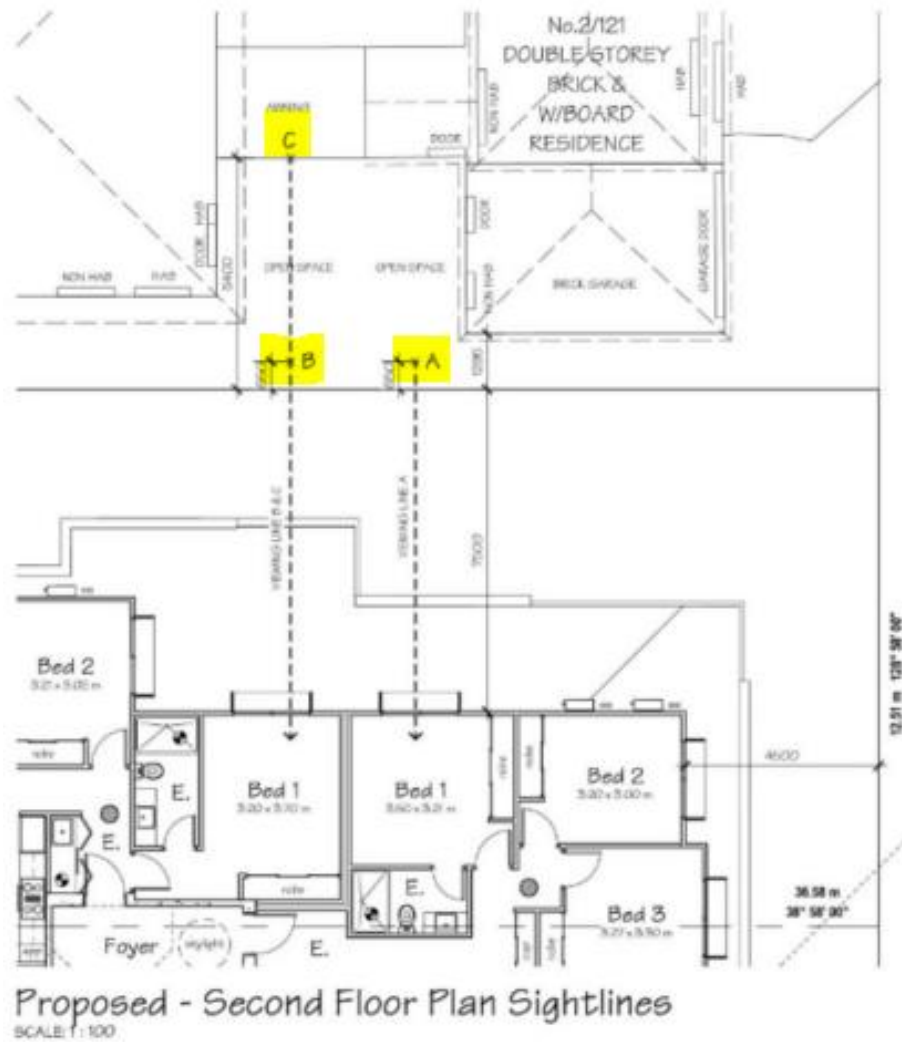
[17] ... When it comes to assessing visual bulk, it is a combination of the height, the setbacks, the articulation in terms of stepping in and out, the materials and finishes that are used, the placement of windows. There is a lack of articulation in that rear section of the building and that is unfortunate as it also happens to be adjacent to a sensitive secluded private open space. Therefore, a better design solution is needed.

[18] The other aspect of my concern with the design is the proposed apartment in the rear corner of the third storey of the building, which based on the proposed second floor plan is unit 12.

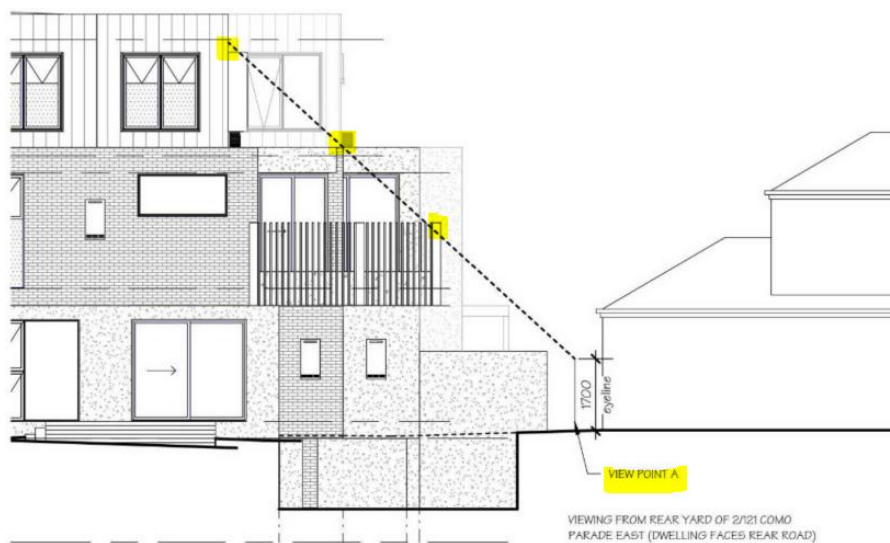
16.23 To address the concerns raised by Senior Member Naylor, the applicant has revised the design of the second floor, by deleting a dwelling (in the north-east corner of the development) and increased the setbacks from the previous proposal. The extent of the development plans below includes a dashed red line which represents the extent of the upper floor that was refused.



- 16.24 There has been a substantial reduction in the extent of built form at the rear of the site, along that rear section of the north-west boundary, and the northeast interface, the location identified by Senior Member Naylor identified as the primary issue.
- 16.25 The setbacks on the upper floor along the north-western boundary (opposite 1/121 Como Parade East) have been increased from between 4.85 – 5.35 metres to 4.85 – 7.5 metres. The extent of the wall with the 4.85 metre minimum setback has been brought forward, towards the Como Parade East frontage, which further reduces the extent of built form adjacent to the SPOS of the adjoining dwelling. It is also noted that Unit 11 includes an increased street setback and alteration to the design of the balcony which reduces the presence of visual bulk when viewed from the north-west boundary.
- 16.26 Along the north-eastern rear boundary, the extent of built form has been reduced, along with the incorporation of a step (additional 500mm setback) into the building design. It is noted the written decision issued by Senior Member Naylor only identified concerns with the rear section of the north-west boundary, and the north-east interface, being the intersection in the northern corner. Concerns were not raised in regard to the setback or the overall design of the built form for the balance of the north-east elevation.
- 16.27 As part of the current proposal, the applicant has provided additional perspective drawings, 3D renders and section diagrams demonstrating the reduced impact of the upper most floor to the adjoining dwellings. The Second Floor Plan Sightlines drawing has identified three main locations, one being within the Service Yard of 2/121 Como Parade East (Position A), and two within the SPOS of 1/121 Como Parade East (Position B and C).
- 16.28 Position A and B are located 650mm beyond the side boundary fence, where as position C is between the open space and the awning within the SPOS.



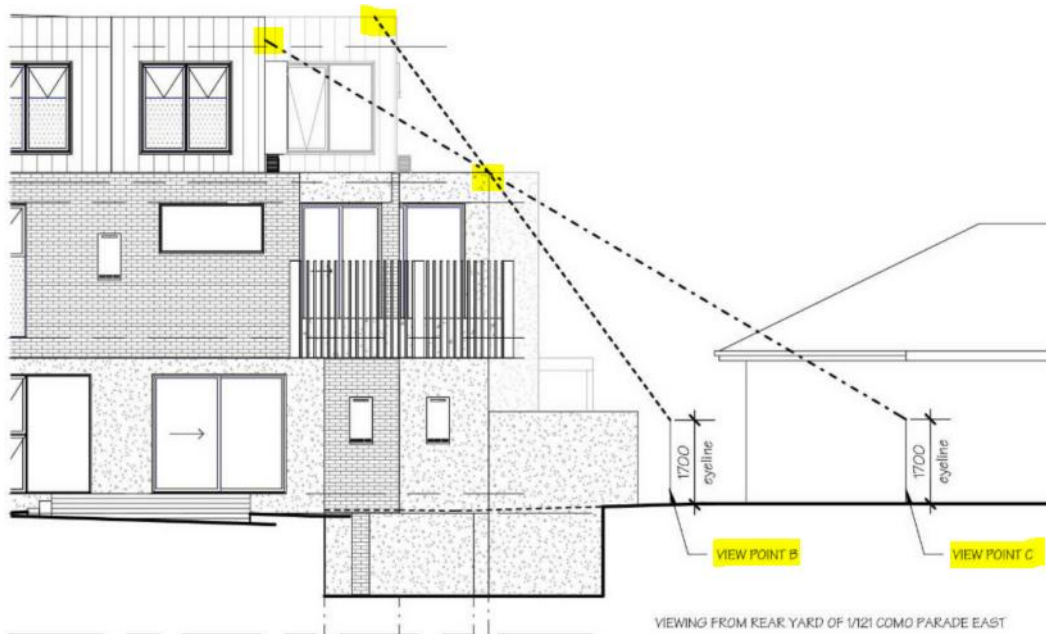
16.29 The view line from Position A is as follows:



North-East Elevation 1

16.30 From this position, any persons looking upwards towards the Second Floor would only see a small portion of the upper section of the wall. The balcony screening and roof form of the lower First Floor significantly obstructs the view to the upper most level, therefore the dominance of the third storey is minimum.

- 16.31 When the view lines from Position B and C are reviewed, the upper most floor is not visible from position B as the view line is obstructed by the first floor built form. Similar to that of position A, when a person views the development from position C the extent of the first floor significantly impedes the view to the uppermost level, leaving only a small portion of the third floor visible.



North-East Elevation 2

- 16.32 3D renders for the rear of the building have also been revised to demonstrate the dominance of the upper floor has been reduced. 3D View 2 is from the intersection of the laneway and Eighth Street, whilst 3D View 4 is a render of the building when viewed from the properties at 1/121 and 2/121 Como Parade East.

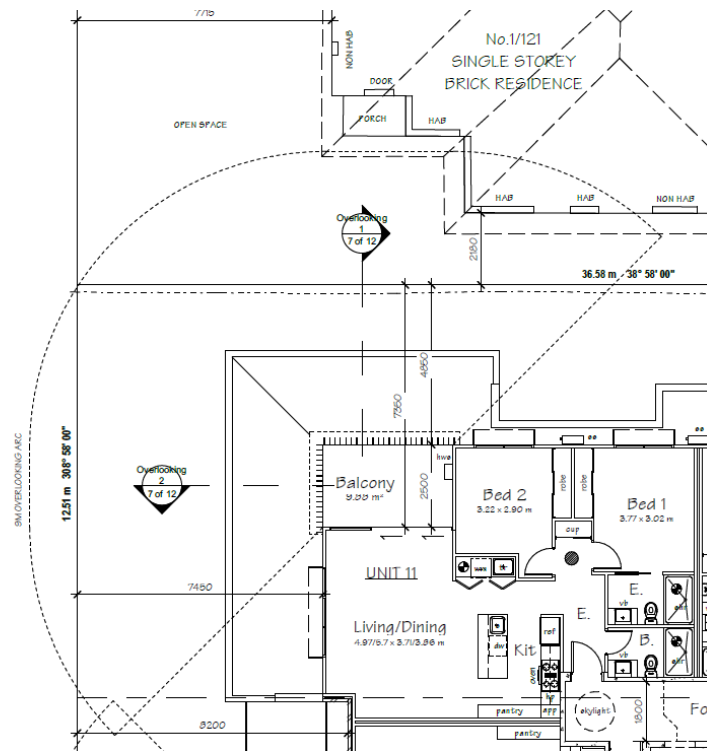


3D View 2

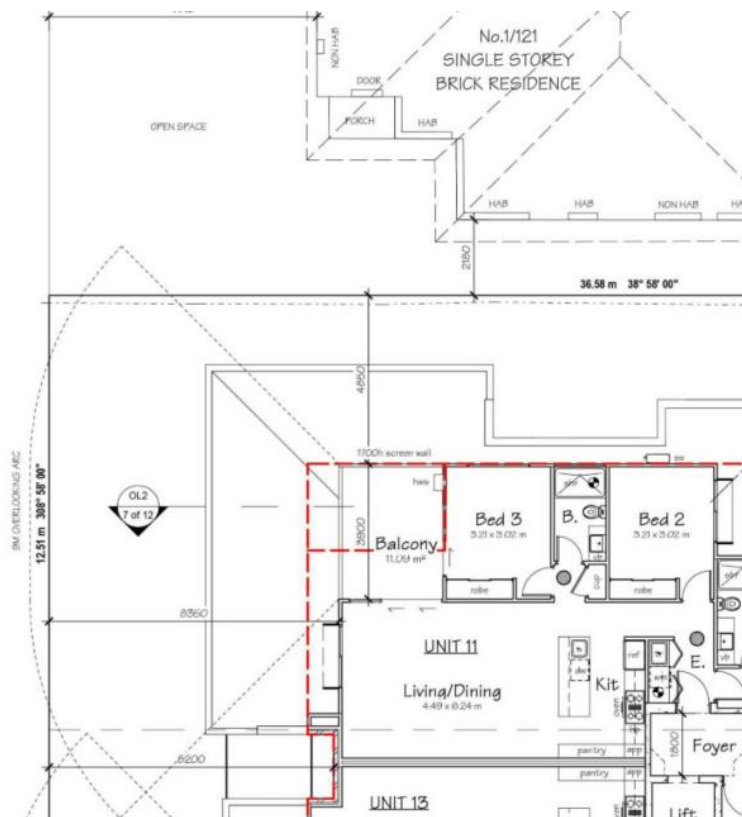


3D View 4 - viewed from North-West (adjoining properties)
SCALE:

- 16.33 It is noted Senior Member Naylor's decision does not suggest that the entire third storey should not be visible from the adjoining properties, nor does it suggest that any view of this development from these locations is unreasonable. The decision states that there is an expectation that the upper floor be reduced to reduce the amenity impact when viewed from these adjoining properties.
- 16.34 It is considered the increased setback along that rear section of the north-west boundary and the north-east interface are an appropriate amendment and the amenity impact is substantially reduced.
- 16.35 The design of the second floor, more so on the north-east elevation and north-west elevation has been revised to combine architectural elements, consistent with the elevations that are directed to Como Parade East and Eighth Street. Selected vertical cladding, larger more substantial windows (screened appropriately) and Heka Hoods surrounding the windows are features that have been incorporated into the second floor design, which assists the development to maintain a consistent architectural theme when viewed from all angles. The building has been re-designed to ensure architectural elements on present on all elevations, and it is no longer a 'back of house' or 'poor cousin' appearance to the rear laneway or the adjoining properties to the north west.
- 16.36 Furthermore, to reduce the presence of the second floor, the deletion of the dwelling in the northern rear corner has allowed for the dwellings to be re-oriented. The development no longer contains a second floor balcony with an outlook towards the north-west, therefore there is a significant reduction to the implied amenity impacts to these adjoining properties. The deletion of this dwelling and subsequent balconies addresses the concerns raised in paragraph 18 and 19 of the decision.
- 16.37 Senior Member Naylor expressed concern (paragraph 23) that the screening on the building, both on the second floor and the previously approved first floor may be insufficient to adequately restrict overlooking potential.
- 16.38 In regard to the second floor, the balcony associated with Dwelling 11 has been re-designed and reoriented to Como Parade East. A 1.7m high solid screen has been incorporated into the design along the north-west elevation, thus removing any concern related to overlooking that was present in the previous design.



(Previous Design – KP-2016/97/B)



(Current Proposal – KP-2016/97/C)

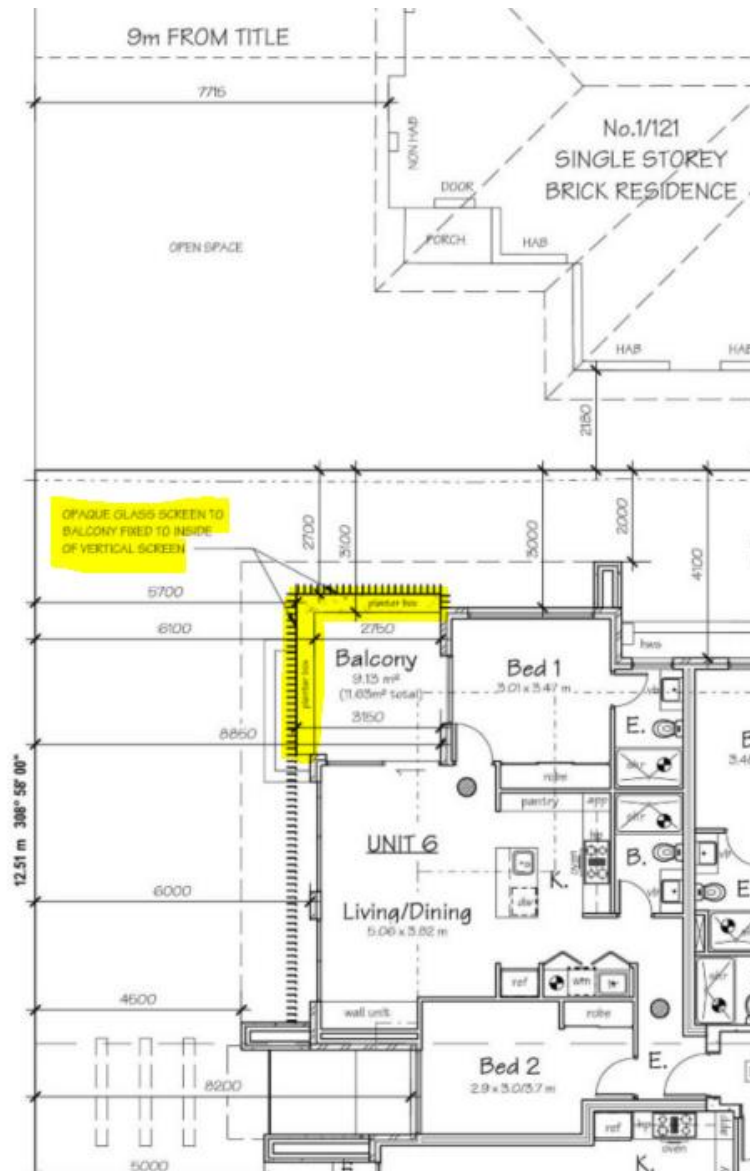
16.39 Overlooking Sectional Diagram 2 (OL2) has been submitted which demonstrates the roof form of the first floor restricts any downward views from the balcony of habitable rooms of Dwelling 11 into SPOS associated with any of the dwellings below.

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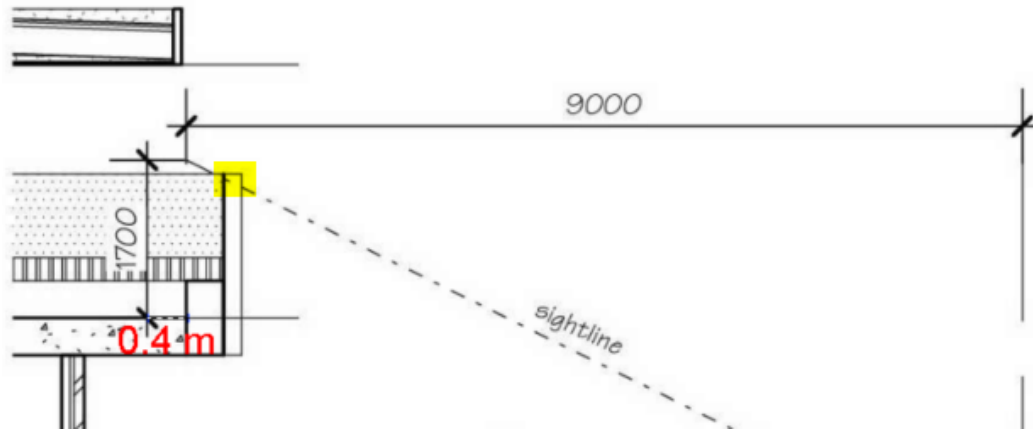
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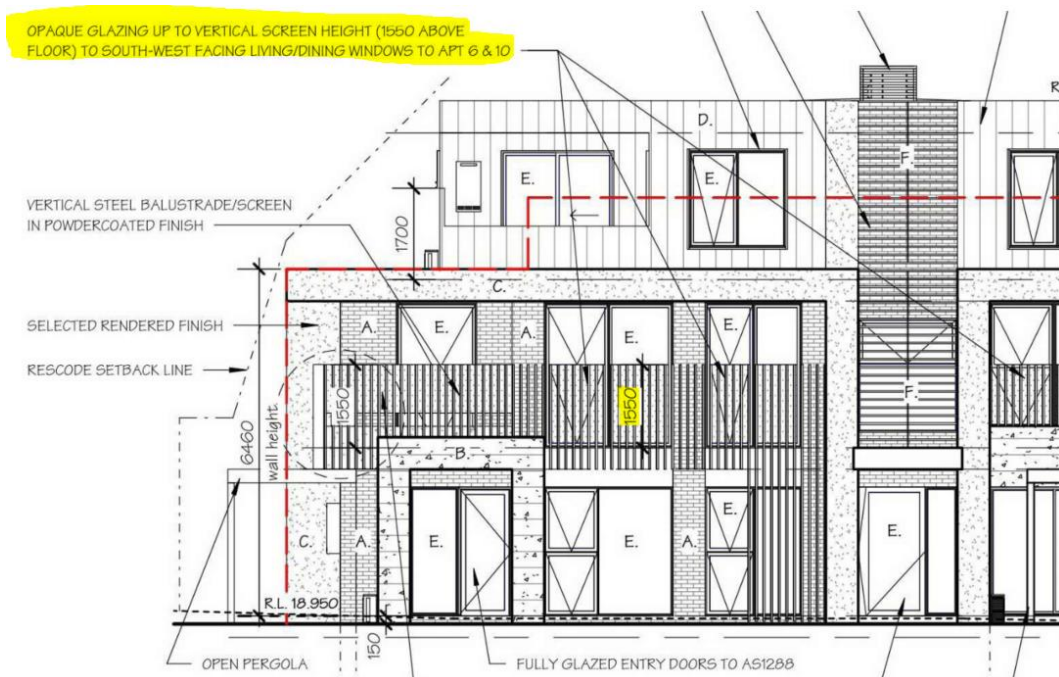
- 16.40 In regard to the screening techniques implemented on the balance of the building, Amendment KP-2016/97/A approved a redesign to overlooking mitigation methods, which included a vertical screening, and a combination of vertical screening + opaque glazing. Balconies also included planter boxes which setback the viewing point.
- 16.41 Where vertical screening alone has been incorporated into the design, the spacing between each vertical fin, the setback of the screening from the building and height of the screening limits unreasonable views into adjoining SPOS or habitable rooms. Sectional diagrams have been submitted (and included on the current plans) which demonstrate how the spacing of the fins limit overlooking.
- 16.42 Using Dwelling 6 on the first floor for example, this balcony features vertical screening with opaque glazing fixed on the inside of the vertical fins. This is on both the north-west and south-west sides of the balcony. The balcony also includes a 400mm wide planter box on both these sides.



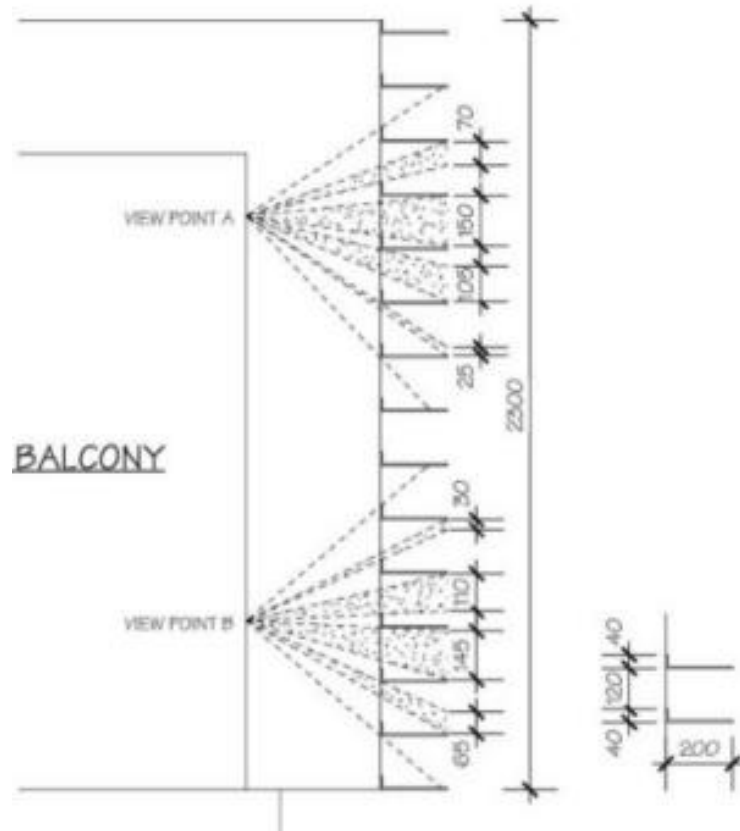
- 16.43 The height of the screening (fins and glazing) is 1.55m, which is lower than the standard 1.7m, however due to the 400mm wide planter box, the viewing point is setback an additional 400mm from the edge of the balcony. Using a standard height of a person at 1.7m, setback 400mm from the edge of the balcony, a screening height of 1.55m is sufficient to prohibit downward views into habitable rooms or adjoining SPOS.



- 16.44 Similarly, the Living/Dining Room windows of Dwelling 6 are screened by vertical screening fins and obscure glazing. The fins are also set off the building by 400mm, therefore the height can be reduced to 1.55m, rather than 1.7m. The 400mm setback from the building does not create any unreasonable overlooking downward into the SPOS below.



- 16.45 On dwellings which feature only the vertical fin screening, for example Bed 1 and 2 of Dwelling 9 and Bed 1 and 2 of Dwelling 10, the spacing and width of the fins limit excessive downward views. From one viewing point, the ability to look left and right is significantly impacted by the spacing of the fins. In addition to the above, area below is not Secluded Private Open Space on an adjoining allotment, therefore is only required to prevent overlooking by 50% (Clause 55.04-7 – Standard B23). An indicative example of the fins is below:



16.46 Council is satisfied the screening incorporated into the design does not result in any unreasonable overlooking potential into areas of SPOS or habitable rooms, and the screening proposed is compliant with both Clause 55.04-6 (Overlooking) Standard B22 and Clause 55.04-7 (Internal Views) Standard B23.

17.0 CLAUSE 55 (RESCODE ASSESSMENT)

17.1 It is reiterated the Clause 55 assessment is against the proposed amendments, not the overall development of a residential building as a whole. Council must be mindful of what is currently approved when making the following assessment.

17.2 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. 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.

17.3 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 Clause 55 provisions.

CLAUSE 55: RESCODE TABLE ASSESSMENT

Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 2. *****MUST meet the objective, SHOULD meet the standard*****

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. • To ensure that development responds to the features of the site and the surrounding area. 	<p>Standard B1</p> <ul style="list-style-type: none"> • The design response must be appropriate to the neighbourhood and site. • The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	<p>Complies with standard & meets objectives</p>
<p>Assessment: See assessment above for a response to Neighbourhood Character.</p> <p>The proposal respects the evolving and emerging streetscape and neighbourhood character through appropriate, innovative design. Nevertheless, the proposed development has been sensitively designed with appropriate setbacks and good opportunities for landscaping. The dwellings have been accordingly designed with varied elevations and building height, well-recessed setbacks to avoid overshadowing and varied building materials and finishes to provide an attractive and sympathetic finish.</p> <p>The public realm to both Como Parade East and Eighth Street will be enhanced with an outlook over both road reserves to provide surveillance of the road reserves and improved perceived public safety.</p>		
<p>Clause 55.02-2 Residential Policy objectives</p>	<p>Standard B2</p> <ul style="list-style-type: none"> ▪ An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard & meets objectives</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 		
<p>Assessment: In addition to the assessment above, it is considered the amendment including the addition of three dwellings is a positive contribution to the Parkdale area and responds appropriately to relevant policy.</p> <p>As per the applicant's submission.</p> <ul style="list-style-type: none"> The proposal provides additional residential accommodation within proximity to the Parkdale Activity Centre. Adding to the 20 minute neighbourhood given the proximity to services. The subject site is ideally located with excellent access to public transport, located within the PPTN. The subject site is within the General Residential Zone Schedule 2. Furthermore, the subject site is located within an area designated for Increased Housing Diversity and higher density development. The additional three dwellings provide greater diversity throughout the neighbourhood. 		
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Complies with standard & meets objectives</p>
<p>Assessment: The proposal and respective floor plans accommodate for a variety of living forms.</p> <p>Only three (3) additional dwellings are proposed or a total of thirteen (13) dwellings on the site. Diversity is proposed by providing a floor plan that is of limited supply in the area with good internal spaces and varied orientation. The development consists of a combination of two and three bedroom dwellings.</p>		
<p>Clause 55.02-4 Infrastructure objectives</p>	<p>Standard B4</p>	<p>Complies with standard &</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. 	<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 	meets objectives
<p>Assessment: The currently approved development is able to connect to all services. These can be extended to service the proposed development in accordance with the requirements of the relevant servicing authorities and Council. The proposal should not overload existing infrastructure servicing the locality.</p> <p>Conditions of the existing planning permit are adequate.</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. 	N/A
	<ul style="list-style-type: none"> • Development oriented to front existing/proposed streets 	N/A
	<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 additional three dwellings is contained within a second floor. As discussed, there is no alterations to the ground floor setbacks, alterations to the boundary fencing treatment or landscaping. The amendment does not alter the integration with the street.</p>		
<p>Clause 55.03-1 Street setback objective</p> <ul style="list-style-type: none"> ▪ To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> ▪ If no distance is specified in a schedule to the zone, the distance specified in Table B1 	N/A
<p>Assessment: In accordance with the endorsed plans of Planning Permit No. KP-2016/97/A building setbacks to Como Parade East and Eighth Street have been approved and not affected by the proposal.</p>		
<p>Clause 55.03-2 Building height objective</p>	<p>Standard B7</p> <p>Maximum: 11 metres and no more than 3 storeys under GRZ2</p>	Complies with standard & meets objectives

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To ensure that the height of buildings respects the existing or preferred neighbourhood character. 		
Assessment: See discussion in report.		
<p>Clause 55.03-3 Site Coverage objective</p> <ul style="list-style-type: none"> ▪ To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Standard B8</p> <p>Maximum: GRZ2 – 50%</p>	Complies with standard & meets objectives
Assessment: The standard requires site area covered by buildings to not exceed the maximum site coverage specified in the schedule to the zone, or if no maximum site cover specified, 60%. The proposal has a site coverage of 57.74%, in accordance with the Standard.		
<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</p> <p>At least: 20%</p>	Complies with standard & meets objectives
Assessment: A total of 28.54% of the site will not be covered by impervious surfaces, which complies with the 20% required by the standard.		
<p>Clause 55.03-5 Energy Efficiency objectives</p> <ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and residential buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Standard B10</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 with standard & meets objectives
Assessment: The proposed development has been designed for energy efficiency, with the provision of north, east and west facing windows to the main habitable rooms of each additional dwelling. All habitable rooms of the proposed dwellings are provided with appropriately sized windows to ensure adequate daylight is received.		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>The proposed dwellings will also be provided with wall and ceiling insulation (in accordance with Building Code of Australia). Each dwelling will share floor levels and are attached to enhance energy efficiency.</p> <p>Although three (3) storeys, the dwellings do not generate significant overshadowing or unreasonably reduce the sunlight received by adjacent properties.</p> <p>The proposal is in accordance with the requirements of the Standard.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11</p> <p>Public or communal open space should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	<p>N/A</p>
<p>Assessment: There is no communal private open space adjoining the site.</p>		
<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> ▪ To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways</p> <p>Good lighting, visibility and surveillance of car parks and internal accessways should be achieved.</p> <p>Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objectives</p>
<p>Assessment: The additional dwellings on the second floor result in an increased passive surveillance of Como Parade East, Eighth Street and the rear laneway.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	<p>Standard B13</p> <p>In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> ▪ Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. ▪ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ▪ Specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Complies with standard & meets objectives</p>
<p>Assessment: The application provides adequate space for the planting of various species, including canopy trees. The amendment has not reduced the approved on-site planting or deep soil planting potential. The landscape plan has been assessed by Council's vegetation Department and is considered to be consistent with the previous approval and maintain the landscaped nature of the neighbourhood.</p> <p>The standard and objective is met.</p>		
<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	<p>Complies with standard & meets objectives</p>
	<p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	
	<p>The location of crossovers should maximise the retention of on-street car parking spaces.</p>	
	<p>The number of access points to a road in a Road Zone should be minimised.</p>	
	<p>Access for service, emergency and delivery vehicles must be provided.</p>	
<p>Assessment: The amendment does not seek to alter access to the site. The proposal is consistent with the previously approved development. The proposed addition of three dwellings raises no concern with respect to traffic or access related matters, as confirmed by Council's Traffic Department.</p>		
<p>Clause 55.03-10 Parking location objectives</p>	<p>Standard B15</p> <p>Car parking facilities should:</p>	<p>Complies with standard &</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To provide convenient parking for resident and visitor vehicles. ▪ To protect residents from vehicular noise within developments 	<ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	meets objectives
<p>Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking.</p>		
<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> ▪ To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> ▪ 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	Complies with standard & meets objectives
<p>Assessment: The only abuttal to a side boundary is to the north-west. All other boundaries are road/laneway abutments. The building height adjacent to the north-west boundary varies between 9.64 and 10.12 metres. A side setback of between 4.73 and 5.27 metres is required and between 4.85 and 7.5 metres is provided, satisfying the requirements of the Standard.</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> ▪ To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ 10 m plus 25% of the remaining length of the boundary of an adjoining lot, 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 on boundaries are proposed.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p>	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p>	Complies with standard & meets objectives

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To allow adequate daylight into existing habitable room windows. 	<p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	N/A
<p>Assessment: Given the sites three road/laneway abutments, the axis of the allotment, and the setbacks provided to the second floor, the proposal will not have an unreasonable impact upon daylight to existing habitable room windows.</p> <p>The only residential abuttal is to the north, being 1/121 & 2/121 Como Parade East. As demonstrated on the submitted shadow diagrams, due to the orientation of the subject site, shadows cast do not extend within 1 metre of the adjoining habitable room windows. All habitable room windows on 1/121 Como Parade East receive daylight in accordance with the standard.</p>		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	Complies with standard & meets objectives
<p>Assessment: The corner of Como Parade East and Eighth Street is to the south of the subject site. North facing windows are not affected.</p>		
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> ▪ To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	Complies with standard & meets objectives
<p>Assessment: Refer to Section 13 of this report. Due to the orientation of the site, setbacks provided from all property boundaries, and the location of the three (3) storey elements of the built form, the proposal will not cause overshadowing of existing secluded private open space.</p>		
<p>Clause 55.04-6 Overlooking objective</p>	<p>Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p>	Complies with standard & meets objectives

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<ul style="list-style-type: none"> ▪ To limit views into existing secluded private open space and habitable room windows. 	<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.	
	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. 	
<p>Assessment: Refer to Section 13 of this report. With the appropriate location and treatment of upper floor windows and balconies, no habitable room windows or the balconies of the proposed dwellings will have a direct outlook into Secluded Private Open Space or habitable room windows of dwellings on adjoining properties.</p>		
<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> ▪ To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	Complies with standard & meets objectives
<p>Assessment: The design of the proposal ensures that no opportunity is available for overlooking into the private open space or windows of dwellings on the site from proposed ground, first and second floor windows, or balconies.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> ▪ To contain noise sources in developments that may affect existing dwellings. ▪ To protect residents from external noise. 	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	Complies with standard & meets objectives
<p>Assessment: The proposal has taken into account any relevant surrounding noise sources and that proposed. The site is located in a residential area at the interface with a railway line with residentially developed land to the north-west, north-east and south-east. With double</p>		

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glazing standard construction and Como Parade East and car parking in between, there are no significant noise generating sources relevant to this proposal.		
Clause 55.05-1 Accessibility objective <ul style="list-style-type: none"> ▪ To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies with standard & meets objectives
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility.		
Clause 55.05-2 Dwelling entry objective <ul style="list-style-type: none"> ▪ To provide each dwelling or residential building with its own sense of identity. 	Standard B26 Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with standard & meets objectives
Assessment: The proposed entries to all dwellings are clearly visible from the public realm. Each dwelling has a clear and identifiable sense of address from either Como Parade East, Eighth Street or the common pedestrian areas and common lobby and provide for the safety and security of residents and property by ensuring good general surveillance of the site and approaches to entries from inside the dwellings.		
Clause 55.05-3 Daylight to new windows objective <ul style="list-style-type: none"> ▪ To allow adequate daylight into new habitable room windows. 	Standard B27 HRW should be located to face: <ul style="list-style-type: none"> ▪ Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or ▪ Verandah provided it is open for at least 1/3 of its perimeter, or ▪ A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	Complies with standard & meets objectives
Assessment: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.		
Clause 55.05-4 Private open space objective <ul style="list-style-type: none"> ▪ To provide adequate private open space for the reasonable recreation and service needs of residents. 	Standard B28 GR22 - A dwelling or residential building should have POS consisting of:	Complies with standard & meets objectives

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	<ul style="list-style-type: none"> ▪ An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 25m², a min. dimension of 3m and convenient access from a living room, or ▪ A balcony of 8m² with a min. width of 1.6m and convenient access from a living room, or ▪ A roof-top area of 10m² with a min. width of 2m and convenient access from a living room. 	
<p>Assessment: All dwellings are provided with well-orientated, shaped and accessible areas of principle private open space that ranges from between 9.31 and 11.09 square metres in well-proportioned balconies for Dwellings 11 to 13, consistent with the diversity of dwellings proposed.</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 with standard & meets objectives
	<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>	N/A
<p>Assessment: Each additional dwelling is provided with private open space that has good access to northern light and is appropriately shaped to ensure its functionality.</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 with standard & meets objectives
<p>Assessment: Secure storage areas have been provided for each dwelling within the basement level.</p>		
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> ▪ To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	Complies with standard & meets objectives
<p>Assessment: This broader area consists of one, two and three storey built form in a range of housing styles, consistent with Council policy and the zoning of the land. Dwellings 1, 4 and 5 will front either Como Parade East or Eighth Street, and all other dwellings will front the common pedestrian access.</p>		

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<p>The façade treatment and selected colours and materials are consistent with the previous approval and is in keeping with development within the area. The additional level includes materials and design details which are in keeping with the balance of the building, whilst ensuring the top level does not become a dominant overbearing element.</p> <p>The elevation plans identify 'selected vertical cladding to second floor' and notate the Material as 'D'. The Colours and Materials Schedule however identifies material 'D' as Render Monument. A condition will be included on the planning permit requiring the elevation plans and colours and materials schedule to correctly identify the vertical cladding.</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: Front fencing is proposed to each frontage and has been approved by Planning Permit No. KP-2016/97/A.</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 with standard & meets objectives
	<p>Assessment: Where common property is proposed, it is functional, well-designed and capable of efficient management through an owner's corporation arrangement.</p>	
<p>Clause 55.06-4 Site services objectives</p> <ul style="list-style-type: none"> ▪ To ensure that site services can be installed and easily maintained. ▪ To ensure that site facilities are accessible, adequate and attractive. 	<p>Standard B34</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 with standard & meets objectives
	<p>Assessment: All infrastructure will be appropriately located to ensure easy and efficient access. Mailboxes are provided at the Como Parade East frontage of the site and waste disposal provided within the basement level car park, managed by the Owners' Corporation.</p>	

18.0 CONCLUSION:

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- 18.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and should be supported.
- 18.2 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.
- 18.3 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

19.0 RECOMMENDATION

19.1 That the Planning Committee, had an appeal not been lodged, determine to support the Amendment to Planning Permit KP-2016/97 at 123 & 125 Como Parade East, Parkdale, subject to the following conditions:

- 1 Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the VCAT amended plans known as Revision C dated 04 July, 2017, and the subsequent amended plans including the Development Plans prepared by Peter Hendy Design and Drafting Services, dated 18/03/2019 and the Landscape Plan, prepared by Wallbrink Landscape Architecture dated 4/02/2019 but modified to show:
- a. *DELETED*
 - b. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004;
 - c. the provision of a suitable traffic management device nominated on the accessway to control vehicle movements into the site;
 - d. the location of a/c heating units in accordance with condition 19 of this permit;
 - e. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - f. an intercom system nominated within the entry area of the building;
 - g. a notation on the floor / site plan(s) stating: "The redundant portion of the vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority";
 - h. *DELETED*
 - i. the Landscape Plan amended to replace the proposed artificial grass with lawn **and include planting within the second floor balconies;**
 - j. the following balconies/ windows to be provided with angled external screening that restrict downward views to the lower level SPOS and adjoining properties allowing some views to Commo Parade West and Eighth Street where applicable:

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- i The south-west living/dining room windows and balcony of Apt 6
 - ii The north-west balcony of Apt 7;
 - iii The north-west balcony of Apt 8;
 - iv The north-east living/dining room windows and balcony of Apt 9;
 - v The south-west living/dining room windows and balcony of Apt 10.
- k. the Basement Plan amended to allow for satisfactory vehicle movements for all car parking spaces, swept path diagrams and appropriate access arrangements for a suitable waste collection truck;**
- l. the colour and material schedule amended to correctly identify the materials shown on the elevation plans; and**
- m. the Sustainable Management Plan amended to the satisfaction of the Responsible Authority.**
- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Drainage

- 3 The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff above the permissible site discharge as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 8 L/s.
- 4 Before the development commences, prior to submission of a detailed Stormwater Management (drainage) Plan of the development as per condition 3) below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks for water reused for toilet flushing and other Water Sensitive Urban Design Treatments to achieve best practice objectives must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*" to the satisfaction of the Council;
- 5 Before the development commences, in line with accepted stormwater management strategy as per condition 2 above, a detailed Stormwater Management (drainage) Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management (drainage) Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.). The Stormwater Management Plan must be prepared as per Council's "*Civil Design Requirements for Developers – Part A – Integrated Stormwater Management*".
- 6 Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
- 7 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 Council.

- a. 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.
- 8 The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
 - a. The basement design must address the findings of the GAR and GMP required under condition 5, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's 'Basements and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.
- 9 In any case where the basement design and construction, required by condition 6 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

Street Trees

- 10 Prior to the commencement of any works on the site including demolition, a tree protection barrier must be installed at three (3) metres from the base of all street trees located on both the Como Parade East nature strip and the Eighth Street nature strip.

Infrastructure and Road works

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

Construction Management

- 17 Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security

- b. Traffic Management
- 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.

In the event of damage during construction to any adjacent Council roads, footpaths and park land, such damage will be required to be repaired by and at the full cost to the developer, to the satisfaction of the Responsible Authority.

Waste Management

- 18 Before the commencement of any buildings and works on the Land, 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. Three copies of the Plan must be submitted. The Plan must include but is not limited to:
- a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.
 - c. Details of the Private Waste Collection Contractor.**
 - d. The size of the collection vehicle and the frequency, time and point of collection.
 - e. All waste must be collected from the basement only.**

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

General amenity conditions

- 19 Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.
- 20 The amenity of the area must not be detrimentally affected by the use or development of the land, through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.

all to the satisfaction of the Responsible Authority.

- 21 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

- 22 Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
- 23 Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
- 24 Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
- 25 Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority
- 26 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.
- 27 All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
- 28 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time limits

- 29 In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:
- a. The development is not started within (2) years from the date of this permit.
 - b. The development is not completed within four (4) years from the date of permit issue.
- 30 In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:
- a. before the permit expires; or
 - b. within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
 - c. within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Stormwater Contribution

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- 31 The water sensitive urban design treatments of Stormwater as per all relevant conditions of the issued planning permit must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.

Sustainable Management Plan

- 32 Prior to the endorsement of plans required by Condition 1 of this permit, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority.

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment
C	(date of approval)	<p>Amend the plans endorsed under the permit generally involving:</p> <ul style="list-style-type: none"> • Alterations to the Basement Level generally including: <ul style="list-style-type: none"> ○ Increase the overall dimensions and net floor area of the basement ○ Alterations to setbacks to boundaries ○ Increase the number of car parking spaces ○ Increased and improved bin storage, internal storage and bicycle parking facilities ○ Inclusion of a below ground water tank ○ Modified access ramp and floor to ceiling clearance to allow for waste collection within the basement. ○ Minor modifications to the lift and stairs • Alterations to the Ground Floor Level generally including: <ul style="list-style-type: none"> ○ Alterations to the internal configuration ○ Alterations to the Eighth Street Entry door • Alterations to the First Floor Level generally including: <ul style="list-style-type: none"> ○ Alterations to the internal configuration • Additional Second Floor Level generally including <ul style="list-style-type: none"> ○ The provision of three (3) additional dwellings ○ Alterations to the building facade • Increased maximum building height from 8.235 metres to 10.17 metres. <p>Amending the conditions of the permit by:</p> <ul style="list-style-type: none"> • Condition 1i by adding words 'and include planting within the second floor balconies'. 	City of Kingston

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		<ul style="list-style-type: none"> • Condition 18c. Changing the words from ‘Details whether waste collection is to be performed by Council’s services or privately contracted’ to ‘Details of the Private Waste Collection Contractor’. <p>Adding Conditions to the permit:</p> <ul style="list-style-type: none"> • Condition 1k which states ‘the basement plan amended to reflect the without prejudice amended basement plan submitted on 15 April 2021, to the satisfaction of the Responsible Authority’. • Condition 1l which states ‘the colour and material schedule amended to correctly identify the materials shown on the elevation plans’. • Condition 1m which states ‘the Sustainable Management Plan amended to the satisfaction of the Responsible Authority’. • Condition 18e which states ‘All waste must be collected from the basement only’. • Condition 32 which states ‘Prior to the endorsement of plans required by Condition 1 of this permit, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority’. <p>Amending the description of what the permit authorises by</p> <ul style="list-style-type: none"> • Replacing the words “ten (10) dwellings” with the words “thirteen (13) dwellings”. 	
A	4/6/2019	<p>Amend the plans endorsed under the permit generally involving:</p> <ul style="list-style-type: none"> • Changes of external materials, window treatment and facade treatments • Internal reconfiguration of apartments at level 1 and 2 • Increase of floor area of unit 5 at ground level • Increase of floor area of unit 10 at first floor level • Increase of balcony associated with unit 8 at first floor level • Amend the material of the front fencing • Alteration to roof form including clerestory windows <p>Amending the conditions of the permit by:</p> <ul style="list-style-type: none"> • Amending Condition 1 of the permit by adding the words “and the subsequent amended plans including the 	City of Kingston

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		<p>Development Plans prepared by Peter Hendy Design and Drafting Services, dated 18/03/2019 and the Landscape Plan, prepared by Wallbrink Landscape Architecture dated 4/02/2019” before the words “but modified to show”.</p> <ul style="list-style-type: none">• Deleting Condition 1(a) of the permit.• Deleting Condition 1(h) of the permit.• Adding Condition 1(i), 1(j).• Adding Condition 31.	
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OR

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

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective.
4. The proposal does not fully satisfy the requirements of Clause 21.07 – Housing Policy, of the Kingston Planning Scheme.
5. The proposal does not fully satisfy the requirements of Clause 22.06 – Residential Development Policy, of the Kingston Planning Scheme.

Appendices

Appendix 1 - KP-2016/97/C - 123 & 125 Como Parade East, Parkdale - Considered Plans (Ref 20/220281) 

Author/s: Rochelle Reinhardt, Statutory Planner
Reviewed and Approved By: James Leonard, Principal Planner
Alfred Carnovale, Manager City Development

4.3

KP-2016/97/C - 123 & 125 COMO PARADE EAST, PARKDALE

1	KP-2016/97/C - 123 & 125 Como Parade East, Parkdale - Considered Plans	151
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20/204605



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

Office Use Only - Application No: KP / / Date Lodged: / /

Application to Amend a Planning Permit VIA Section 72.

THIS FORM **CAN** BE USED TO AMEND
PLANS, CONDITIONS AND/OR THE
PREAMBLE ON A PLANNING PERMIT.

If you need help to complete this form, read [How to Complete the Amend an Application for Planning Permit Form](#)

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

1. The Land

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

Street Address *

Unit No.:	St No.: 123&125	St Name: Como Parade East
Suburb: Parkdale	Postcode: 3195	

Formal Land Description *

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

A Lot No.: 1&2
 On Plan of Subdivision No PS:501411L

OR

B Crown Allotment No.: Section No.:
 Parish/Township Name:

2. Planning Permit Details

Plans/documents for which permit are being amended? *

Planning Permit No.: KP-2016/97/A

3. Development Costs

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.*

Cost of Proposed Amended Dev	-	Cost of Permitted Development	=	Cost Difference (+ or -)
\$		\$		+\$600,000.00

20/204605

4. The Amended Proposal

You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for? *

Indicate the type of changes proposed to the plans/documents.

List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet

What the permit allows Plans endorsed under the permit Current conditions of the permit Other documents endorsed under the permit
Details: Amend what the permit allows by increasing the number of dwellings from 10 to 13 by the inclusion of an additional level. Amend the endorsed plans to provide the additional level and 3 additional dwellings. Buildings and works to provide the additional 3 dwellings by the inclusion of the additional level in accordance with the submitted plans and reports.
Provide 2 sets of plans clearly identifying all proposed changes to the endorsed plans plus one A3 set of all plans, together with; any information required by the planning scheme, requested by Council or outlined in the Council checklist; and include a description of the likely effect of the proposal

5. Existing Conditions

Describe how the land is used and developed now? *

Eg. Vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats.

Have the conditions of the land changed since the time for the original permit application? Yes No

Please provide details of the existing conditions.

Vacant Land

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are helpful.

6. Title Information

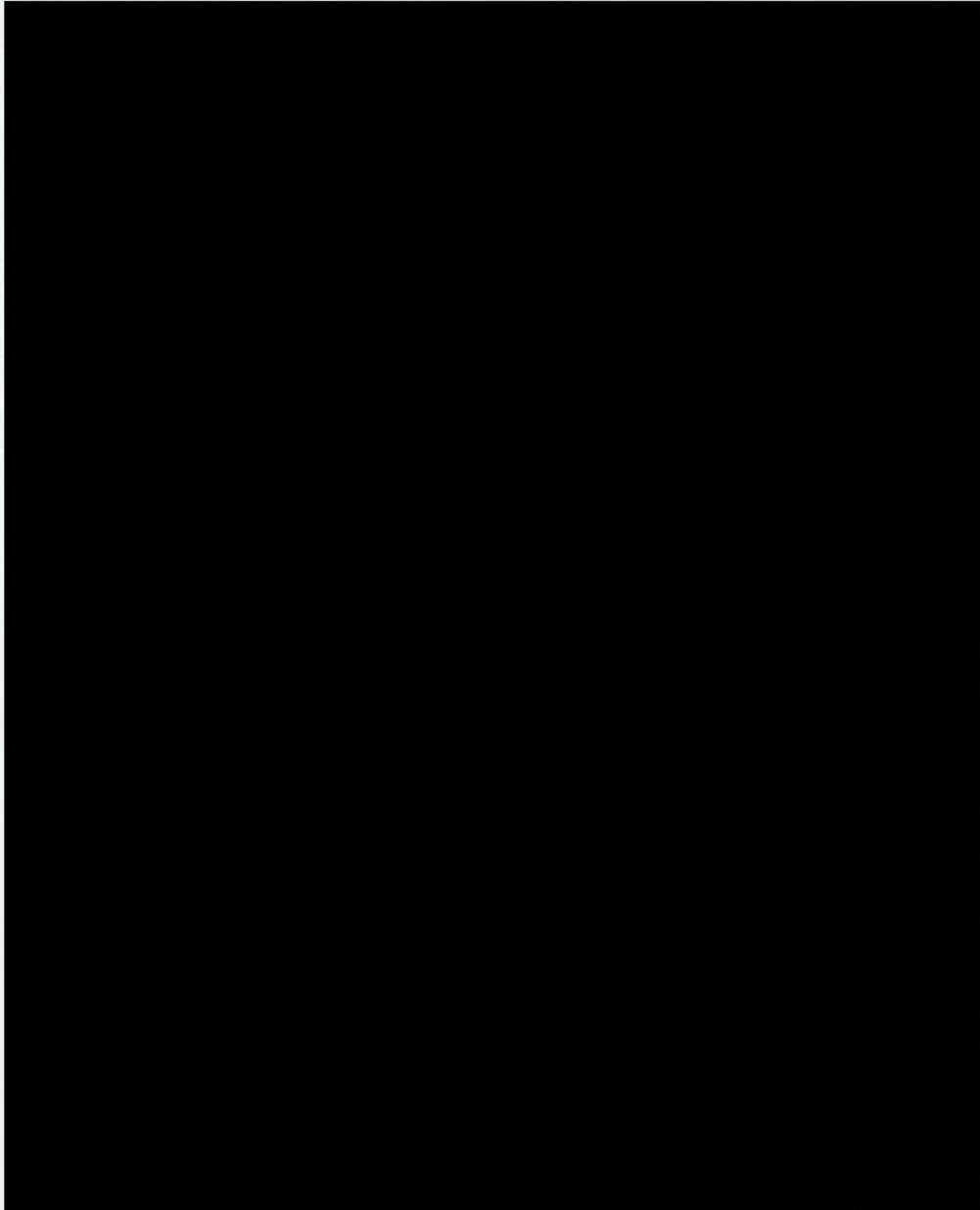
Encumbrances on title?*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (if 'yes' contact Council for advice on how to proceed before continuing with this application)
- No
- Not applicable (no such encumbrance applies)

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. Restrictive covenants.)

20/204605

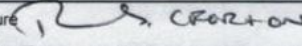


8. Declaration

This form must be signed by the applicant *

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

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

Signature 
BEHALF OF 123 COMO PARADE

Date: 11/09/2020
dd/mm/yyyy

20/204605

9. Need help with the Application?

Contact Council's planning department to discuss the specific requirements for this application. Insufficient or unclear information may delay your application.

If you need help to complete this form, please read [How to Complete the Amend an Application for Planning Permit Form](#)

General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

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

No

If 'yes', with whom?: James Leonard

Yes

Date: 2019/2020

dd/mm/yyyy

10. Information checklist

11. Have you:



Filled in the form completely?



Paid or included the application fee? (Contact council to determine the appropriate fee).



Attached all necessary supporting information and documents?



Signed the declaration (section 7)?

11. Lodgement

Lodge the completed and signed form and all documents with:

Council Name: City Of Kingston

Council Address: 1230 Nepean Highway, Cheltenham

Council Address: PO Box 1000, Mentone, Victoria, 3194

For help or more information

Telephone: 9581 4131

Fax: 03 9581 4500

Email: info@kingston.vic.gov.au

Privacy Notice

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

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

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

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

Page 1 of 1

VOLUME 10864 FOLIO 249

Security no : 124085251263M
Produced 02/09/2020 09:00 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 501411L.
PARENT TITLES :
Volume 08153 Folio 378 to Volume 08153 Folio 379
Created by instrument PS501411L 24/03/2005

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AD359605N 12/01/2005

DIAGRAM LOCATION

SEE PS501411L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 123 COMO PARADE EAST PARKDALE VIC 3195

DOCUMENT END

20/204605



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

Page 1 of 1

VOLUME 10864 FOLIO 250

Security no : 124085251329Q
Produced 02/09/2020 09:02 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 501411L.
PARENT TITLES :
Volume 08153 Folio 378 to Volume 08153 Folio 379
Created by instrument PS501411L 24/03/2005

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AD359605N 12/01/2005

DIAGRAM LOCATION

SEE PS501411L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 125 COMO PARADE EAST PARKDALE VIC 3195

DOCUMENT END

20/204605



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Document Type	Plan
Document Identification	PS501411L
Number of Pages (excluding this cover sheet)	2
Document Assembled	02/09/2020 09:03

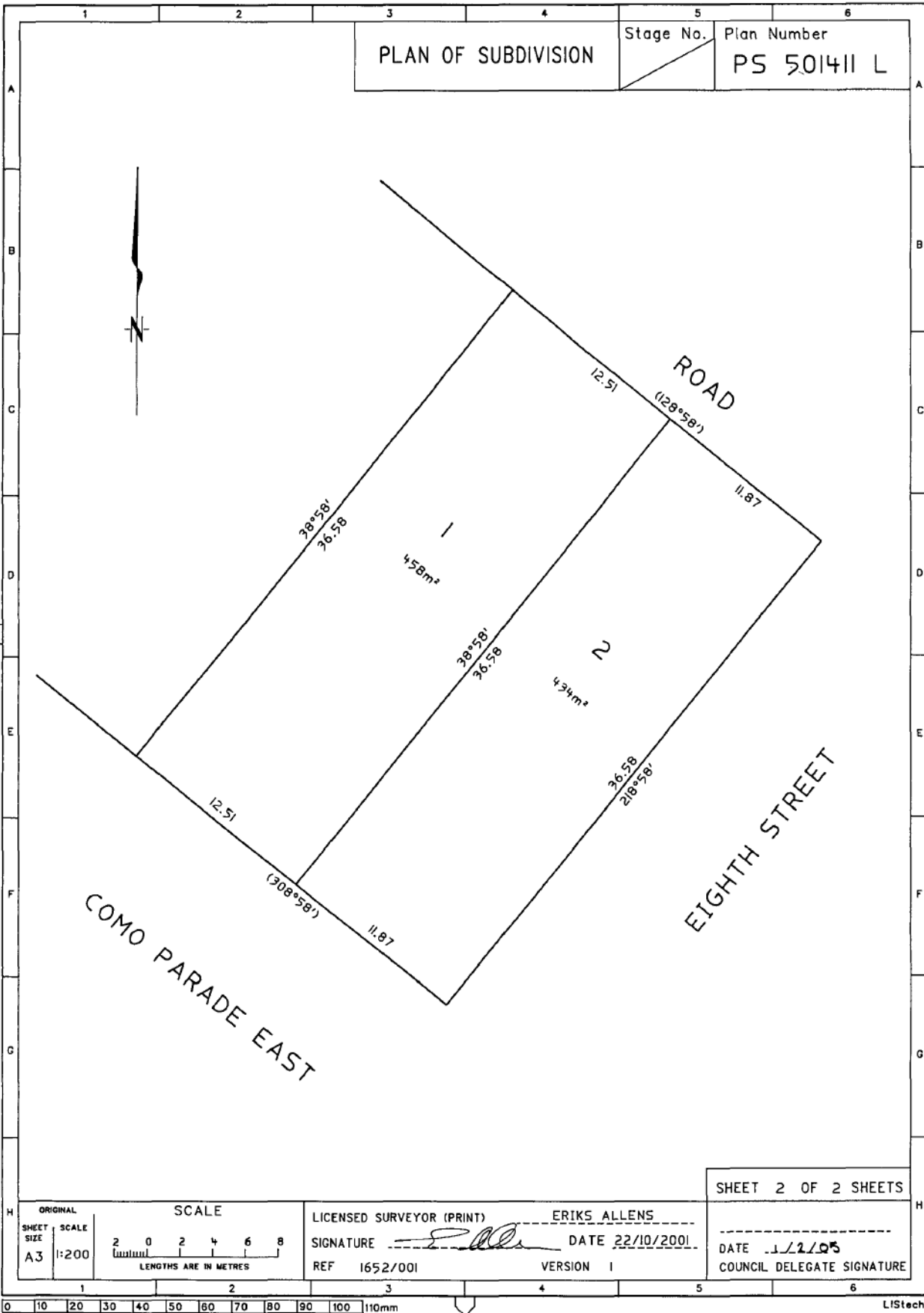
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PLAN OF SUBDIVISION		Stage No. /	LTO use only EDITION 1	Plan Number PS 501411 L		
Location of Land County: BOURKE Parish: MORDIALLOC Section 24 Crown Allotment: 12 (PART) LTO base record: Title References: Vol 8153 Fol 378 8153 379 Last Plan Reference: LOTS 9TO 12 LP 9926 Postal Address: <p style="text-align: center;">123 & 125 COMO PARADE EAST PARKDALE 3195</p> AMG Co-ordinates: N 5793214 (Of approx. centre of plan) E 330858 ZONE 55		Council Certification and Endorsement Council Name: KINGSTON Ref: KS211 104 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Open Space (i) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council seal Date 1 / 2 / 05 Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council seal Date / /				
Vesting of Roads or Reserves						
Identifier	Council/Body/Person					
Nil	Nil					
Notations						
Depth Limitation: Does not apply	Staging This is is not a staged subdivision Planning Permit No.					
Survey:- This plan is is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). in proclaimed Survey Area no.						
Easement Information			LTO use only			
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL LAND IN THIS PLAN.			Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 23 / 3 / 05			
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
ERIKS ALLENS L.S. CONSULTING SURVEYOR 142 COMO PARADE WEST PARKDALE 3194 TEL. & FAX. (03) 9580 0396 015 353 133			LICENSED SURVEYOR (PRINT) <u>ERIKS ALLENS</u> SIGNATURE <u>[Signature]</u> DATE 22/10/2001 REF 1652/001 VERSION 1		LTO use only PLAN REGISTERED TIME 9:07 AM DATE 24 / 3 / 05 <u>[Signature]</u> Assistant Registrar of Titles Sheet 1 of 2 Sheets DATE 1 / 2 / 05 COUNCIL DELEGATE SIGNATURE Original sheet size A3	

20/204605 Date: 02/09/2020 09:03 Page 2 of 2



20/204605



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Document Type	Instrument
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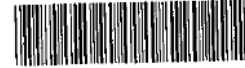
Section 181

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

AD359605N

12/01/2005 \$90 173



Lodged at the Land Titles Office by: Arthur George Breal
Phone:
Address: 123 Como Parade East, Parkdale
Ref:
Customer Code:

The Authority or council having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

Land: No. 123 & 125 (Lots 9-12, Volume 8153, Folio ³⁷⁸278 & 379, LP9926) Como Parade East, Parkdale

Authority: Kingston City Council, PO Box 1000 (34 Brindisi Street), Mentone

Section and Act under which agreement made: Section 173 Planning & Environment Act 1987

A copy of the Agreement is attached to this Application.

Date: 29 December 2004

Signed:

[Handwritten signature]

**Ian Nice
Manager Planning & Building**



DAD359605N-1-0

[Handwritten signature]
12 JAN 2005

Planning and Environment Regulations 1998 No. 8

Form 13

THIS AGREEMENT is made on the ~~fourth~~ day of ~~December~~ Two thousand and four.

B E T W E E N:

ARTHUR GEORGE BREALY
of 123 Como Parade East Parkdale ("the Owner") of the one part

AND

KINGSTON CITY COUNCIL of Municipal Offices, Brindisi Street, Mentone, Victoria
("the Responsible Authority") of the other part

THIS AGREEMENT WITNESSETH that in consideration of these presents the parties agree:-



PART 1

PRELIMINARY

1.1 Definitions

In this Agreement unless there is something in the subject or context inconsistent, the expressions referred to in Schedule No 1 shall have the meanings as set out in the said Schedule.

1.2 Interpretation

This Agreement shall be interpreted unless the context otherwise requires having regard to the provisions set out in Schedule No 2.

PART 2

BACKGROUND AND INTENTION OF PARTIES

- 2.1 The Owner is the owner and registered proprietor of the Owner's land.
- 2.2 The Responsible Authority is the responsible authority under the Planning and Environment Act 1987 pursuant to the Planning Scheme.
- 2.3 The Responsible Authority on 8 December 2004, issued a Planning Permit No. KP775/04 ("Planning Permit"), to subdivide the Owner's land into two (2) lots in accordance with a plan to be endorsed under condition 1 of the Planning Permit. Condition 2 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is attached to this Agreement at Schedule No. 3.
- 2.4 The parties enter into this Agreement to give effect to the requirements of the Planning Permit and to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Owner's land.
- 2.5 This Agreement shall come into force immediately upon the execution by both parties hereto and shall run with the Owner's land.



- 2 -

AD359605N

12/01/2005 \$90 173



PART 3

DEVELOPMENT OF THE OWNER'S LAND

3.1 Compliance with other permits

The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the consent of the Responsible Authority:

- (i) no building may be constructed or erected on the land, other than buildings that exist as at the date of this agreement and no building may be altered or extended, except with the written consent of Council.

3.2 Development must be to approval of Council

The Owner agrees that if the planning permit referred to in clause 3.1 expires after this Agreement commences, the development of the Owner's land must be to the satisfaction of the Responsible Authority.

3.3 No changes without further Council consent

The Owner agrees that after the completion of the development of a lot, no buildings or any works comprising the development may be altered or extended without the further written consent of the Responsible Authority.

PART 4

GENERAL

4.1 General Warranties

- a) The obligations herein imposed upon and assumed by the Owner shall be binding upon the Owner its successors, transferees, purchasers, mortgagees and assignees as if each such successor had separately executed this Agreement.
- b) The Owner shall not sell, transfer, dispose of, assign, mortgage or part with possession of the Owner's land or any part thereof without first disclosing to its successors the existence and nature of this Agreement.
- c) Each of the parties hereto shall respectively and expeditiously sign and execute all further documents and deeds and do all acts and things as the other party shall reasonably require to give effect to this Agreement.

4.2 Specific Warranties

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Owner's land which may be affected by this Agreement.

4.3 Application of Division 2 Part 9 Planning and Environment Act 1987



- 3 -

- a) Without limiting the operation or effect which this Agreement otherwise has the parties hereto acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the "Act" and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Owner's land may be used and developed for specified purposes.
- b) The Owner will consent to the Responsible Authority making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Owner's land in accordance with Section 181 of the Act and do all things necessary to enable the Responsible Authority to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

4.4 Costs

The Owner covenants and agrees that the Owner will immediately pay to the Responsible Authority, the Responsible Authority's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to the Responsible Authority by the Owner.

4.5 Waiver and Variation

Any time or other indulgence granted by the Responsible Authority to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Responsible Authority against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority in relation to the terms of this Agreement.

- 4.6 It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Owner's land or relating to any use or development of the Owner's land.
- 4.7 If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.
- 4.8 Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Owner's land, successors in title shall be required to:
 - a) give effect to and do all acts and sign all documents which will required those successors to give effect to this Agreement; and,
 - b) execute a deed agreeing to be bound by the terms of this Agreement.

AD359605N

12/01/2005 \$90 173



AD359605N-4-4

SCHEDULE NO 1

"Act" means the Planning and Environment Act 1987.

"Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

"the Responsible Authority" means Kingston City Council and any body successor thereof.

"the Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Owner's land or any part of it and includes a Mortgagee-in-possession.

"the Owner's land" means the whole of the land comprised in Certificate of Title, Volume 8153, Folio 378 & 379, Lots 9 to 12, LP9926, and being property address 123 & 125 Como Parade East, Parkdale.

"Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Owner's land or any part of it.

"Party or parties" means the Owner and the Responsible Authority under this Agreement as appropriate.

"Planning Scheme" means the Kingston Planning Scheme.



AD359605N

12/01/2005 \$90 173



- 5 -

SCHEDULE NO 2

- i) a reference to any statutes, regulations, proclamation, ordinance, planning scheme or by-law includes all statutes, regulations, proclamations, ordinances, planning schemes or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances, planning schemes and by-laws issued under that statute;
- ii) words importing the singular shall embrace the plural and words importing one gender shall embrace the other gender and vice versa respectively;
- iii) any reference to a person shall be deemed to include a body corporate and vice versa;
- iv) a covenant or agreement on the part of two or more persons binds them jointly and individually;
- v) headings are for convenience and reference only and shall not effect the construction or interpretation of the provisions of this Agreement;
- vi) A term used in this Agreement has its ordinary meaning unless that term is defined in Schedule No. 1. If a term is not defined in Schedule No. 1 and is defined in the Act it has the meaning as defined in the Act.
- vii) The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Owner's land provided that if the Owner's land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.



DAD359605N-6-1

AD359605N

12/01/2005 \$90

173



PLANNING PERMIT

Permit Number: **KP775/04**

SCHEDULE NO 3

Planning Scheme: **KINGSTON**

Responsible Authority: **CITY OF KINGSTON**



AD359605N
12/01/2005 \$90

ADDRESS OF THE LAND:

No. 123 & 125 (Lot 9, 10, 11 and 12 on PS No. 9926) Como Parade East, Parkdale

THE PERMIT ALLOWS:

The subdivision of the land into two (2) lots, in accordance with the attached endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Before the plan of subdivision can be Certified, the Owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the development of the created lots in accordance with endorsed plans. All costs associated with the Agreement will be borne by the owner.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for Certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
6. Reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans before any lot can be used or occupied.
7. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.
8. This permit will expire if one of the following circumstances applies:
 - a) The subdivision is not started within two years of the date of this permit.
 - b) The subdivision is not completed within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Note: Each building or part of a building resulting from this subdivision must comply with Regulation 3.3 of the Building Regulations 1994.

Date Issued 8/12/2004

Signature for the Responsible Authority [Signature]

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED BY ARTHUR GEORGE BREALY

Arthur George Brealy

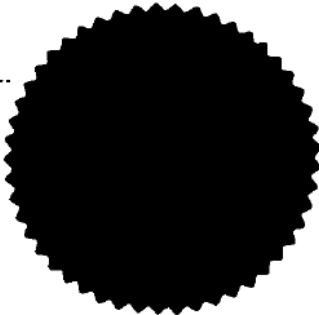
in the presence of :

Dr N. Baumgartel (Witness)
(Pharmacist)

THE COMMON SEAL of KINGSTON CITY COUNCIL was hereunto affixed in pursuance of a resolution of the Council and in the presence of:

[Signature]
Councillor

[Signature]
Chief Executive Officer



NATIONAL PHARMACIES - MENTONE
105 MENTONE PARADE
MENTONE VICTORIA 3194
PH: 03 9583 3392 FAX: 03 9584 1799
21758E - ABN 69 089 347 802



AD359605N

12/01/2005 \$90 173



20/204605



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HISTORICAL SEARCH STATEMENT

Land Use Victoria

Page 1 of 3

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Volume 10864 Folio 250
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Parent titles :
Volume 08153 Folio 378 to Volume 08153 Folio 379

RECORD OF HISTORICAL DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
------------------------------	---------------------------	---------	--------

13/07/2015	13/07/2015	AM027611T (O)	Y
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TRANSMISSION APPLICATION

FROM:
ARTHUR GEORGE BREALY
TO:
DESMOND JOHN BREALY

RESULTING PROPRIETORSHIP:
Estate Fee Simple
Sole Proprietor

DESMOND JOHN BREALY of 18 JOHNSTON STREET ANNANDALE NSW 2013 Legal
Personal Representative(s) of ARTHUR GEORGE BREALY deceased
AM027611T 13/07/2015

13/07/2015	13/07/2015	AM027828R	N
------------	------------	-----------	---

RECTIFICATION PROPRIETOR PROPRIETORSHIP

FROM:
ARTHUR GEORGE BREALY
ARTHUR GEORGE BREALY
TO:
ARTHUR GEORGE BREALY

RESULTING PROPRIETORSHIP:
Estate Fee Simple
Sole Proprietor

ARTHUR GEORGE BREALY of 123 COMO PARADE EAST PARKDALE VIC 3195
PS501411L 24/03/2005

09/10/2015	09/10/2015	AM240596V	Y
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TRANSFER OF LAND BY ENDORSEMENT

FROM:
DESMOND JOHN BREALY
TO:
AMDAN INVESTMENTS PTY LTD

RESULTING PROPRIETORSHIP:

20/204605



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HISTORICAL SEARCH STATEMENT

Land Use Victoria

Page 2 of 3

Estate Fee Simple
Sole Proprietor

AMDAN INVESTMENTS PTY LTD of 35 MERTON STREET CAULFIELD NORTH VIC 3161
AM240596V 09/10/2015

20/02/2018 20/02/2018 AQ747493V Y

TRANSFER OF LAND BY ENDORSEMENT

FROM:
AMDAN INVESTMENTS PTY LTD
TO:
123 COMO PTY LTD

RESULTING PROPRIETORSHIP:

Estate Fee Simple
Sole Proprietor

123 COMO PTY LTD of 29 MONTGOMERY STREET MORDIALLOC VIC 3195
AQ747493V 20/02/2018

STATEMENT END

VOTS Snapshot

Volume 10864 Folio 250
124013573361A
Produced 24/03/2005 09:07 am

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 501411L.
PARENT TITLES :
Volume 08153 Folio 378 to Volume 08153 Folio 379
Created by instrument PS501411L 24/03/2005

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 3 of a total of 5 equal undivided shares
Sole Proprietor
ARTHUR GEORGE BREALY of 123 COMO PARADE EAST PARKDALE VIC 3195
As to 2 of a total of 5 equal undivided shares
Sole Proprietor
ARTHUR GEORGE BREALY of 123 COMO PARADE EAST PARKDALE VIC 3195
PS501411L 24/03/2005

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AD359605N 12/01/2005

DIAGRAM LOCATION

Title 10864/250

Page 2 of 3

20/204605



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HISTORICAL SEARCH STATEMENT**Land Use Victoria**

Page 3 of 3

SEE PS501411L FOR FURTHER DETAILS AND BOUNDARIES

20/204605



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FINAL SEARCH STATEMENT**Land Use Victoria**

Page 1 of 1

Security No : 124085251392W
Produced 02/09/2020 09:03 AM

Volume 10864 Folio 250

ACTIVITY IN THE LAST 125 DAYS

NIL

ADMINISTRATIVE NOTICES

NIL

STATEMENT END

Peninsula Planning Consultants Pty Ltd

ACN 090 897 037 ABN 53 090 897 037

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Email: umbersfam@ozemail.com.au
PO Box 1159, Mornington, Victoria 3931

PLANNING SUBMISSION

**REQUEST TO AMEND PLANNING PERMIT
No. KP-2016/97/A**

**PROPOSED ADDITIONAL 3 DWELLINGS TO
INCREASE NUMBER OF DWELLINGS
FROM 10 TO 13**

**Nos. 123 & 125 COMO PARADE EAST
PARKDALE**

PREPARED FOR 123 COMO PTY. LTD.

SEPTEMBER 2020

1.0 INTRODUCTION

Peninsula Planning Consultants Pty. Ltd. has been requested by 123 Como Pty. Ltd. to make application to amend Planning Permit No. KP-2016/97/A ("The Permit") and to provide a Planning Assessment Report to increase the number of dwellings from ten (10) to thirteen (13). The Permit has been issued and allows ten (10) dwellings to be constructed in a three (3) level building with basement level car parking and two (2) levels of dwellings above the basement.

In the preparation of our assessment and report we have carried out relevant statutory, strategic and land use planning investigations, reviewed the titles to the land and carried out an inspection of the subject site and the surrounding locality. We have assessed the proposal in relation to the existing conditions of the area, the provisions of the Kingston Planning Scheme and relevant policy provisions, including the ResCode Standards in Clause 55 of the VPP's.

The site was the subject of Application to Amend Planning Permit No. KP-2016/97/B to provide a third level proposing an additional four (4) dwellings increasing the number of dwellings from 10 to 14. The Council Officer's report to Council supported the, but Council refused the application and on appeal to VCAT (*Application for Review P107/2020 - 123 Como Pty Ltd v Kington CC [2020] VCAT 903*) the Tribunal confirmed Council's decision. However, in deciding to confirm Council's decision, the Tribunal made the following comments with regard to the provision of a third level:

At paragraph 2:

"I am not going to allow the additional storey, but it is because there are particular design aspects that are of concern. My decision is not because there is any fundamental concern to the third storey per se."

At paragraph 4:

"Again, it is just not possible for me to find that a three storey building in general terms, in this neighbourhood is unacceptable."

At paragraph 26, the concluding paragraph:

"To be clear, it is this particular design that I am refusing, as opposed to refusing a third storey in principle given the zoning of this site."

It is in response to the Tribunal's decision that this application to amend Planning Permit No. KP-2016/97/A is made. The manner in which the proposal has interpreted and responded to the Tribunal's decision is detailed in Section 5.0 of this report.

In addition, this report provides the background and justification for this application to amend Planning Permit No. KP-2016/97/A pursuant to Section 72 of the *Planning and Environment Act 1987*, a description of the subject land, existing planning controls, the proposal and an assessment against the ResCode Standards in Clause 55 of the VPP's. In brief, we submit that the proposal is in accordance with the purpose of the zoning controls that apply to the land, the Tribunal's decision on the Application to Amend Planning Permit No. KP-2016/97/B and the Kingston Planning Scheme.

The planning application is supported by:

- Basement Floor Plan, Site and Ground Floor Plan, First Floor Plan, Second Floor Plan, Elevation Plans, Shadow Diagram, Street Fencing Plan and Garden Area Plan prepared by Peter Hendy Design and Drafting Services Pty. Ltd.;
- Three dimensional perspectives prepared by Peter Hendy Design and Drafting Services Pty. Ltd.;
- Landscape Plan prepared by Wallbrink landscape Architecture; and
- Sustainable Management Plan incorporating Energy Rating reports prepared by Statewide Rating Service.

2.0 PLANNING PERMIT NO. KP-2016/97 – REQUEST TO AMEND PERMIT

Planning Permit No. KP-2016/97 (“**The Permit**”) was issued on 28 August 2017 subject to 31 conditions. The Permit allows the development of ten (10) dwellings in a two storey building.

The Permit was amended on 4 June 2019 and plans endorsed on 26 July 2019. The amended permit included:

- *“Changes to external materials, window treatment and façade treatments;*
- *Internal reconfiguration of dwellings at levels 1 and 2;*
- *Increase in floor area of Dwelling 5 at ground floor level;*
- *Increase in floor area of Dwelling 10 at first floor level;*
- *Increase in balcony associated with Dwelling 8 at first floor level;*
- *Amend the materials of the front fencing;*
- *Alteration to roof form including provision of clerestory windows.”*

As a consequence of the above amendments to the application plans, there were consequential amendments to Conditions 1 and 31 of the Permit.

Condition 2 of the permit explains:

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

We apply for approval under Condition 2 of the Permit pursuant to Section 72 of the *Planning and Environment Act 1987* to amend the endorsed plans and preamble to the permit as set out in this report and submitted application.

It is necessary to amend the preamble to the Permit by replacing the number ten (10) with “**Thirteen (13)**”.

The endorsed plans provide an overall building height of 8.235 metres above natural ground level. Approval is sought to amend the endorsed plans in accordance with the submitted plans to provide three (3) additional dwellings at the third floor level.

The life of the Permit was extended on 3 July 2019. The approved development must now commence by 28 August 2021.

3.0 SUBJECT SITE

The subject site comprises two (2) lots, known as Lots 1 and 2 on Plan of Subdivision No. 591411L (Volume 10864, Folio 249 and Volume 10864 Folio 250). The land is more commonly known as Nos. 123 and 125 Como Parade East, Parkdale.

Collectively, the subject site is regular shaped situated on the northern corner of Como Parade East and Eighth Street, Parkdale.

The subject land has an area of 892 square metres with frontages of 24.38 metres to Como Parade East, 36.58 metres to Eighth Street and 24.38 metres to a 3.6 metre wide laneway. The land has a fall of about 0.8 metres from the northwest corner to the southeast corner.

The subject site is vacant with no vegetation.

The following photographs show some of the above features of the site.



Looking North West down Como Parade East with subject site on right.



Subject Site – 123 & 125 Como Parade East, Parkdale – View from Eighth Street



Looking North West down rear laneway



Subject site - railway line & shops



Subject Site from Como Parade East



**Looking North down Eighth Street –
Subject Site on left side.**

4.0 SURROUNDING ENVIRONS

The subject site is located at the south-western edge of a residential area at the interface with residential development to the northwest and northeast and across Eighth Street to the southeast. However, across Como Parade East to the southwest is well-used recently constructed 90 degree angle car parking and the Frankston to Melbourne railway line. The car parking and railway line provide a hard edge to the residential precinct that the subject site is part of.

Adjoining to the northwest at No. 121 Como Parade East is a multi-dwelling development comprising two (2) dwellings. The front dwelling is single storey, brick veneer with pitched tile roof, whilst the dwelling at the rear is double storey constructed of brick and horizontal weatherboard with pitched colorbond roof. Access to the rear dwelling is provided from the rear laneway.

Across the laneway to the northeast at Nos. 1 and 1A Eighth Street is a multi-dwelling development comprising two (2) single storey brick dwellings with driveway access on the southwest side opposite the subject site.

Across Eighth Street to the southeast at No. 127 Como Parade East is a single storey weatherboard dwelling with both pitched and flat colorbond roof profile.

As detailed above, across Como Parade East to the west is 90 degree angle car parking and the Frankston to Melbourne Railway line.

In the broader neighbourhood to the northwest and southeast on Como Parade East at:

- No. 117 Como Parade East – Double storey flats;
- No. 79 Como Parade East – Double storey flats;
- No. 167 Como Parade East – Double storey flats.

Adjoining and nearby properties are moderately landscaped with a mix of both native and exotic species of vegetation. Front fencing varies from low brick and piers with metal picket infill to tall timber and brick screen fences.

The following photographs show some of the above features of the neighbourhood.



1 & 1A Eighth Street



121 & 121A Como Parade East



119 Como Parade East



89 to 117 Como Parade East



79 Como Parade East



67 Como Parade East

*Planning Submission
Nos. 123 and 125 Como Parade East, Parkdale*



139 Como Parade East



163 Como Parade East



131 Parkers Road



141 Como Parade East



4 Eighth Street



16 Eighth Street

Planning Submission
Nos. 123 and 125 Como Parade East, Parkdale



West side Como Parade East



West side Como Parade East



West side Como Parade East



The subject site is well serviced by infrastructure. A bus route operates along Como Parade East past the site, with the Parkdale Railway Station only 200 metres to the southeast. The subject site is located within the Principal Public Transport Network Area ("PPTNA") reproduced in part below.



Many public open space reserves are located nearby including Gerry Green Reserve, Walter Galt Reserve with Bradshaw Bushland Reserve, Queen Street Reserve, Dolamore Reserve, local playgrounds and Parkdale Foreshore Reserve, providing a broad range of both active and passive recreation facilities.

A number of schools are located within close proximity including Parklane, Mentone and St Patricks Catholic Primary Schools, Parkdale Secondary College, Mentone Grammar School, Kilbreda College and St Bedes College.

The Parkdale Shopping Centre is only 150 metres to the south with the Thrift Park Shopping Centre 800 metres to the north and branch Municipal Library 350 metres to the southeast.

The following Locality Plan shows some of the above facilities highly accessible to the subject site.



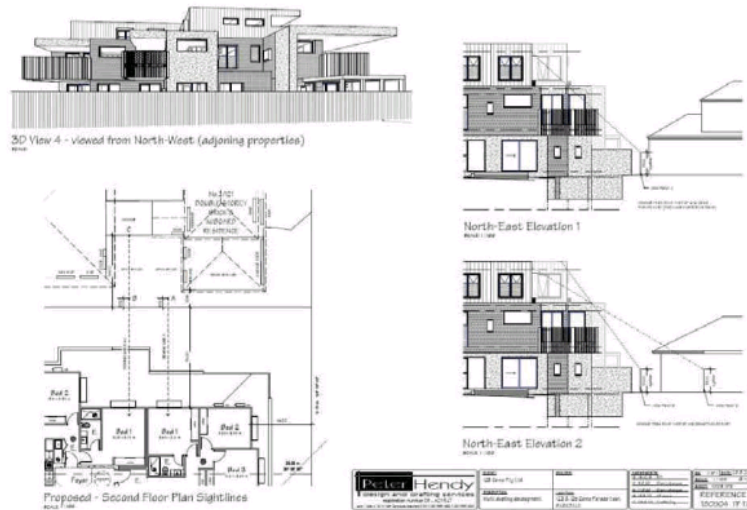
Locality Plan

5.0 PREVIOUS VCAT DECISION – (Application for Review No. P107/2020 - 123 Como Pty Ltd v Kington CC [2020] VCAT 903)

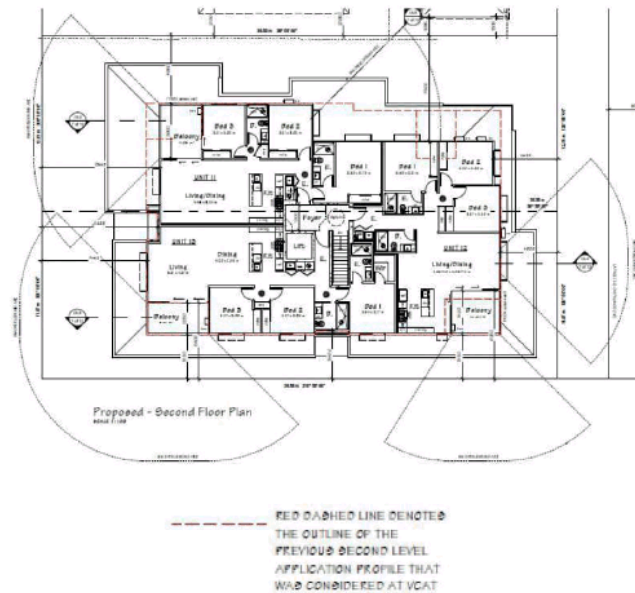
In response to the VCAT decision, this amendment proposal has been redesigned to address the issues and concerns with the design of the third floor. As detailed in **Section 1.0 – Introduction** of this report, the Tribunal was not opposed to the third floor, but identified some design considerations that needed to be addressed to enable an amended Permit to issue.

Below is a summary of the amendments to the application plans that have been carried out with direct reference to the relevant paragraph of the Tribunal's decision.

- 5.1** Redesign of the second floor level to reduce the number of additional dwellings from 4 to 3 (Paragraph 19 of VCAT decision).
- 5.2** Increase the setback of the proposed Dwelling 12 from the northwest boundary from 5.35 metres to 7.5 metres and to the northeast boundary from 4.0 metres to 4.5 metres (paragraph 17 of VCAT decision). The following sight line diagram taken from the rear yards of 1 and 2/122 Como Parade East demonstrate that very little of the third level is visible.



- 5.3** Relocated the balcony for the proposed northern dwelling on the third floor from the north-western side to the north-eastern side to improve internal amenity and reduce the perception of impacts from overlooking on adjoining property owners (Paragraphs 17, 18 and 19 of VCAT decision).
- 5.4** The floor plan of the third floor is amended to reduce the number of dwellings by one. The new floor plan proposes to provide 3 x 3 bedroom dwellings (Paragraph 17 of VCAT decision). The following plan shows the amended third floor plan with the floor plan considered by VCAT indicated by a red outline.



5.5 The basement level and associated ramp access has been modified to facilitate the possibility for a small waste collection vehicle to access the basement (Paragraph 24 of VCAT decision).

6.0 PROPOSAL

As detailed earlier, it is proposed to increase the number of dwellings approved by the permit from ten (10) to thirteen (13) by the addition of a level. The overall height of the building will increase from the approved 8.235 metres to 10.17 metres or an increase of 1.935 metres.

To accommodate the additional level of three (3) dwellings, the amended proposal may be summarised as following with the alterations required at each level described below.

6.1 Basement Level

- Increase:
 - The number of car parking spaces provided from 11 to 16 spaces;
 - Size of the bin storage area;
 - The number of stores to provide a 6m³ storage facility for each dwelling;
 - The provision for bicycle parking; and
 - Increase the floor area of the basement from 449.21 square metres to 521.06 square metres.
- Modify the access ramp and floor to ceiling clearance to allow for waste collection within the basement. Minor modifications to the lift and stairs at the third floor level.

- Reduce the setback to Como Parade East from 6.0 to 2.68 metres.
- Reduce the setback to the laneway from between 3.0 and 4.2 metres to between 0.8 and 4.2 metres.
- The basement will remain setback 3.0 metres from the northwest boundary.
- Provide 12,000 litre below ground rain water harvesting tank.

6.2 Ground Floor Level

Setbacks to each frontage and the northwest boundary remain as approved.

A minor reconfiguration to the floor plan of Dwelling 4 for the bathroom, ensuite and laundry.

The entry door to Eighth Street has been moved from the right to the left hand side and the internal stairs have been moved from the left to the right hand side.

The number of dwellings at ground floor level remains at five (5).

6.3 First Floor Level

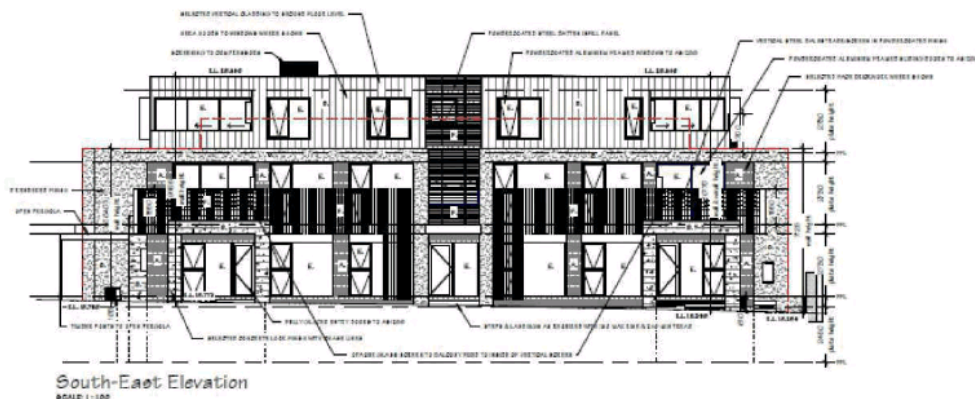
Minor configurations to the floor plans of:

- Dwelling 6 to improve access to bedroom 2;
- Dwelling 8 to improve the bathroom and kitchen area;
- Dwelling 9 to improve the bathroom, laundry, kitchen and dwelling entry; and
- Dwelling 10 to improve the layout of the ensuite and reduce the area of the balcony from 8.66 square metres to 8.02 square metres.
- The setback of the building to all boundaries remains as approved.
- Relocation of stairs, lift etc. to match floor levels

6.4 Second Floor Level

- The provision of three (3) additional dwellings (Dwellings 11 to 13).
- Each dwelling provides kitchen, living/dining room, closet laundry, three (3) bedrooms, two (2) bathrooms, each with varied floor plan and orientation, and external balcony accessed from the living room.
- Dwellings 11 to 13 will have floor area that varies between 99.65 and 111.48 square metres.
- Each additional dwelling is provided with private open space in the form of a balcony that varies in area from 9.31 and 11.09 square metres, with a minimum dimension that varies between 2.25 and 3.1 metres.

- Building materials through each level will comprise an appropriate balanced blend of face brick, render and vertical cladding to external walls, flat roof profile and wide eaves in selected locations. Window proportions will be generally vertical with the grouping of some windows and provision of some restricted outlook windows. Screening devices to the balconies where required, combined with the use of opaque glass behind vertical screens to provide an architectural feature. The varied use and colour of building materials combined with the balconies provides both vertical and horizontal articulation to provide a modern/contemporary built form that will complement the evolving character of the neighbourhood expected by policy.
- The second floor level will be setback between 7.45 and 8.35 metres from the Como Parade East frontage, 3.15 metres to the balconies and between 3.4 and 6.25 metres from the Eighth Street frontage, between 4.0 and 4.5 metres from the laneway frontage and between 4.85 and 7.5 metres from the northwest boundary.
- The dwellings will have varying height due to the articulation of the buildings. Building height will vary between 9.575 and 10.17 metres, stepping down to the first floor level below at 7.125 metres.
- In comparison to the approved development, overall building height increases by 1.935 metres. The increase in overall height is best reflected in the following elevation where the approved building height is shown in comparison to proposed building height.



- The overall site coverage remains at 57.74%.

7.0 PLANNING CONTROLS – KINGSTON PLANNING SCHEME

7.1 Zoning and Overlay Controls

The subject site and land adjoining to the northwest, southeast and northeast is located within a General Residential Zone and Schedule 2 applies under the Kingston Planning Scheme.



The subject site is not affected by any overlay controls.

7.2 Land Use Controls

Under the provisions of the General Residential Zone (Schedule 2), a permit is required under Clause 32.08-6 to construct two or more dwellings on a lot.

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- *“The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.”*

7.3 Zone Purpose

The amended proposal is supported by the purposes of the General Residential Zone, which are as follows:

- *“To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”*

Response

The amended proposal satisfies the zone purposes in the following manner:

- The proposal will further contribute to the provision of a variety of dwelling types and residential densities in the area by providing an additional three (3) dwellings, making effective and efficient use of the site.
- The proposal achieves adequate provision for daylight, privacy and landscaping through compliance with the objectives and standards of Clause 55 (ResCode).
- The proposal will provide for an increase in density within an area well serviced by public transport, shopping facilities and other infrastructure within walking distance. The Parkdale Shopping Centre is only 150 metres to the south, recreation facilities are close by, a bus route runs past the site and the Parkdale train station is only 200 metres to the south east. As detailed earlier, the bus route and train station form part of the Principal Public Transport Network.
- The proposal ensures that the amenity of occupants of adjoining land is not impaired and is complementary to the evolving streetscape and emerging neighbourhood character encouraged by policy through appropriate design.
- It complements and implements the Planning Policy Framework including the Local Planning Policy Framework, including the Municipal Strategic Statement. This becomes quite evident in Sections 7.5, 7.5.1, 7.5.2 and 7.5.3 of this report.

7.4 Garden Area

At Clause 32.08-4 of the General Residential Zone, there is a requirement to provide a "Garden Area" for the construction or extension of a dwelling or residential building on a lot.

The lot size is 891.82 square metres. A Garden Area of 35% is required.

However, in accordance with **Clause 32.08-15 – "Transitional provisions"** of the Kingston Planning Scheme, the minimum garden area requirements of Clause 32.08-64 do not apply to an application for an amendment of a permit under Section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136 on 13 April 2017.

Planning Permit No. KP-2016/97 was issued on 28 August 2017 but the application was lodged with Council on 18 June 2016 and predates the approval of VC136. As a consequence, the minimum garden area requirement does not apply to the application. Nevertheless, if Clause 32.08-4 did apply a 35% Garden Area would apply and 36.5% is provided.

7.5 Kingston Planning Scheme

The Kingston Planning Scheme is strategically based providing a Planning Policy Framework that comprises State, Regional and Local Planning policies.

7.5.1 Planning Policy Framework (PPF)

For the purposes of this application, the most relevant PPF policies are Managing Growth and Housing, which are addressed below.

- **Managing Growth (Clause 11.02)**

At **Clause 11.02-1S** – “*Supply of Urban Land*”, it is the objective:

“To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

The strategies to achieve this objective include:

- *“Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- *Planning for urban growth should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - *Neighbourhood character and landscape considerations.”*

- **Integrated Housing (Clause 16.01-1S)**

It is the objective of this policy “*to promote a housing market that meets community needs.*”

Strategies to achieve this objective include:

“Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.”

For “**Metropolitan Melbourne**” – **Clause 16.01-1R**:

“Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.”

- **Location of Residential Development (Clause 16.01-2S)**

It is the objective of this policy:

“To locate new housing in designated locations that offer good access to jobs, services and transport.”

Strategies to achieve this objective include:

“Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.

Identify opportunities for increased residential densities to help consolidate urban areas.”

At Clause 16.01-2R – “Housing opportunity areas – Metropolitan Melbourne” key strategies include:

“Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- *In and around the Central City.*
- *Urban-renewal precincts and sites.*
- *Areas for residential growth.*
- *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
- *Areas designated as National Employment and Innovation Clusters.*
- *Metropolitan activity centres and major activity centres.*
- *Neighbourhood activity centres – especially those with good public transport connections.*
- *Areas near existing and proposed railway stations that can support transit-oriented development.*

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Direct new housing to areas with appropriate infrastructure.”

- **Housing Diversity – Clause 16.01-3S**

It is the objective:

“To provide for a range of housing types to meet diverse needs.”

Relevant strategies include:

“Ensure housing stock matches changing demand by widening housing choice.

Facilitate diverse housing that offers choice and meets changing household needs through:

- *A mix of housing types.*
- *Adaptable internal dwelling design.*
- *Universal design.*

Encourage the development of well-designed medium-density housing that:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*

Support opportunities for a range of income groups to choose housing in well-serviced locations.”

Response

The amended proposal is a most appropriate response to the Planning Policy Frameworks at the State and Regional level as:

- The proposal provides residential accommodation to strengthen the Parkdale Activity Centre as a focus for retailing, community facilities and residential living, to support the economic viability of other businesses and precinct as a whole.
- The subject site is ideally located with excellent access to public transport confirmed earlier by location in the PPTNA.
- The development will achieve an efficient use of the land and is appropriately located to take advantage of a broad range of physical and community infrastructure within easy walking distance of the subject site.

- The provision of well-designed, well-presented contemporary dwellings on a vacant site will make a positive contribution to local urban character.
- The subject site and location is recognised for the purpose by including the land and all adjoining land in the General Residential Zone with Schedule 2 applying.
- It is less than a 20 minute walk to all of the features, facilities, public transport, shops, recreational facilities and Council facilities, such as the Municipal Library.
- The proposal respects the evolving and emerging streetscape and neighbourhood character through appropriate, innovative design. Nevertheless, the proposed development has been sensitively designed with appropriate setbacks and good opportunities for landscaping. The dwellings have been accordingly designed with varied elevations and building height, well-recessed setbacks to avoid overshadowing and varied building materials and finishes to provide an attractive and sympathetic finish.
- The public realm to both Como Parade East and Eighth Street will be enhanced with an outlook over both road reserves to provide surveillance of the road reserves and improved perceived public safety.
- The development will complement and enhance the emerging built form of the precinct and provide a modern, contemporary elevation to provide the impetus for further redevelopment in the precinct to create an attractive streetscape.
- In a policy context at the Local level, it is important to note that the review site is located in an "*Increased Housing Diversity*" where an increase in residential density is encouraged and expected.

7.5.2 Kingston Municipal Strategic Statement (MSS)

The Kingston MSS provides the strategic planning framework for the City. It is a major policy component of the planning scheme, and provides the strategic context and rationale for the planning scheme's statutory controls.

Residential Land Use has been identified as one (1) of eight (8) major land use issues.

The Residential Land Use Framework Plan identifies the range of housing outcomes sought across the City. The subject site has been included in an area identified for "*Increased Housing Diversity*". Clause 21.07-1 of the Planning Scheme advises that:

"The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established but evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposals will need to display sensitivity to the existing residential context and amenity standards in these areas."

There are seven (7) Objectives for "*Housing*", each supported by a series of strategies. The most relevant Objectives are 1, 4 and 5. Objective 1 sets out:

“To provide a range of housing types across the municipality taking account of the differential capacity of local areas to accommodate different types and rates of housing change.”

Relevant strategies are:

- *“Support innovative residential development along identified transit corridors.*
- *Recognise the differential potential of residential areas to accommodate housing change by supporting differential residential densities according to the following preferred housing outcomes for different areas identified in Table 1 below and identified in the Residential Land Use Framework Plan.”*

In the context of Table 1, the subject site is located in an area of *“Increased Housing Diversity Areas”* with a preferred housing outcome of:

“The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established but evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposals will need to display sensitivity to the existing residential context and amenity standards in these areas.”

Response

The proposal is consistent with Objective 1 as the subject site promotes a range of lot sizes and increase in housing density within close proximity of public transport, physical and social infrastructure, in particular bus routes and train station within easy walking distance. The Parkdale Shopping Centre is only 150 metres to the south and the Parkdale Train Station is only 200 metres to the southeast.

Objective 4 sets out:

“To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.”

Relevant strategies are:

- *“Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
- *Promote new residential development which provides a high standard of amenity and quality of life for future occupants.*
- *Recognise the five areas of ‘special character’ identified in Kingston’s Neighbourhood Character Study and ensure that development proposals respond to all identified major or critical elements in such a way that any new development does not detract from the special character of these areas.*
- *Promote the retention of existing buildings which can be recycled and which contribute to the character of the surrounding neighbourhood.”*

Response

The proposal is consistent with Objective 4. The land is currently vacant. The proposal provides an additional three (3) dwellings in addition to the ten (10) dwellings already approved for the site.

The dwellings are of a high design standard and will provide a positive contribution to the character and identity of the neighbourhood. For future residents the proposal will provide a high standard of amenity and quality of life.

Objective 5 sets out:

“To promote more environmentally sustainable forms of residential development.”

Strategies to achieve this objective are:

- *“Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.*
- *Promote medium density housing development in close proximity to public transport facilities, particularly train stations.”*

Response

The proposal is an appropriate response to Objective 5 as the proposed dwellings will achieve a minimum 6 star energy rating; stormwater will be collected on site and be discharged from the site in accordance with Council's requirements, whilst a bus route runs past the site and the Parkdale Train Station and Shopping Centre are within easy walking distance.

7.5.3 Local Policies

The Kingston Planning Scheme is supported by the “Residential Development” Local Policy at Clause 22.06.

The objectives of this policy that are relevant to this application are as follows:

- *“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."*

Where a permit is required for residential development it is policy for "Increased Housing Diversity Areas" to:

"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."

More specifically, with respect to "Neighbourhood Character" it is policy to:

- *"Apply the Kingston Neighbourhood Character Guidelines – August 2007, in the consideration and assessment of local neighbourhood character in Kingston.*
- *Ensure that new development is responsive to the character elements identified in the Kingston Neighbourhood Character Guidelines – August 2007, particularly those identified as making a "major" or "critical contribution" to neighbourhood character.*
- *Encourage all new residential development to respond positively and creatively to neighbourhood character. Unless a preferred character is specified, the existing character is that which is to be considered.*
- *In areas where "building placement" makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing dwelling character of the streetscape."*

Response

The proposal is an appropriate response to this policy in the following manner:

- The proposed dwellings are well-articulated and provide variety in built form and type of accommodation in a sympathetic manner.
- Each dwelling is provided with one (1) car parking space for the two (2) bedroom dwellings and two (2) spaces for the three (3) bedroom dwellings as required by the Scheme. No on site visitor car parking is required as the subject site is located within the Principal Public Transport Network Area.
- Drainage discharge will be provided and managed in accordance with the requirements of Council.
- The proposed additional three (3) dwellings will have little effect on neighbourhood character as they are well designed, articulated and set back.
- The proposed dwellings will make a significant contribution towards the achievement of enhanced neighbourhood character and provide the necessary stimulus for nearby, existing, older style housing to be renovated and where necessary and appropriate, redeveloped in an appropriate manner.

It is submitted that the proposal is an appropriate interpretation and response to the Local Planning Policy Framework.

8.0 ASSESSMENT OF THE PROPOSAL AGAINST CLAUSE 55 OF THE KINGSTON PLANNING SCHEME - RESCODE

Clause 55 (ResCode) of the Kingston Planning Scheme applies to land proposed to be used or developed for two or more dwellings. Clause 32.08-7 allows the schedule to the zone to specify the requirement set out in the relevant standard of Clause 55. Schedule 2 to the General Residential Zone of the Kingston Planning Scheme has been amended. An assessment of the proposal demonstrates that the proposed development is an appropriate response to the Standards and where necessary, the Objectives of ResCode and Schedule to the General Residential Zone (Schedule 2).

The following sections of the report provide an assessment of the proposal against the requirements of ResCode in light of its Neighbourhood and Site Description and is to be read in conjunction with the submitted Site Context Plan and Design Response Plan.

A detailed discussion in relation to each Standard, Schedule variation and where necessary, each Objective, in ResCode and as it applies to the provision of three (3) additional dwellings to the existing ten (10) approved dwellings is provided in the following sections of this report.

Neighbourhood character objectives

- ***To ensure that the design respects the existing neighbourhood character or contributes to preferred neighbourhood character.***
- ***To ensure that development responds to the features of the site and surrounding area.***

Standard B1 - satisfied

An assessment of the surrounding environs earlier in this report demonstrates that architecturally, there are no dominant, remarkable, or distinguishing features that gives Como Parade East and Eighth Street and the surrounding locality a definable, unifying character as it contains a range of architectural styles.

The only exception is that some past and recent redevelopment has been up to three (3) levels and contemporary, consistent with and encouraged by policy.

Garden character is moderately vegetated gardens with specimen trees and shrubs set within a lawn and formal garden.

As detailed earlier, this is an application to amend Planning Permit No. KP-2016/97/A to provide an additional three (3) dwellings in the form of a well-recessed additional level.

The Council Officer's assessment of the initial application for ten (10) dwellings explained that:

"The subject site is located within an established residential neighbourhood where infill and multi-dwelling development has occurred, and where double storey built form is also common. Examples of two storey apartment style developments can be found within the immediate context, namely No. 117 Como Parade East and No. 131 Parkers Road. Other examples can also be found in the broader context.

Whilst the proposal exhibits a contemporary design, an attempt to incorporate key elements found within the area such as building materials, site coverage, height of development and building placement. Other key gestures that echo the character elements in the area include the retention of vegetation within the site's front setback, window shapes and proportion and staggered front façade along Como Parade East.

The building has been well articulated and designed to avoid impacts to abutting properties. Balconies at first floor provide some breaks and depth to the elevations. Adequate front, side and rear setbacks combined with appropriate building heights have also been achieved for the building."

As detailed earlier in this report, No 117 Como Parade East comprises 15 dwellings in a two (2) storey built form with pitched tile roof. Council's reference to No. 131 Parkers Road is appropriate, except it is a three (3) level building. In addition, No. 79 Como Parade East comprises eight (8) dwellings in a two (2) storey built form with pitched tile roof and No. 167 Como Parade East comprises six (6) dwellings in a two (2) storey built form with pitched tile roof.

The amended proposal maintains contemporary design and appropriate blend of building materials and colours. The articulation of the building is maintained with the upper level set well back relative to the footprint of the first floor level below.

Importantly, the subject site is not centrally located in the residential precinct, but at the edge at the interface with car parking and railway line and three (3) road frontages or abutments to provide separation.

The proposed built form achieves an appropriate balance between built form, landscaping, setbacks and separation.

Residential policy objectives

- ***To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.***
- ***To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.***

Standard B2 -- satisfied

A detailed discussion of the Planning Policy Framework and Local Planning Policy Framework including the Municipal Strategic Statement has been given in earlier sections of this report. It is clear from this analysis that the proposal responds appropriately to this legislative framework and supports the State Government's urban consolidation objectives.

In addition, the site is able to take advantage of its close proximity to public transport and community infrastructure and services.

Dwelling diversity objective

- ***To encourage a range of dwelling sizes and types in developments of ten or more dwellings.***

Standard B3 – satisfied

Only three (3) additional dwellings are proposed or a total of thirteen (13) dwellings on the site. The proposal adds to the range of dwellings by including 3 bedroom in addition to the existing 2 bedroom mix, making the addition suitable to larger families.

Infrastructure objectives

- ***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 -- satisfied

The subject site is well serviced by both physical and social infrastructure.

It is presently able to connect to all services. These can be extended to service the proposed development in accordance with the requirements of the relevant servicing authorities and Council. The proposal should not overload existing infrastructure servicing the locality.

The site is well serviced by shops and public transport with train and bus within easy walking distance.

The site has access to an excellent variety of recreational facilities, as detailed earlier in this report.

A number of schools and educational institutions are also within close proximity to the site.

Integration with the street objective

- ***To integrate the layout of development with the street.***

Standard B5 – satisfied

As previously discussed in this submission, its presentation to both Como Parade East and Eighth Street changes little with modern contemporary dwelling construction proposed and approved that will continue to occur in the locality and will integrate visually and aesthetically with the evolving neighbourhood as approved.

Street setback objective

- ***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 – Satisfied

In accordance with the endorsed plans of Planning Permit No. KP-2016/97/A building setbacks to Como Parade East and Eighth Street have been approved and not affected by the proposal. As noted in the VCAT decision, the first and second floor levels are already approved and the third floor level relates to the existing approved context fronting Como Parade East.

Building height objective

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

Standard B7 – Objective Satisfied

As indicated earlier in this report, three (3) additional dwellings are proposed within a three (3) storey built form. To the roof the maximum height of the building will be 10.17 metres. The General Residential Zone Schedule 2 (“GRZ2”) modifies the standard to allow built form up to 11 metres in height. It is submitted that overall building height is appropriate when GRZ2 contemplates up to 11 metres on well located land.

Site coverage objective

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

Standard B8 – satisfied

The standard requires site area covered by buildings to not exceed the maximum site coverage specified in the schedule to the zone, or if no maximum site cover specified, 60%.

The proposal has a site coverage of 57.74%, in accordance with the Standard.

Permeability objectives

- ***To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site storm water infiltration.***

Standard B9 – satisfied

A total of 28.59% of the site will not be covered by impervious surfaces, well in excess of the 20% required by the Code.

Energy efficiency objectives

- ***To achieve and protect energy efficient dwellings and residential buildings, and to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.***

Standard B10 -- satisfied

The proposed development has been designed for energy efficiency, with the provision of north, east and west facing windows to the main habitable rooms of each additional dwelling. All habitable rooms of the proposed dwellings are provided with appropriately sized windows to ensure adequate daylight is received.

The additional dwellings will also be provided with wall and ceiling insulation (in accordance with Building Code of Australia). Each dwelling will share floor levels and are attached to enhance energy efficiency.

Although three (3) storey, the additional dwellings do not generate significant overshadowing or unreasonably reduce the sunlight received by adjacent properties. The proposal is in accordance with the requirements of the Standard.

Open space objective

- ***To integrate the layout of development with any public and communal open space provided in or adjacent to the development.***

Standard B11 – satisfied

The development includes formal communal open space comprising shared car parking and shared vehicle and pedestrian access.

Safety objective

- ***To ensure the layout of development provides for the safety and security of residents and property.***

Standard B12 – satisfied

Dwelling 1 has a sense of address to Como Parade East and Dwellings 4 and 5 have a sense of address to Eighth Street at ground floor level. Dwellings 2, 4 and 6 to 13 have a sense of address via highly visible pedestrian path to lobby providing safe pedestrian access from both Como Parade East and Eighth Street. Dwelling layouts allow for general observation of approaches and entries, thus providing for personal security.

Appropriately designed public lighting will be provided to ensure that residents and visitors to the site have good visibility and surveillance of internal access ways and entrances to dwellings.

Landscape objectives

- ***To encourage development that respects the landscape character of the neighbourhood, maintains and enhances habitat for plants and animals in locations of habitat importance, provides appropriate landscaping and provides for the retention of mature vegetation on the site.***

Standard B13 – satisfied

As previously mentioned in this report, the site contains no vegetation.

Residential developments surrounding the site are only moderately vegetated, with a mixture of exotic and native varieties.

Landscaping of the proposed development will be provided, incorporating trees with spreading crowns, lower storey planting and planter boxes at the upper levels, to compliment the site and assist to provide the Como Parade East and Eighth Street environs with improved garden character, in accordance with the approved Landscape Plan.

Access objectives

- ***To ensure vehicle access to and from a development is safe, manageable and convenient and the number and design of vehicle crossovers respects the neighbourhood character.***

Standard B14 -- satisfied

As previously mentioned, the site is provided with one (1) point of access to the basement level car park accessed from the laneway. Vehicle access has already been approved.

Parking location objectives

- ***To provide convenient parking for resident and visitor vehicles, to avoid parking and traffic difficulties in the development and the neighbourhood, and protect residents from vehicular noise within developments.***

Standard B15 – satisfied

All car parking facilities provided on the site are located at the basement level with both stair and lift access to the levels above to ensure that car parking is within close proximity to the dwelling it services.

Side and rear setbacks objective

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

Standard B17 – satisfied

The only abuttal to a side boundary is to the northwest. All other boundaries are road abuttals. Building height adjacent to the northwest boundary varies between 9.575 and 9.695 metres. A side setback of between 4.85 and 7.54 metres is required and between 4.665 and 4.785 metres is provided, significantly exceeding the requirements of the Standard.

Walls on boundaries objective

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

Standard B18 – satisfied

Walls on boundaries are not proposed.

Daylight to existing windows objective

- ***To allow adequate daylight into existing habitable room windows.***

Standard B19 – satisfied

As the proposed dwellings are provided within a three (3) storey built form on a site with three (3) road frontages, careful thought and consideration was required to their onsite location. As a result, the proposal will not have an adverse impact on daylight to existing windows on adjacent properties.

North facing windows objective

- ***To allow adequate solar access to existing north facing habitable room windows.***

Standard B20 – satisfied

The corner of Como Parade East and Eighth Street is to the south of the subject site. North facing windows are not affected.

Overshadowing open space objective

- ***To ensure buildings do not significantly overshadow existing secluded private open space.***

Standard B21 – satisfied

Due to the orientation of the site, setbacks provided from all property boundaries, and the location of the three (3) storey elements of the built form, the proposal will not cause overshadowing of existing secluded private open space.

Overlooking objective

- ***To limit views into existing secluded private open space and habitable room windows.***

Standard B22 – satisfied

With the appropriate location and treatment of upper floor windows and balconies, no habitable room windows or the balconies of the proposed dwellings will have a direct outlook into secluded private open space or habitable room windows of dwellings on adjoining properties.

Internal views objective

- ***To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.***

Standard B23 – satisfied

The design of the proposal ensures that no opportunity is available for overlooking into the private open space or windows of dwellings on the site from proposed ground, first and second floor windows.

Noise impact objectives

- ***To contain noise sources in developments that may affect existing dwellings and protect residents from external noise.***

Standard B24 – satisfied

The site is located in a residential area at the interface with a railway line with residentially developed land to the northwest, northeast and southeast. With double glazing standard construction and Como Parade East and car parking in between, there are no significant noise generating sources relevant to this proposal.

Accessibility objective

- ***To encourage the consideration of the needs of people with limited mobility in the design of developments.***

Standard B25 – satisfied

Although the dwellings are provided in a three (3) storey building, lift access is provided to each level to assist people who have limited mobility.

Dwelling entry objective

- ***To provide each dwelling or residential building with its own sense of identity.***

Standard B26 -- satisfied

Each dwelling has a clear and identifiable sense of address from either Como Parade East, Eighth Street or the common pedestrian areas and common lobby and provide for the safety and security of residents and property by ensuring good general surveillance of the site and approaches to entries from inside the dwellings.

Daylight to new windows objective

- ***To allow adequate daylight into new habitable room windows.***

Standard B27 -- satisfied

The additional dwellings are provided with large habitable room windows, which have an outlook towards private open space or street frontage.

Private open space objective

- ***To provide adequate private open space for the reasonable recreation and service needs of residents.***

Standard B28 – satisfied

All dwellings are provided with well-orientated, shaped and accessible areas of principle private open space that ranges from between 9.31 and 11.09 square metres in well-proportioned balconies for Dwellings 11 to 13, consistent with the diversity of dwellings proposed.

Solar access to open space objective

- ***To allow solar access into the secluded private open space of new dwellings and residential buildings.***

Standard B29 – satisfied

Each additional dwelling is provided with private open space that has good access to northern light and is appropriately shaped to ensure its functionality.

Storage objective

- ***To provide adequate storage facilities for each dwelling***

Standard B30 -- satisfied

Each dwelling will be provided with a minimum of six cubic metres of externally accessible, secure storage space in storage lockers in the basement car park.

Design detail objective

- ***To encourage design detail that respects the existing or preferred neighbourhood character.***

Standard B31 – satisfied

This broader area consists of existing single, double and three storey built form in a range of housing styles, consistent with Council policy and the zoning of the land. A recent approval allows a three (3) storey apartment building nearby.

The dwellings will be attached. Dwellings 1, 4 and 5 will front either Como Parade East or Eighth Street, and all other dwellings will front the common pedestrian access.

The dwellings will include features similar to redevelopment that can be expected to occur in the area, i.e. a similar scale and form, layout, proportions and varied roof profile.

Front fences objective

- ***To encourage front fence design that respects the existing or preferred neighbourhood character.***

Standard B32 – satisfied

Front fencing is proposed to each frontage and has been approved by Planning Permit No. KP-2016/97/A.

Common property objectives

- ***To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained and to avoid future management difficulties in areas of common ownership.***

Standard B33 – satisfied

Access ways, stairwell, lift, car parking and general landscaping areas will be included in common property and managed by an Owners' Corporation.

Site Services

- ***To ensure that site services can be installed and easily maintained, and that site facilities are accessible, adequate and attractive.***

Standard B34 – satisfied

All infrastructure will be appropriately located to ensure easy and efficient access. Mailboxes are provided at the Como Parade East frontage of the site and waste disposal collection and waste management provided within the basement, managed by the Owners' Corporation.

9.0 CONCLUSION

The site represents a suitable opportunity to provide a modest contribute to increase medium density housing in the City of Kingston, confirmed by the issue of Planning Permit No. KP/2016/97/A.

It is considered that the design of this Medium Density Housing development providing an additional three (3) dwellings satisfies the Standards and where necessary, the Objectives of Clause 55 and responds to the evolving neighbourhood character expected by Council policy and the zoning of the land.

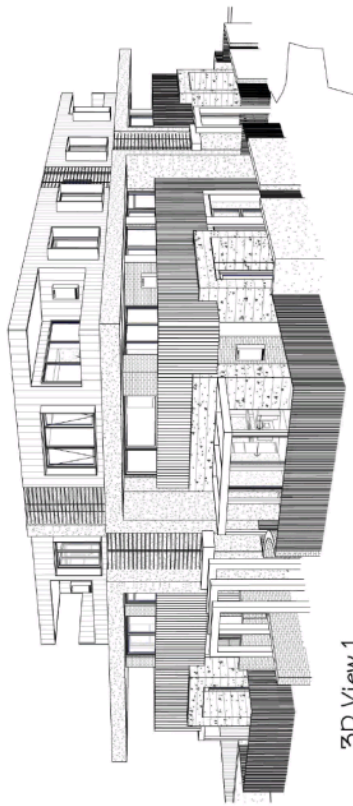
Importantly, the proposal is a most appropriate response to the issues raised in the VCAT decision, which clearly advises that a three (3) storey built form on this site, is appropriate.

It is also considered that the proposal fully supports the Kingston Planning Scheme, particularly its Planning Policy Framework including the Municipal Strategic Statement and Local Planning Policy Framework.

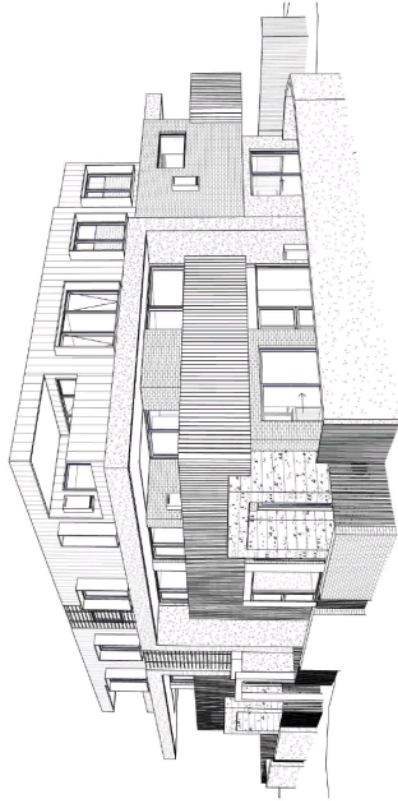
Peninsula Planning Consultants Pty. Ltd.

September 2020

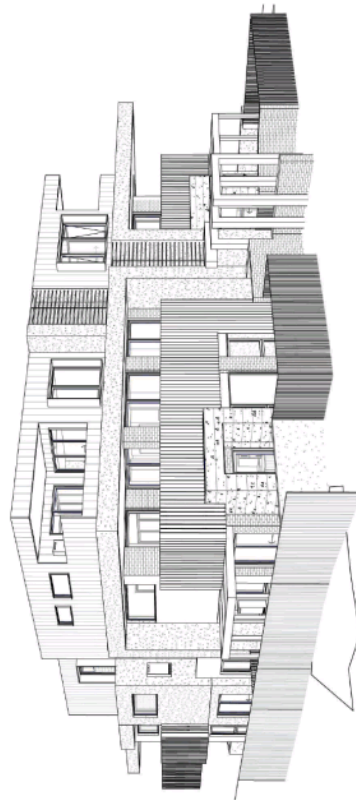
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3D View 1
SCALE:



3D View 2
SCALE:



3D View 3
SCALE:

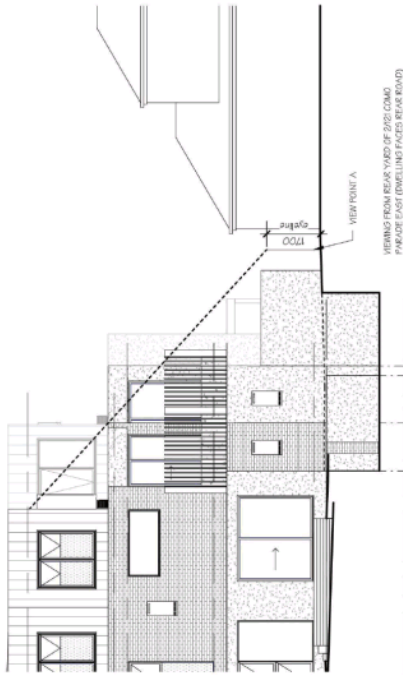
Peter Henty design and drafting services registration number DP - A01547 <small>level 1, 306, 4, 19-14 North Coleraine, Invercullen 2012 P. (03) 9566 4991 F. (03) 9566 4033</small>	CLIENT: 123 Como Pty Ltd	BUILDING: 123 & 125 Como Parade East PARKDALE	No. 1 of 1 DATE: 29.9.20 SCALE: @ A2 SHEET: 3D
	DESCRIPTION: Multi Dwelling Developments	AMENDMENTS: 15.10.2019 Rev 1 16.09.2019 Client changes 18.09.2019 Rev 2 22.09.2019 Landfile file	REFERENCE: 1805004 TP 17

20/204605



3D View 4 - viewed from North-West (adjoining properties)

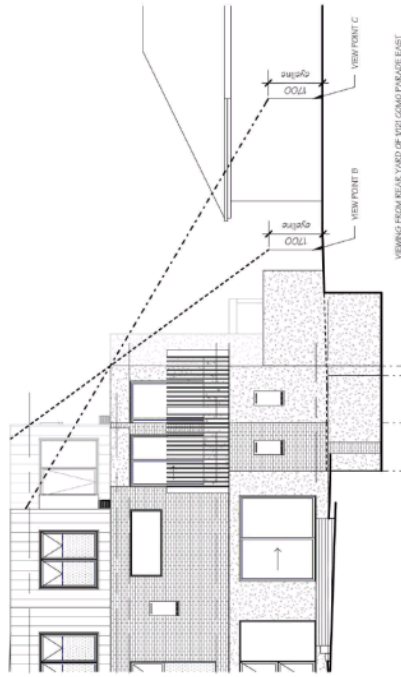
SCALE: 1:100



North-East Elevation 1

SCALE: 1:100

VIEWING FROM REAR YARD OF 123 COMO PARADE EAST (DWELLING FACES REAR ROAD)

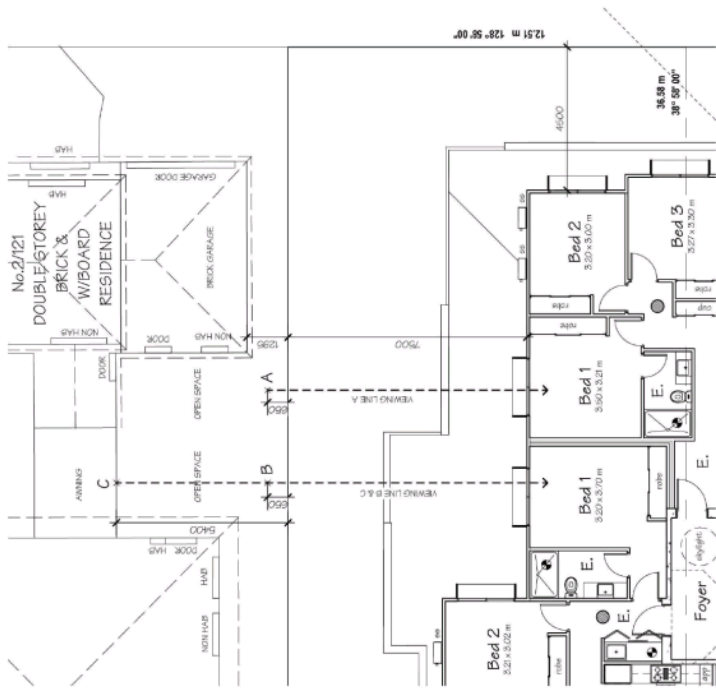


North-East Elevation 2

SCALE: 1:100

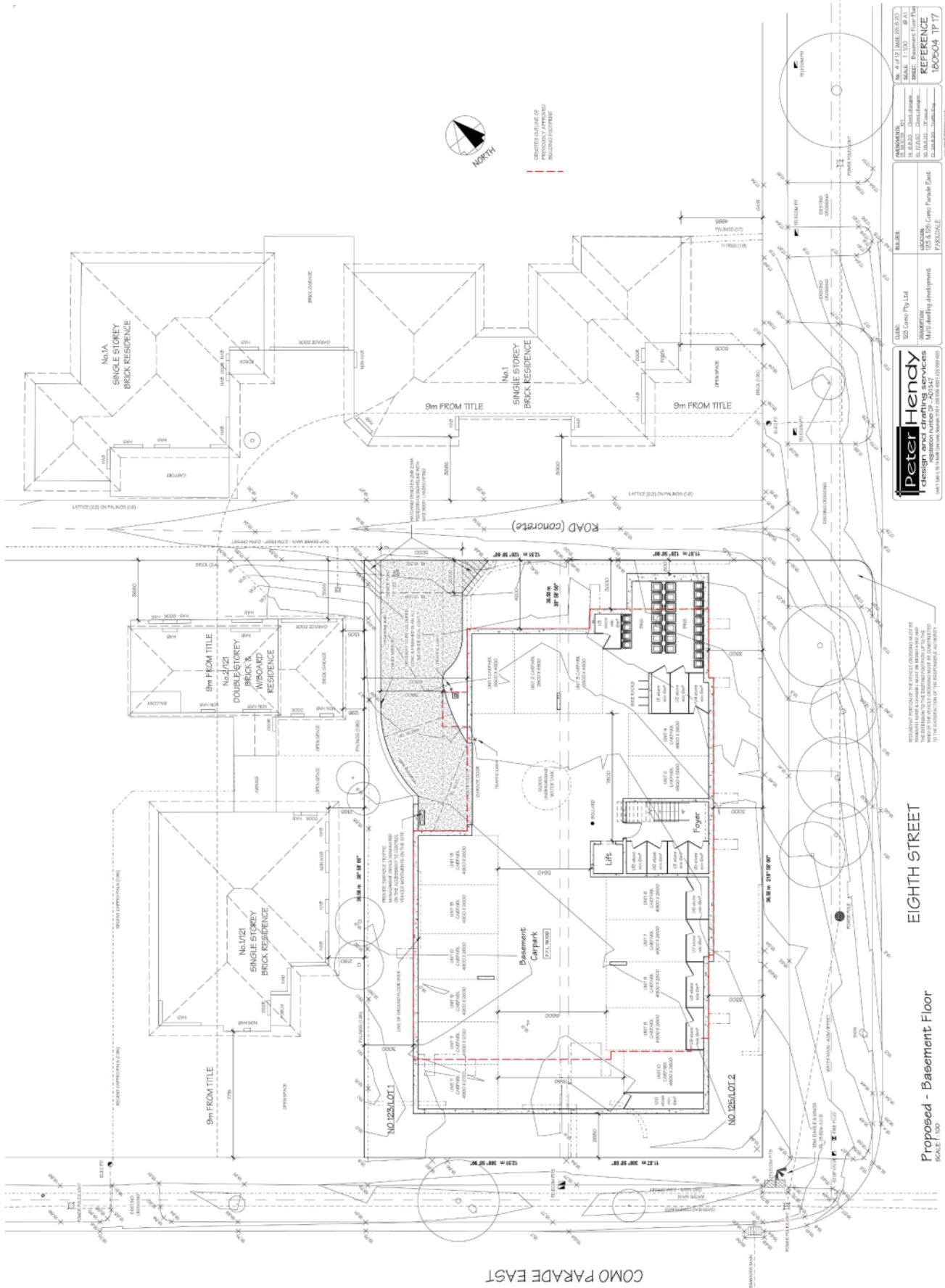
VIEWING FROM REAR YARD OF 125 COMO PARADE EAST

Peter Hendy design and drafting services registration number DP - AD1547 level 1, 19-21 North Terrace, Melbourne 3000 (03) 9596 4991 (03) 9596 4033	CLIENT: 123 Como Pty Ltd	BUILDING: 123 & 125 Como Parade East Parkdale	No. 1 of 1 DATE: 29.9.20 SCALE: 1:100 @ A2
	AMENDMENTS: 13: 16.03.20 - Rev. changes 14: 01.04.20 - Rev. changes 15: 16.04.20 - Rev. changes 17: 28.04.20 - Rev. changes	DESCRIPTION: Multi dwelling development	REFERENCE: 1805004 TP T7



Proposed - Second Floor Plan Sightlines

SCALE: 1:100



Peter Hendy
 chartered architectural services
 registration number 2011-00317
 10/11 MILLERS ROAD, PARKDALE VIC 3207 (TEL: 03 9595 6800)

LABOUR: 322 Conroy Pty Ltd
DISBURSMENT: Multi-habitat development
PAUSE: 123 Como Parade East
LOCATION: Como Parade East
PARCEL: PARKDALE

DATE: 21/07/21 (REVISED 20/07/21)
SCALE: Basement Floor Plan
REFERENCE: 180504 1P/17

INDICATED PORTIONS OF THE SITE PLAN CROSSING THE RED LINE ARE TO BE EXCLUDED FROM THE DEVELOPMENT TO THE EXTENT OF THE PORTION OF THE SITE PLAN TO THE SOUTH OF THE RED LINE.

EIGHTH STREET

Proposed - Basement Floor
 SCALE: 1:500

COMO PARADE EAST

Site Notes:
LEVELS TO AHD

- UNVENTILATED MECHANICAL VENTILATION TO ALL BATHS AND KITCHENS TO BE INSTALLED TO EXHAUST OUTSIDE AND NOT TO EXHAUST TO INTERNAL SPACE (SEE BEST PRACTICE GUIDANCE)
- IDENTIFIED LANDSCAPING AREAS TO BE MAINTAINED TO BE PROTECTED AND ANY ALTERATIONS TO THE EXISTING ACCUMULATED TO BE RECORDED AND REPORTED TO THE LOCAL COUNCIL WITHIN 14 DAYS OF COMPLETION.
- EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION.
- EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION.

- EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION.
- EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION.

NOTE: TO BE READ IN CONJUNCTION WITH SUSTAINABLE MANAGEMENT PLAN BY STATEWIDE RATING SERVICES (REF 191853)

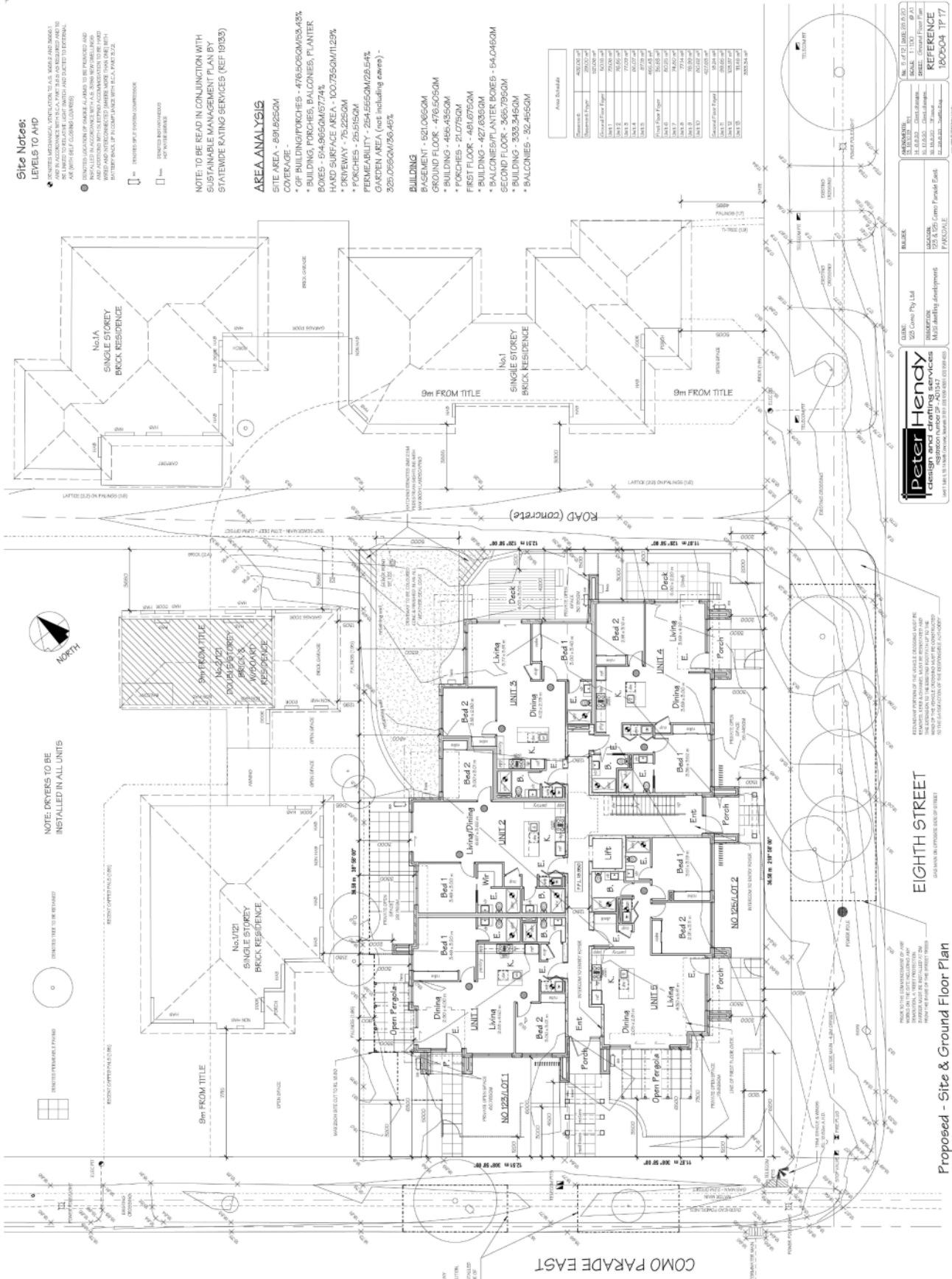
AREA ANALYSIS

- SITE AREA - 891.6250M²
- COVERED AREA -
- * GF BUILDING/PORCHES - 476.5050M² (34.8%)
- * BUILDING, PORCHES, BALCONIES, PLANTER BOXES - 54.9650M² (6.2%)
- * HARD SURFACE AREA - 100.7950M² (11.3%)
- * DRIVEWAY - 75.2250M²
- * PORCHES - 26.5150M²
- * PERMEABILITY - 254.1550M² (28.5%)
- * GARDEN AREA (not including lawns) - 325.0950M² (36.4%)

BUILDING

- BASEMENT - 521.0250M²
- GROUND FLOOR - 476.5050M²
- * BUILDING - 485.4350M²
- * PORCHES - 21.0750M²
- FIRST FLOOR - 481.6750M²
- * BUILDING - 427.8350M²
- * BALCONIES/PLANTER BOXES - 54.0450M²
- SECOND FLOOR - 365.7950M²
- * BUILDING - 333.3450M²
- * BALCONIES - 32.4550M²

Item	Area (m ²)	Percentage (%)
Basement	521.0250	58.44
Ground Floor	476.5050	53.45
First Floor	481.6750	54.04
Second Floor	365.7950	41.03
Total	891.6250	100.00



Item	Area (m ²)	Percentage (%)
Basement	521.0250	58.44
Ground Floor	476.5050	53.45
First Floor	481.6750	54.04
Second Floor	365.7950	41.03
Total	891.6250	100.00

Peter Hendy
charter arch drafting services
REGISTRATION NUMBER: 2015/00317
101 MILL STREET, MELBOURNE VIC 3000 (TEL: 03 9412 1000)

LABOUR
222 Conroy Pty Ltd
SUBSTRATION
Multi-family development
PARKDALE

DATE: 18.03.2020
SCALE: Ground Floor Plan
REFERENCE: 1909/04 TP17

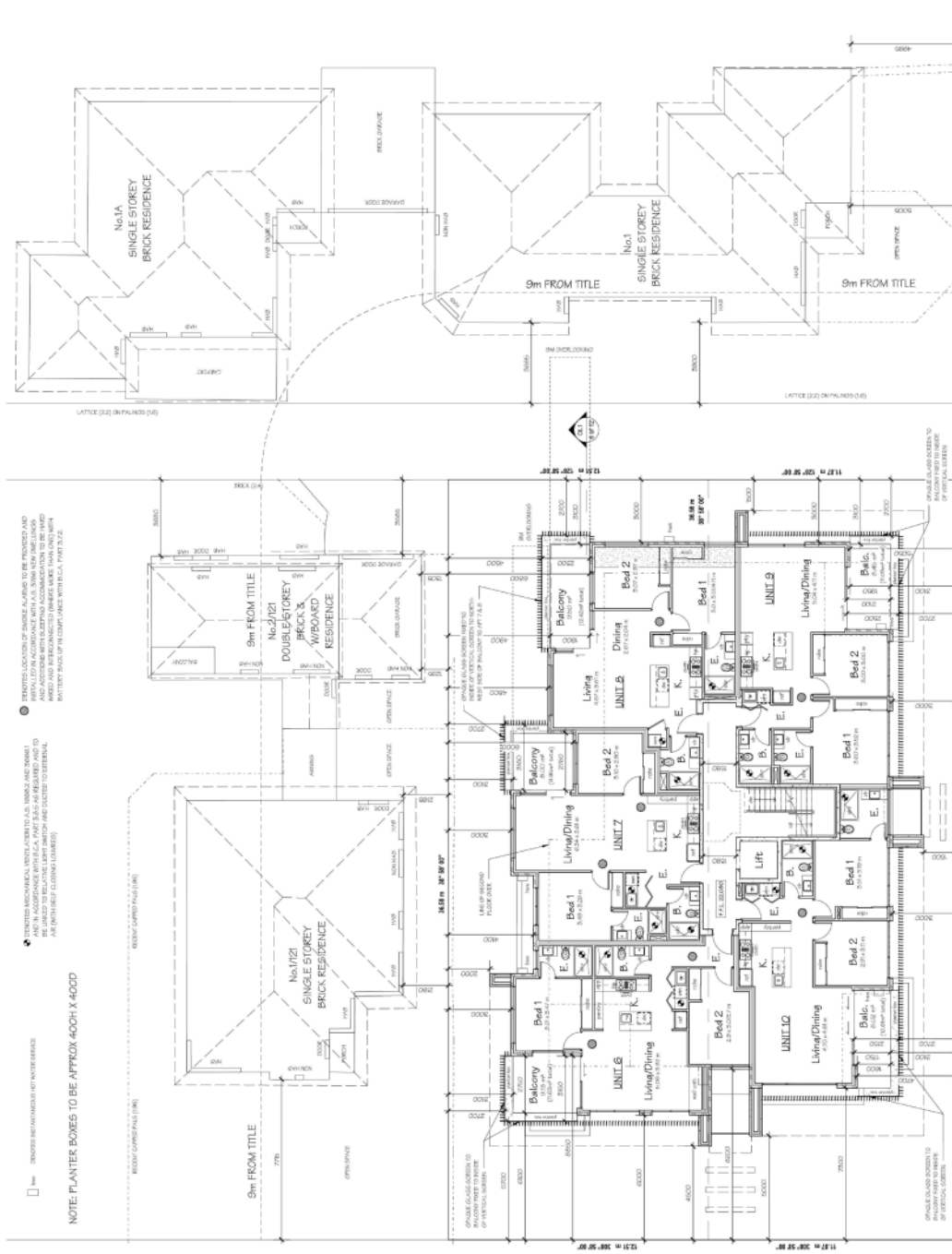
EIGHTH STREET
SECTION B: UNITS 123 & 125

NOTE: THE EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION. ANY ALTERATIONS TO THE EXISTING ACCUMULATED TO BE RECORDED AND REPORTED TO THE LOCAL COUNCIL WITHIN 14 DAYS OF COMPLETION.

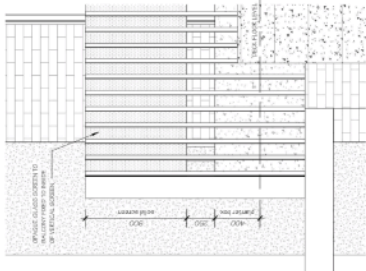
COMO PARADE EAST
SECTION A: UNITS 123 & 125

NOTE: THE EXISTING DRIVEWAY TO BE MAINTAINED AND REPAIRED TO ORIGINAL STANDARD WITHIN 14 DAYS OF COMPLETION. ANY ALTERATIONS TO THE EXISTING ACCUMULATED TO BE RECORDED AND REPORTED TO THE LOCAL COUNCIL WITHIN 14 DAYS OF COMPLETION.

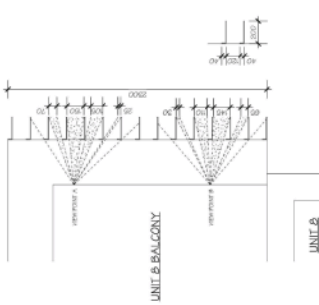
Proposed - Site & Ground Floor Plan
SCALE 1:100



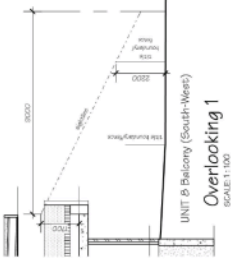
Proposed - First Floor Plan
SCALE 1:100



Deck Screen Detail
SCALE 1:100



Typical Balustrade Plan Detail
SCALE 1:100



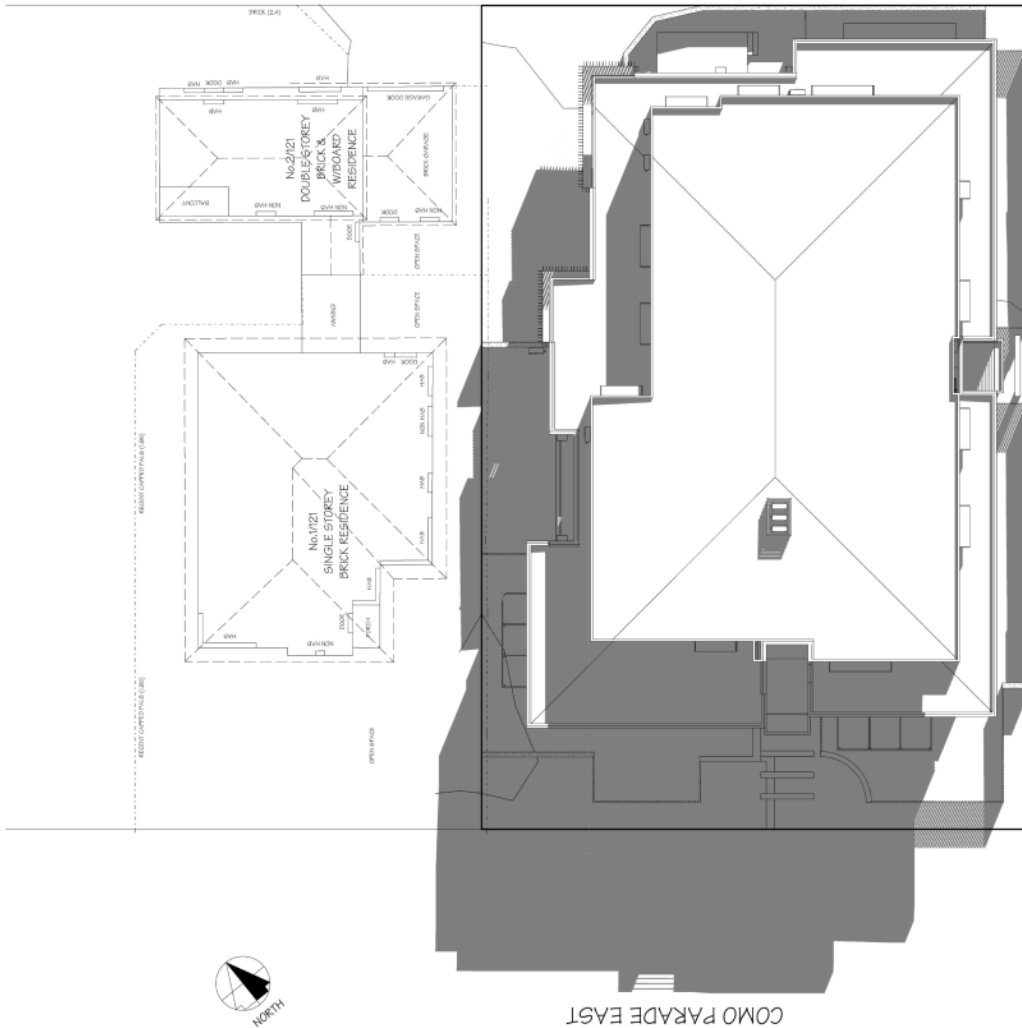
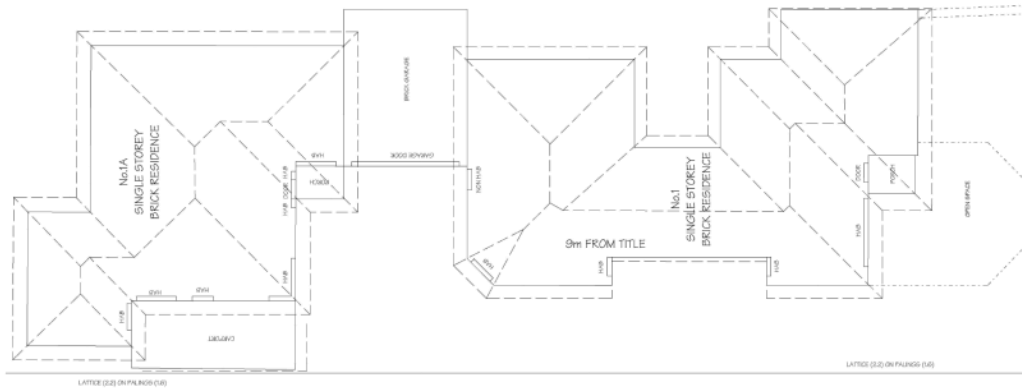
Overlooking 1
SCALE 1:100

NOTE: PLANTER BOXES TO BE APPROX 400H X 400D

TERMINATED ARCHITECTURAL METAL CLADDING TO U.S. STANDARD ANNEaled ALUMINUM FINISH. CLADDING TO BE MATCHED TO EXISTING ARCHITECTURAL METAL CLADDING. CLADDING TO BE MATCHED TO EXISTING ARCHITECTURAL METAL CLADDING. CLADDING TO BE MATCHED TO EXISTING ARCHITECTURAL METAL CLADDING.

TERMINATED ARCHITECTURAL METAL CLADDING TO U.S. STANDARD ANNEaled ALUMINUM FINISH. CLADDING TO BE MATCHED TO EXISTING ARCHITECTURAL METAL CLADDING. CLADDING TO BE MATCHED TO EXISTING ARCHITECTURAL METAL CLADDING.

<p>Peter Hendy design & drafting services REGISTRATION NUMBER: 2011-001317 10/11 MILLERS ROAD, PARKDALE VIC 3207 TEL: 03 9593 1111 FAX: 03 9593 1111</p>	<p>DATE: 22/07/2016 DRAWN BY: JAMES JAMES CHECKED BY: JAMES JAMES SCALE: 1:100 PROJECT: 180904 1P/17</p>
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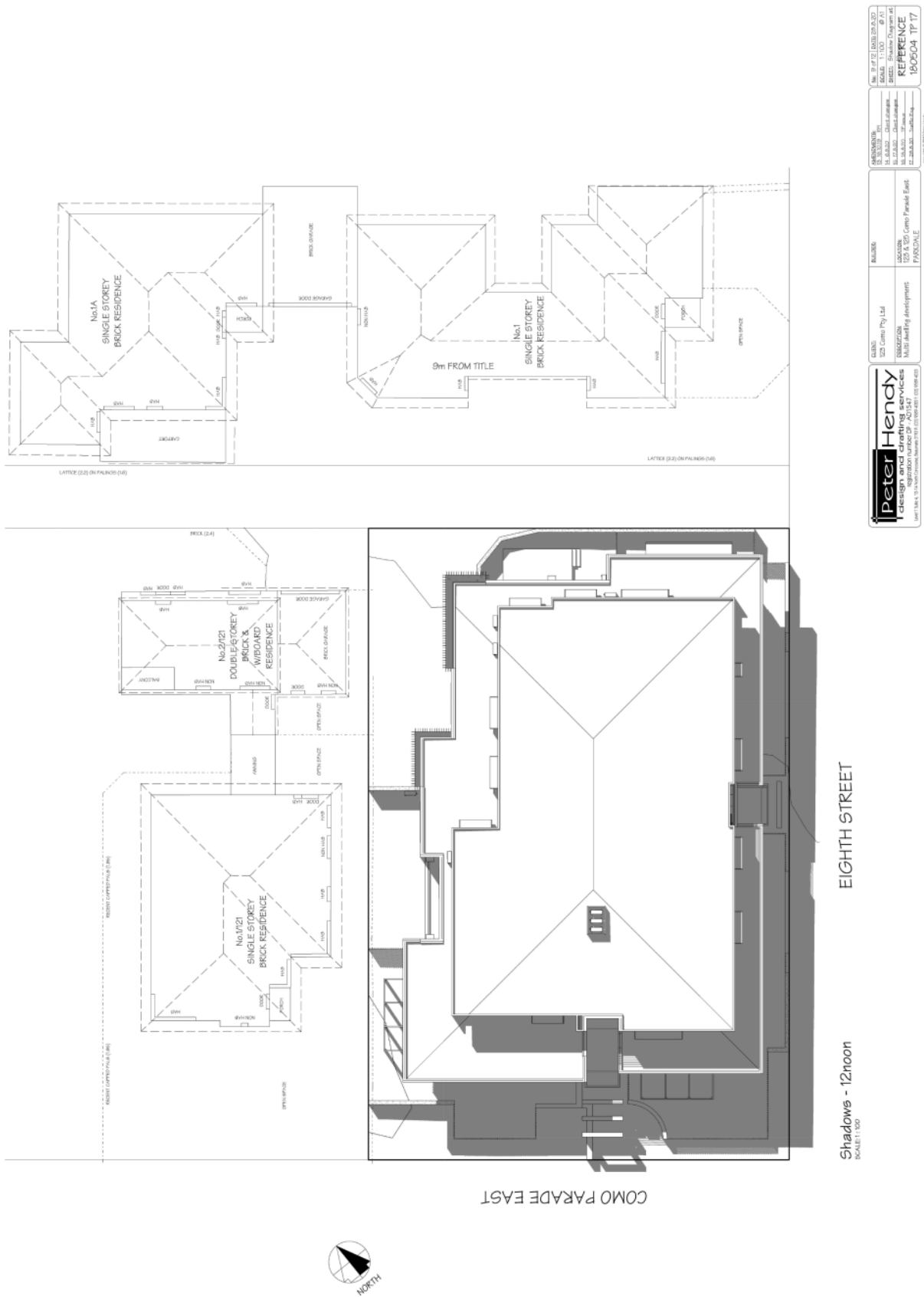
EIGHTH STREET

Shadows - 9am
SCALE 1:100

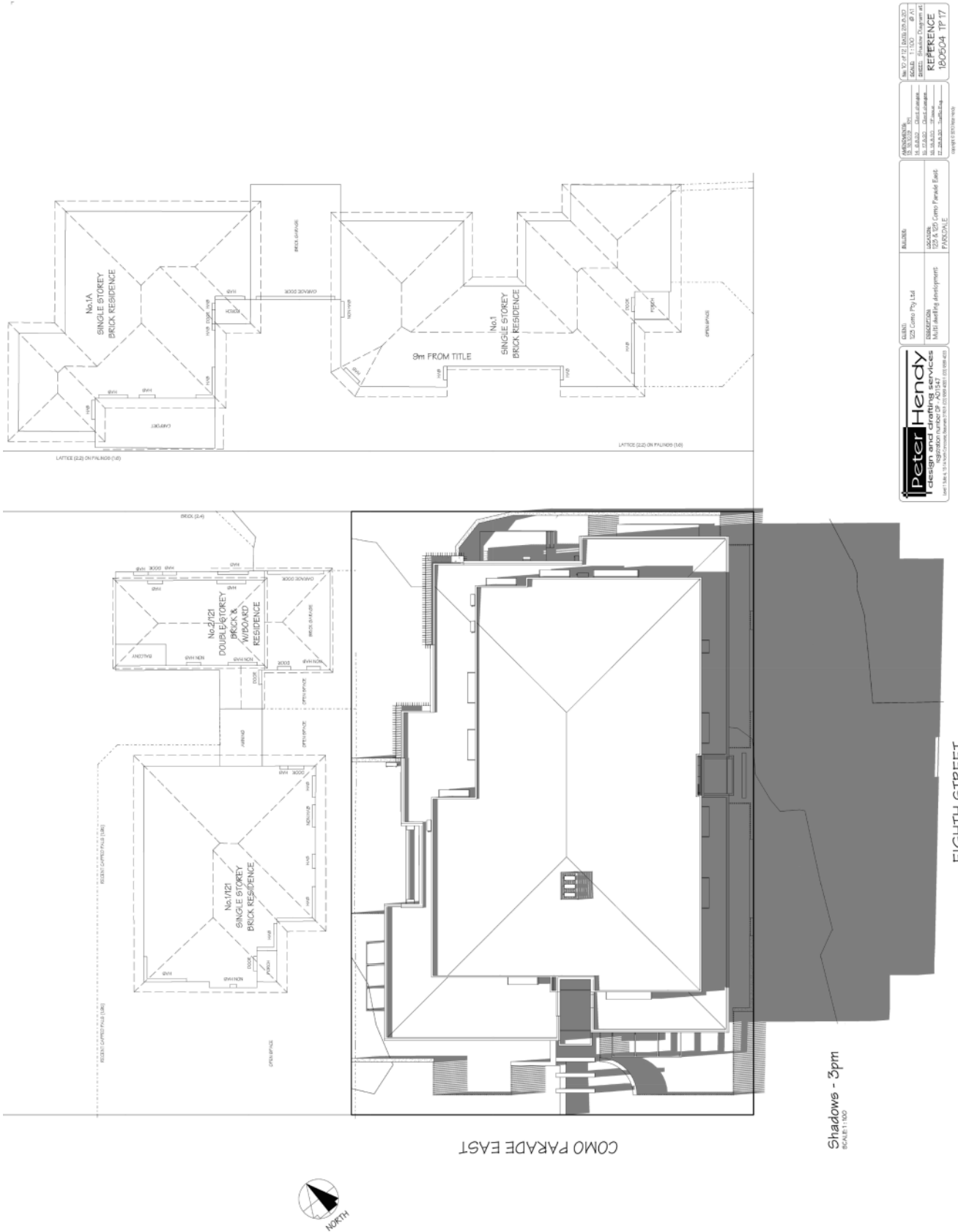
Peter Hendy
 DESIGN AND CREATING SERVICES
 registration number DP - AD5147
 UNIT 1/1A, 151-153 COOMO STREET, SYDNEY NSW 1513

CLIENT: 123 Como Parade East
 LOCATION: Como Parade East
 PARCEL: PARCEL 1

DATE: 20/11/2016
 DRAWING NO: 190504 TP 17
 SHEET: Shadow Diagram A4

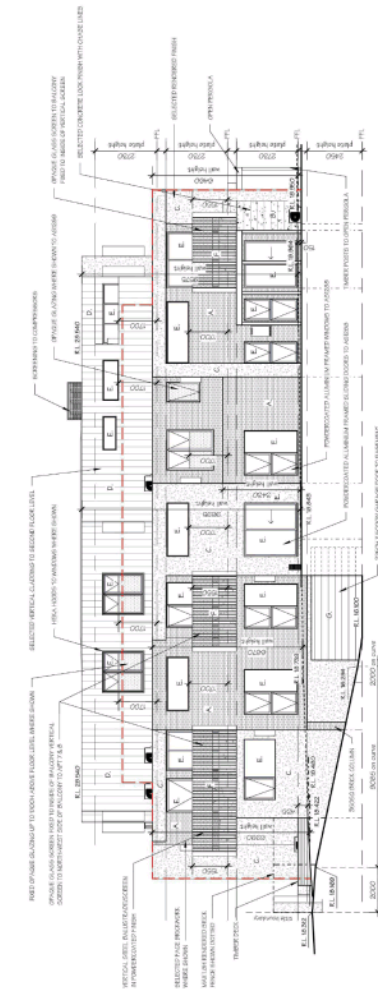


<p>Peter Hendy architect and drafting services registration number DP - A01547 unit 1/11, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 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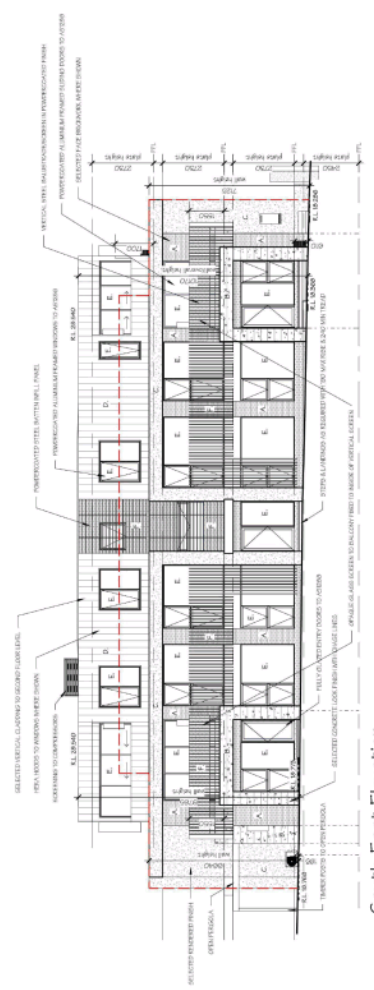


Peter Hendy
 architect and drafting services
 registration number DP 701517
 unit 11/14, 15, 16/120-122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

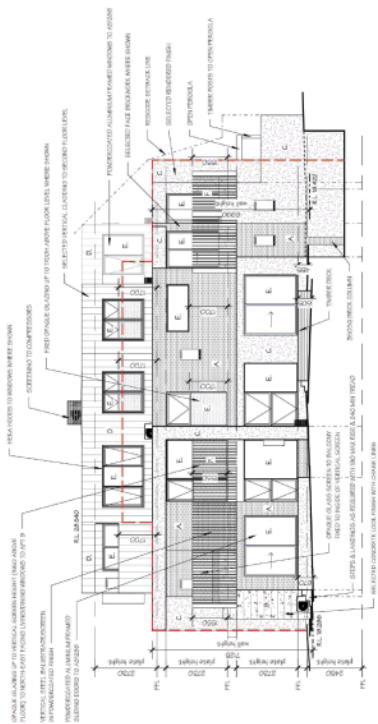
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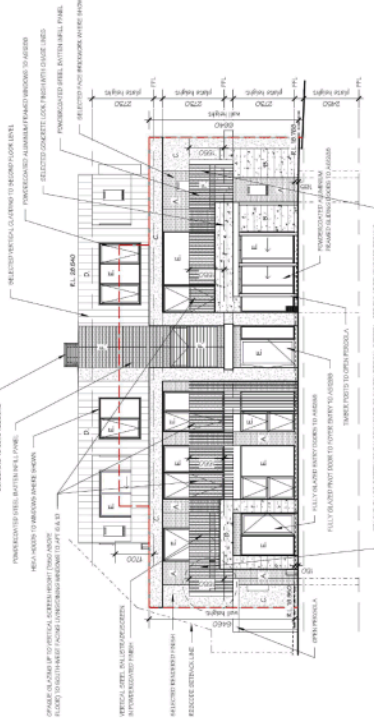
North-West Elevation
SCALE 1:100



South-East Elevation
SCALE 1:100

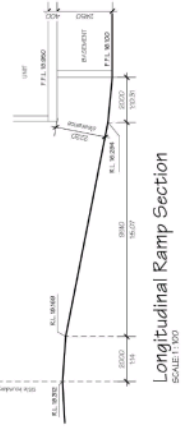


North-East Elevation
SCALE 1:100



South-West Elevation
SCALE 1:100

DENOTES LINE OF PREVIOUSLY APPROVED BUILDING OUTLINE



Longitudinal Ramp Section
SCALE 1:500

Peter Hendy
design and drafting services
registration number 37-AD337
10/11 MILLERS POINT ROAD, MILLERS POINT, SYDNEY NSW 1585

CLIENT: 322 Comfy Pty Ltd
SUBMISSION: Multi-story development
PROJECT: Parkdale East

DATE: 15/03/2022
DRAWN BY: JAMES JAMES
CHECKED BY: JAMES JAMES
SCALE: EXHIBITION

REF: 180504 1P/17

- COMMON MATERIALS**
- A BRICK - FULLY CLAYED SANDWICH WALL
 - B POLYURETHANE FOAM POLYMER CONCRETE INSULATION
 - C GLASS - CLEAR
 - D BRICK - FULLY CLAYED SANDWICH WALL
 - E POLYURETHANE FOAM POLYMER CONCRETE INSULATION
 - F SANDWICH PANEL - POLYURETHANE INSULATION
 - G POLYURETHANE FOAM POLYMER CONCRETE INSULATION
 - H POLYURETHANE FOAM POLYMER CONCRETE INSULATION
 - I POLYURETHANE FOAM POLYMER CONCRETE INSULATION
 - J POLYURETHANE FOAM POLYMER CONCRETE INSULATION

30204625

Landscape Town Planning Legend

- Proposed evergreen trees
- Proposed deciduous trees
- Proposed shrubs in mulch
- Proposed turfscapes in mulch

FOR TOWN PLANNING PURPOSES ONLY NOT FOR CONSTRUCTION

Designed: KW
 Drawn: KW
 Approved: SW

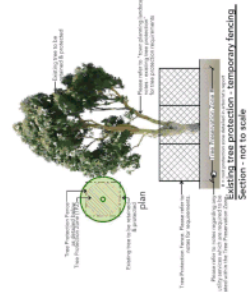
Scale: 1:100
 Print Date: 4/09/2020
 Sheet Size: A1
 Sheet No.: 2 of 2

wallbrink
 LANDSCAPE ARCHITECTURE
 410 Waverley
 wallbrink.com.au

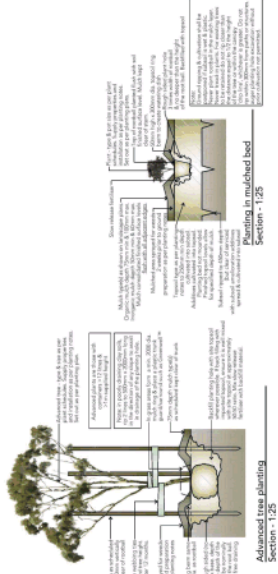
Client: Craig Huxtable
 Project: Proposed Residential Development 123 & 125 Como Parade East, Parkdale
 Drawing Title: Town Planning Landscape Plan
 Drawing No.: 20701TP2

Town Planning Landscape Notes - Existing Tree Protection

1. Drawings together with the Protection Fence (PF) must be submitted with the application for the proposed development.
2. Refer to the relevant report for specific tree assessment data and data to be provided to the Council.
3. A 1.2m x 1.2m x 1.2m tree is shown with a circle with a radius of 1.2m (the tree diameter measured to the trunk).
4. The PF must be set back from the trunk of the tree by the distance shown in the diagram.
5. Refer to the relevant report for specific tree assessment data and data to be provided to the Council.
6. The PF must be set back from the trunk of the tree by the distance shown in the diagram.
7. The PF must be set back from the trunk of the tree by the distance shown in the diagram.
8. The PF must be set back from the trunk of the tree by the distance shown in the diagram.
9. The PF must be set back from the trunk of the tree by the distance shown in the diagram.
10. The PF must be set back from the trunk of the tree by the distance shown in the diagram.



FIRST FLOOR PLAN



Sustainable Management Plan

Proposed multi-residential
development

**123 & 125 Como Parade East,
Parkdale**

Reference: 19133 v2

Date: 10 September 2020

Prepared for:

123 Como Pty Ltd

Prepared by:



statewide
rating
service

20/204605

123 & 125 Como Parde East, Parkdale

Ref: 19133 v2
10 September 2020

statewide
rating
service

building thermal
performance
assessors

postal: po box 3100, mentone east. 3194 office: 2 morgan street, parkdale. 3195
p: 03 9588 1930 m:0407 43 23 63 f: 03 8669 4096 email: ratings@statewidegroup.com.au

Disclaimer

The ESD commitments outlined in this Sustainable Management Plan represent the minimum standards that this development will achieve in the short term. It is expected that over the long term the environmental performance of this development will improve as ESD innovations and technologies become further advanced and developed.

Declaration

I, Andrew Hooper of Statewide Rating Service declare that the information contained in this statement is, to the best of my knowledge, true and accurate. All ESD initiatives involving building design features are, or will be clearly shown on the submitted plans, or detailed in a schedule to the submitted plans by the designer or architect, to the extent that such features can reasonably be detailed.

The Trade Practices Act 1974 contains provisions relating to misleading or deceptive conduct and false and misleading representations. The Act ensures that the public and the Council are provided with accurate information in order to make informed decisions. Product performance claims should be verified, and if necessary tested data be provided to ensure claims are accurate.

Andrew Hooper

Accredited Energy Assessor: vic/bdav/10/0015
Registered Building Practitioner: DP-AD26504
Member: BDAV Thermal Performance Assessors Technical Advisory Committee

10 September 2020



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INTRODUCTION

0.1 General

This Sustainable Management Plan (SMP) provides an overview of the environmentally sustainable design (ESD) strategy for the proposed development.

The objective of the SMP is to indicate how best practice ESD features are being included in the development, including targets and proposed design approaches. The report will identify the ESD objectives for the development and the proposed initiatives to meet them.

0.2 Responsible authority – Kingston City Council

The site is situated within the established suburb of Parkdale, contained within the municipal boundaries of the City of Kingston.

Kingston City Council has implemented the Sustainable Management Plan in the Planning Process (SDAPP) program as a means of assessing the environmental performance of development proposals to ensure that they meet Kingston's ESD objectives.

This document aims to address Kingston's ESD criteria, and demonstrate how the project is addressing the 10 key sustainable building categories defined. These are as follows:



- Indoor environment
- Energy efficiency
- Water resources
- Stormwater management
- Building materials
- Bicycle parking
- Waste Management
- Urban Ecology
- Innovation
- Ongoing building and site management

0.3 Built Environment Sustainable Scorecard (BESS)

The City of Kingston has adopted the Built Environment Sustainable Scorecard (BESS) rating tool, for relevant planning applications, as a guideline to sustainability.

An assessment using BESS has been conducted for the proposed development. This provides a guide in relation to the level of sustainability achieved by the proposed development in the target areas of energy use, water efficiency, stormwater impacts, waste management and materials selection.

A breakdown of the features of the development that contribute to the BESS scores are included within this report. Both must be read in conjunction.

It should be noted that the assessment tool has 'targets' to be met. The relevant authority may considered it suitable that certain sections do not reach full compliance, where other elements exceed, or where it can be demonstrated additional building environment improvements are provided which are not considered in BESS.

This written report must be read in conjunction with the BESS report.

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0.4 Aims

Energy

- To design a building sensitive to operational energy usage.
- To provide a building which maximises passive solar design elements.
- To provide a building which maximises energy efficiency.
- To promote use of transport options other than the private automobile.

Water

- To provide water efficient fixtures and fit-outs, minimising water consumption.
- To draw on alternative water sources to minimise mains water demand.

Materials

- To use zero timber from nonsustainable sources.
- To use non-toxic materials where appropriate.
- To use recycled and/or recycled content products where appropriate.
- To use materials that maximise the comfort and health of occupants.

Waste

- To minimise construction waste and to recycle the maximum amount of construction waste materials generated during the redevelopment.
- To implement a recycling protocol to decrease general waste during building occupancy.
- Indoor Environmental Quality
- To use low emission paints and finishes to improve occupant health and wellbeing.
- To maximise natural ventilation opportunities.
- To provide efficient glazing to allow access of natural light.
- To include passive design elements to increase occupancy comfort.

Social

- To maximise safety and accessibility for building occupants and visitors.
- To provide links to surrounding community facilities and services.

Economic

- To contribute towards the generation of employment and investment within the City of Kingston.
- To contribute towards the support for local businesses and services.

0.5 Post construction report

It is the responsibility of the developer to follow all directives and inclusions detailed in this report.

The Responsible Authority may require a post-construction report with a statement and evidence of compliance. The author is not responsible for this follow-up report and is not legally qualified for on-site inspections.

Any such statement must come the builder or a suitably qualified and registered Building Inspector.

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DESIGN

1.1 Site Description

The subject site is located on the corner of Como Parade East and Eighth Street, in an established General Residential zone.

The subject sites aera rectangular in shape and has an area of 892 square metres, with a combined street frontage of 24.5m to Como Parade East and a depth of 36.5m. There are no easements but an existing 3.66m laneway is located at the rear.



1.2 Project Description

The project is to construct 13 up-market 2 bedroom apartments over two levels, and three 3 bedroom apartments on the top level. Those on the upper levels will have exclusive balcony areas accessed from living spaces. The ground floor residences will have access to private open spaces at ground level.

A basement level will provide secure parking as well as storage and services. Access will be made from the rear laneway.

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1.3 General

The building will be constructed out of durable and sustainably sourced materials wherever possible. The design approach is to create a well insulated building fabric that has high thermal and acoustic performance to achieve a building that has low energy demands and provides an optimal environment for its users.

Finishes will be raw and exposed wherever suitable to reduce the embodied energy of the building. At the same time, the use of a combination of solid concrete elements and lightweight construction and cladding will ensure the building has a long life, while also allowing recycling of materials at end of life.

All timbers used will have come from renewable or regrowth plantations. No imported, exotic, or rainforest timbers are proposed and where applicable, timbers carrying a chain of custody certification such as the Australian Forestry Standard, Forest Stewardship Council, or Programme for the Endorsement of Forest Certification will be used.

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ENERGY

2.1 General

The development will be constructed with thermal sustainability principles applied, including average 6 star energy ratings for the apartments, and Section J reports for common areas and lighting.

These reports detail the minimum requirements for;

- Insulation, glazing, and heating and cooling to conditions spaces, and
- Power and lighting, air movement and maintenance & monitoring to all areas.

The combination of energy efficiency measures will also serve to minimise the peak electricity demand of the building. In particular, the following are important:

- Energy efficient air conditioner selection
- Use of non-electric cooking appliances
- Use of non-electric water heating systems

2.2 Anticipated apartment insulation summary

The building will incorporate insulation within the building fabric to minimise the heat loss in winter and heat gain in summer. The provisional insulation levels are shown below.

Ceiling:	<ul style="list-style-type: none"> • R4.0 insulation to second floor framed ceilings • R3.0 insulation to ground and first floor non-framed ceilings/roofs • No skylights to conditioned areas
Walls:	<ul style="list-style-type: none"> • R2.5 bulk insulation to external walls • R4.0 to party walls • Foilboard insulation to solid concrete walls adjoining passages • Insulated walls to fully extend to underside of insulated roof or ceiling (inc between levels and spandrel panels)
Floor:	<ul style="list-style-type: none"> • R1.0-2.0 insulation to suspended floor over basement • R2.0 insulation to cantilevered first and second level floors
Windows:	<ul style="list-style-type: none"> • Aluminium frames • Clear double glazing (U_w:4.1, SHGC_w:0.50) (u5: U_w:3.1)
Other:	Sealed fans and downlights, window and door seals

Preliminary assessments have been made on the town planning designs. This is not considered accurate as the information is incomplete for this stage. Final assessments are to be made on construction documentation and may vary from the details noted.

Results									
Apt:	Rating	Total MJ/m ²	Heating load	Cooling load	Apt:	Rating	Total MJ/m ²	Heating load	Cooling load
1	5.4	149.9	134.0	15.9	8	8.2	52.5	34.6	17.9
2	6.4	109.5	99.6	9.9	9	7.3	80.8	65.7	15.1
3	6.4	113.1	100.7	12.4	10	6.3	114.1	99.4	14.7
4	5.4	145.1	124.1	21.0	11	7.4	79.6	66.6	13.0
5	5.1	160.9	148.6	12.3	12	7.0	90.3	74.6	15.7
6	6.5	107.2	91.5	15.7	13	6.9	94.3	83.1	11.2
7	8.6	39.6	27.3	12.3					

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2.3 Thermal Mass

The thermal mass effect is the ability of materials to store and release energy over time. Thermal mass can lower indoor temperatures during the day and raise night time temperatures, utilising direct sunlight and diurnal temperature and ventilation patterns.

The thermally massive concrete structure of the development will help maintain comfortable conditions and reduce energy use by stabilising indoor temperatures. This complements the insulation and glazing, which protects the apartments from external weather extremes.

2.4 Sub Metering

Sub-metering will be provided for each occupancy and common areas.

2.5 Heating and Cooling

All residences will have individually heating and cooling appliances. Split system will be ducted through each apartment and will have a minimum **3 star Cooling and 4 star Heating** efficiency.

Installers should aim for **inverter style technology**, with inverter systems have around 50% higher efficiency than a constant speed multi system.

All heating and cooling units are certified under MEPS, and all ductwork will comply with the BCA guidelines for services.

Openable windows will be provided to apartments, incorporating lock open devices and flyscreens for natural ventilation.

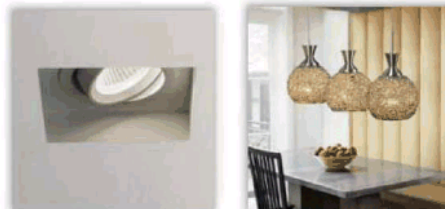
2.6 Lighting

Proposed lighting systems will be designed to suit the differing needs of the building. This design will incorporate LED lamps, providing typical minimum **efficacies of greater than 70 lumens/watt**. Inefficient halogen or tungsten type lamps are not proposed.

Minimum requirements for lighting levels to the retail and common areas are specified in AS1680.2.2 and BCA Part J. These will be followed but with efficient lighting. Lighting for residential areas is limited to 5W internally and 4W/m² on the balconies. The developer commits to a 20% reduction on this figures.

External lights are controlled by **daylight sensors** to avoid unnecessary power used when not required.

Where installed to insulated ceilings, recessed downlights require insulation to be removed from close proximity for safety. These reductions are accounted for in the energy ratings.



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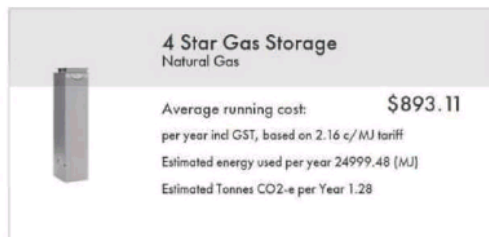
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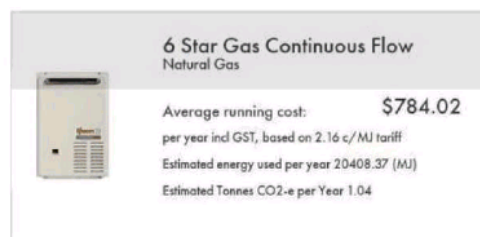
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2.7 Hot Water

Hot water will be provided by a Rinnai 26 instantaneous gas (sized according to plumber recommendations to suit the building's needs), with a minimum **6 star rating**.



Benchmark gas hot water
24999.48 MJ



Proposed gas hot water
20408.37MJ (18% improvement)

Reference: Rinnai Australia

2.8 Lifts

One lift is detailed to provide accessibility between levels. This will be a low speed type encouraging residents and visitors to use stairs in preference to the lift.

2.9 Basement carpark ventilation system and CO monitoring

The basement carpark is to be assessed by a mechanical services engineer to determine if ventilation is required for the space to conform with AS1668.2. Where any ventilation is required activation of the system is to be via carbon monoxide sensor/s.

When the PPM limit is reached, the controller is to be configured to activate the exhaust and supply fans for a set period of time. If after that time the PPM still exceeds limits the timer activates again. In the event of a system fault all ventilation fans will operate, and an alarm or warning lamp activate until the fault is rectified.

Long term maintenance is the responsibility of the Body Corporate and should include a 6 monthly inspection and testing engagement.

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WATER & STORMWATER

3.1 Fixtures and Fittings

The proposed development is to have water saving measures including water saving tapware, flow reducing showerheads and water pressure reduction to 500kPa at outlets.

Tapware will have flow rates of less than **6.0 litres per minute (5 star WELS rated)** eg Caroma Titan or Caroma Quatro Sink Mixer.

Showers will be limited to **6-7.5 litres per minute (3 star WELS rated)** eg Caroma Flow Fixed Wall Shower or FlexiSpray Shower Rail.

Toilets will be dual flush systems with a **4.5/3 litre (4 star WELS rated)** type cistern, such as Caroma Triden or Caravelle units.

Water sub-metering is proposed. A Supply Authority water meter will be provided for mains water to each apartment, and a separate simple flow meter for the rainwater reuse.



3.2 Efficient Appliances

All appliances installed as part of the building works will aim to achieve the following water ratings:

- Dishwashers: a minimum 3.0 star energy and 4.0 star water. Eg Bosch BDW146X

3.3 Balconies

All balconies to be installed with a tap and surface drain. Drain is not to discharge to rain tank.

3.4 Water Quality Objectives

The Water Quality Objectives for the site are based on "Best Practice Environmental Management Guidelines" (CSIRO 1999).

Best Practice Management Targets

In order to achieve the required treatment objectives, water quality treatment measures will be incorporated into the site layout to meet best practice management targets outlined in the table below.

Pollutant	Total Reduction
Total Suspended Solids	80%
Total Nitrogen	45%
Total Phosphorus	45%
Total Litter/Gross Pollutants	70%

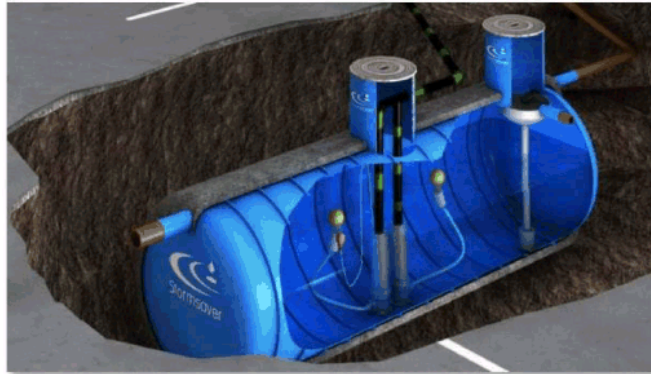
3.5 Stormwater management

A total Storm score of **100%** is achieved with the measure outlines below.

Rainwater tanks

Rain water from the upper level roof will be directed to a minimum **5000 litre rainwater tank**.

This provides an individual STORM treatment score of **108%** and a Tank Water Supply Reliability score of **58%**



This tank will recover rain water and the water will be reused for toilet flushing, and plumbed to external taps at ground level and on balconies for outdoor use and building maintenance. When the tanks are dry mains water will be provided as required to the cisterns (not to refill the tank). To improve the efficiency of water use it is proposed to use 4 Star WELS rated cisterns.

To improve the quality of water leaving the site, leaf diverting rain heads and first flush diverters should be included upstream of the rain tank to divert initial sediment flow when rain events occur.

Diverter can be installed on downpipes with a simple ball and seat system from a T-junction, or could be installed underground before entering the underground tank. Ideally the volume of the diverter would be 0.5-2.0 litres per m² of collection area, subject to the level of pollution on the roof – leaves, animal dropping, dust and dirt.

Once the diverter is full with the first flush and any silts or debris, cleaner water is automatically diverted to the tank. The diverted water can be left to slowly drain out of the holding tank to a garden bed or gross pollutant trap, or manually emptied.

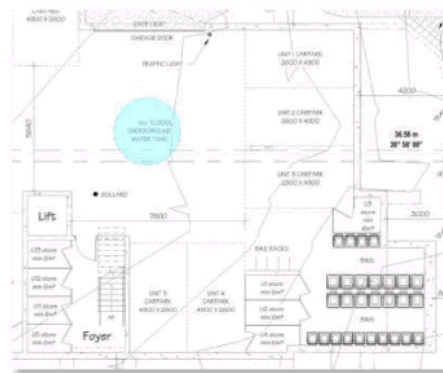
Water pumps and manual over-ride switches should be readily accessible for access in the event of malfunction.

All rain water over flow after recovery and harvesting will be directed to the authority SWD system.

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Balconies are not to be plumbed to the rain tank, or allowed to drain to the adjoining roof surfaces due to contamination. The driveway has no treatment proposed.

Paved paths and other small hard cover areas are to be sloped to shed water to buffer strips (landscaped areas) allowing ground infiltration, reducing peak flow rates and improving water quality through filtration.

All water sensitive urban design initiatives are considered with further consultation and approval with both appointed civil or drainage engineer, and Council Engineering and Infrastructure Department.

INDOOR ENVIRONMENT QUALITY

4.1 Natural Ventilation

Buildings with effective natural ventilation provide passive means of cooling and air movement, which encourages occupants to open the windows in preference to using air conditioning. Natural ventilation also improves indoor environment quality by circulating fresh air.

Openable windows is provided to all facades and habitable rooms. Natural ventilation for air movement can be expected to occur under the following conditions:

- Single sided, single opening: 1.5 x ceiling height (2.7m) = 4.05m zone
- Single sided, multiple openings: 2.5 x ceiling height = 6.75m zone
- Cross-ventilation: 5 x ceiling height = 13.5m zone

The natural ventilation will be improved through the exhaust fans to kitchens and bathrooms. As well as removing indoor air pollutants and excess moisture, the exhaust fans will provide an additional air path for fresh air passing through the open façade.

4.2 Glazing and Natural Lighting

Glazing has a direct impact on heating and cooling loads through solar radiation heat gains and internal heat losses, and access to daylight and sunshine considered advantageous to the well being and productivity of occupants and to reduce reliance on artificial lighting.

It is recommended that all occupied spaces achieve a high level of natural lighting. Indirect natural light penetration is generally limited to within 2.5 times the window head height (WHH) (unshaded) or 1 to 2 times the WHH (shaded). The development generally has at least 2.4m high glazing, resulting in daylight penetration of up to 4.8m for shaded windows and 6m for unshaded windows.

Clear double glazing as specified reduces load on heating and cooling systems, and maximises the occupants' external vision, and available daylight to all task areas. Glazing has been *calculated prior to Town Planning Lodgement* to ensure compliance with the building code requirements, as well as to maximise daylight. All living rooms and majority of bedrooms have access to natural daylight.

Light coloured walls internally will help to maximise daylight levels.

The residential daylighting factor described in BESS has been calculated within BESS and not entered by the assessor.

4.3 External Views

All apartments are provided with external views from the living areas and bedrooms. Overlooking restrictions will be in place as required with current guidelines.

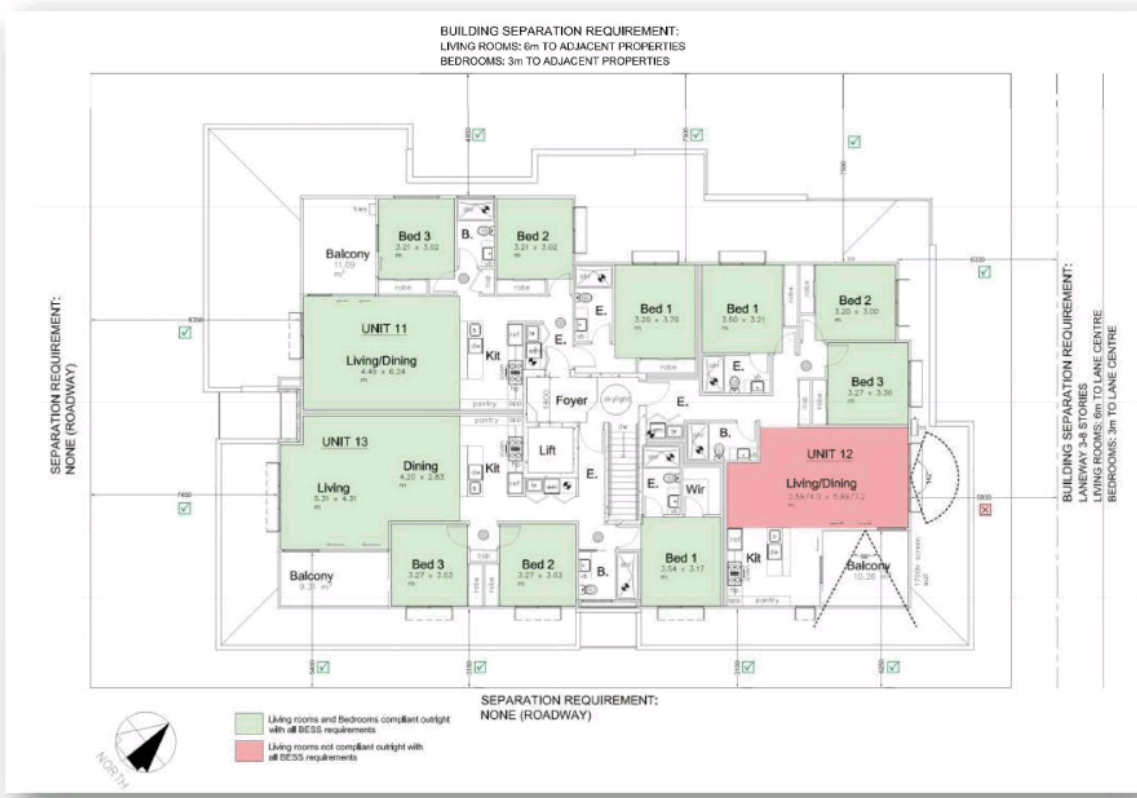
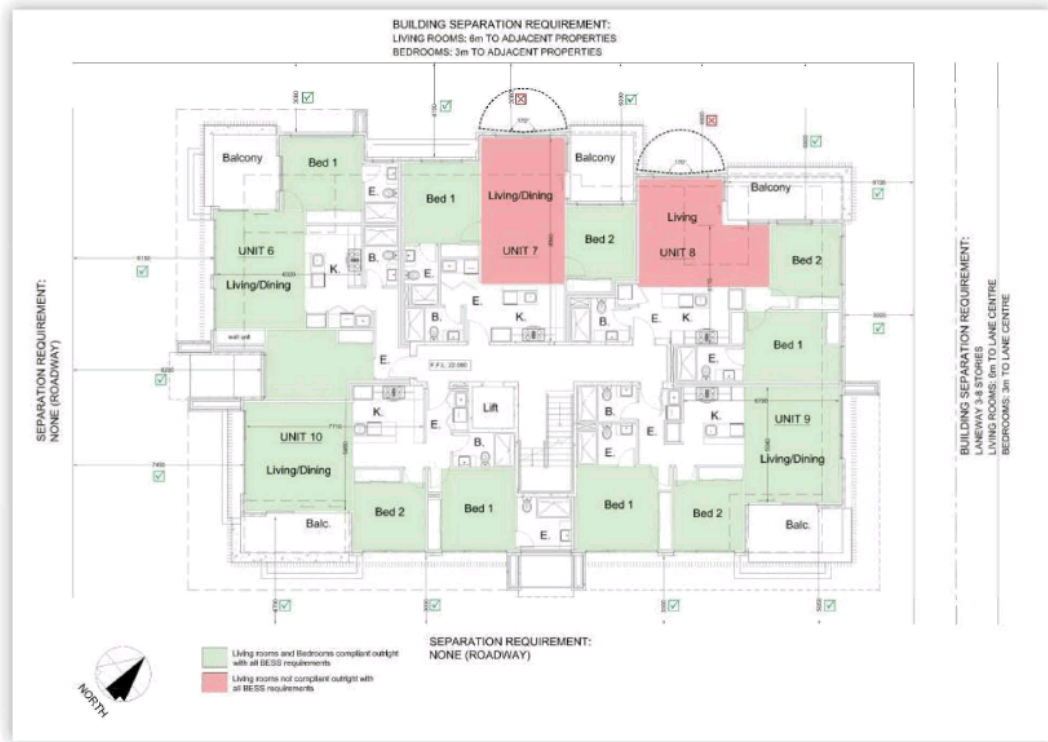
4.4 Noise Levels

Incursion of environmental noise, particularly rail noise, will be limited through the use of high quality glazing, combined with heavy mass built elements and appropriate bulk insulation.

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123 & 125 Como Parde East, Parkdale

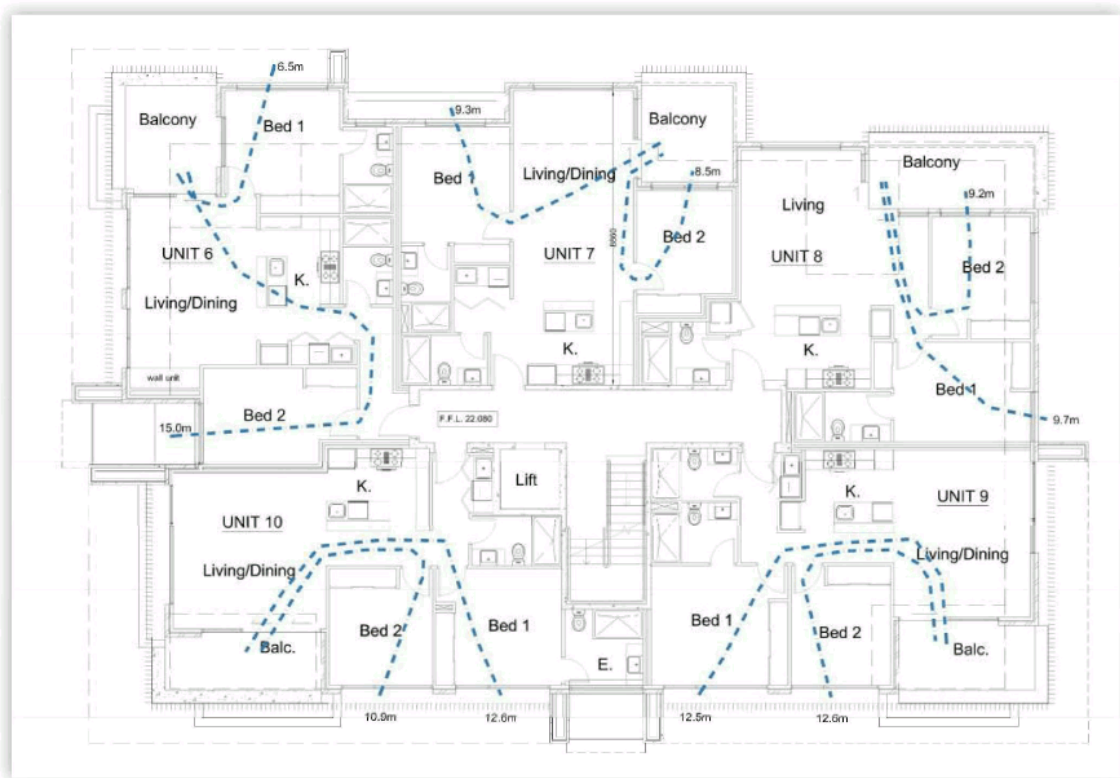
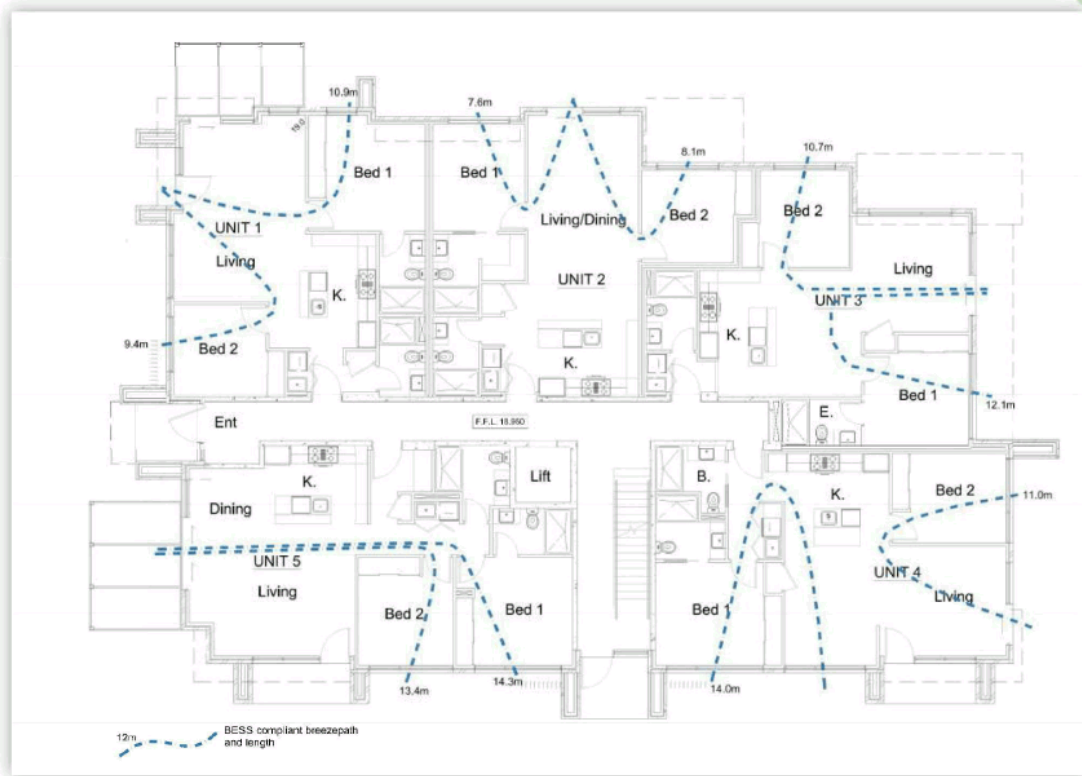
Ref: 19133 v2
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123 & 125 Como Parde East, Parkdale

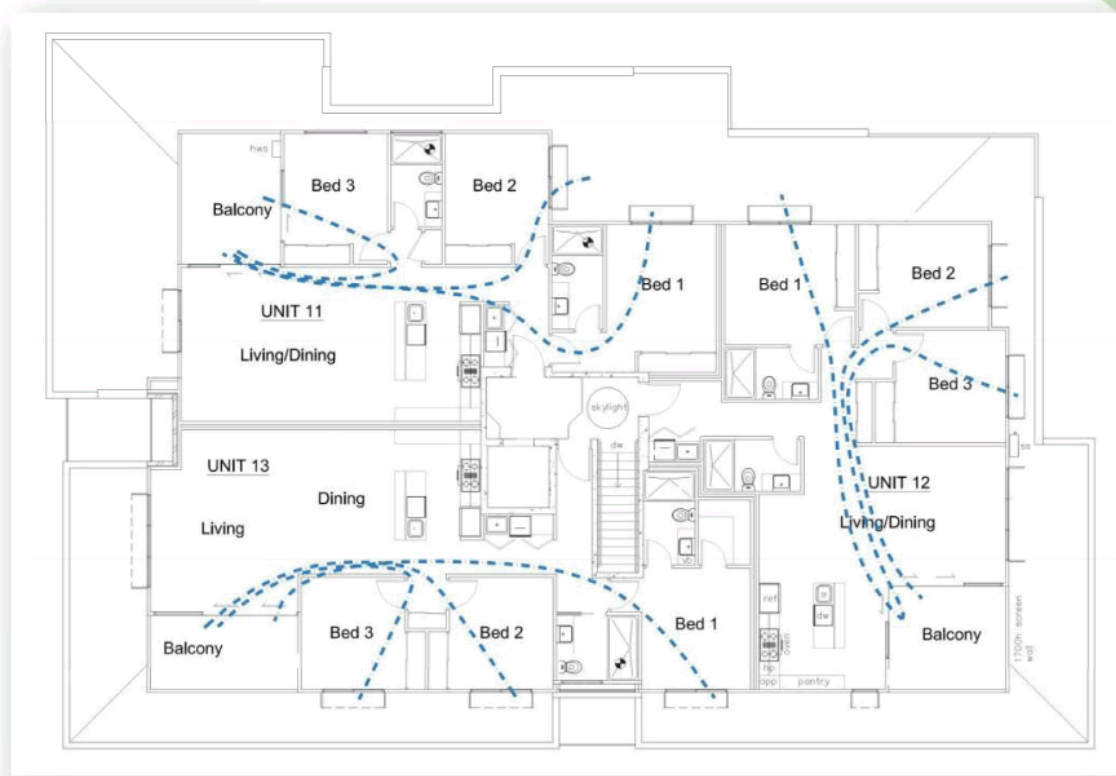
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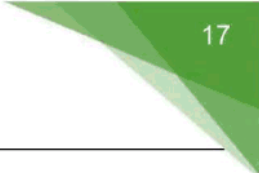


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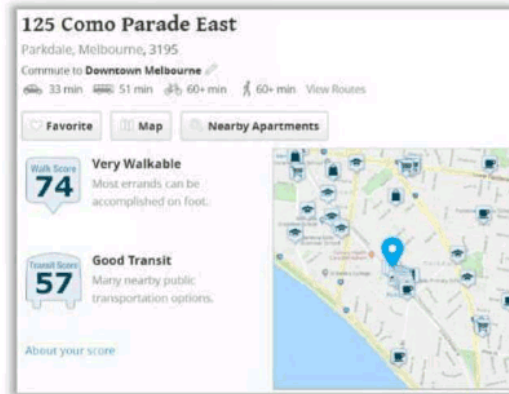


TRANSPORT

5.1 General

The development is located within an existing residential use area. The CBD area of Parkdale is approx 300m southeast.

The Walkscore website rates the location as 74/100 for walkability to shopping, eateries, schools and the like suggesting the need for occupants to maintain ownership of their own vehicles is greatly reduced.



5.2 Transport

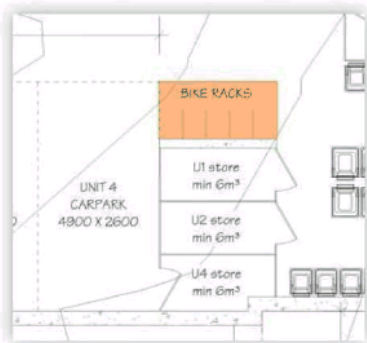
A bus service (route 708) runs locally along Como Parade East, with the near stop 50m away. This service runs between Carrum and Hampton stations, and intersects many other bus routes and two separate rail services.

The Frankston rail line is in close walking distance to the site, with Parkdale Rail station 300m south east.

5.3 Cycling

5 dedicated bike spaces are detailed within the basement area.

Each apartments also has their own locked storage space where additional bikes may be stored, plus hanging space over a carpark.



RUBBISH, WASTE AND RECYCLING

6.1 Construction

During the construction period, waste management contractors tendering for works will be selected due to their ability in providing the best service that includes safest work practices and material recycling. The selected contractor is to prepare a waste management plan for the construction. This is to include:

- A minimum of **80% by mass** of all construction materials will be recovered and recycled, or made available for reuse on site or elsewhere.
- Details of locations of waste storage/stock piles, being kept away where practical from perimeter boundaries.
- Details of locations of all waste bins etc, being located within the site boundary, and protection provided to prevent wind from dislodging waste.
- Procedures to manage risks and concerns of all interested parties
- Separation of all commercially viable recyclable waste streams
- Training in waste minimisation for all site staff and contractors to form part of site induction training
- Record keeping of landfill waste and recyclable stream volumes to track performance against the 80% recyclable target
- Reporting of volumes and percentages for each waste stream

Pre-manufacturing is proposed whereby building components are manufactured off site to reduce waste. This includes all glazing and cabinetry. Roof sheets and other steel materials are measured and ordered to fit.

The plastering contractor may be required to supply their own bin and recycle plasterboard cut-offs.

6.2 Operational Waste and Materials Re-use Management.

Upon occupancy, waste collection and recycling services will be provided by existing council services.

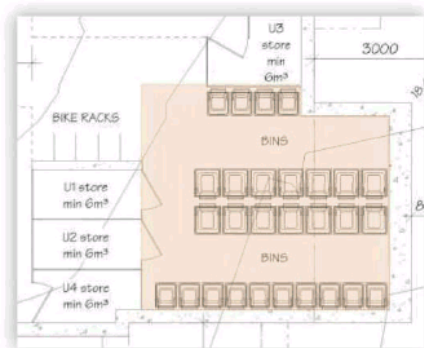
Proposed bin storage locations are contained within the building footprint and will be relocated by the building tenant before and after collection. Recyclable materials entering the general waste stream will be minimised by providing dedicated waste and recycling facilities located at ground floor

Specific details on the requirements of waste management will be included within the information and operation manuals provided by the lessee or owners to occupiers. This will include:

- Type of waste to be deposited within the bins with high focus on the items and processes for recycling, and
- Collection point and frequency of collections.

Green waste will be collected by garden maintenance personnel and not left on site, or council 'green' bin service.

As a minimum, kitchens will be provided with storage location for two bins to separate recycling and waste. Additional waste management will be defined by the occupant.



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URBAN ECOLOGY

7.1 Landscape

The proposed development is located on a cleared vacant site. There will be no net loss of trees or significant vegetation.

New plantings will be predominately low water consuming and low maintenance types.

The ecological variety of the currently poor ecological value site will be improved by the proposed plantings.

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BESS Report



This BESS report outlines the sustainable design commitments of the proposed development at 123 Como Parade East Parkdale VIC 3195. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Kingston City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.

123 Como Parade East, Parkdale 3195 Parkdale

Site area: 892 m² · Building Floor Area: 1038 m² ·
Date of Assessment: 10 Sep 2020 · Version: V4, 1.6.2-B.292 ·
Applicant: admin@statewidegroup.com.au

Project Identifier
000A5AC2

Published
<http://bess.net.au/projects/000A5AC2-V2>

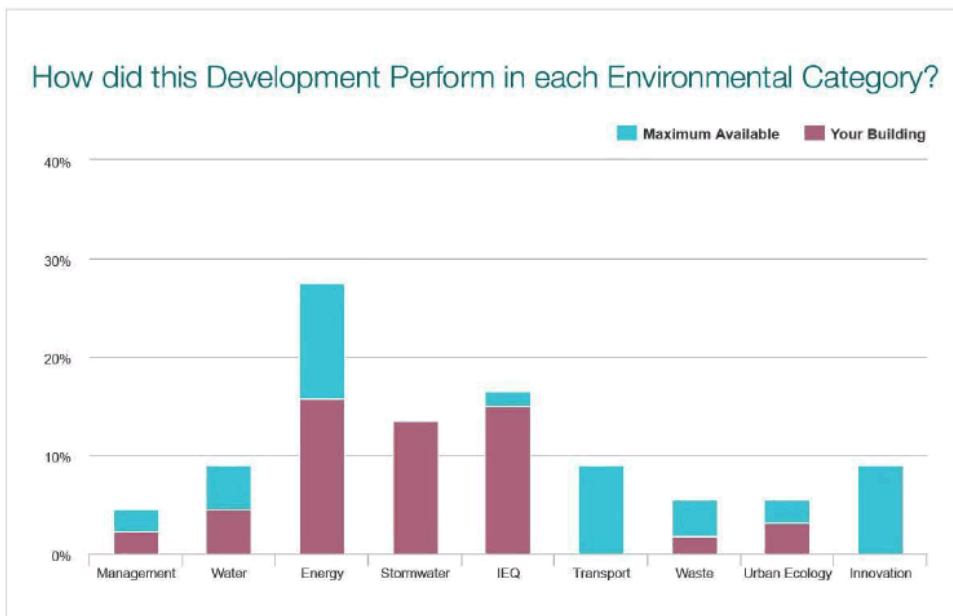
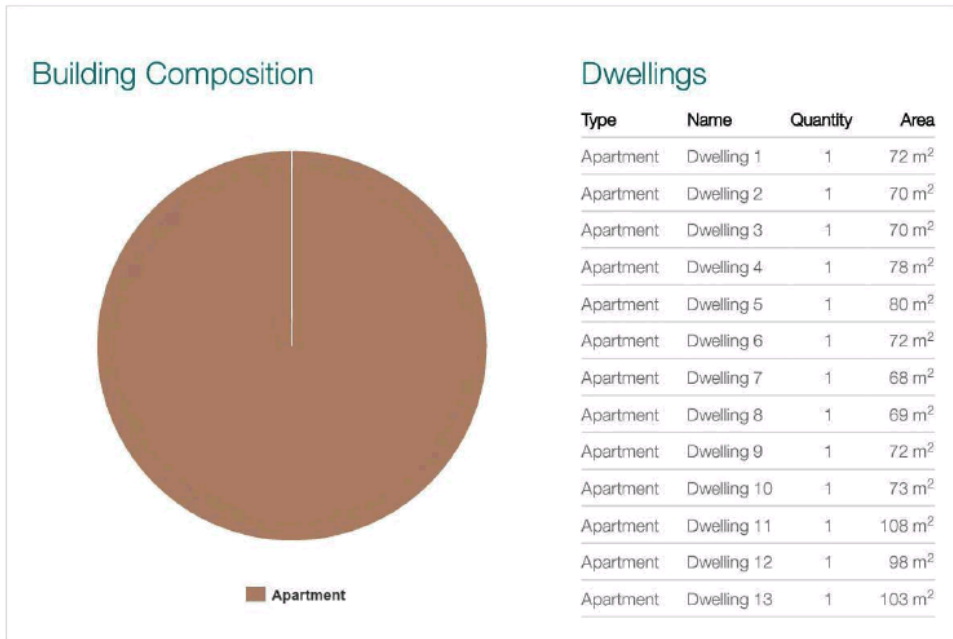
Your BESS score is

+ 55%

% of Total	Category	Score	Pass
2 %	Management	50 %	
4 %	Water	50 %	✓
16 %	Energy	57 %	✓
14 %	Stormwater	100 %	✓
15 %	IEQ	91 %	✓
0 %	Transport	0 %	
2 %	Waste	33 %	
3 %	Urban Ecology	56 %	
0 %	Innovation	0 %	

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Sustainable design commitments by category

The sustainable design commitments for this project are listed below. These are to be incorporated into the design documentation and subsequently implemented.

Management		50% - contributing 2% to overall score	
Credit	Disabled	Scoped out	Score
Management 1.1 Pre-Application Meeting			0 %
Management 2.2 Thermal Performance Modelling - Multi-Dwelling Residential			100 %

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Management 3.1 Metering	100 %
Management 3.3 Metering	100 %

Management 1.1 Pre-Application Meeting 0%

Score Contribution	This credit contributes 37.5% towards this section's score.
Aim	To encourage the involvement of suitably qualified ESD professionals in the project team from the early design stage.
Notes	ESD professional engaged. No pre-app meeting

Questions

Has an ESD professional been engaged to provide sustainability advice from schematic design to construction?
AND Has the ESD professional been involved in a pre-application meeting with Council? *

No

Management 2.2 Thermal Performance Modelling - Multi-Dwelling Residential 100%

Score Contribution	This credit contributes 25.0% towards this section's score.
Aim	To encourage and recognise developments that have used modelling to inform passive design at the early design stage

Questions

Have preliminary NatHERS ratings been undertaken for all thermally unique dwellings? *

Yes

Management 3.1 Metering 100%

Score Contribution	This credit contributes 12.5% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption

Questions

Have utility meters been provided for all individual dwellings? *

Yes

Management 3.3 Metering 100%

Score Contribution	This credit contributes 12.5% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption

Questions

Have all major common area services been separately submetered? *

Yes

Water

50% - contributing 4% to overall score

Credit	Disabled	Scoped out	Score
Water 1.1 Potable water use reduction			40 %
Water 3.1 Water Efficient Landscaping			100 %
Water 4.1 Building Systems Water Use Reduction			N/A

Water Approaches

What approach do you want to use Water?	Use the built in calculation tools
Do you have a reticulated third pipe or an on-site water recycling system?	No
Are you installing a swimming pool?	No
Are you installing a rainwater tank?	Yes

Water fixtures, fittings and connections

	Dwelling 1	Dwelling 2	Dwelling 3
Showerhead	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out	Scope out	Scope out
Kitchen Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
WC	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	Scope out	Scope out
Which non-potable water source is the dwelling/space connected to?	tank	tank	tank
Non-potable water source connected to Toilets	Yes	Yes	Yes
Non-potable water source connected to Laundry (washing machine)	No	No	No
	Dwelling 4	Dwelling 5	Dwelling 6
Showerhead	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out	Scope out	Scope out
Kitchen Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
WC	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	Scope out	Scope out

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	Dwelling 4	Dwelling 5	Dwelling 6
Which non-potable water source is the dwelling/space connected to?	tank	tank	tank
Non-potable water source connected to Toilets	Yes	Yes	Yes
Non-potable water source connected to Laundry (washing machine)	No	No	No
	Dwelling 7	Dwelling 8	Dwelling 9
Showerhead	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out	Scope out	Scope out
Kitchen Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
WC	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	Scope out	Scope out
Which non-potable water source is the dwelling/space connected to?	tank	tank	tank
Non-potable water source connected to Toilets	Yes	Yes	Yes
Non-potable water source connected to Laundry (washing machine)	No	No	No
	Dwelling 10	Dwelling 11	Dwelling 12
Showerhead	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out	Scope out	Scope out
Kitchen Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating	>= 5 Star WELS rating	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
WC	>= 4 Star WELS rating	>= 4 Star WELS rating	>= 4 Star WELS rating
Urinals	Scope out	Scope out	Scope out
Washing Machine Water Efficiency	Scope out	Scope out	Scope out
Which non-potable water source is the dwelling/space connected to?	tank	tank	tank
Non-potable water source connected to Toilets	Yes	Yes	Yes
Non-potable water source connected to Laundry (washing machine)	No	No	No

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Dwelling 13

Showerhead	3 Star WELS (>= 7.5 but <= 9.0) (minimum requirement)
Bath	Scope out
Kitchen Taps	>= 5 Star WELS rating
Bathroom Taps	>= 5 Star WELS rating
Dishwashers	>= 4 Star WELS rating
WC	>= 4 Star WELS rating
Urinals	Scope out
Washing Machine Water Efficiency	Scope out
Which non-potable water source is the dwelling/space connected to?	tank
Non-potable water source connected to Toilets	Yes
Non-potable water source connected to Laundry (washing machine)	No

Rainwater Tanks

		tank
Name		tank
What is the total roof area connected to the rainwater tank?	Square Metres	578.7
Tank Size	Litres	5000.0
Is connected irrigation area a water efficient garden?		Yes

Water 1.1 Potable water use reduction

40%

Score Contribution	This credit contributes 83.3% towards this section's score.
Aim	Water 1.1 Potable water use reduction (interior uses) What is the reduction in total water use due to efficient fixtures, appliances, and rainwater use? To achieve points in this credit there must be >25% potable water reduction. You are using the built in calculation tools. This credit is calculated from information you have entered above.
Criteria	What is the reduction in total potable water use due to efficient fixtures, appliances, rainwater use and recycled water use? To achieve points in this credit there must be >25% potable water reduction.

Calculations

Reference (kL) *	1317
Proposed (excluding rainwater and recycled water use) (kL) *	1095
Rainwater or recycled water supplied (Internal + External) (kL) *	160
Proposed (including rainwater and recycled water use) (kL) *	934
% Reduction in Potable Water Consumption * Percentage %	29 %

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Water 3.1 Water Efficient Landscaping

100%

Score Contribution

This credit contributes 16.7% towards this section's score.

Aim

Are water efficiency principles used for landscaped areas? This includes low water use plant selection (e.g. xeriscaping). Note: food producing landscape areas and irrigation areas connected to rainwater or an alternative water source are excluded from this section.

Questions

Will water efficient landscaping be installed? *

Yes

Water 4.1 Building Systems Water Use Reduction

N/A

This credit was scoped out: not applicable

Aim

Will the project minimise water use for building systems such as evaporative cooling and fire testing systems?

Energy

57% - contributing 16% to overall score

Credit	Disabled	Scoped out	Score
Energy 1.2 Thermal Performance Rating - Residential			17 %
Energy 2.1 Greenhouse Gas Emissions			100 %
Energy 2.3 Electricity Consumption			100 %
Energy 2.4 Gas Consumption			100 %
Energy 3.1 Carpark Ventilation			100 %
Energy 3.2 Hot Water			100 %
Energy 3.6 Internal Lighting - Residential Multiple Dwellings			100 %

Dwellings Energy Approaches

What approach do you want to use for Energy?	Use the built in calculation tools
Are you installing a solar photovoltaic (PV) system?	No
Are you installing any other renewable energy system(s)?	No
Gas supplied into building	Natural Gas

Dwelling Energy Profiles

	Dwelling 1	Dwelling 2	Dwelling 3
Below the floor is	Ground or Carpark	Ground or Carpark	Ground or Carpark
Above the ceiling is	Another Occupancy	Another Occupancy	Another Occupancy
Exposed sides	2	1	2
NatHERS Annual Energy Loads - Heat MJ/sqm	134.0	99.6	100.7
NatHERS Annual Energy Loads - Cool MJ/sqm	15.9	9.9	12.4
NatHERS star rating	5.4	6.4	6.4

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	Dwelling 1	Dwelling 2	Dwelling 3
Type of Heating System	E Reverse cycle ducted	E Reverse cycle ducted	E Reverse cycle ducted
Heating System Efficiency	4 Star	4 Star	4 Star
Type of Cooling System	Refrigerative ducted	Refrigerative ducted	Refrigerative ducted
Cooling System Efficiency	3 Stars	3 Stars	3 Stars
Type of Hot Water System	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star
Central Hot Water System	No	No	No
Clothes Line	A No drying facilities	A No drying facilities	A No drying facilities
Clothes Dryer	F Clothes dryer 1 stars	F Clothes dryer 1 stars	F Clothes dryer 1 stars
	Dwelling 4	Dwelling 5	Dwelling 6
Below the floor is	Ground or Carpark	Ground or Carpark	Another Occupancy
Above the ceiling is	Another Occupancy	Another Occupancy	Another Occupancy
Exposed sides	2	2	2
NatHERS Annual Energy Loads - Heat MJ/sqm	124.1	148.6	91.5
NatHERS Annual Energy Loads - Cool MJ/sqm	21.0	12.3	15.7
NatHERS star rating	5.4	5.1	6.5
Type of Heating System	E Reverse cycle ducted	E Reverse cycle ducted	E Reverse cycle ducted
Heating System Efficiency	4 Star	4 Star	4 Star
Type of Cooling System	Refrigerative ducted	Refrigerative ducted	Refrigerative ducted
Cooling System Efficiency	3 Stars	3 Stars	3 Stars
Type of Hot Water System	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star
Central Hot Water System	No	No	No
Clothes Line	A No drying facilities	A No drying facilities	A No drying facilities
Clothes Dryer	F Clothes dryer 1 stars	F Clothes dryer 1 stars	F Clothes dryer 1 stars
	Dwelling 7	Dwelling 8	Dwelling 9
Below the floor is	Another Occupancy	Another Occupancy	Another Occupancy
Above the ceiling is	Another Occupancy	Another Occupancy	Another Occupancy
Exposed sides	1	2	2
NatHERS Annual Energy Loads - Heat MJ/sqm	27.3	52.5	80.8
NatHERS Annual Energy Loads - Cool MJ/sqm	12.3	17.9	15.1
NatHERS star rating	8.6	8.2	7.3
Type of Heating System	E Reverse cycle ducted	E Reverse cycle ducted	E Reverse cycle ducted
Heating System Efficiency	4 Star	4 Star	4 Star
Type of Cooling System	Refrigerative ducted	Refrigerative ducted	Refrigerative ducted
Cooling System Efficiency	3 Stars	3 Stars	3 Stars
Type of Hot Water System	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star
Central Hot Water System	No	No	No
Clothes Line	A No drying facilities	A No drying facilities	A No drying facilities
Clothes Dryer	F Clothes dryer 1 stars	F Clothes dryer 1 stars	F Clothes dryer 1 stars
	Dwelling 10	Dwelling 11	Dwelling 12
Below the floor is	Another Occupancy	Another Occupancy	Another Occupancy

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	Dwelling 10	Dwelling 11	Dwelling 12
Above the ceiling is	Another Occupancy	Outside	Outside
Exposed sides	2	2	2
NatHERS Annual Energy Loads - Heat MJ/sqm	114.1	79.6	90.3
NatHERS Annual Energy Loads - Cool MJ/sqm	14.7	13.0	15.7
NatHERS star rating	6.3	7.4	7.0
Type of Heating System	E Reverse cycle ducted	E Reverse cycle ducted	E Reverse cycle ducted
Heating System Efficiency	4 Star	4 Star	4 Star
Type of Cooling System	Refrigerative ducted	Refrigerative ducted	Refrigerative ducted
Cooling System Efficiency	3 Stars	3 Stars	3 Stars
Type of Hot Water System	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star	J Gas Instantaneous 6 star
Central Hot Water System	No	No	No
Clothes Line	A No drying facilities	A No drying facilities	A No drying facilities
Clothes Dryer	F Clothes dryer 1 stars	F Clothes dryer 1 stars	F Clothes dryer 1 stars
Dwelling 13			
Below the floor is	Another Occupancy		
Above the ceiling is	Outside		
Exposed sides	2		
NatHERS Annual Energy Loads - Heat MJ/sqm	94.3		
NatHERS Annual Energy Loads - Cool MJ/sqm	11.2		
NatHERS star rating	6.9		
Type of Heating System	E Reverse cycle ducted		
Heating System Efficiency	4 Star		
Type of Cooling System	Refrigerative ducted		
Cooling System Efficiency	3 Stars		
Type of Hot Water System	J Gas Instantaneous 6 star		
Central Hot Water System	No		
Clothes Line	A No drying facilities		
Clothes Dryer	F Clothes dryer 1 stars		

Energy 1.2 Thermal Performance Rating - Residential

17%

Score Contribution	This credit contributes 28.6% towards this section's score.
Aim	Reduce reliance on mechanical systems to achieve thermal comfort in summer and winter - improving comfort, reducing greenhouse gas emissions, energy consumption, and maintenance costs.
Criteria	What is the average NatHERS rating?

Calculations

Average NATHERS Rating (Weighted) * Stars

6.7

Energy 2.1 Greenhouse Gas Emissions

100%

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Score Contribution	This credit contributes 9.5% towards this section's score.
Aim	Reduce the building's greenhouse gas emissions
Criteria	Are greenhouse gas emissions >10% below the benchmark?

Calculations

Reference Building with Reference Services (BCA only) * kg CO2

62910.8

Proposed Building with Proposed Services (Actual Building) * kg CO2

30812.0

% Reduction in GHG Emissions * Percentage %

51 %

Energy 2.3 Electricity Consumption 100%

Score Contribution	This credit contributes 9.5% towards this section's score.
Aim	Reduce consumption of electricity
Criteria	Is the annual electricity consumption >10% below the benchmark?

Calculations

Reference * kWh

51416.0

Proposed * kWh

24475.2

Improvement * Percentage %

52 %

Energy 2.4 Gas Consumption 100%

Score Contribution	This credit contributes 9.5% towards this section's score.
Aim	Reduce consumption of gas
Criteria	Is the annual gas consumption >10% below the benchmark?

Calculations

Reference * MJ

153612.7

Proposed * MJ

89950.4

Improvement * Percentage %

41 %

Energy 3.1 Carpark Ventilation 100%

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Score Contribution This credit contributes 9.5% towards this section's score.

Questions

If you have a basement carpark, is it either: (a) fully naturally ventilated (no mechanical ventilation system), or (b) use Carbon Monoxide monitoring to control the operation and speed of the ventilation fans? *

Yes

Energy 3.2 Hot Water 100%

Score Contribution This credit contributes 4.8% towards this section's score.

Criteria Does the hot water system use >10% less energy (gas and electricity) than the reference case?

Calculations

Reference * kWh

42670.2

Proposed * kWh

25512.9

Improvement * Percentage %

40 %

Energy 3.6 Internal Lighting - Residential Multiple Dwellings 100%

Score Contribution This credit contributes 9.5% towards this section's score.

Aim Reduce energy consumption associated with internal lighting

Questions

Is the maximum illumination power density (W/m2) in at least 90% of the relevant Building Class at least 20% lower than required by Table J6.2a of the NCC BCA (2019) Volume 1 Section J (Class 2 to 9) and clause 3.12.5.5 NCC BCA (2019) Volume 2 (Class 1 and 10)? *

Yes

Stormwater 100% - contributing 14% to overall score

Credit	Disabled	Scoped out	Score
--------	----------	------------	-------

Stormwater 1.1 Stormwater Treatment			100 %
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Which stormwater modelling are you using?	Melbourne Water STORM tool		
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Stormwater 1.1 Stormwater Treatment			100%
-------------------------------------	--	--	------

Score Contribution This credit contributes 100.0% towards this section's score.

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Aim	To achieve best practice stormwater quality objectives through reduction of pollutant load (suspended solids, nitrogen and phosphorus)
Criteria	Has best practice stormwater management been demonstrated?

Questions

STORM score achieved *

103

Calculations

Min STORM Score *

100

IEQ

91% - contributing 15% to overall score

Credit	Disabled	Scoped out	Score
IEQ 1.1 Daylight Access - Living Areas			67 %
IEQ 1.2 Daylight Access - Bedrooms			100 %
IEQ 1.3 Winter Sunlight			100 %
IEQ 1.5 Daylight Access - Minimal Internal Bedrooms			100 %
IEQ 2.1 Effective Natural Ventilation			100 %
Use the BESS Deemed to Satisfy (DtS) method for IEQ?			No
Are all living areas and bedrooms less than 8m deep (5m if south facing)?			Yes
Do all living areas and bedrooms have a floor-to-ceiling height of at least 2.7m?			Yes
Does all glazing to living areas achieve at least 60% Visible Light Transmittance (VLT)?			Yes
Do all living areas have an external facing window (not into a courtyard, light well or other major obstruction)?			Yes
Does the building(s) comply with the requirements of the building separation tables?			No
What approach do you want to use for IEQ?		Use the built in calculation tools	

Please provide the following room profiling information below.

	Dwelling 1, Living Rms - apts 1,3,4,5,6,9,10,11,13	Dwelling 1, Bedrooms	Dwelling 1, Apt 2 LIVING
Name	Living Rms - apts 1,3,4,5,6,9,10,11,13	Bedrooms	Apt 2 LIVING
Room Designation	Living	Bedroom	Living
Quantity	10	29	1
Auto-Pass	Yes	Yes	No
Room Floor Area Square Metres	-	-	24.1
Vertical Angle Angle (degrees)	-	-	90.0
Horizontal Angle Angle (degrees)	-	-	170.0
Window Area Square Metres	-	-	5.8
Window Orientation	-	-	North-West
Glass Type	-	-	Clear Double (VLT 0.71)

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BESS - 123 Como Parade East, Parkdale VIC 3195, Australia

	Dwelling 1, apt 7 Living	Dwelling 1, apt 8 LIVING	Dwelling 1, Apt 12 LIVING
Name	apt 7 Living	apt 8 LIVING	Apt 12 LIVING
Room Designation	Living	Living	Living
Quantity	1	1	1
Auto-Pass	No	No	No
Room Floor Area <small>Square Metres</small>	24.1	23.0	27.0
Vertical Angle <small>Angle (degrees)</small>	90.0	22.0	22.0
Horizontal Angle <small>Angle (degrees)</small>	170.0	50.0	420.0
Window Area <small>Square Metres</small>	5.8	11.8	13.0
Window Orientation	North-West	North-West	North-East
Glass Type	Clear Double (VLT 0.71)	Clear Double (VLT 0.71)	Clear Double (VLT 0.71)

IEQ 1.1 Daylight Access - Living Areas

67%

Score Contribution	This credit contributes 27.3% towards this section's score.
Aim	To provide a high level of amenity and energy efficiency through design for natural light.
Criteria	What % of living areas achieve a daylight factor greater than 1%

Calculations

Calculated percentage * Percentage %

92 %

IEQ 1.2 Daylight Access - Bedrooms

100%

Score Contribution	This credit contributes 27.3% towards this section's score.
Aim	To provide a high level of amenity and energy efficiency through design for natural light.
Criteria	What % of bedrooms achieve a daylight factor greater than 0.5%

Calculations

Calculated percentage * Percentage %

100 %

IEQ 1.3 Winter Sunlight

100%

Score Contribution	This credit contributes 9.1% towards this section's score.
Aim	To provide a high level of amenity and reduce need for artificial heating in winter.

Questions

Do 70% of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-winter? *

Yes

IEQ 1.5 Daylight Access - Minimal Internal Bedrooms

100%

20/204605
9/10/2020

BESS - 123 Como Parade East, Parkdale VIC 3195, Australia

Score Contribution	This credit contributes 9.1% towards this section's score.
Aim	To provide a high level of amenity and energy efficiency through design for natural light and ventilation.

Questions

Do at least 90% of dwellings have an external window in all bedrooms? *

Yes

IEQ 2.1 Effective Natural Ventilation 100%

Score Contribution	This credit contributes 27.3% towards this section's score.
Aim	To provide fresh air and passive cooling opportunities.
Criteria	What % of dwellings are effectively naturally ventilated?

Questions

% Achieved ? *

100 %

Transport 0% - contributing 0% to overall score

Waste 33% - contributing 2% to overall score

Credit	Disabled	Scoped out	Score
Waste 2.2 - Operational Waste - Convenience of Recycling			100 %

Waste 2.2 - Operational Waste - Convenience of Recycling 100%

Score Contribution	This credit contributes 33.3% towards this section's score.
Aim	To minimise recyclable material going to landfill

Questions

Are the recycling facilities at least as convenient for occupants as facilities for general waste? *

Yes

Urban Ecology 56% - contributing 3% to overall score

20/204605
9/10/2020

BESS - 123 Como Parade East, Parkdale VIC 3195, Australia

Credit	Disabled	Scoped out	Score
Urban Ecology 2.1 Vegetation			100 %
Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology			100 %
Urban Ecology 2.1 Vegetation			100%
Score Contribution	This credit contributes 44.4% towards this section's score.		
Aim	To encourage and recognise the use of vegetation and landscaping within and around developments		
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area?		
Questions			
Percentage Achieved ? * Percentage %			
36 %			
Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology			100%
Score Contribution	This credit contributes 11.1% towards this section's score.		
Aim	Encourage plants to be grown on balconies and courtyards		
Questions			
Is there a tap and floor waste on every balcony / in every courtyard? *			
Yes			
Innovation		0% - contributing 0% to overall score	

Items to be marked on floorplans

Management 3.1: Individual utility meters annotated	To be printed
Floorplans & elevations - meters shown on plans	
Management 3.3: Common area submeters annotated	To be printed
Floorplans & elevations - meters shown on plans	
Water 3.1: Water efficient garden annotated	To be printed
Floorplans & elevations - refer to landscape plan	
Energy 3.1: Carpark with natural ventilation or CO monitoring system	To be printed
Floorplans & elevations - refer to notes in SMP	

20/204605
9/10/2020

BESS - 123 Como Parade East, Parkdale VIC 3195, Australia

Stormwater 1.1: Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	To be printed
Floorplans & elevations - refer to notes in SMP	
IEQ 1.1: If using BESS daylight calculator, references to floorplans and elevations showing window sizes and sky angles. Floorplans & elevations - refer to SMP	To be printed
IEQ 1.2: If using BESS daylight calculator, references to floorplans and elevations showing window sizes and sky angles. Floorplans & elevations - refer to SMP	To be printed
IEQ 1.3: If using BESS daylight calculator, references to floorplans and elevations showing window sizes and sky angles. Floorplans & elevations - refer to SMP	To be printed
IEQ 1.5: Floor plans with compliant bedrooms marked	To be printed
Floorplans & elevations - All bedrooms compliant	
IEQ 2.1: Dwellings meeting the requirements for being 'naturally ventilated'	To be printed
Floorplans & elevations - refer to SMP	
Waste 2.2: Location of recycling facilities	To be printed
Floorplans & elevations - refer to SMP, item 6.2	
Urban Ecology 2.1: Vegetated areas	To be printed
Floorplans & elevations - shown on plans and landscape plan	
Urban Ecology 2.4: Taps and floor waste on balconies / courtyards	To be printed
Floorplans & elevations - noted in SMP	

Documents and evidence

Management 2.2: Preliminary NatHERS assessments	To be printed
reports - refer to SMP attachment	
Energy 3.1: Provide a written explanation of either the fully natural carpark ventilation or carbon monoxide monitoring, describing how these systems will work, what systems are required for them to be fully integrated and who will be responsible for their implementation throughout the design, procurement and operational phases of the building life. SMP - refer to SMP report, item 2.9	To be printed
Energy 3.6: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	To be printed
SMP - commitment made in SMP - lighting design yet to be completed from final approved plans	
Stormwater 1.1: STORM report or MUSIC model STORM - refer to STORM in SMP	To be printed
IEQ 1.1: If using an alternative daylight modelling program, a short report detailing assumptions used and results achieved. BESS - BESS internal calculations used	To be printed
IEQ 1.2: If using an alternative daylight modelling program, a short report detailing assumptions used and results achieved. BESS - BESS internal calculations used	To be printed
IEQ 1.3: If using an alternative daylight modelling program, a short report detailing assumptions used and results achieved. BESS - BESS internal calculations used	To be printed
IEQ 1.5: A list of compliant bedrooms plans - all bedrooms compliant. refer to plans	To be printed

20/204605

9/10/2020

BESS - 123 Como Parade East, Parkdale VIC 3195, Australia

IEQ 2.1: A list of naturally ventilated dwellings plans - refer to plans

To be printed

The Built Environment Sustainability Scorecard (BESS) has been provided for the purpose of information and communication. While we make every effort to ensure that material is accurate and up to date (except where denoted as 'archival'), this material does in no way constitute the provision of professional or specific advice. You should seek appropriate, independent, professional advice before acting on any of the areas covered by BESS.

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20/204605



STORM Rating Report

TransactionID: 1023803
 Municipality: KINGSTON
 Rainfall Station: KINGSTON
 Address: 123 & 125 Como Parade Eas

Parkdale
 VIC 3195

Assessor: Andrew Hooper
 Development Type: Residential - Multiunit
 Allotment Site (m2): 892.00
 STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Total roof area	578.70	Rainwater Tank	5,000.00	30	108.20	58.00
driveway	50.20	None	0.00	0	0.00	0.00

Date Generated: 10-Sep-2020

Program Version: 1.0.0

Planning Committee Meeting

23 June 2021

Agenda Item No: 4.4

KP-2018/680 - 31 MATILDA ROAD, MOORABBIN

Contact Officer: Girija Shrestha, Senior Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2018/680 - 31 Matilda Road, 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 Planning Committee determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of three (3) dwellings at 31 Matilda Road, Moorabbin, subject to the conditions contained within this report.

This application requires a decision by the Planning Committee, following a call in by Cr Hadi Saab.

**City of Kingston
Planning Committee Meeting**

Agenda

23 June 2021

EXECUTIVE SUMMARY

Address 31 Matilda Road, MOORABBIN VIC 3189
Legal Description Lot 25 on PS LP040185
Applicant Silverpoint Building Design & Planning
Planning Officer Girija Shrestha

PLANNING REQUIREMENTS

Planning Scheme Kingston
Zoning Clause 32.08 – General Residential Zone (GRZ3)
Overlays None
Particular Provisions Clause 55 – Two or more dwellings on a Lot and Residential Buildings
 Clause 52.06 – Car Parking
 Cause 65.01 – Approval of an Application or Plan
Permit Trigger/s Clause 32.08 – 6 – Construct two or more dwellings on a lot

APPLICATION / PROCESS

Proposal	Develop the land for the construction of three (3) dwellings		
Reference No.	KP-2018/680	RFI Received	13/05/2019
App. Received	24-Aug-2018	App. Amended	12/08/2020
Site inspection	Yes		
S.52 Advertising	Commenced: 18/08/2020 & 08/07/2019	Advertising Completed	Yes – 7/09/2020 & 25/07/2019
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	13 (TRIM checked on 25/03/2021)		
Lot Size	595m ²	Mandatory Building Height requirement	Complies
Mandatory Garden area requirement	Complies – 30%		
Vegetation	Trees > 8m	YES	No. of Trees to be removed (110cm circumference) 0

LEGISLATIVE

Covenant/other Restriction No Complies: N/A
Aboriginal Cultural Sensitivity Area YES
CHMP EXEMPT
Considered Plans Prepared by Silverpoint building Designers & Planning Consultant, comprising Sheets 2 to 5 of 7, revised dated 22/07/2020, submitted to Council on 12 August 2020

1. RELEVANT HISTORY

- 1.1. This planning application was deferred from the 21 April 2021 Planning Committee Meeting. The Councillors in their discussions determined that a deferral was appropriate to allow for further resolution in relation to the following items:
- 1.1.1. Bedroom size
 - 1.1.2. Laundry room location and passive surveillance
 - 1.1.3. Tandem car parking space
 - 1.1.4. Number of crossovers
 - 1.1.5. Neighbourhood character/too many dwellings
- 1.2. Items 1.1.1. - Concerns were raised in relation to bedroom sizes. It is noted that there is no prescriptive bedroom size requirement contained within Clause 55 (Two or more Dwellings on a lot) of the Kingston Planning Scheme, however, Clause 58 (Apartment Developments) requires main bedrooms to have a minimum dimension of 3.4m x 3.0m and all other bedrooms to be 3.0m x 3.0m. It is noted that some of the bedroom sizes are proposed below 3.0m x 3.0m dimension. However, all bedrooms can be modified to achieved minimum dimensions specified within Clause 58 through conditions of permit, noting bedrooms typically adjoin a retreat area and can be modified without increasing the first floor footprint based on discussions with the permit applicant (refer to condition 1.j)
- 1.3. Item 1.1.2. - This item relates to passive surveillance opportunities to Bulli Street from Dwellings 2 and 3. The permit applicant advised that in earlier revisions, the proposal included a European style laundry and an entry study nook within the entry area. This is recommended as a condition of permit to improve passive surveillance opportunities (refer to condition 1k.)
- 1.4. Item 1.1.3. – The garages of dwellings 2 & 3 are proposed to be setback 4.9m from Bulli Street. Concerns were raised in relation to the siting of the tandem car space, noting that Clause 52.06 states “*where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.*” In this instance, Dwellings 2 & 3 each contain two bedrooms and is therefore required to provide one car parking space for each dwelling. This has been provided for within the garages consistent with the requirement of Clause 52.06 of the Kingston Planning Scheme.
- 1.5. Item 1.1.4. - Concerns in relation to the number of vehicle crossovers and loss of on street car parking were raised. Clause 55.03-9 (Access) states “*no more than one single-width crossover should be provided for each dwelling fronting a street*”, accordingly the proposal meets this requirement. The proposal has also been reviewed by Council’s Traffic Engineers and Council’s Roads and Drains Department who has not raised concerns in relation to the proposed number of vehicle crossover and their associated locations.
- 1.6. Item 1.1.5. – Concerns raised in relation to the proposal as being an overdevelopment of the site and being insistent with neighbourhood character have been raised. This is discussed in the body of the report, specifically within neighbourhood character assessment (Section 9.3) and response to objection section of this report (Section 10).

2. SITE PARTICULARS

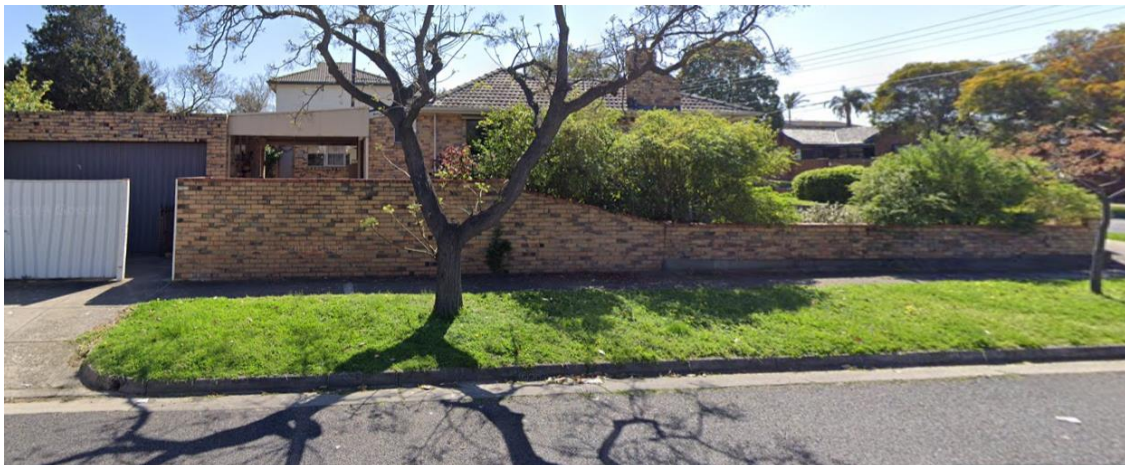
- 2.1 The subject site is a corner lot and is rectangular in shape with a frontage to Matilda Road of 16.154 metres and to Bulli Street of 28.118 metres. The site area is approximately 595m². The land contains an existing single storey brick dwelling with a pitched tiled roof. The site is raised from street level and is vegetated. Typical paling fencing exists to the side and rear boundaries of the land. A low brick fence exists along the frontage of Matilda Road and partially along Bulli Street/. This is gradually increased in height as shown below

picture. The site contains an easement along the western (side) property boundary. One (1) existing crossover adjacent to the south-west (side) boundary. A street tree is located along the Bulli Street frontage.

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



View from Matilada Road



View from Bulli Street

3. SURROUNDING LAND

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



North (side)



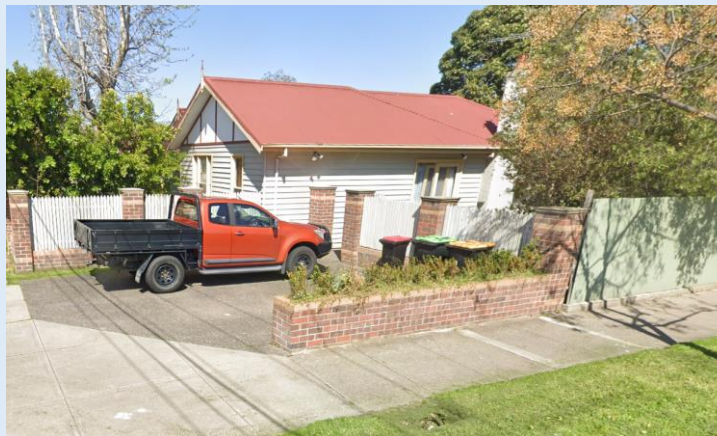
33 Matilda Road – A double storey weatherboard dwelling with approximate 7.59m front setback from Matilda Road. A 1.8m high timber picket fence encloses the front setback.

East (Opposite)



Matilda Road and 32 Matilda Road: This site is developed two double storey dwellings with rendered, brick veneer and steel pitched roof. The dwellings are setback 3.0m from Bulli Street and 3.2m from Matilda Road.

South (Opposite)



Bulli Street and 29 Matilda Road – This is a corner lot and contains a single storey weatherboard dwelling. This dwelling includes a 6.3m front setback from Bulli Street and 6.02m from Matilda Road.

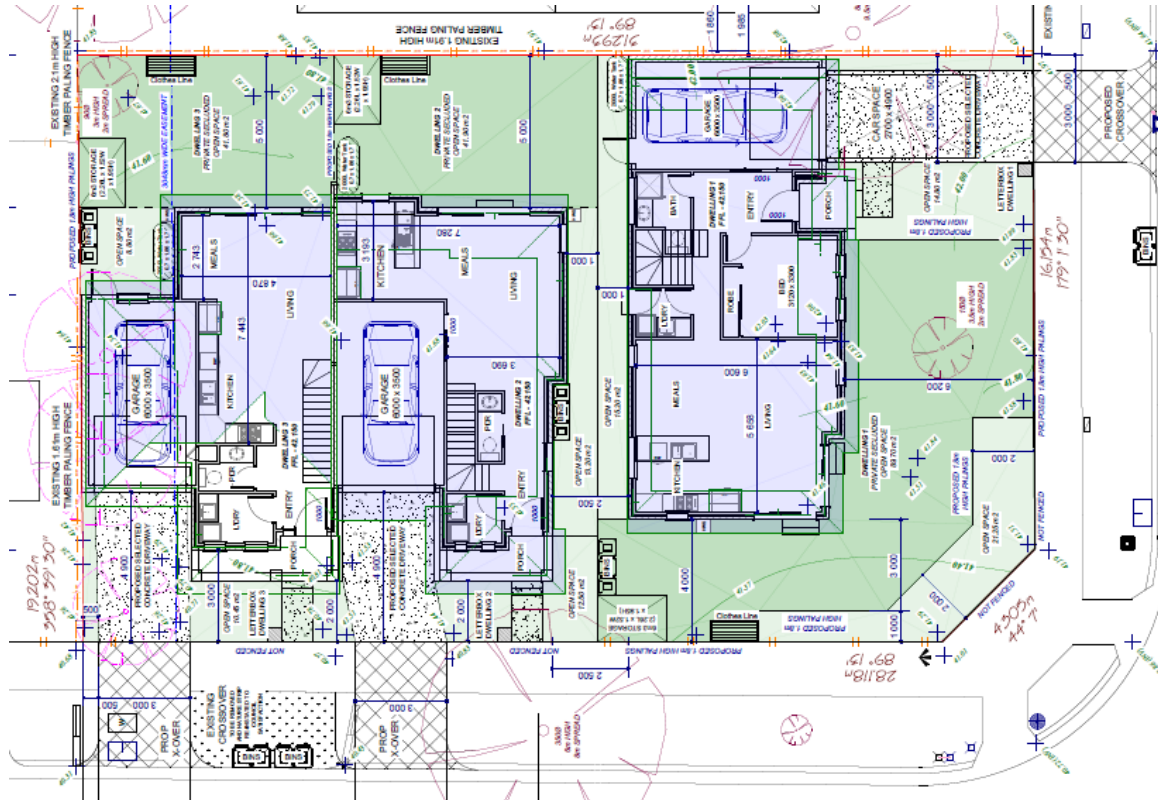
West (side)



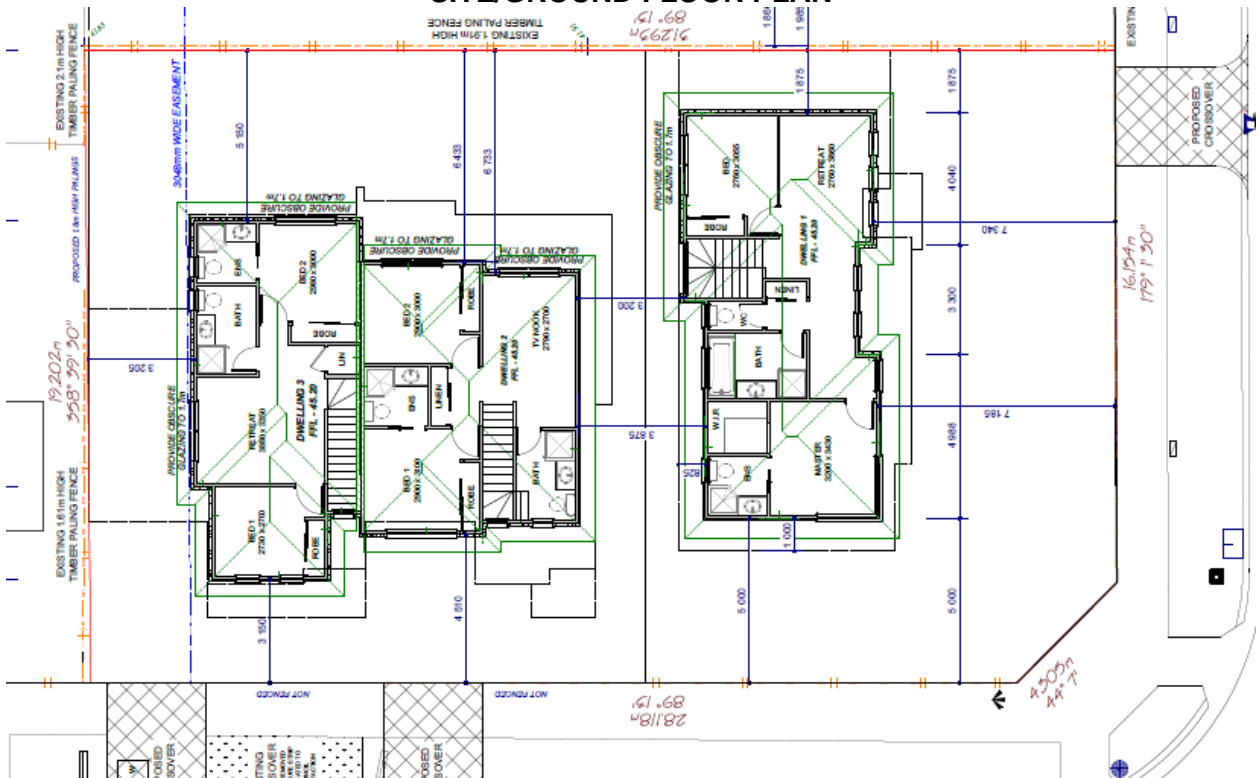
14 Royena Road - This is a corner lot and contains a single storey, brick dwelling with a crossover located towards the property's north (side) of its frontage, fronting Royena Road.

4. PROPOSAL

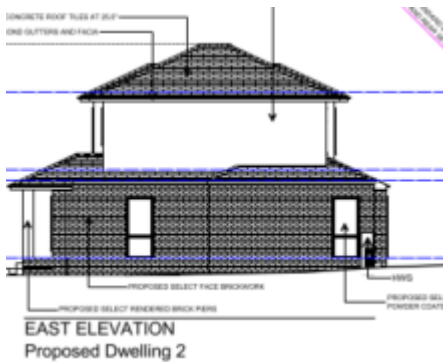
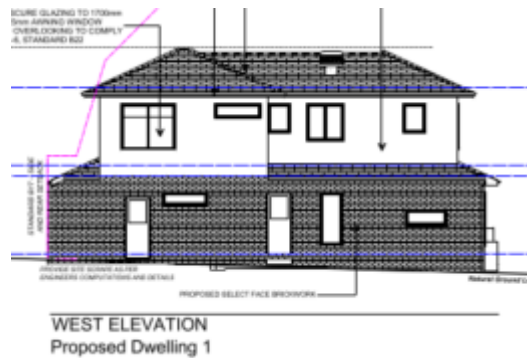
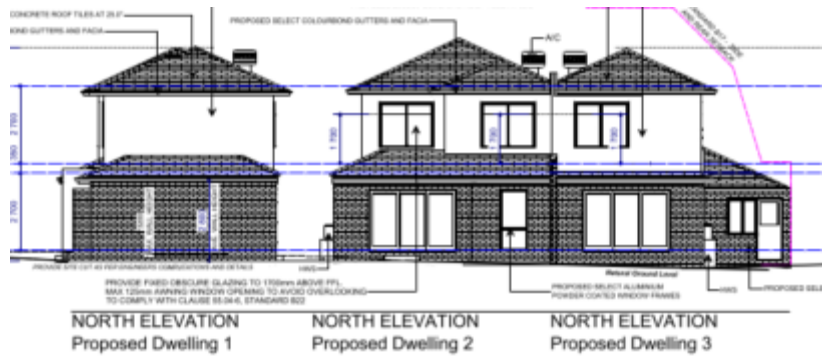
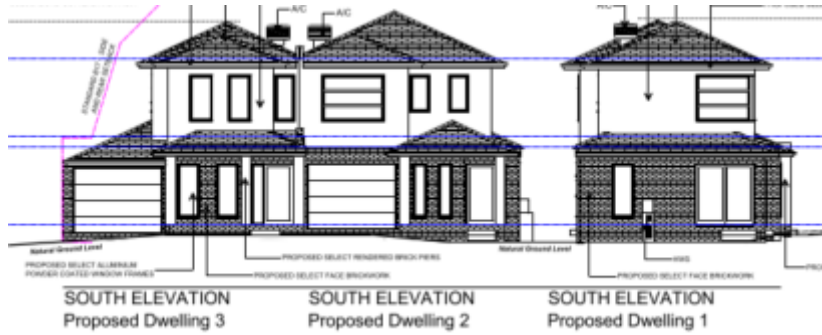
4.1 The proposal for the development of three (3) double storey dwellings on the land. Two dwellings are proposed to address Bulli Street and one to address Matilda Road. Each dwelling will have its own street frontage with no common property proposed as part of the application, generally in accordance with the following plans:

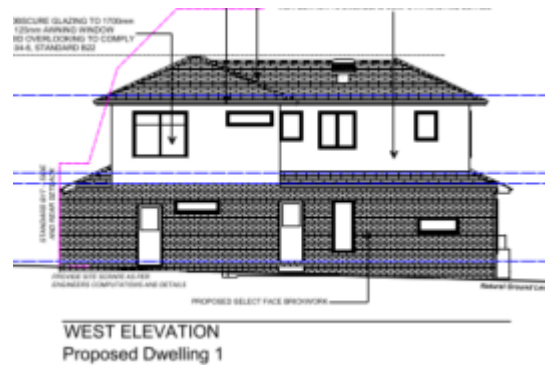
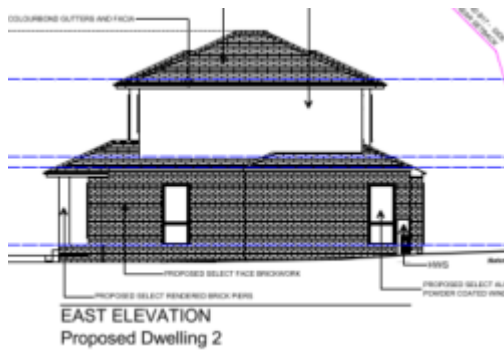


SITE/GROUND FLOOR PLAN



FIRST FLOOR PLAN





Storeys	Double storey	Maximum building height	8.04m
Bedrooms (including study)	2-3 bedrooms per dwelling	Car parking	4 spaces in total, 2 per dwelling
Site Coverage	45%	Permeability	46.6%
Private Open Space	Dwelling 1 89m ²	Dwelling 2 41.9m ²	Dwelling 3 41.8m ²
Front setback	Matilda Street - 6.2m; Bulli Street – 2m		
Access	The existing crossover is proposed to be removed. Two new crossovers proposed along the Bulli Street frontage and one along the Matilda Road frontage.		
Vegetation removal/retention	No significant vegetation is located on subject site or on neighbouring properties within close proximity to common boundaries. However, in the front setback of the subject site there are a number of small to medium shrubs, including a camellia (<i>Camelia sp.</i>) and two citrus trees (<i>Citrus sp.</i>). Vegetation in the rear yard includes a pomegranate tree (<i>Punica granatum</i>), a lemon tree (<i>citrus x limon</i>) and a mature Cypress sp. (<i>Cupressus sp.</i>)		
Building materials	Brick, render, timber, concrete 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 52.06 - 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

The proposal generates a requirement for 4 spaces. Complies.

Clause 52.06 – 8 Design standards including swept paths, splays, garaging dimensions are considered compliant. As discussed in referral section, Traffic Department has no objection to the cars pace design.

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

General Provisions

- 5.4 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 21.06	Built Environment and Heritage
Clause 21.07	Housing
Clause 22.06	Residential Development Policy
Clause 22.11	Public Open Space Contributions
Clause 22.12	Stormwater Management
Clause 22.13	Environmentally Sustainable Development

6.3 Other

- 6.4 Neighbourhood Character Area Guidelines (Incorporated Document under **Clause 21.06 - Built Environment and Heritage and Clause 21.07** –, Housing of the LPPF). The land is located within Area 1 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. Fourteen (14) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:
- Traffic and car parking
 - Overdevelopment (three dwellings)
 - Off site amenity impacts (including overlooking)
 - Tree removal
 - Neighbourhood character

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 15 December 2020 with the relevant Planning Officers, Ward Councillor, the Permit Applicant and seven (7) 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 remain.

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

- 9.1 Following advertising the Permit Applicant lodged amended plans on 17 February 2020, 22 May 2020 and 8 July 2020. The latest amended plans submitted on 12 August 2020, pursuant to Section 57A of the *Planning and Environment Act 1987*.
- 9.2 The amended plans incorporated the following changes to the first advertised plan:
GF = Ground Floor and FF = First Floor

DWELLING 1

- GF – Front (East) boundary setback reduces to be 6.2m in lieu of 6.7m
- GF – Dining room converted to bedroom
- GF – Rearranged outlay of Kitchen / meals / Living
- GF – Side (south) boundary setback increased to 4.0m in lieu of 3.0m
- GF – Rear (west) setback (between dwelling 1 & 2 increased to be 2.0m in lieu of 1.0m
- FF – Reduced / rearranged First floor to remove x1 bedroom
- FF – Side (south) boundary setback increased to 5.0m in lieu of 4.0m.
- FF – Greater articulation achieved to front and rear elevations

DWELLING 2

- GF – Sitting area removed / converted to Laundry.
- GF – Rearranged to accommodate more area to meals / living.
- GF – Kitchen location moved to be behind garage and extended to be under eaves
- GF – Front porch increased.
- GF – Front (south) boundary setback to garage reduced to be 4.9 in lieu of 5.5m remove additional car space.
- FF – Rearranged / increased to accommodate TV nook.
- FF – Rear (North) boundary setback increased to 6.4m in lieu of 6.2m.
- FF – Front (South) boundary setback increased to 4.5m in lieu of 3.1m.
- FF – (Overlooking Windows) Obscure glazing to 1.7m above FFL proposed in lieu of Fixed louvres to avoid overlooking.
- FF – Party wall proposed for separation between dwelling 2 + 3.

DWELLING 3

- GF – Sitting area removed / converted to Laundry.
- GF – Rearranged to accommodate more area to meals / living.
- GF – Front porch increased.
- GF – Front (south) boundary setback to garage reduced to be 4.9 in lieu of 5.5m remove additional car space.
- FF – Side (west) boundary setback increased to 3.2m in lieu of 3.05m
- FF – rearranges / increased to accommodate retreat area.
- GF – Rear (north) boundary setback reduced to 5.1m in lieu of 5.7m
- FF – (overlooking windows) Obscure glazing to 1.7m above FFL proposed in lieu of
- Fixed louvres to avoid overlooking.
- FF – Party wall proposed between dwelling 2 + 3.

9.3 These plans were re-advertised and it is these plans which form the basis of this recommendation and are described at section 4 of this report.

10.0 REFERRALS

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

Internal Referrals

Department / Area	Comments
Council’s Vegetation Management Officer	No objection raised, subject to conditions included on any permit issued relating to provision of a landscape plan, tree management plan and protection of the tree on neighbouring property. Refer to Conditions 1e, 4 and 5,
Council’s Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater management and water sensitive urban design. Refer to conditions 1b, 1c, and 6 to 14.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to the crossover and footpath design. Refer to Conditions 1d and 17 to 21. It is noted that vehicle crossovers are shown at 90 degree alignment and internal driveways are inset at leave 0.5m at the side/front boundary.
Traffic Engineer	Council’s Traffic Engineers have no objection to the proposal including the location of proposed vehicle crossings.
Construction Management Officer	No objection raised, subject to conditions included on any permit issued relating requirement of CMP prior to the construction of the proposal. Refer to Conditions 15.
ESD Officer	No objection raised subject to conditions included on any permit issued relating an amended ESD report and any commitments to be shown on development plans. Refer to Condition 1h and 16.

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 proposed activity is **exempt** from requiring a Cultural Heritage Management Plan, as the development of three or more dwellings on a lot is (reg.10 of the *Aboriginal Heritage Regulations* 2018):

- less than 0.11 hectares in size; and

- not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River.
- 11.9 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.
- 11.10 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.
- 11.11 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.12 The City of Kingston's MSS at **Clause 21.07 - Housing** 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.
- 11.13 Relevant objectives and strategies in **Clause 21.07-1: 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.*

- 11.14 Council's Local Planning Policy at **Clause 21.07** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.15 **Clause 22.06 - Residential Development Policy** extends upon the provision contained at **Clause 21.07 - Housing**, 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.
- 11.16 Relevant objectives in **Clause 22.06-2 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.*
- 11.17 **Clause 22.11 (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.
- 11.18 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.
- 11.19 The subject site is located in area 1A (Moorabbin), which is a Cash Contribution Preferred Area on Map 1 of this clause.
- 11.20 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.
- 11.21 **Clause 22.20 – Stormwater Management** is applicable to the consideration of medium and large scale developments as specified within Table 1 of the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of

WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.

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

11.24 **Clause 22.13 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).

Further, the ESD assessment was referred to Council's ESD officer who has advised the changes on report and plans are required, which can be achieved via any permit condition.

It is considered that the commitments expressed in the SDA report coupled with the proposed development plans and dwelling layouts, the proposal is considered to achieve an appropriate best practice ESD standard, meeting the objectives of this policy.

Zoning Provisions

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

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

11.26 It is considered that the proposal in its current format complies with the mandatory garden area requirement of 30%. A minimum of 43.86% of garden area has been provided for the entire lot.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

12.1 The proposal has been assessed against the objectives and standards of **Clause 55** (ResCode) of the Kingston Planning Scheme (refer to Appendix A). **Clause 55** requires that a development **must** meet all of the objectives, and all of the standards of this clause **should** be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.

12.2 The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought, specifically three (3) of the thirty-three (33) ResCode standards, which are also only partly variation sought.

12.3 CLAUSE 55: RESCODE TABLE ASSESSMENT

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

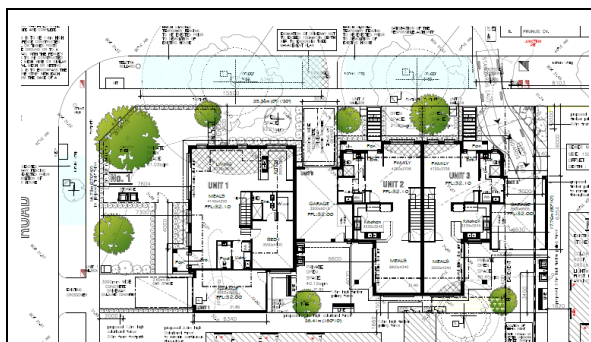
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.02-1 Neighbourhood Character objectives</p> <ul style="list-style-type: none"> ▪ To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. ▪ To ensure that development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

Assessment:

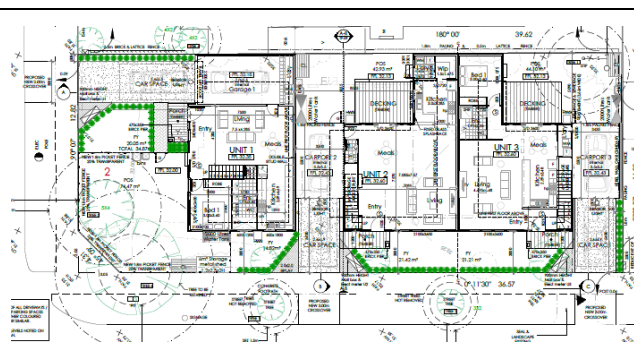
The subject land is located in an established residential area. Whilst the character of the area is currently dominated by detached dwellings older stock and two dwellings in newer stock, however, this area is likely to undergo further change, which is largely due to the area being located within an 'incremental' change area within Councils planning policy, rather than a 'limited' change area. Having considered the sites context and the design response, it is considered the development has appropriately responded to the character by:

- Ensuring the first floors is recessed from the ground floor footprints, reducing visual bulk to neighbouring properties.
- ensuring generous first floor setbacks, reducing amenity impacts which would otherwise result from the development.
- adequate breaks and separation between dwelling 1 and dwellings 2-3.
- providing sufficient landscaping opportunities, ensuring the development integrates with the surrounding area.

Further, it is noted that the immediate area includes similar approvals for three dwellings on a corner lot of a similar size, as evidenced by:



No 1 Horsmunden Road, Moorabbin (already constructed)



No 2 Baker St, Moorabbin (approval)

Clause 55.02-2 Residential Policy objectives	Standard B2	Complies with
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<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. 	<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>standard & meets objective</p>
<p>Assessment: The application was accompanied by a written statement which describes how the development is consistent with the Planning Policy Framework and is considered satisfactory in this instance.</p>		
<p>Clause 55.02-3 Dwelling Diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Assessment: The proposal is less than 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 	<p>Complies with standard & meets objective</p>
<p>Assessment: The site is in an established area that is well serviced by existing infrastructure. Additionally, confirmation from Councils Development Engineer indicates that development will not unreasonably exceed the capacity of local infrastructure. Suitable conditions will be included on the permit to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> ▪ Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. ▪ Development oriented to front existing/proposed streets ▪ High fencing in front of dwellings should be avoided if practicable. ▪ Development next to existing public open space should be laid out to complement the open space. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The development provides for adequate accessibility. No public open space areas exist adjacent to the site. Dwellings are orientated to face streets where possible and internal access ways. High front fencing has been avoided</p>		

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<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</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> ▪ If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 7.6 metres along Matilda Street 3.0 metres along Bulli Street</p>	<p>Variation sought and supported</p>
<p>Assessment: The proposal provided 3m front setback for Dwellings 2 & 3 and Dwelling 1 is provided with 6.2m. It is noted that the porch of Dwellings 2 & 3 encroaches within front setback, which is allowed. Therefore, the proposal meets the setback distance specified in this Standard along Bulli Street, however the street setback along Matilda Road is varied by 1.4m. The proposed minimum front setback of 6.2 metres is less than the minimum required, however, the proposed setback is considered to be appropriate for the following reasons:</p> <ul style="list-style-type: none"> • Although the proposed front setback does not meet the technical requirements of this Standard, it is considered that the development provides a reasonable transition between the adjoining properties and meets the overriding objective of this Clause. • The minimum front building setback of the proposed development from Matilda Road would allow for the most efficient use of the subject site. • There is no prevailing setback rhythm within this section of Matilda Road. • The setback of No 32 Matilda Road (opposite east side corner lot) has only 3.32m and proposed front setback and No 29 Matilda Road (opposite south side corner lot) has 6.02m, therefore would be respectful to the neighbourhood character when viewed from the street and adjoining properties. The front setback is considered to provide sufficient area to accommodate substantial landscaping including additional canopy trees. <p>Accordingly, a variation to this Standard is considered reasonable, in this instance.</p>		
<p>Clause 55.03-2 Building height objective</p> <ul style="list-style-type: none"> ▪ To ensure that the height of buildings respects the existing or preferred neighbourhood character. 	<p>Standard B7</p> <p>Maximum: 9 metres</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The maximum building height proposed is 8.04m. As such, the proposal meets the height parameters specified in this Standard.</p>		
<p>Clause 55.03-3 Site Coverage objective</p> <ul style="list-style-type: none"> ▪ To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Standard B8</p> <p>Maximum: 50%</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal achieves a site coverage statistic of 45%, which meets this Standard.</p>		
<p>Clause 55.03-4 Permeability & stormwater management 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</p> <p>At least: 20%</p>	<p>Complies with standard & meets objective</p>

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<ul style="list-style-type: none"> ▪ To encourage stormwater management that maximises the retention & reuse of stormwater 		
<p>Assessment: The permeability figure proposed (i.e.46.6%) exceeds that specified in the Standard.</p>		
<p>Clause 55.03-5 Energy Efficiency objectives</p> <ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and residential buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Standard B10 Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The internal layout of all dwellings has been designed to maximize on energy efficiency principles. The solar access to dwellings on adjoining lots is not unreasonably reduced. Wherever possible the development incorporates north facing windows to living areas. The private open space to all dwellings are proposed to have a north aspect and complies with the standard.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11 Public or communal open space should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	<p>N/A</p>
<p>Assessment: There is no communal private open space adjoining the site.</p>		
<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> ▪ To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways should be achieved. Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The development is designed to provide for the safety and security of future residents noting the front entrances of the dwellings are not obscured or isolated.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage 	<p>Standard B13 In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and 	<p>Complies with standard & meets objective</p>

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<p>development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <ul style="list-style-type: none"> ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	<p>structural protection of buildings.</p> <ul style="list-style-type: none"> ▪ 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 application provides adequate space for the planting of various species, including canopy trees. As a condition of any permit issued, a detailed landscape plan and Tree Protection Plan will be required. Refer to conditions 1e, 4, and 5. It is noted that the objection raised concerns with the tree removal. Council's Vegetation Management Officer's have identified these as fruit trees and do not object to their removal.</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. <p>No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Access for service, emergency and delivery vehicles must be provided.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed vehicle crossovers are considered to be respectful of the neighbourhood character, with one single width crossover provided for each dwelling. A total of 21.33% of the Bulli street frontage will contain crossovers and 15.6% across the Matilda Road street frontage, complying with the requirements. The proposal raises no concern with respect to traffic or access related matters.</p>		
<p>Clause 55.03-10 Parking location objectives</p> <ul style="list-style-type: none"> ▪ To provide convenient parking for resident and visitor vehicles. ▪ To protect residents from vehicular noise within developments 	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal raises no concern with respect to the layout and design of on-site car parking.</p>		
<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> ▪ To ensure that the height 	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p>	<p>Complies with standard & meets objective</p>

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<p>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>	<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: The proposal satisfies and in some cases exceeds the formula to Standard B17.</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> ▪ To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or ▪ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The development includes only two walls (garage of Dwellings 1 & 3) on boundaries, the length of this wall does not exceed the maximum allowed by this standard. It is also noted that these walls do not exceed the required average of 3.2 metres set by this standard.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into existing habitable room windows. 	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky. 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>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p>
<p>Assessment: All existing windows on abutting allotments are provided with at least 1 metre clearance to the sky.</p>		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	<p>N/A</p>
<p>Assessment: There are no north facing windows due to the orientation of the site.</p>		
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> ▪ To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September. If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Additional shadows cast by the development are within the limits prescribed under this</p>		

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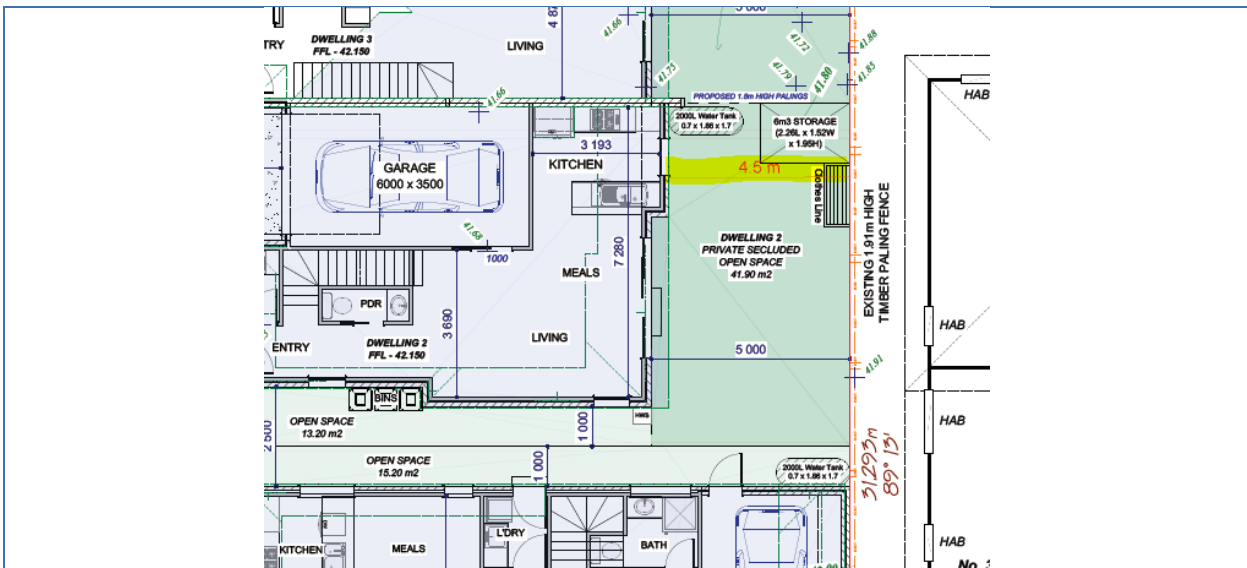
<p>standard and will mainly be cast within the site itself due to the orientation of the site. Sufficient sunlight is considered to be maintained to adjoining SPOS areas.</p>		
<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> ▪ To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22 A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5m from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7m above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7m above floor level. ▪ Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. 	<p>Complies with standard & meets objective</p>
<p>Assessment: All first floor HRW that are orientated towards a common boundary have been screened. Similarly, a visual barrier (boundary fence) of a minimum height of 1.80m is provided, limiting overlooking opportunities at ground floor. As concerns have been raised by objectors in relation to overlooking, a note is recommended through conditions of permit to ensure all screening is designed in accordance with this standard in the event that a permit issued. Refer to condition 1i</p>		
<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> ▪ To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: No unreasonable internal overlooking will occur.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> ▪ To contain noise sources in developments that may affect existing dwellings. ▪ To protect residents from external noise. 	<p>Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposal is for dwellings and is not expected to result in any unreasonable noise sources. Conditions will ensure noise sources, such as air condition units, exhaust fans and the like are not proposed to be located near bedrooms adjacent to existing dwellings.</p>		
<p>Clause 55.05-1 Accessibility</p>	<p>Standard B25</p>	<p>Complies with</p>

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<p>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>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>standard & meets objective</p>
<p>Assessment: The proposed dwelling entries and layout can accommodate for people of limited mobility.</p>		
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> ▪ To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed entries to all dwellings are clearly visible from the public realm.</p>		
<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> ▪ To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <ul style="list-style-type: none"> ▪ Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or ▪ Verandah provided it is open for at least 1/3 of its perimeter, or ▪ A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	<p>Complies with standard & meets objective</p>
<p>Assessment: Adequate daylight is provided into all new habitable room windows.</p>		
<p>Clause 55.05-4 Private open space objective</p> <ul style="list-style-type: none"> ▪ To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B28 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. 	<p>Variation for Dwelling 2 sought and supported.</p> <p>All other dwellings comply with the standard and meet the objective</p>
<p>Assessment: Each dwelling has been provided with an adequate POS that meets total area requirements, however, a small portion of an open space, opposite the kitchen area of Dwelling 2 does not meet required 5.0m dimension required under the schedule to the zone. A dimension of 4.5m is provided in part, in lieu of the 5.0m dimension:</p>		



Given the total area is met and the useability of the area, the proposal is considered to provide adequate POS for the need of service for the social, recreational and passive needs of future residents.

<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. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>Complies with standard & meets objective</p> <p>N/A</p>
<p>Assessment: No south facing POS is proposed as part of this development.</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>	<p>Complies with standard & meets objective</p>
<p>Assessment: Secure storage areas have been provided for each dwelling within their respective POS areas.</p>		
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> Facade articulation and detailing Window and door proportions, Roof form, and Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: Roof form, façade articulation and detailing are generally consistent with the neighbourhood character.</p>		
<p>Clause 55.06-2 Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. 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>	<p>Variation for Dwelling 1 sought and supported.</p> <p>All other dwellings comply with the standard and meet the</p>

		objective
<p>Assessment: No front fencing is proposed in front of Dwellings 2 & 3. However, a 1.8m high front fence is proposed for Dwelling 1 to enclose the POS area. This is supportive as higher fencing is commonly found on corner sites along on street frontage. The proposed fence is also considered to be consistent with the trend of front fencing heights in the immediate area. It is noted 32 & 34 Matilda Road & adjoining dwellings 33 & 35 Matilda Road have higher fencing. The proposal is considered to meet objective ad is supported in its current form.</p>		
 <p>Nos 32 & 34 Matilda Road</p>		
 <p>Nos 33 & 35 Matilda Road</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 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>N/A</p>
<p>Assessment: No common property is proposed as part of this development.</p>		
<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 	<p>Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable,</p>	<p>Complies with standard & meets objectives</p>

are accessible, adequate and attractive.	waterproof and blend in with the development.	
<p>Assessment: It is understood that all the facilities required for the development can be accommodated within the development. Site services such as bin/recycling enclosures, clotheslines and water tanks have been nominated on the respective plans and located appropriately.</p>		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 The objector concerns have largely been addressed in the body of this report and is summarised:

Ground(s)	Response
Traffic and car parking	The provision of car parking exceeds the requirements of Clause 52.06. The proposal generates a requirement of four (4) car parking spaces. Please refer to Council's Traffic Engineer and Section 5.2 of this report. It should be noted that as required number of car parking has been provided. The surrounding street network is capable of accommodating the additional traffic movements created as a result of the additional dwellings on the site. Further Council's Traffic Engineer has no objection to the proposal.
Overdevelopment	The proposal is for three dwellings, which is a concern for many objectors, however, the proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking, overshadowing, excessive site coverage, insufficient car parking and poor internal amenity for future residents of the dwellings.
Overlooking	Refer to ResCode assessment
Tree removal	Refer to ResCode assessment and Vegetation Department response
Neighbourhood character	Refer to ResCode assessment

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 a Notice of Decision to Grant a Permit be issued for the development three (3) dwellings in accordance with the endorsed plans at 31 Matilda Road, Moorabbin subject to the following grounds:

Amended Plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans Prepared by Silverpoint building Designers & Planning Consultant, comprising Sheets 2 to 5 of 7, revised dated 22/07/2020, submitted to Council on 12 August 2020, but modified to show:
 - a. an elevation plan of the front fencing, which provides details of its style, height and materials
 - b. a minimum 2000L rainwater tank clearly nominated for each new dwelling and connected to toilets for flushing
 - c. the existing 225mm diameter Council easement drain on the easement with the provision of notation "Existing 225mm diameter easement drain must be upgraded to minimum 375mm diameter across the full width of the block including reconstructed pits at either end – upstream pit at southwest corner of 33 Matilda Road and downstream pit at the nature strip in the Bulli Street frontage of the subject site in accordance with the engineering plans approved by Council";
 - d. a notation on the plan stating "The Storm water Side Entry Pit within the vehicle crossing must be modified to a grated pit to the satisfaction of the Responsible Authority"
 - e. the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - vi. Two (2) canopy trees capable of growing to minimum mature dimensions of 10 metres in height and 6 metres in width to be planted in the Matilda Street frontage;
 - vii. Three (3) canopy trees capable of growing to minimum mature dimensions of 6 metres in height and 4 metres in width to be planted in the Bulli Street frontage
 - viii. One (1) canopy tree capable of growing to minimum mature dimensions of 8 metres in height and 5 metres in width to be planted in the secluded private open space of dwelling 2 and dwelling 3;

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- ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
- x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- f. The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- g. Any changes as required by Condition 5 of this permit
- h. Any commitments required by Condition 16 of this permit.
- i. A notation on the plan stating "All habitable windows to comply with Clause 55.04-6 – (Overlooking) provisions"
- j. All bedrooms and master bedroom to be reconfigured to have a minimum dimension of 3.0m x 3.0m and 3.4m x 3.0m respectively within the advertised first floor building footprint.
- k. The laundry of Dwellings 2 & 3 to be converted to a European style laundry and for the entry area to be designed as a study nook with full length windows.

Endorsed Plans

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

Street Trees

- 4. 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 Protection Zones

- 5. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:

- i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
- ii) The location of tree protection measures to be utilized.
- iii) A notation to refer to the Tree Management Plan.

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 5.3L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. The existing easement drain of 225mm diameter pipe must be upgraded in accordance with Conditions 1b) at the Developer's cost prior to any building works commencing over the easement. All works associated with drainage upgrade must be in accordance with engineering plans submitted to and approved by the Council. A priced schedule of the drainage upgrade works within the easement and the payment of Council's engineering fees of 3.25% of the total cost of the drainage upgrade works are required to be submitted prior to approval of the engineering plans.
9. The upgraded pipe must be laid at a nominal grade of at least 1.5%.
10. The easement drain upgrade works must include two existing pits replaced with new pits - upstream pit at southwest corner of 33 Matilda Road and downstream pit at the nature strip in the Bulli Street frontage of the subject site.

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11. All footings along and or within the easement line are to be at minimum depth to the invert of upgraded easement drain.
12. All standard offsets and clearances regarding footings and council assets (pits) still apply. No structures are to be built on existing or new pits. A minimum of 1m clearance must be provide from the edge of any Council pit to any proposed structure.
13. Post-construction CCTV monitoring must be undertaken. This will be completed by council at the applicants cost. The applicant is to pay \$450 to council for completion of the CCTV monitoring.
14. An overland flow-path for the major storm event (1 in 100 year ARI) must be maintained within the subject site or alternatively on-site storage must be provided to cater for the same.

Construction Management

15. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy 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.

Sustainable Design Assessment

16. An amended Sustainable Design Assessment (SDA) prepared by a suitably qualified professional which includes, 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. All relevant commitments identified within the Sustainable Design Assessment must also be included on the plans.

Infrastructure and Road Works

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

General amenity conditions

22. 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.
23. 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.
24. 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

25. 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.
26. 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.

Expiry

27. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

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

Note: It is noted the development includes garage and shed to be built over the easement. Separate consent from Council and any other relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

Note: Telstra pit may be impacted by proposed development, please contact relevant authority.

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

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

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

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

Note: The 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

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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.

Appendices

Appendix 1 - KP-2018/680 - 31 Matilda Road, Moorabbin - CONSIDERED PLANS (Ref 21/50103)  [↓](#)

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

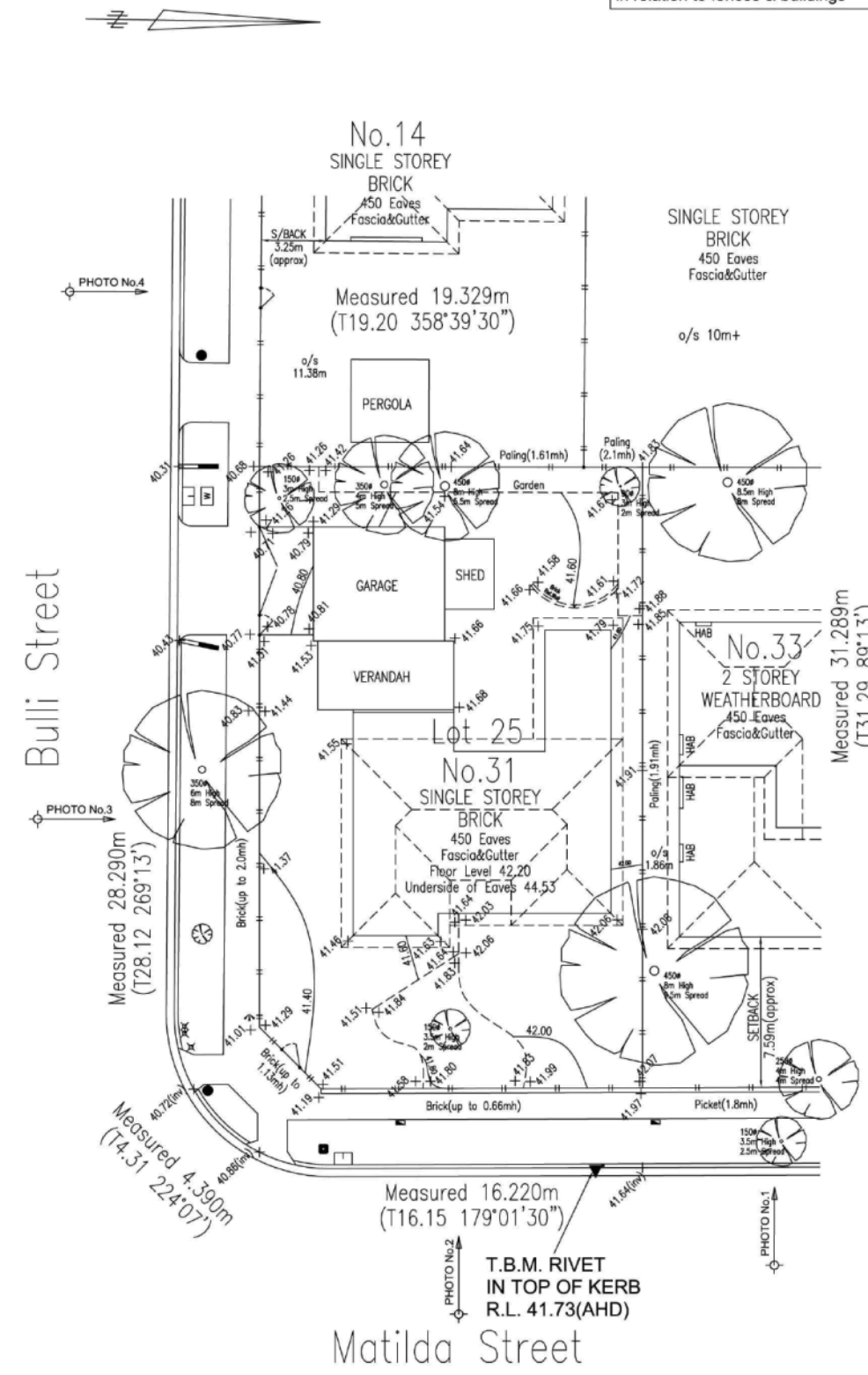
4.4

KP-2018/680 - 31 MATILDA ROAD, MOORABBIN

1	KP-2018/680 - 31 Matilda Road, Moorabbin - CONSIDERED PLANS	293
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18/510457

NOTE: This is NOT a Re-establishment survey
 Check bearings, distances & easements with Copy of Title
 If using plan for development purposes, a Re-establishment survey is required to confirm location of boundaries & easements in relation to fences & buildings



- LEGEND**
- ◇ - GAS METER
 - ⊕ - WATER METER
 - ⊕ - WATER HYDRANT
 - - WATER VALVE
 - ▽ - TBM
 - - SURVEY PEG
 - ⬇ - PERMANENT SURVEY MARK
 - ⊠ - SEWER VENT / I.S.
 - ⊙ - SEWER MANHOLE
 - ⊗ - S/W PROPERTY INLET
 - ⊠ - STORM WATER PIT
 - ⊠ - STORM WATER GRATE
 - ⊠ - TELECOMMUNICATIONS PIT
 - ⊙ - TREE
 - ⊙ - ELEC. PIT
 - ⊙ - ELEC. POLE
 - ⊙ - STREET LAMP
 - ⊗ - STREET SIGN

NOTES

THIS IS NOT A RE-ESTABLISHMENT SURVEY
 Fences are assumed as boundaries
 Setbacks have been measured based on the above assumption, therefore are approximate only
CHECK BEARINGS, DISTANCES & EASEMENTS WITH A CLEAR COPY OF TITLE
 To confirm title boundaries, a re-establishment survey is recommended
 Only visible services shown, underground services to be located by owner/builder
 Level tolerance +/- 20mm
 Levels are correct at time of survey
 Where house already exists, levels may change when demolition complete
 All trees are located within half a trunk width of their location
 Tree heights are indicative only and trees under 3m have not been located

LEVELS ARE TO AUSTRALIAN HEIGHT DATUM
 AHD levels derived from PM198 located at the front of 227 Chesterville Road

REVISIONS

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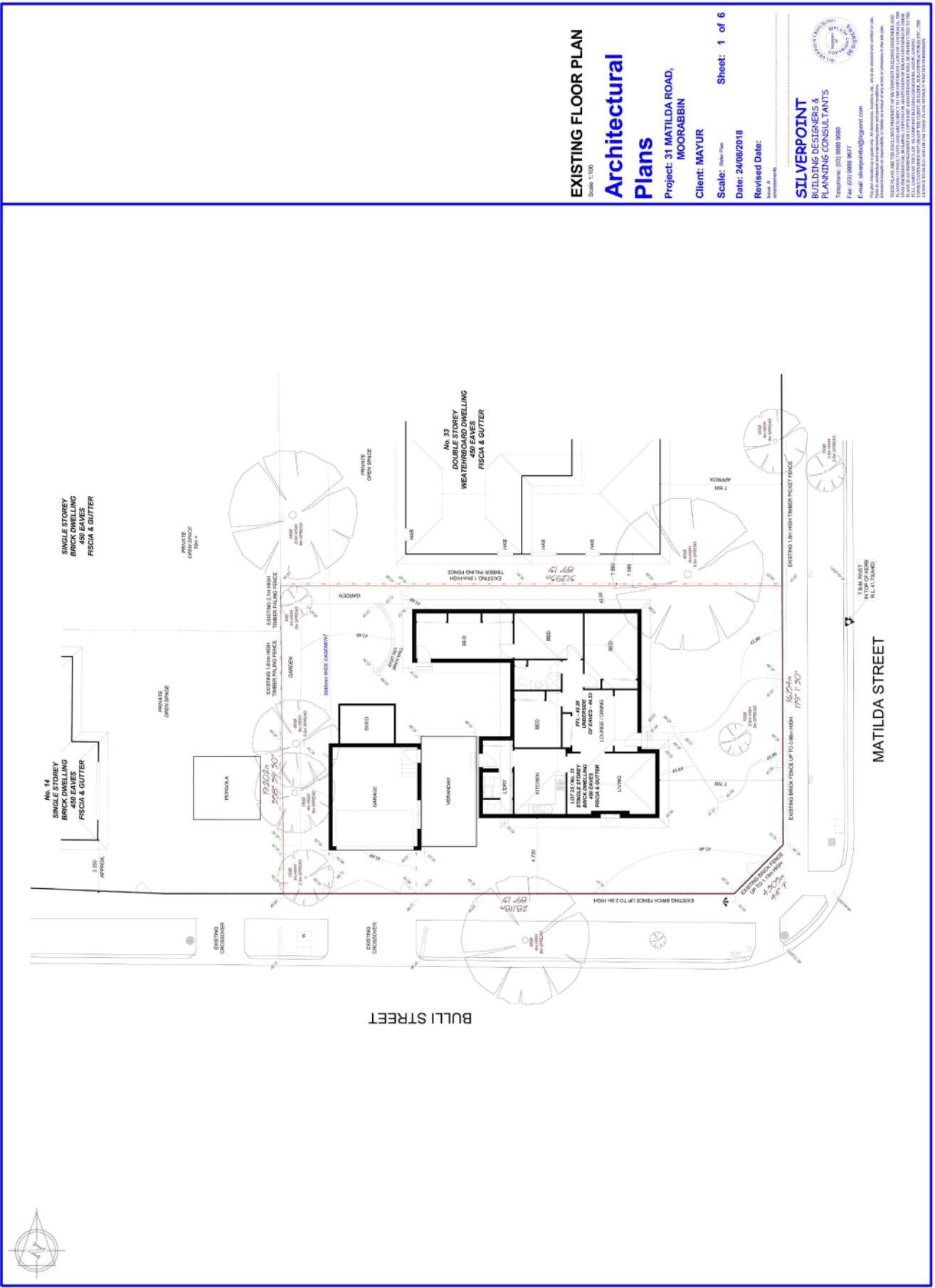
FEATURE SURVEY

LOT 25 LP 40185
No.31 MATILDA ROAD
MOORABBIN

FW: GDH	Drawn: KD / GDH
SCALE 1:200 @ A3	REF. NO. 20295
DATE: 01/08/2018	REV

GEOF HOSIE SURVEYS
 P.O. Box 73
 Clarinda LPO 3169
 Ph. 8548 1251
 geofhosiesurveys@gmail.com

DUE TO THE CHANCES OF LEVELS BEING SIGNIFICANTLY ALTERED WHEN DEMOLITION IS COMPLETED; IT IS RECOMMENDED A 2nd SURVEY BE CARRIED OUT TO VERIFY LEVELS AND CONDITIONS



EXISTING FLOOR PLAN
 Scale: 1:100
Architectural Plans

Project: 31 MATILDA ROAD,
 MOORABBIN
 Client: MAYUR

Scale: 1/6th Plan Sheet: 1 of 6
 Date: 24/08/2018
 Revised Date:
 Issue A

SILVERPOINT
 BUILDING DESIGNERS &
 PLANNING CONSULTANTS
 Telephone: 031 9888 2800
 Fax: (03) 9888 9677
 E-mail: silverpoint@silverpoint.com.au

This plan includes a public title, all dimensions, materials, etc. with the exception of what is shown. It is intended to be used as a guide only. It is not intended to be used as a contract document. THE CLIENTS RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND ANY OTHER RELEVANT AUTHORITIES. THE CLIENTS RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND ANY OTHER RELEVANT AUTHORITIES. THE CLIENTS RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND ANY OTHER RELEVANT AUTHORITIES. THE CLIENTS RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND ANY OTHER RELEVANT AUTHORITIES.

19510457

ADVERTISED PLANS
Documentation May
Be Subject to Copyright

**DWELLING 1
(PROPOSED)**

GROUND FLOOR:
74.01 H2
3.37 H2

GARAGE:
24.16 H2
4.30 H2

FIRST FLOOR:
19.74 H2

PRIVATE BELIEVED OPEN SPACE:
14.83 H2

TOTAL OPEN SPACE AREA:
14.83 H2

TOTAL SITE COVERAGE:
11.86%

**DWELLING 2
(PROPOSED)**

GROUND FLOOR:
34.81 H2
4.30 H2

GARAGE:
22.81 H2

FIRST FLOOR:
18.25 H2

PRIVATE BELIEVED OPEN SPACE:
14.83 H2

TOTAL OPEN SPACE AREA:
14.83 H2

TOTAL SITE COVERAGE:
11.86%

**DWELLING 3
(PROPOSED)**

GROUND FLOOR:
52.41 H2
5.91 H2
22.81 H2

FIRST FLOOR:
19.74 H2

PRIVATE BELIEVED OPEN SPACE:
14.83 H2

TOTAL OPEN SPACE AREA:
14.83 H2

TOTAL SITE COVERAGE:
11.86%

**OVERALL SITE ANALYSIS -
SITE - 595.10 M2**

UNIT 1 TOTAL:
UNIT 2 TOTAL:
UNIT 3 TOTAL:

PRIVATE BELIEVED OPEN SPACE:
BY 19.74 H2
BY 14.83 H2
BY 14.83 H2

COMMERCIAL SITE COVERAGE:
82.85 H2

TOTAL SITE COVERAGE:
10.80%

TOTAL SITE PERMEABILITY:
45.00%

PROPOSED FIRST FLOOR PLAN

Scale: 1/100

Architectural Plans

Project: 31 MATILDA ROAD, MOORABBIN

Client: Mr Mayur Katariya & Mr Umesh Gupta

Date: 24/08/2018

Scale: 1/100

Sheet: 3 of 7

Revised Date: 17/02/2020 (V16 - S57A)

Revised Date: 20/05/2020 (V20 - S57A)

Revised Date: 08/07/2020 (V21 - S57A - RFI)

Revised Date: 22/07/2020 (V22 - Amendments)

SILVERPOINT
BUILDING DESIGNERS & PLANNING CONSULTANTS

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NOTES:
As per Frazer Sustainable Design Assessment (Dated: 08/02/2020)

WATER MANAGEMENT:
- 150L ROOF CATCHMENT AREA TO MAIN WATER TANK

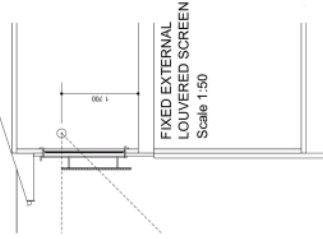
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ENERGY EFFICIENCY:
- 150L ROOF CATCHMENT AREA TO MAIN WATER TANK

WASTE:
- 150L ROOF CATCHMENT AREA TO MAIN WATER TANK

VEGETATION:
- 150L ROOF CATCHMENT AREA TO MAIN WATER TANK

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ELEVATIONS

Scale: 1/100

Architectural Plans

Project: 31 MATILDA ROAD, MOORABBIN

Client: Mr Mayur Katariya & Mr Umesh Gupta

Scale: As per Sheet: 4 of 7

Date: 24/08/2018

Revised Date: 17/02/2020 (V16 - S57A)

Revised Date: 20/05/2020 (V20 - S57A)

Revised Date: 08/07/2020 (V21 - S57A - RF1)

Revised Date: 22/07/2020 (V22 - Amendments)

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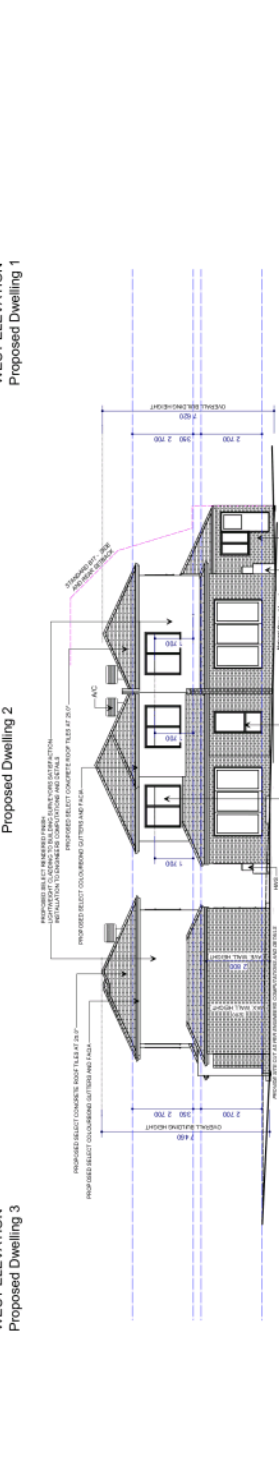
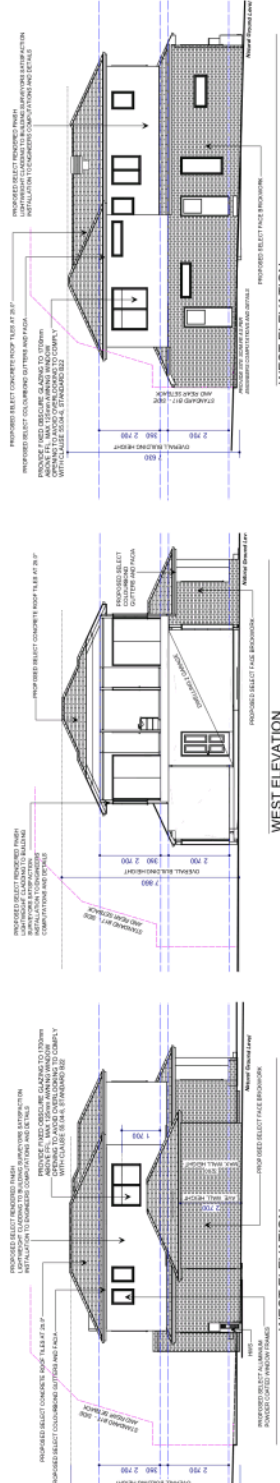
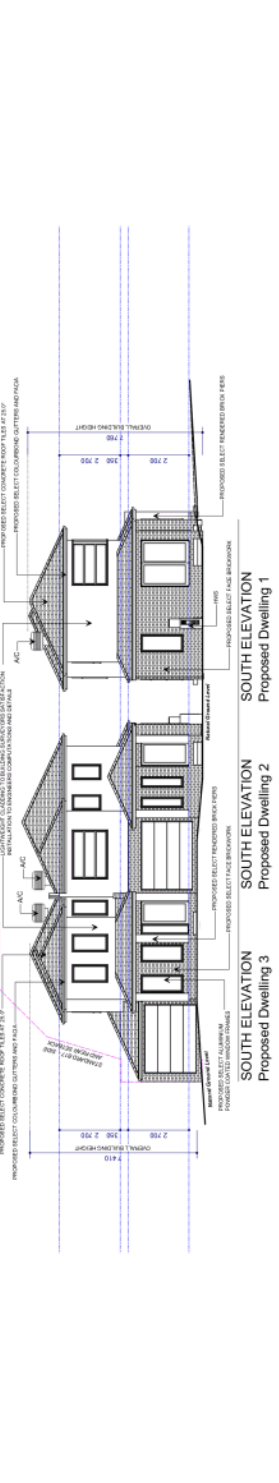
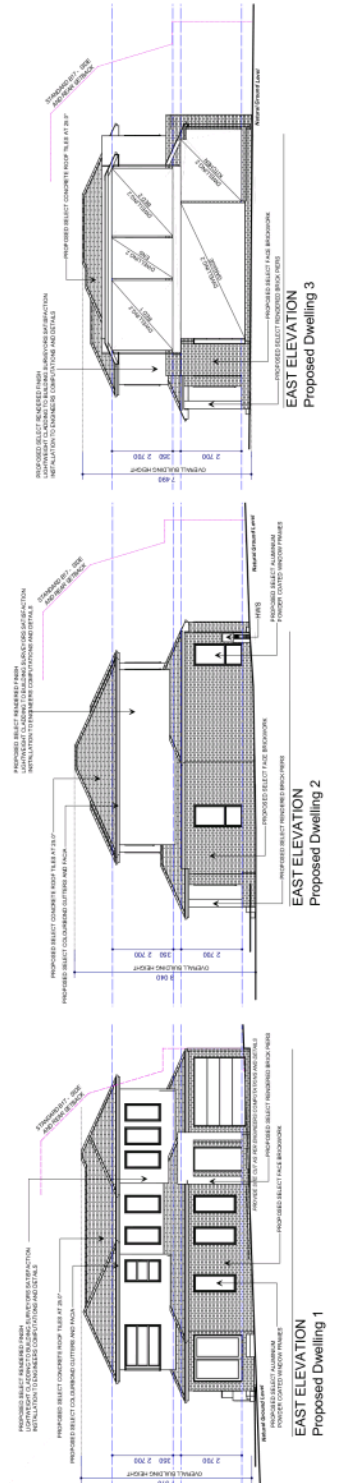
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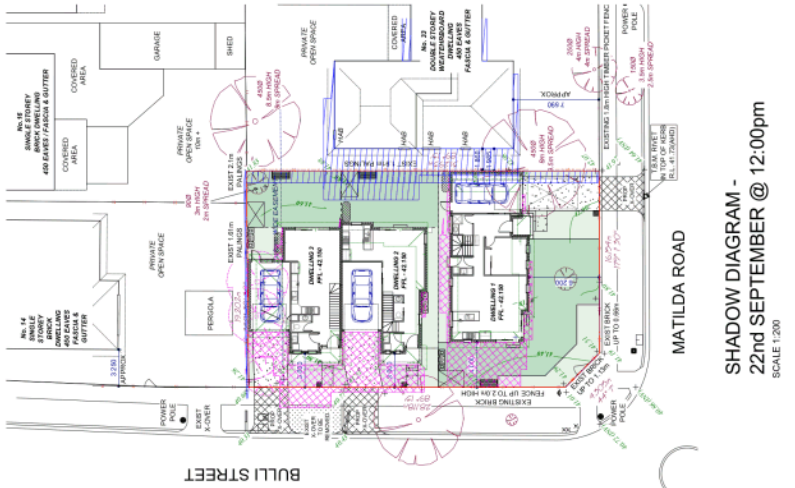
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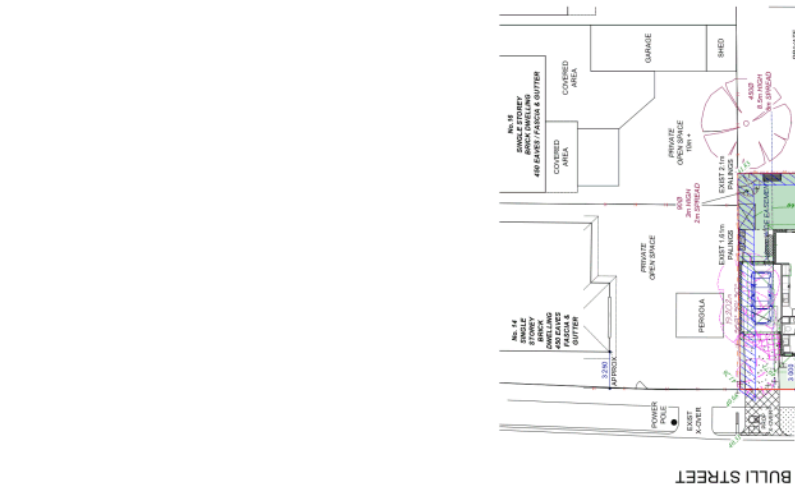
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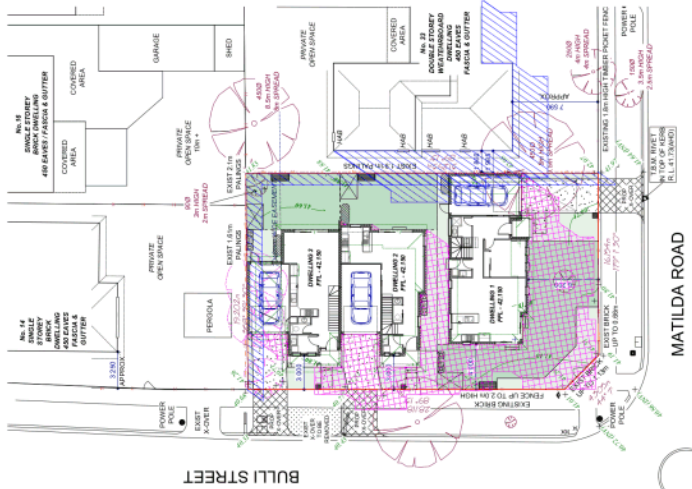
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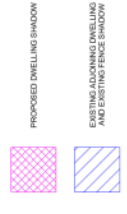
SHADOW DIAGRAM -
22nd SEPTEMBER @ 9:00am
SCALE 1:200



SHADOW DIAGRAM -
22nd SEPTEMBER @ 12:00pm
SCALE 1:200



SHADOW DIAGRAM -
22nd SEPTEMBER @ 3:00pm
SCALE 1:200



SHADOW DIAGRAMS

Architectural Plans

Project: 31 MATILDA ROAD,
MOORABBIN
Client: Mr Mayur Katariya &
Mr Umesh Gupta
Scale: 1:200 Sheet: 5 of 7
Revised Date: 17/02/2020 (V16 - S57A)
Revised Date: 20/05/2020 (V20 - S57A)
Revised Date: 08/07/2020 (V21 - S57A - RFI)
Revised Date: 22/07/2020 (V22 - Amendments)

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Planning Committee Meeting

23 June 2021

Agenda Item No: 4.5

KP-2019/759 - 76 STATION STREET, ASPENDALE

Contact Officer: Girija Shrestha, Senior Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2019/759 - 76 Station Street, Aspendale.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

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 four (4) dwellings at 76 Station Street, Aspendale, subject to the conditions contained within this report.

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

- significant resident interest

EXECUTIVE SUMMARY			
Address	76 Station Street, Aspendale		
Legal Description	Lot 5 on PS 005994		
Applicant	Buckerfield Architects Pty Ltd		
Planning Officer	Girija Shrestha		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential 2 Zone		
Overlays	None		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot		
APPLICATION / PROCESS			
Proposal	Develop the land for the construction of four (4) dwellings		
Reference No.	KP-2019/759	RFI Received	17 March 2020
App. Received	3 December 2019	App. Amended	12 April 2021
Site inspection	Yes		
S.52 Advertising	30 March 2020 9 April 2020 (amended) 21 April 2021 (S57A)	Advertising Completed	16 April 2020 27 April 2020 (amended) 10 May 2021(S57A)
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	Five (TRIM checked on 8 January 2021)		
Mandatory Garden area requirement	Complies	Mandatory Building Height requirement	Complies
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	EXEMPT		
Considered Plans	Plans prepared by Buckerfield Architects Pty Ltd, Job No.9618 Drw No. SA.04, Dr 0-03, TP10-TP20, SH.01—SH05, Revision B, Landscape plan, submitted on 12 April 2021		

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit KP-2011/957 was issued by Kingston City Council on 17 April 2013 to develop the land for four (4) dwellings.
- 1.2 Planning Permit KP-2016/575 was issued by Kingston City Council on 6 September 2016 to subdivide the land into four (4) lots.
- 1.3 It is noted that both these planning permits were issued to the land at 16 Laura Street and 76 Station Street Aspendale. However, the permits have not been acted on and have expired.

2.0 SITE PARTICULARS

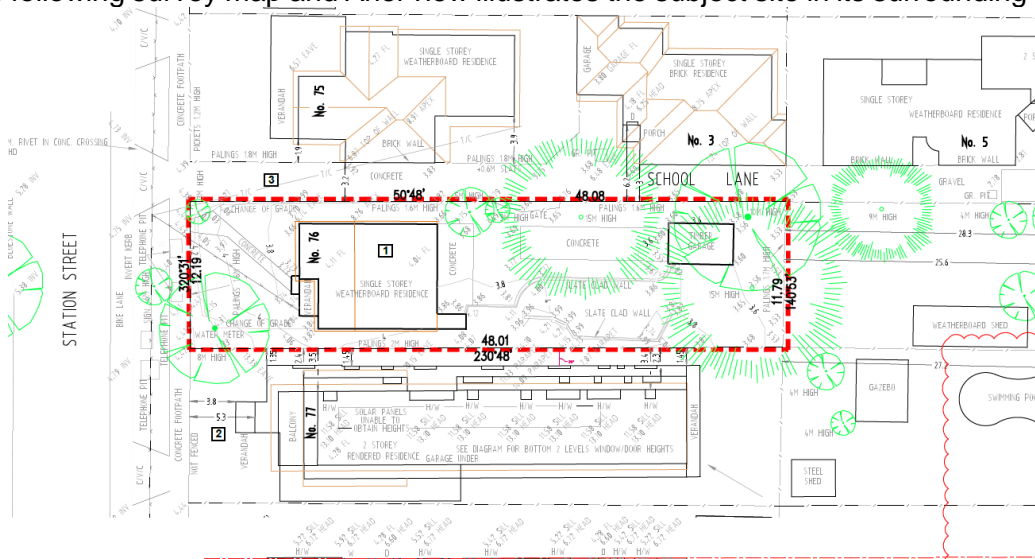
- 2.1 The site is located on a corner of Station Street and School Lane. The site is regular in shape with a frontage of 12.19 metres to Station Street and has a length of 48.08 metres along the

School Lane, with a total area of 593m². The site is relatively flat and has a gradual fall of 0.7m to the rear of the site. The subject site is currently occupied by a single storey, weatherboard dwelling with pitched roofing. A detached garage at rear accessed gate direct from School Lane. The site has a paling front fence and has an electric pole and street tree along Station Street frontage.

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



2.3 The following survey map and Ariel view illustrates the subject site in its surrounding context.



3.0 SURROUNDING ENVIRONS

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



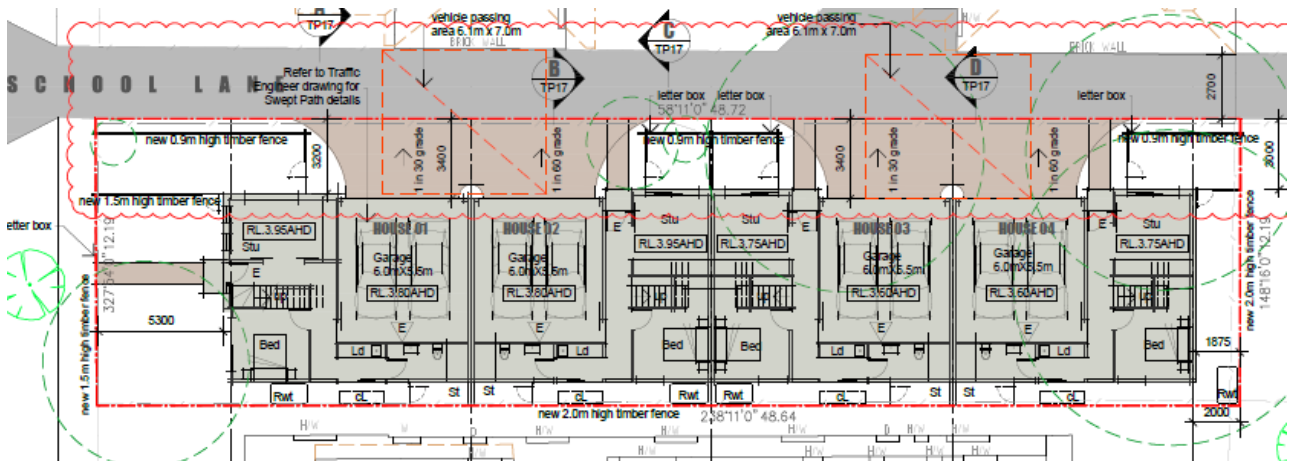
3.2 Land directly abutting the subject site and opposite is described as follows:

North-west (side)	<p>No 75 Station Street - a single storey weather board dwelling fronting to Station Street with front setback of 6.92m and a 1.1m high paling fence.</p> <p>No 3 School Lane – A single storey dwelling fronting to School Lane.</p>
North - East (rear)	<p>No 16 Laura Street – A single storey weather board dwelling fronting to Laura Street.</p>
South - east (side)	<p>No. 77 Station Street – Two storey rendered dwelling fronting to Station Street with a 5.3m front setback and no front fence.</p>
South - West (Opposite)	<p>City-Frankston Railway Line with parallel public car parking within the road reserve.</p>

3.3 The surrounding area to the side and rear of the site generally comprises of residential dwellings.

4.0 PROPOSAL

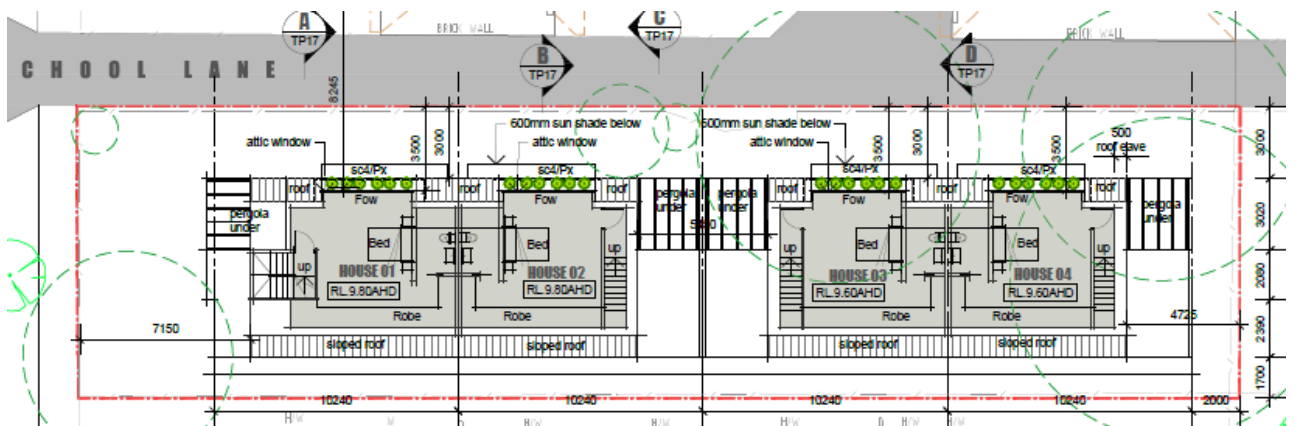
4.1 The proposal involves the development of four (4) three-storey dwellings in a tandem arrangement with accessed by School Lane, generally in accordance with the following plans:



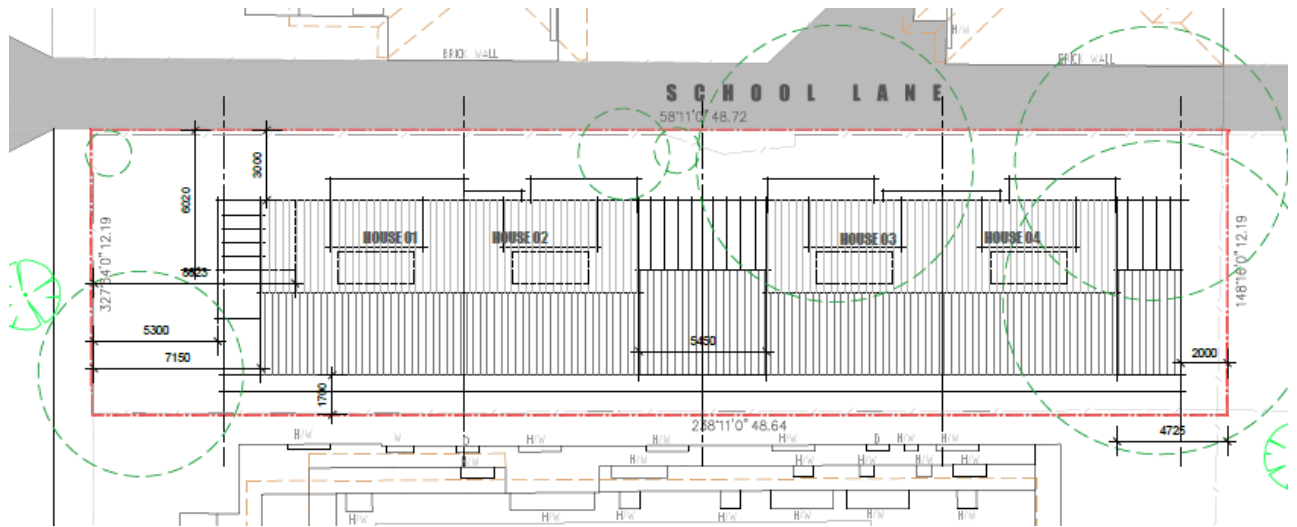
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



ROOF PLAN



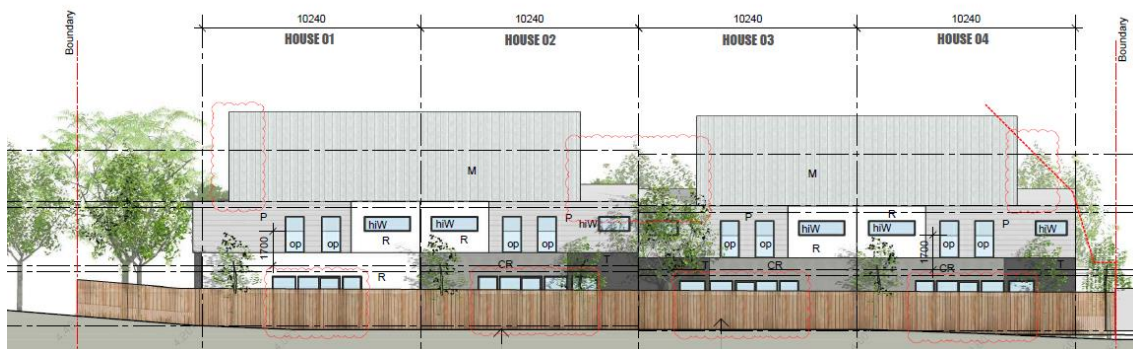
SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

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

Maximum building height	Maximum 10.5m (as measured)		
Storey	Three storeys		
Bedrooms (including study)	4 bedrooms per dwelling (inclusive of study and multi-purpose room)		
Car parking	2 per dwellings (double garage provided to each dwelling)		
Front setback	5.3m towards Station Street and 3m towards School Lane		
Private Open Space	All dwellings provided with 9sqm with min 3m balcony accessed via living room		
Site Coverage	60%	Permeability	26%
Access	Existing crossover to be utilised and new three additional crossovers to be created from School Lane. The pedestrian access to be provided to Dwelling 1.		
Vegetation removal/retention	There are several mature <i>Cupressus</i> sp. (Cypress) trees identified on site with fair/poor health and structure.		
Building materials	R M P B T	Render finish - White metal roof sheet cladding - Shale Grey FC panel Scyon Stria - White Brick veneer - Black Tile cladding - Charcoal	Ti CR MD Pergola Overlooking screen
			timber finish to garage doors - Charcoal Cement render - natural cement Garage door metal panel finish - Dark Grey Metal frame powder coated - Black powder coated - Black

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.

Particular Provisions

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

1 space to each 1 or 2 bedroom dwelling
2 spaces to each 3 or more bedroom dwelling
1 visitor space for every 5 dwellings

This equates to a parking requirement of **8** spaces for the proposed development.

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

Clause 52.06 – 8 Design standards, includes vehicle movements, access, splays, and garaging dimensions have been reviewed and are considered compliant. The application was referred to Traffic Department, who has also no objection subject to inclusion of conditions.

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

General Provisions

5.4 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 21.06 Built Environment and Heritage
- Clause 21.07 Housing
- Clause 22.06 Residential Development Policy
- Clause 22.12 Stormwater Management
- Clause 22.13 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 63 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. Five (5) objection(s) to the proposal were received. The grounds of objection raised are summarised as follows:

- Neighbourhood Character (including three storey built form)
- Car parking, additional traffic, access and safety (proximity to Aspendale Primary School)
- Garbage collection
- Drainage
- Amenity impacts (noise, lighting and loss of views)
- Tree removal
- Proposed setbacks
- Overdevelopment of the site (site coverage, heights, 3 storey, compliance with garden area, landscaping,

8.0 PLANNING CONSULTATION MEETING

8.1 The objections provided to the permit applicant to respond. The objectors were contacted via email by the planning officer on 11 August 2020 and provided the response submitted by the applicant. It is noted that subsequent contact was also made via phone and email to various objectors.

8.2 In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as five (5) objections to the application were received. However, as required by the Policy,

Council's planning officer contacted the objectors via email and further some of them via phone. The objector concerns were unable to be resolved, and the objections still stand.

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

9.1 Council received an amended plans and traffic report by the permit applicant under S57A on 9 April 2021. The changes include:

- Passing bay deleted from the corner of Station Street and School Lane and subsequent changes to landscaping.
- Driveways and garage doors widened in accordance with Traffic Report.
- Garden Area increased from 178m² (30%) to 182.7m² (31%)
- Front fences lowered from 1200mm to 900mm to allow sightlines over from vehicles.

9.2 These amended plans were readvertised to by sending notices to adjoining and opposite property owners and occupiers and previous objectors. One group/petition further objection signed by five members was received.

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 requirement of landscape plan and street tree protection.
Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to requirement of apex, stormwater management plan and rainwater tank.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to footpath and vehicle crossing.
Traffic Engineer	No objection raised and no conditions provided.
Construction Management Officer	No objection raised, subject to conditions included on any permit issued relating to requirement of construction management plan.
ESD Officer	No objection raised, subject to conditions included on any permit issued relating to requirement of sustainable design assessment
Urban Design Advisor	No objection raised, stating that the proposal is broadly supportable on urban design terms and reflects good diversity of housing type while being respectful the local character.
Waste Management Officer	No objection is raised and states that this proposal is suitable for Council waste collection with bin presentation on Station Street.

External Referrals

10.2 The application was referred to Telstra as there is a pit impacted by the proposed vehicle crossing.

10.3 The application was referred to United Energy in relation to the Power Pole located within the proposed vehicle crossing.

Department	Section 52/55	Determining / Recommending	Objection	Comments
Telstra	52	Recommending		No response received
United Energy	52	Recommending		No response received

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 and development that included three or more dwellings was considered a 'high impact activity'. However, the proposal is considered to comply with regulation 10 of the *Aboriginal Heritage Regulations 2018* which states:

10 3 or more dwellings on a small lot

The construction of 3 or more dwellings on a lot or allotment is an exempt activity if the lot or allotment is—

- (a) not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and
- (b) less than 0.11 hectares.

- 11.9 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.
- 11.10 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.
- 11.11 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Local Planning Policy Framework

- 11.12 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.

11.13 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.*

11.14 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.

11.15 **Clause 22.11 - Residential Development Policy** extends upon the provision contained at **Clause 21.05 - Residential Land Use**, relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

11.16 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.*

- 11.17 **Clause 22.11 (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.
- 11.18 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.
- 11.19 The subject site is located in area 8A, which is a Cash Contribution Preferred Area on Map 1 of this clause.
- 11.20 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.
- 11.21 **Clause 22.12 – Stormwater Management** is applicable to the consideration of medium and large scale developments as specified within Table 1 of the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.
- 11.22 It is considered that the proposed development generally complies and satisfies with the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.
- 11.23 **Clause 22.13 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 to amend the report and plans to show some of the commitments made in the report, which is included as the conditions (refer to conditions 1m and 8).

It is considered that the commitments expressed in the SDA report coupled with the proposed development plans and dwelling layouts, the proposal is considered to achieve an appropriate best practice ESD standard, meeting the objectives of this policy.

Zoning Provisions

- 11.24 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 m²	30%
Above 650 m²	35%

11.25 It is considered that the proposal in its current format complies with the mandatory garden area requirement. A minimum of 30% of garden area is required and the proposal provides a total of 31% (182.7sqm) of garden area for the entire lot.

12.0 CLAUSE 55 (RESCODE ASSESSMENT)

12.1 The proposal has been assessed against the objectives and standards of **Clause 55** (ResCode) of the Kingston Planning Scheme (refer to Appendix A). **Clause 55** requires that a development **must** meet all of the objectives, and all of the standards of this clause **should** be met. Variations to the standards are able to be considered where it is determined that the overall objective is met.

12.2 The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations (only partly) sought, specifically three (3) of the thirty-three (33) ResCode standards.

12.3 CLAUSE 55: RESCODE TABLE ASSESSMENT

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

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 with standard & meets objective</p>
<p>Assessment: The site is located within an established residential area developed generally from the post war period (although some older homes from the 1940's can be found) to recently constructed contemporary developments. Built form in the area is varied as evidenced by single and double storey detached dwellings to three storey developments.</p> <p>The site is located within close proximity to the railway station (Aspendale Station) and is therefore undergoing change to the existing neighbourhood character in line with the increased housing diversity areas policy designation. The proposal is considered to respond appropriately to the evolving character of the area and respectful of the broader neighbourhood character.</p>		

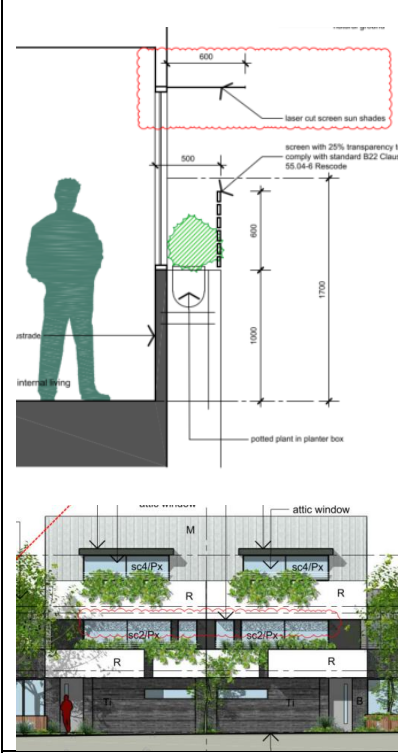
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<p>Council's Urban Design and Sustainable Design Advisor also provided the following referral response "...The proposal itself represents an appropriate response to State Planning Policy, helping to achieve housing diversity in an appropriate typology which is suitable for its immediate surroundings and broader context: on a main road and along a transport corridor.</p> <ul style="list-style-type: none"> • The site planning response utilises School Lane, situated along the sites long northern boundary, for access and address. This approach has a number of positive urban design implications for the proposal and the site: • The proposal will activate the laneway and provide good opportunity casual surveillance along the laneway. • The laneway, upgraded and widened by the setback to proposed dwellings, is a highly legible piece of urban realm and as such affords each dwelling with a good sense of address for each dwelling in the proposal. Similarly in this respect, sense of address will also be improved for existing dwellings located to the rear of properties. • The setback to dwellings also provides an opportunity for valuable landscape contribution to the laneway environment and the setting of the proposed dwellings. • The first dwelling, on the corner of Station Street and School Lane, appropriately addresses street frontage on Station Street, ensuring that the development turns the corner. • While the inclusion of a number of garages along the laneway will increase traffic demand on the laneway at certain times, the setback of built form from the laneway will ensure good sightlines along the length of the development. Furthermore, it is understood that the School Lane is quite well used by pedestrian traffic connecting Station Street to the school on Laure Street. This is a positive local activity which will be complimented by and enhanced by the moves of the development. The frequency of access points and the width of the laneway (carriage way) ensure that this will naturally encourage a low speed environment. • In terms of the built form itself, the proposed development is a well configured three-dimensional form. There is a coherent idea in presenting the development initially as a singular form which is then broken down in to two halves and then further, brief, inspection reveals the clearly identifiable 4 individual dwellings. • The overall scale of the development fits comfortably in the Station Street environment and, while taller than traditional buildings in the immediate local area, it is commensurate with recent infill development along the length of Station Street. Furthermore, the proposal with a familiar double storey mass and third level contained within an attic style, with contemporary mansard projections. The proposal exhibits significantly less bulk and mass than the recently completed 3 storey-development on the neighbouring property at 77 Station Street. • Privacy screening has been applied to building in instances where necessary to prevent overlooking of habitable rooms and private open spaces in neighbouring properties. The use of screening, however, appears to have been minimised and, positively, is provided as angled fins in some instances or is often incorporated with planters. This considered arrangement helps block sensitive views while maintaining reasonable amenity and broad outlook within the development. 	

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> ▪ An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard & meets objective</p>
<p>Assessment: The application was accompanied by a written statement which describes how the development is consistent with the Planning Policy Framework and is considered satisfactory in this instance. Further, 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 10 dwellings proposed.</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 	<p>Complies with standard & meets objective</p>
<p>Assessment: The site is in an established area that is well serviced by existing infrastructure. Additionally, confirmation from Councils Development Engineer indicates that development will not unreasonably exceed the capacity of local infrastructure. Suitable conditions will be included on the permit to address infrastructure considerations (see conditions 4-7).</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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. Development oriented to front existing/proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The development provides for adequate accessibility. No public open space area exists adjacent to the site. Dwellings are orientated to face both Station Street and School Lane. High front fencing has been avoided.</p>		
<p>Clause 55.03-1 Street setback objective</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Standard B6 Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, the distance specified in Table B1 <p>Required: 5.3 metres along Station Street & 3m along School Lane</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed dwellings footprint meets the setback distance specified in this Standard with a setback of 5.3m to Station Street and 3.0m street setback to School Lane.</p> <p>It is noted that canopy/planter box (width 50cm) encroaches into the 3.0m School Lane Street setback. Standard B6 specifies <i>“Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.”</i></p> <p>Accordingly, the planter box height is less than 3.6m for Dwelling 2, 3 & 4 due to proposed FFL from NGL. Dwelling 1 has an overall height of 3.7m and is considered to be compliant as it falls within the allowable 2.0 side setback requirement to be discussed under Standard B17.</p>		
		 <p>The diagrams illustrate the building's compliance with setback requirements. The side elevation shows a canopy with a 50cm width and a height of 1100mm, with a potted plant in a planter box below it. The perspective view shows the building's setbacks from the street, with setbacks of 5.3m and 3.0m indicated.</p>
<p>Clause 55.03-2 Building height objective</p>	<p>Standard B7 Maximum: 11 metres</p>	<p>Complies with standard & meets objective</p>

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<ul style="list-style-type: none"> ▪ To ensure that the height of buildings respects the existing or preferred neighbourhood character. 		
<p>Assessment: The proposal meets the heights parameters specified in this Standard. The maximum height proposed is 10.5m (as measured).</p>		
<p>Clause 55.03-3 Site Coverage objective</p> <ul style="list-style-type: none"> ▪ To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. 	<p>Standard B8</p> <p>Maximum: GRZ2 - 60%</p>	Complies with standard & meets objective
<p>Assessment: The proposal achieves a site coverage statistic of 60%, 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</p> <p>At least: 20%</p>	Complies with standard & meets objective
<p>Assessment: The permeability figure proposed (i.e. 26%) 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> <ul style="list-style-type: none"> • Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas & private open space should be located on the north side of the development, if practicable. • Solar access to north-facing windows is maximised. 	Complies with standard & meets objective
<p>Assessment: The internal layout of all dwellings has been designed to maximise on energy efficiency principles by incorporating north-west facing windows to living areas and private open space. The solar access to dwellings on adjoining lots is not unreasonably reduced.</p>		
<p>Clause 55.03-6 Open Space objective</p>	<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

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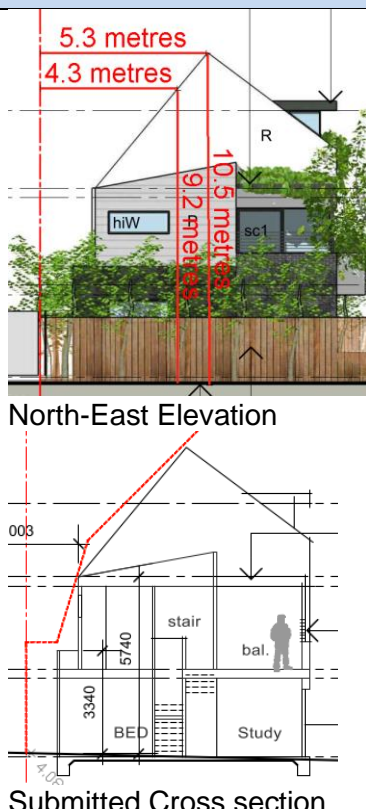

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 		
<p>Assessment: There is no communal private open space adjoining the site.</p>		
<p>Clause 55.03-7 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> <ul style="list-style-type: none"> • 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 with standard & meets objective</p>
<p>Assessment: The front entrances of the dwellings are not obscured or isolated, ensuring passive surveillance along Station Street and School Lane. Planting does not create unsafe spaces. Private spaces are protected from inappropriate use as public thoroughfares.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> ▪ To encourage development that respects the landscape character of the neighbourhood. ▪ To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. ▪ To provide appropriate landscaping. ▪ To encourage the retention of mature vegetation on the site. 	<p>Standard B13</p> <p>In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> ▪ Protect predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> ▪ Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. ▪ Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. ▪ Specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The application was referred to Council's Vegetation Department who states in the response:</p> <ul style="list-style-type: none"> - <i>There are several mature Cupressus sp. (Cypress) with fair/poor health and structure. None of the Cypress are worth of retention.</i> - <i>There is a mature Corymbia ficifolia (Red-flowering Gum) with fair/good health and structure. This tree has moderate retention value, however significant design changes (i.e. loss of dwelling) would be required to facilitate its retention.</i> - <i>Council is supportive of the proposal to remove all vegetation from the subject site.</i> - <i>Appropriate replacement landscaping must include large, coastal indigenous canopy trees within the front setback and across the site.</i> - <i>There are no neighbouring trees likely to be impacted by the proposed development.</i> 		

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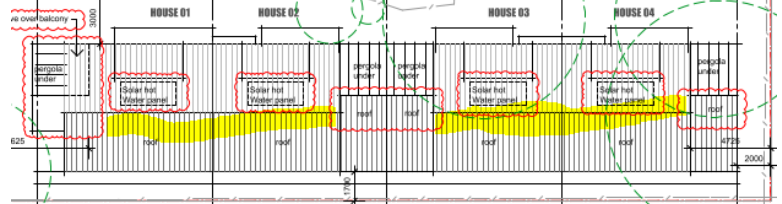
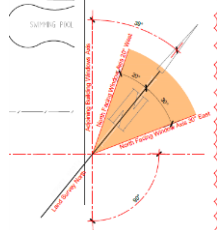
OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>- Council was generally supportive of some elements of proposed landscaping shown on the elevations plan and 3D renders. Whilst initially the proposed planting was considered impractical, the provision of a landscape plan helped informed that acceptable vegetation can be planted.</p> <p>- Access to the services yard to the rear has been provided for maintenance.</p> <p>- There is a semi-mature <i>Allocasuarina vericillata</i> (Drooping She-oak) located in the Station Street nature strip. This tree is to be retained and protected during development.</p> <p>In conclusion, as a condition of any permit issued, a detailed landscape plan will be required.</p>		
<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> ▪ To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14 The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Variation sought and supported
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies with standard & meets objective
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies with standard & meets objective
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies with standard & meets objective
<p>Assessment:</p> <p>All the accesses are provided from School lane and no access from Station Street. The width of accessways along the School Lane is 41% which fails to meet the prescriptive requirement, noting that the deletion of one access point and it's relocation to Station Street would result in full compliance of 30.7%. However, Council's traffic engineers have advised utilising School Lane for vehicle access is preferred to reversing directly onto Station Street. As such the variation is supported in this instance.</p> <p>The applicant has provided traffic report prepared by Quantum Traffic which contained swept path with three-point turn assessment, traffic generation assessment etc, which was forwarded to review by Council's Traffic Engineers. Council's Traffic Engineers agree with the finding of Traffic report and not further conditions are provided. It is noted that for the better vehicle maneuvering the width of the garage door widen to 5.2m.</p> <p>There were concerns in relation to traffic and access arrangement have been raised by surrounding residents, which was also forwarded to Council's Traffic Engineers and the response is discussed in the Section 13 of this report.</p>		
<p>Clause 55.03-10 Parking location objectives</p>	<p>Standard B15 Car parking facilities should:</p>	Complies with standard & meets objective

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<ul style="list-style-type: none"> ▪ To provide convenient parking for resident and visitor vehicles. ▪ To protect residents from vehicular noise within developments 	<ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	
<p>Assessment: The proposal has provided for double crossovers for each dwelling. As part of the amended plans the proposed crossovers were combined to allow for vehicle passing opportunities along School Lane. Condition 1i is included so that the passing bay areas are maintained at all times. The application was referred to Council’s traffic engineers who support the proposed arrangement. Overall, the application complies with the standard requirements for the layout and design of on-site car parking.</p>		
<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> ▪ To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> ▪ 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	<p>Will comply with Standard and Objective subject to imposed condition(s)</p>
<p>Assessment: The side setback generally meets the side and rear setback prescriptive requirements. It is noted that a minor variation appears to be required along the ridge area of all four dwellings as shown on the north-east elevation. Based on submitted plans measured by Council Officer, a height of 9.2m requires a 4.3m side setback, which is compliant on submitted plans and meets Standard B17 requirements. A height of 10.5m requires a side setback of 5.59m. A 5.3m side setback is provided which seeks a 29cm of variation. The area of non compliance has been highlighted on the roof plan. However, the submitted sectional side-setback diagram (as shown on right side) shows that the proposal meets the setback requirements. The proposed side and rear setbacks</p>	 <p>5.3 metres 4.3 metres 10.5 metres 9.2 metres</p> <p>North-East Elevation</p> <p>Submitted Cross section</p>	 <p>Variation on South-East Elevation</p> <p>Variation on Northwest elevation</p>

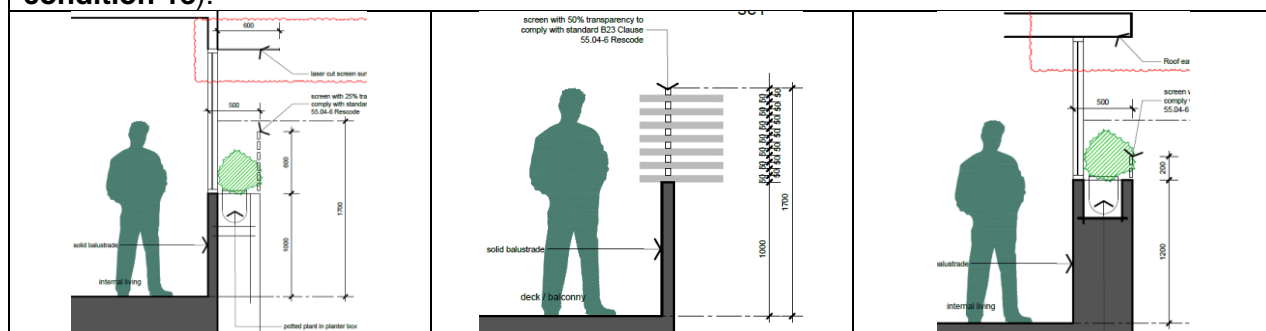
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<p>are required to be compliant with the prescriptive requirements and clarified through conditions of permit. (refer to condition 1k).</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>Complies with standard & meets objective</p>
<p>Assessment: No walls on boundary proposed.</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>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p>
<p>Assessment: The proposal will not have an unreasonable impact upon daylight to existing habitable room windows.</p>		
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20</p> <p>Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	<p>N/A</p>
<p>Assessment: There are no north facing windows due to the orientation of the land.</p> <p>A north arrow is omitted from relevant plans and required to be shown through conditions of permit (see condition 1j)</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<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>	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed development does not result in an unreasonable level of overshadowing to any existing SPOS areas.</p>		
<p>Clause 55.04-6 Overlooking objective</p> <ul style="list-style-type: none"> ▪ To limit views into existing secluded private open space and habitable room windows. 	<p>Standard B22</p> <p>A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5m from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7m above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7m above floor level. ▪ Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent. 	<p>Complies with standard & meets objective</p>
	<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>Complies with standard & meets objective</p>
	<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. 	<p>Complies with standard & meets objective</p>
<p>Assessment: All first floor HRW that are orientated towards a common boundary have been screened with different methods as shown below. Similarly, the boundary fence is proposed to be more than 1.8m high. However, in the event that a permit issues a notation will be included to ensure there is no unreasonable overlooking to occur and this provision is complied (see condition 1e).</p>		



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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.04-7 Internal views objective</p> <ul style="list-style-type: none"> ▪ To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: No unreasonable internal overlooking will occur.</p>		
<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> ▪ To contain noise sources in developments that may affect existing dwellings. ▪ To protect residents from external noise. 	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Will comply with Standard and Objective subject to imposed condition(s)</p>
<p>Assessment: It is noted that the proposed dwellings is located opposite of the railway line, therefore a condition will be included to limit the noise levels in habitable rooms (see condition -1f)</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>	<p>Complies with standard & meets objective</p>
<p>Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility as one bedroom has been proposed at the ground level.</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. 	<p>Complies with standard & meets objective</p>
<p>Assessment: The proposed entries to all dwellings are clearly visible from the public realm, i.e School lane or Station Street.</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>	<p>Complies with standard & meets objective</p>

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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: It is considered that all proposed windows all for adequate solar access and natural daylight into primary and secondary living areas.</p>		
<p>Clause 55.05-4 Private open space objective</p> <ul style="list-style-type: none"> ▪ To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B28 A dwelling or residential building should have POS consisting of:</p> <ul style="list-style-type: none"> ▪ An area of 40m², with one part of the POS to consist of SPOS at the side or rear of the dwelling or residential building with a min. 25m², a min. dimension of 3m and convenient access from a living room, or ▪ A balcony of 8m² with a min. width of 1.6m and convenient access from a living room, or ▪ A roof-top area of 10m² with a min. width of 2m and convenient access from a living room. 	Complies with standard & meets objective
<p>Assessment: Each dwelling has been provided with adequate POS i.e. 9m² balcony with 2.98m width that meets the area and dimension requirements specified above and will service the social, recreational and passive needs of future residents.</p>		
<p>Clause 55.05-5 Solar Access to Open Space</p> <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 with standard & meets objective
	<p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	N/A
<p>Assessment: No south facing POS is proposed as part of this development. All POSs are located at the north-east side of the development in the form of balconies.</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 with standard & meets objective
<p>Assessment: A 6m³ storage areas have been provided in the ground floor plan (rear southside of the development).</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.06-1 Design Detail objective</p> <ul style="list-style-type: none"> ▪ To encourage design detail that respects the existing or preferred neighbourhood character 	<p>Standard B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment: The roof form, façade articulation, building material and detailing are generally consistent with the emerging neighbourhood character of the area. It is noted that most of dwellings in the area are single or double storey dwellings, however the adjoining dwelling at 77 Station Street is a three-storey building. Concerns in relation to the three-storey built form has been raised by objectors, however, the proposed built form is considered to be appropriate and has the support of Council’s Urban & Sustainable Design Advisor as discussed above in response to Standard B1.</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> <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>	<p>N/A</p> <p>Variation sought and supported</p>
<p>Assessment: A 1.5m high front fence is proposed along Station Street and 0.9m high fence proposed along School Lane and part of Station Street as shown below. A variation to the front fence height along Station Street is sought as this fails to meet the allowable height requirement of 1.2m. It is noted that fencing along Station Street is varied with a number of front fences in excess of 1.2m found in the locality. The variation is supported in this instance having regard to the existing neighbourhood character, the slope of the land and due to the site’s location opposite the railways line.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Clause 55.06-3 Common property objectives <ul style="list-style-type: none"> ▪ To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. ▪ To avoid future management difficulties in areas of common ownership. 	Standard B33 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	N/A
Assessment: No common property is proposed as part of this development.		
Clause 55.06-4 Site services objectives <ul style="list-style-type: none"> ▪ To ensure that site services can be installed and easily maintained. ▪ To ensure that site facilities are accessible, adequate and attractive. 	Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.	Will comply with Standard and Objective subject to imposed condition(s)
Assessment: All facilities required for the development can be accommodated within the development. It is required for mailboxes and bin/recycling enclosures to be nominated on the respective plans – see condition 1h.		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

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

Ground(s)	Response
Neighbourhood character	Refer to ResCode assessment B1 Section
Car parking, additional traffic, access and safety (proximity to Aspendale Primary School)	The application was referred to Council’s Traffic Department, who comments “The development is at the Station Street end of the School Lane, where Aspendale Primary School is at the Laura Street end of the laneway. The development does not have a direct interface with the school. Traffic generated by the development will be distributed to either ends of the laneway resulting less than minor impact to the traffic on Laura Street.” Traffic Department response “there are two passing areas provided in front of the garages to help manage conflicts in the laneway. The amount of traffic travelling on the laneway is low and vehicles/vehicles/pedestrians’ conflicts are low.” It should be noted that a condition 1i is included so that the passing bay area maintained all the time.

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Garbage collection	Council's Waste Management Officer confirms that the garbage collection can be done via Station Street and is suitable for Council's waste collection system.
Drainage	Council's Development Engineers have considered on any storm water/drainage issues and provided conditions, refer to conditions 4 - 7.
Amenity Impacts	<p>Noise associated with the proposed use is only likely to be residential in nature. There is no reason to conclude that noise from the proposed dwellings will be any greater than typical noise experienced from other residential properties within a suburban residential setting. In addition condition 19 seek to limit noise generated by externally-located heating and cooling units, exhaust fans and the like.</p> <p>There are also concerns raised in relation to the three storey built form, loss of light and loss of view to the sky. It is noted that siting of the development has been assessed as part of ResCode with sufficient daylight provided to existing windows and setbacks provided in accordance with prescriptive requirements under relevant standards.</p>
Tree removal	Refer to Section 12.3 - ResCode assessment Standard B13
Proposed setbacks	Refer to Section 12.3 - ResCode assessment Standard B6 and B17
Overdevelopment	The proposal was considered to have a high degree of compliance with ResCode in terms of overlooking, overshadowing, site coverage, car parking and reasonable internal amenity for future residents. For these reasons, Council Officers do not consider the proposal to be an overdevelopment of the site.

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 four dwellings at 76 Station Street, Aspendale, subject to the following conditions:
1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn

to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Buckerfield Architects Pty Ltd, Job No.9618 Drw No. SA.04, Dr 0-03, TP10-TP20, SH.01—SH05, Revision B, Landscape plan, submitted on 12 April 2021, but modified to show:

- a. The provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- b. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 150mm above the existing kerb and channel invert level along the entire Station Street 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.
- c. The provision of required flood proof apex of 150mm above the existing kerb and channel invert level must be along the entire Station Street frontage of the subject site.
- d. A notation on the plan stating, "Laneway Levels in School Lane must not be altered."
- e. A notation on the plan stating that "the habitable room windows and balconies, of all dwellings designed in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme."
- f. All habitable room windows nominated being double glazing or similar to protect the noise from the railway line
- g. Notation of the purpose of the room next to the dining room of each dwelling
- h. Mailboxes and bin/recycling enclosures nominated
- i. A notation on the plan stating "the passing bay area must be sealed and kept clear all the time to function as a passing area for the laneway"
- j. All the floor plans to show a north point
- k. All side and rear setbacks to be clearly dimensioned and to comply with the prescriptive requirements of Clause 55.04-1 Side and rear setbacks (Standard B17) of the Kingston Planning Scheme.
- l. The provision of a landscape plan in accordance with the submitted Landscape plans prepared by Mesh Landscape Architecture 21 January 2020 – L01 and L02 revision B, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. a survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. a range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre in width at maturity planted

- 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
- vi. two (2) indigenous canopy trees capable of growing to minimum mature height of 6 metres to be planted within the frontage of Dwellings 2 and 3 on School Lane;
 - vii. one (1) canopy tree capable of growing to minimum mature height of 8 metres in to be planted in the frontage of Dwelling 4 on School Lane
 - viii. details of proposed planter boxes on levels 1 and 2
 - ix. all trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. tree protection measures including for street trees accurately drawn to scale and labelled
- m. All relevant commitments identified within the Sustainable Design Assessment, required under condition 8 of this permit, shown on plans

Endorsed Plans

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

Street Trees

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

Drainage and Water Sensitive Urban Design

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

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- d. The water sensitive urban design treatments as per conditions 4a, 4b & 4c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
5. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.5L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
6. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.5L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
7. A flood proof apex (ie ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 150mm above the existing kerb and channel invert level along the entire Station Street 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.

Sustainable Design Assessment

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

Construction Management

9. Prior to the commencement of any buildings and works on the land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
 - a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls

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- e. Air Quality and Dust Management
- f. Stormwater and Sediment Control
- g. Waste and Materials Re-use

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

Infrastructure and Road Works

- 10. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
- 11. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
- 12. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
- 13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 14. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 15. Vehicle crossings be constructed at a 90 degree alignment with the kerb on Station Street and all internal driveways be aligned with the existing / proposed vehicle crossing.
- 16. Laneway Levels in School Lane must not be altered.
- 17. The vehicle crossing must be constructed to industrial strength at the entrance to the Laneway unless otherwise approved by the Responsible Authority

General amenity conditions

- 18. 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.
- 19. 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.
- 20. 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

- 21. 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.
- 22. 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

- 23. 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.

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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 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.

Appendices

Appendix 1 - KP-2019/759 - 76 Station Street, Aspendale - Considered Plans (Ref 21/118897)  

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

4.5

KP-2019/759 - 76 STATION STREET, ASPENDALE

1	KP-2019/759 - 76 Station Street, Aspendale - Considered Plans.....	337
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residential development
76 STATION STREET ASPENDALE VIC. 3195

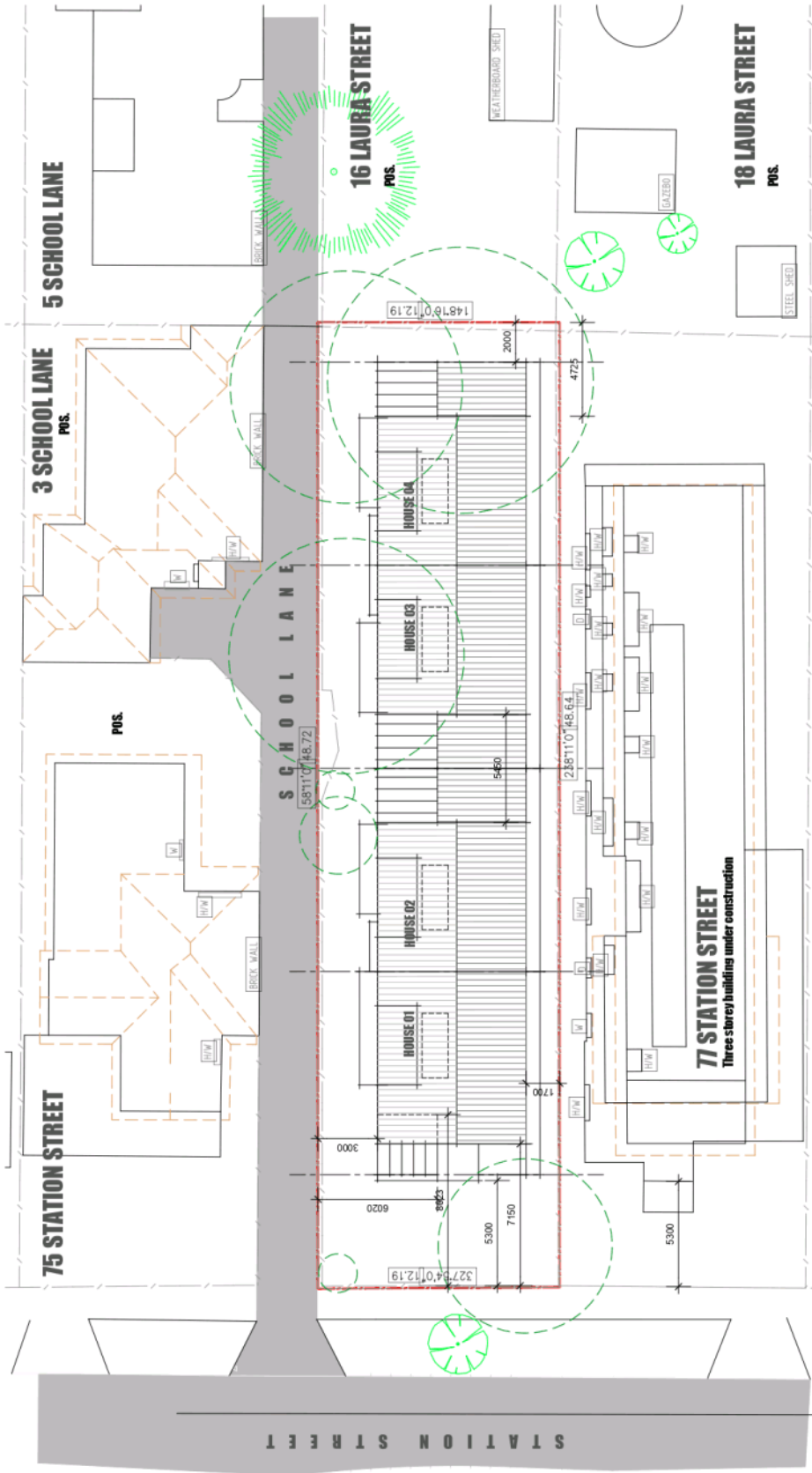
JOB NO. **9618** | DWG NO. **TP00** | REVISION **B**
 CHECKED BY: RB | DRAWN BY: CD
TP PERMIT 08 04 2021

DRAWING
COVER

TOWN PLANNING PERMIT ISSUE
**76 STATION STREET
 ASPENDALE VIC 3195**

**buckerfield
 architects**

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1 SITE PLAN 1:200 A3

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 All R.L levels are to Australian Height Datum

REV.	DATE	DESCRIPTION	INITIAL
A	20/03/21	Issue for permit	cd
B	21/04/21	Issue for permit	cd
B	21/04/21	Issue for permit	cd

SCHEDULE
 Site area: 593sqm
 Site coverage: 354sqm (60%)
 Permeability: 158sqm (26%)
 Landscape garden: 182.7sqm (31%)

storage: 6m³
 Front street setback: 5.3m
 School Lane setback: 3.0m

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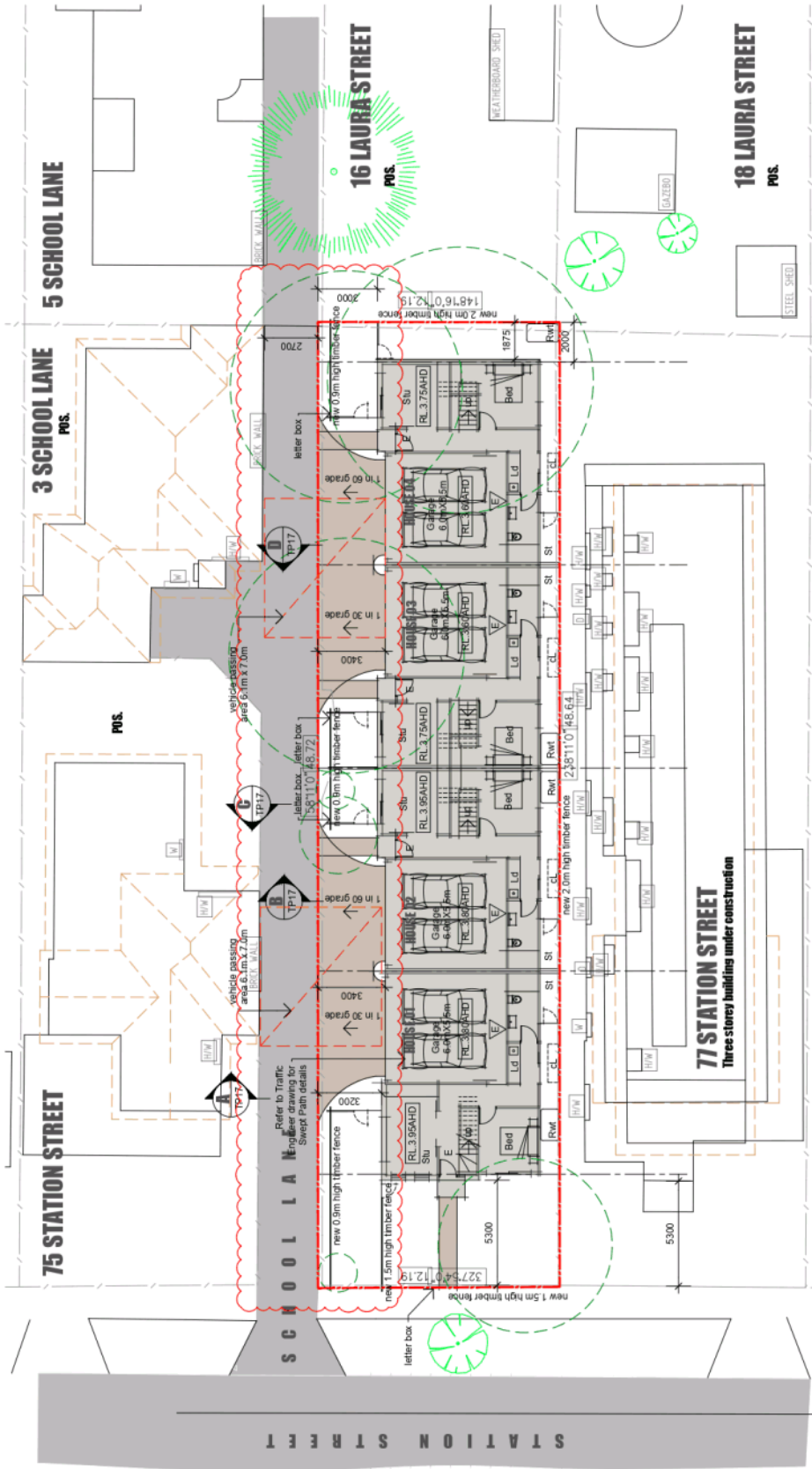


TOWN PLANNING PERMIT ISSUE
76 STATION STREET
ASCENDALE VIC 3195

DRAWING:
SITE PLAN
DEVELOPMENT SCHEDULE

JOB NO: **9618**
 DWD NO: **TP10**
 CHECKED BY: RB DRAWN BY: CD
TP PERMIT 08 04 2021

REVISION:
B



1 GROUND FLOOR PLAN 1:200_{A3}

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 All R.L. levels are to Australian Height Datum.
 Refer to TP11-TP14 for building setbacks and heights details.
 Refer to TP15-TP16 for building setbacks and heights details.

REV.	DATE	DESCRIPTION	INITIAL
A	20/03/21	Commencing permit issue	cd
B	21/04/21	Dimenry Planning bay raised	cd

LEGEND
 HW habitable windows
 W non-habitable windows
 D Doors
 h/w high level window, 1.7m sill height
 h/w sill height
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POB private open space
 spn open space
 cl retractable clothes lines
 St external storage 6m²
 Stu study
 Lv living room
 Bed Bedroom
 Ki Kitchen
 Ld Laundry
 E Entry
 Bal. Balcony
 Px Planter box
 op opaque glass

Few Fully Operable Windows
 sc1 Scapes with 25% transparency to comply with standard B2.2 Clause 55.04-6 Rescode
 sc4 Scapes with 25% transparency to comply with standard B2.2 Clause 55.04-6 Rescode
 sc3 Overlooking screen with 50% transparency to comply with standard B2.2 Clause 55.04-6 Rescode
 TOWN PLANNING PERMIT ISSUE

Rvt 2,500L rainwater tank will service all rainwater for the building
 connections for watering garden areas
 Electrical vehicle charge point

trees to be removed
 trees to be retained

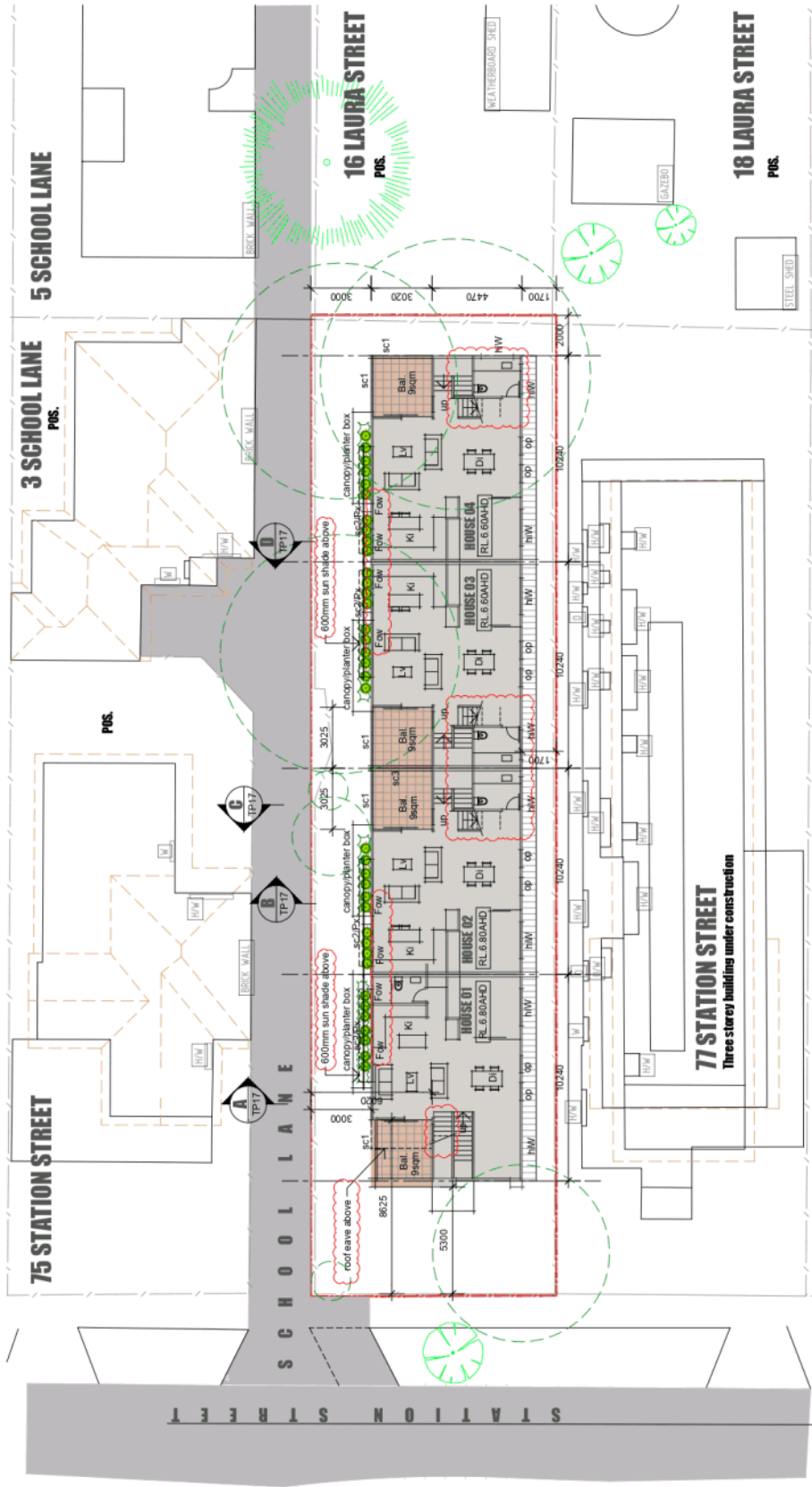
Corner Splay with provided the landscaping in those areas shall be maintained and replaced at least per cent clear of visual obstructions. Extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage. To provide a clear view of pedestrians on the footpath of the frontage.

JOB NO: TP11
 DWD NO: 9618
 REVISION: B
 CHECKED BY: RB DRAWN BY: CD
TP PERMIT 08 04 2021

GROUND FLOOR PLAN
SCALE: 1:200 @A3 1:100 @A1

76 STATION STREET
ASPENDALE VIC 3195

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1 FIRST FLOOR PLAN 1:200^{A3}

NOTES:
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 All R.L. levels are to Australian Height Datum.
 Refer also to TP11-TP14 for building setbacks.
 Refer to TP15-TP16 for building setbacks and heights details.
 REV. DATE DESCRIPTION INITIAL

LEGEND
 HW habitable windows
 W non-habitable windows
 D Doors
 HW high level window, 1.7m sill height
 POS private open space
 Sp stone paving
 St external storage 6m²
 Stu study
 Lv living room
 Bed Bedroom
 Kitchen
 Ki Laundry
 Ld Entry
 E Balcony
 Bal Planter box
 Px opaque glass
 op

POS
 sc1 Fully Operable Windows
 sc2 Screens with 50% transparency to comply with standard B22 Clause 55.04.5 Rescode
 sc3 Overlooking screen with 50% transparency to comply with standard B23 Clause 55.04.6 Rescode
 TOWN PLANNING PERMIT ISSUE

Other Notes:
 Ref: 2,500L rainwater tank will service all three houses and provide connections for watering garden areas
 trees to be removed
 trees to be retained
 Electrical vehicle charge point

INITIAL
 A. 2020/02 Council RFI #1
 of

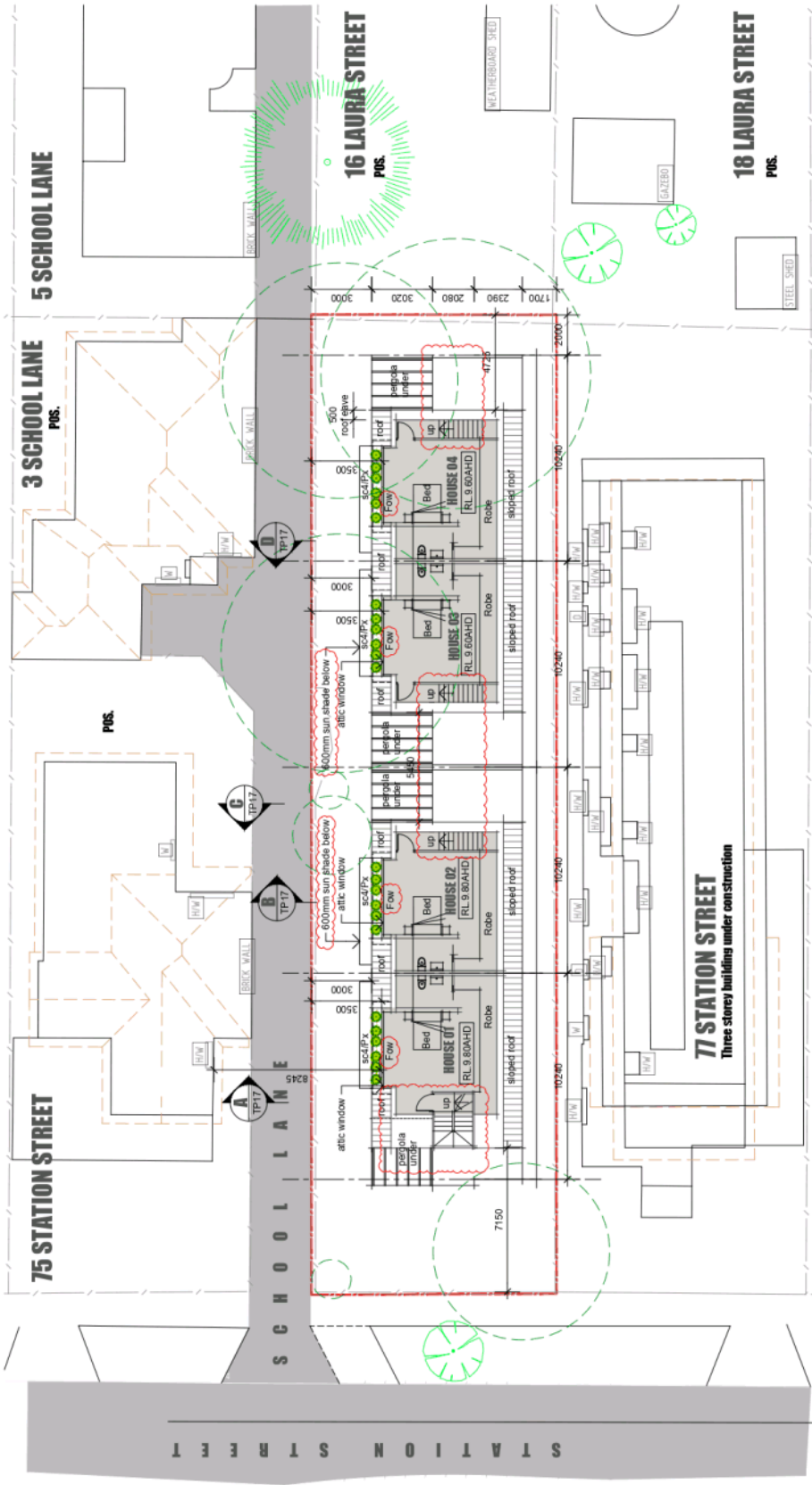
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**76 STATION STREET
 ASCENDALE VIC 3195**

**FIRST FLOOR PLAN
 SCALE : 1:200@A3 1:100@A1**

JOB NO: **9618**
 DWG NO: **TP12**
 CHECKED BY: RB DRAWN BY: CD
 TOWN PLANNING **02 03 2020**
 REVISION: **A**



1 SECOND FLOOR PLAN 1:200

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 Refer to TP11-TP14 for building setbacks.
 Refer to TP15-TP16 for building setbacks and heights details.

REV.	DATE	DESCRIPTION	INITIAL	of
A.	20/02/20	Council RFI #1		

LEGEND
 HW habitable windows
 W non-habitable windows
 D Doors
 HW high level window, 1.7m sill height

POS private open space
 Sp private open space
 St external storage 6m²
 St study
 Lv living room
 Bed Bedroom

KI Kitchen
 Lg Laundry
 E Entry
 Bal. Balcony
 Pk Planter box
 op opaque glass

sc1 Fully Operable Windows
 sc2 Screens with 50% transparency to comply with standard B22 Clause 55.04.5 Rescode
 sc3 Overlooking screen with 50% transparency to comply with standard B23 Clause 55.04.6 Rescode

Ref: 2,500L rainwater tank will service all units and include automatic connections for watering garden areas
 Electrical vehicle charge point

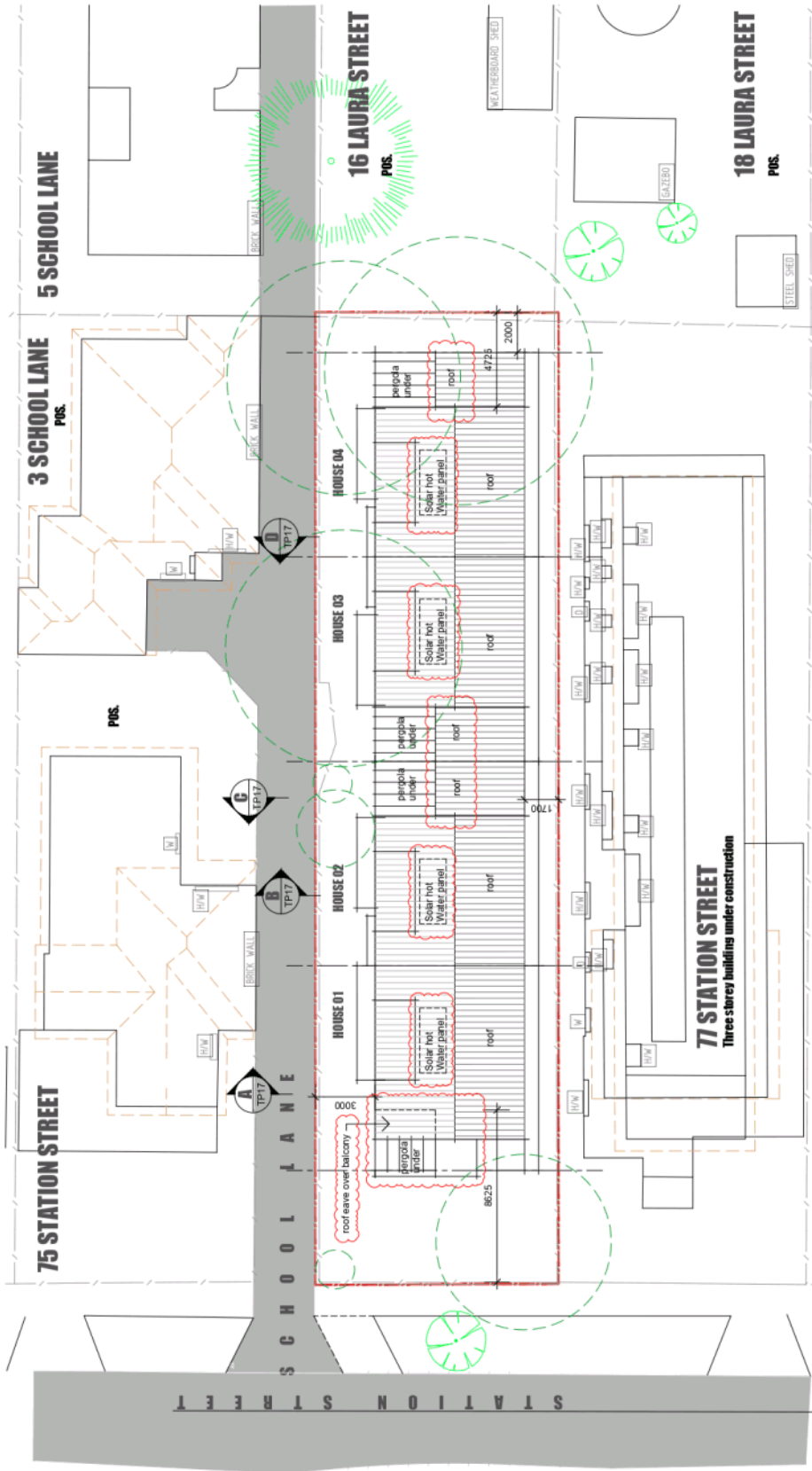
trees to be removed
 trees to be retained

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76 STATION STREET
ASPENDALE VIC 3195
SECOND FLOOR PLAN
SCALE: 1:200 @A3 1:100 @A1

JOB NO: **9618**
 DWG NO: **TP13**
 CHECKED BY: RB
 DRAWN BY: CD
 TOWN PLANNING **02 03 2020**

REVISION: **A**



1 ROOF PLAN 1:200.A3

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REV.	DATE	DESCRIPTION	INITIAL	of
A.	2020/02	Council RFI #1		

LEGEND
 HW habitable windows
 W non-habitable windows
 D Doors
 HW high level window, 1.7m sill height

POS private open space
 Sp private open space
 St external storage 6m²
 Stu study
 Lv living room
 Bed Bedroom

Ki Kitchen
 Ld Laundry
 E Entry
 Bal. Balcony
 Px Planter box
 op opaque glass

sc1 Fully Operable Windows
 sc2 Screens with 50% transparency to comply with standard B22 Clause 55.04-5 Recode
 sc3 Overlooking screen with 50% transparency to comply with standard B23 Clause 55.04-6 Recode

Rat 2,500L rainwater tank will service all internal and external connections for watering garden areas
 Electrical vehicle charge point



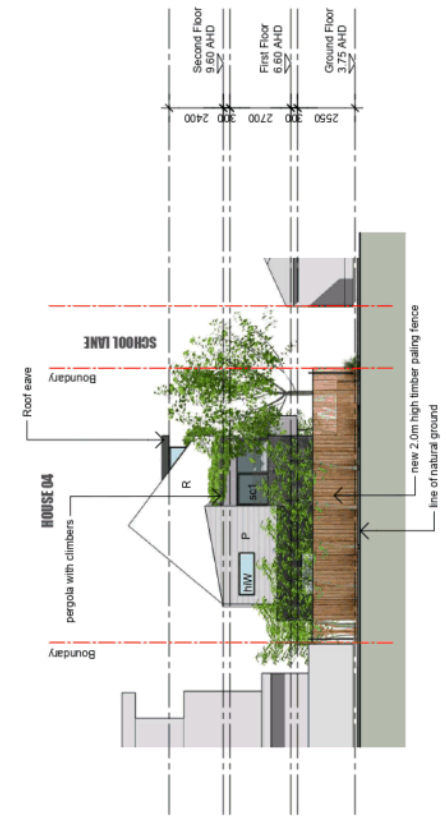
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**76 STATION STREET
 ASCENDALE VIC 3195**

**ROOF FLOOR PLAN
 SCALE : 1:200@R3 1:100@R1**

JOB NO: **9618**
 DWG NO: **TP14**
 CHECKED BY: RB DRAWN BY: CD
 TOWN PLANNING 02 03 2020
 REVISION: **A**



SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION

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 Refer also to TP01-TP04 for building setbacks and heights details.
 Refer to TP05-TP06 for building setbacks and heights details.

REV.	DATE	DESCRIPTION	INITIAL
A.	20/03/21	Commenced permit issue	cd
B.	21/04/21	Drawings, Planning, Party revised	cd

LEGEND

- R Render finish - White
- M metal roof sheet cladding - Shale Grey
- P F.C panel Sycam Shira - White
- B Brick veneer - Black
- T Tile cladding - Charcoal
- CR Charcoal
- MD Pergola
- OP Overlooking screen - powder coated - Black
- HW habitable windows
- W non-habitable windows
- D Downpipes
- HW high level window, 1.7m sill height
- OP opaque glass, 1.7m high above FFL

Timber finish to garage doors - Charcoal
 CR Charcoal
 MD Pergola
 OP Overlooking screen - powder coated - Black
 HW habitable windows
 W non-habitable windows
 D Downpipes
 HW high level window, 1.7m sill height
 OP opaque glass, 1.7m high above FFL

sec1 Screen with 25% transparency to comply with standard B22 Clause 55.04-6 Rescode
 sec3 Overlooking screen with 50% transparency to comply with standard B23 Clause 55.04-6 Rescode

TOWN PLANNING PERMIT ISSUE
76 STATION STREET
ASPENDALE VIC 3195

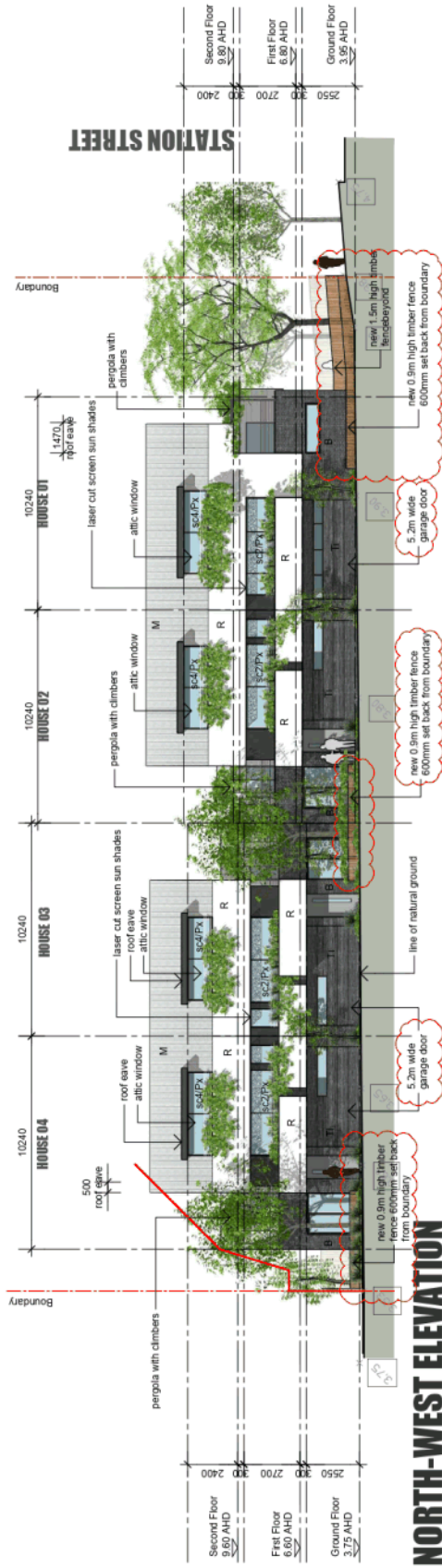
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EAST, WEST ELEVATIONS
SCALE: 1:200 @A3 1:100 @A1

JOB NO: **9618**
 CHECKED BY: RB DRAWN BY: CD
TP PERMIT 08 04 2021

DWG NO: **TP15**
 REVISION: **B**



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

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 Refer also to TP01-TP04 for building setbacks and heights details.
 Refer to TP05-TP06 for building setbacks and heights details.

REV.	DATE	DESCRIPTION	INITIAL
A	20/03/21	Commence permit issue	cd
B	21/04/21	Drawings, Planning, by revised	cd

LEGEND
 R Render finish - White
 M metal roof sheet cladding - Shake Grey
 P F.C panel Soyma Shira - White
 B Brick veneer - Black
 T Tile cladding - Charcoal

T Timber finish to garage doors - Charcoal
 CR Garage door metal panel finish - Dark Grey
 MD Pergola Metal frame powder coated - Black
 OP Overlooking screen - powder coated - Black

HW habitable windows
 NW non-habitable windows
 D Double glazing
 HW high level window, 1.7m sill height
 OP opaque glass, 1.7m high above FFL

sc1 Screen with 25% transparency to comply with standard B22 Clause 55.04-6 Rescode
 sc3 Overlooking screen with 50% transparency to comply with standard B23 Clause 55.04-6 Rescode

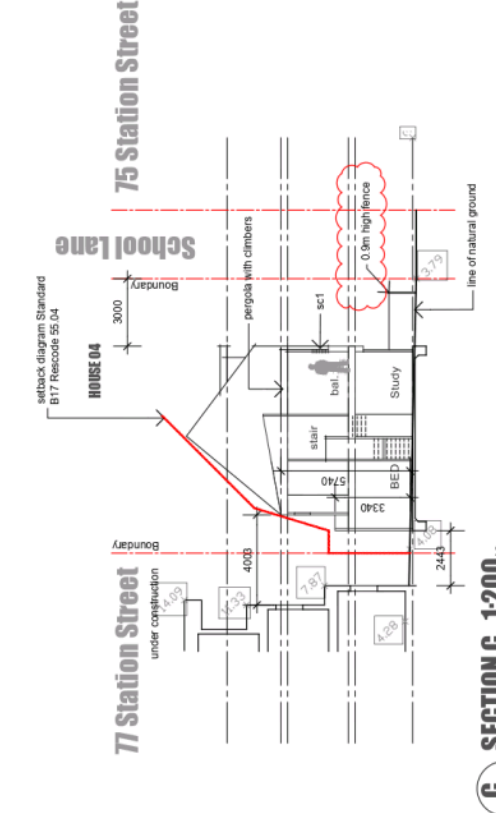
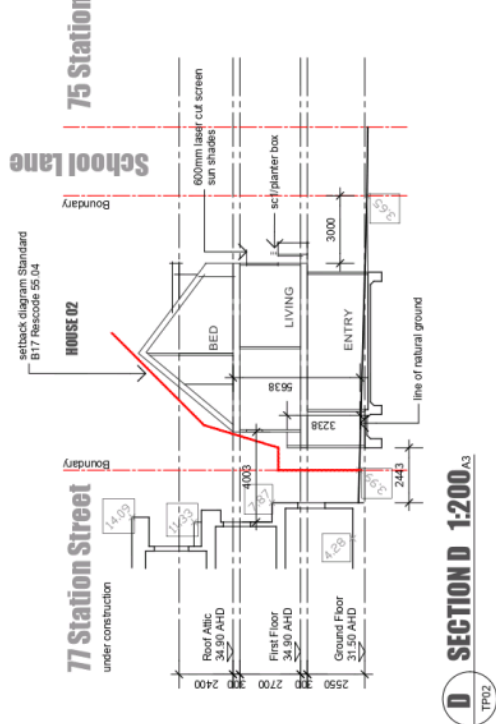
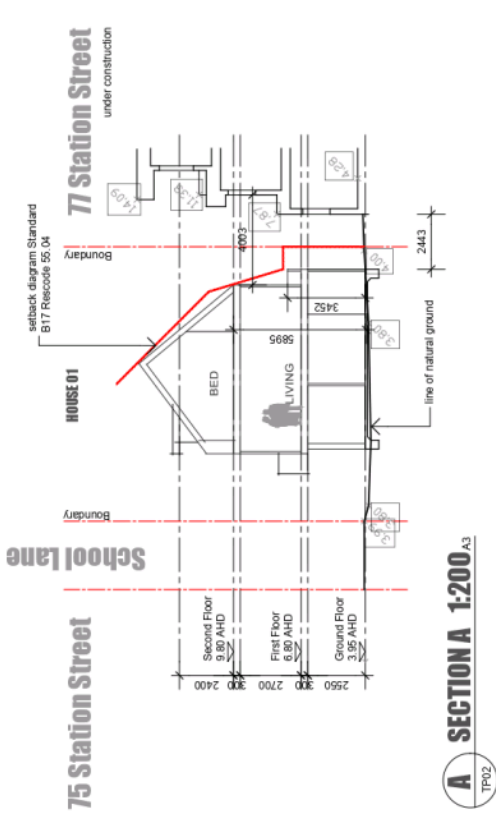
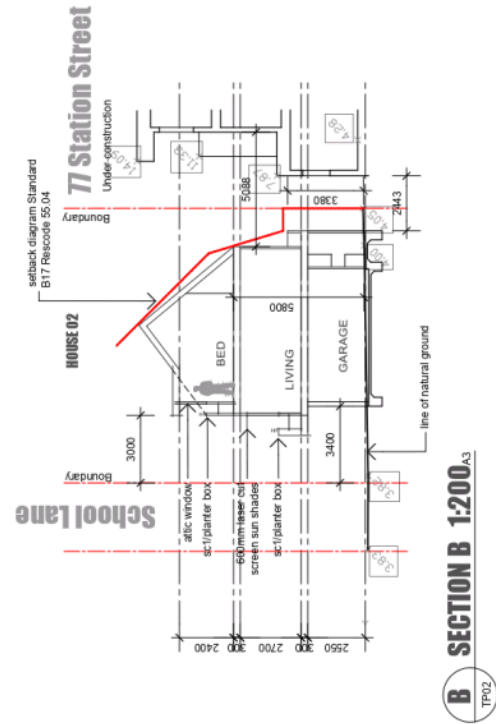
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TOWN PLANNING PERMIT ISSUE
76 STATION STREET
ASCENDALE VIC 3195

NORTH, SOUTH ELEVATIONS
SCALE: 1:200 @A3 1:100 @A1

JOB NO: 9618
DWG NO: TP16
 CHECKED BY: RB DRAWN BY: CD
TP PERMIT 08 04 2021

REVISION: **B**



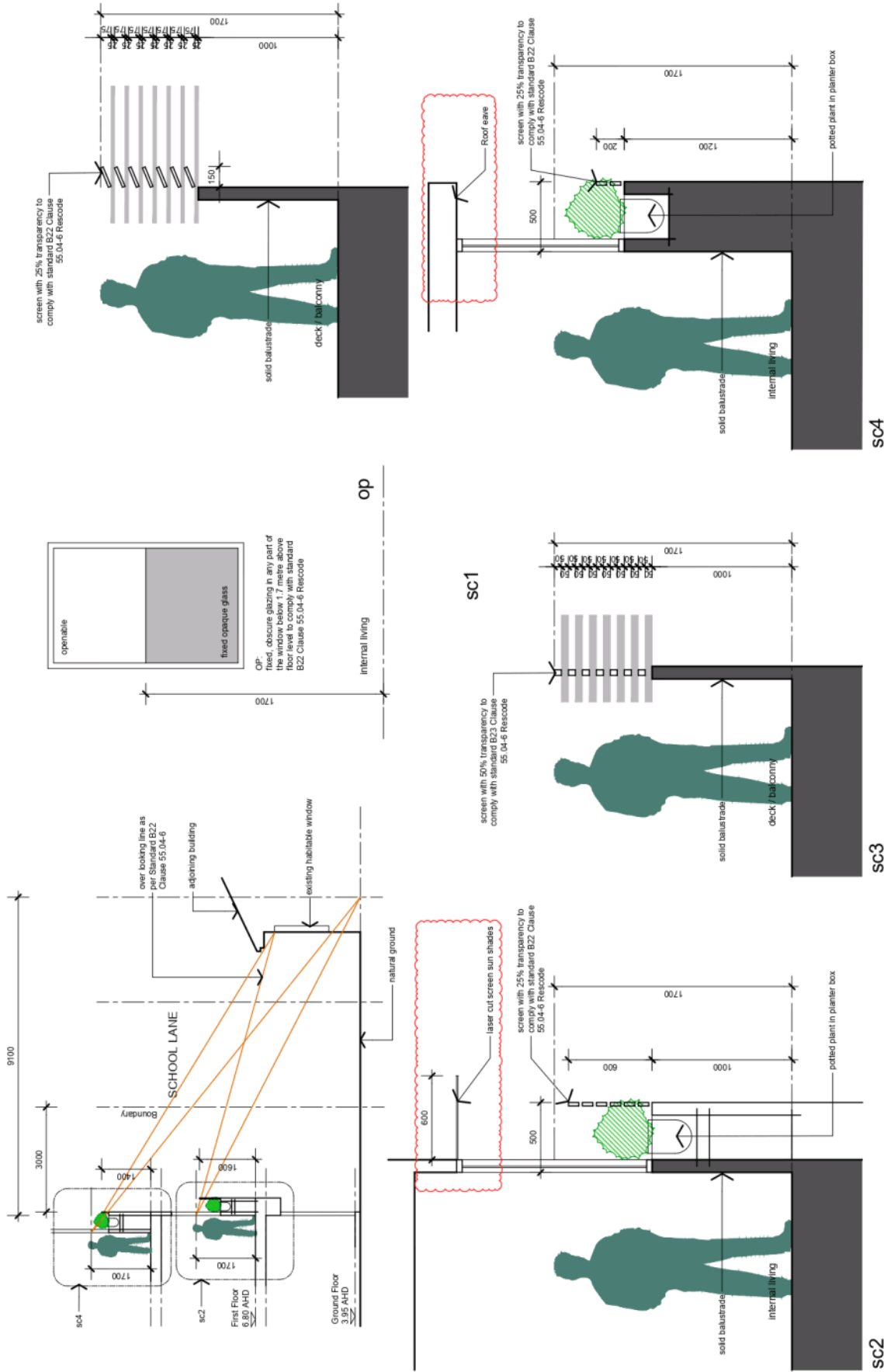
JOB NO: **9618** DWG NO: **TP17** REVISION: **B**
 CHECKED BY: **RE DRAWN BY: CD**
TP PERMIT 08 04 2021

DRAWING: **SECTIONS**
SCALE: 1:200 @ A3 1:100 @ A1

TOWN PLANNING PERMIT ISSUE
76 STATION STREET
ASPENDALE VIC 3195

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REV.	DATE	DESCRIPTION
A	20/03/21	Commenced permit issue
B	21/04/21	Commenced permit issue
B	21/04/21	Dismisive Planning law waived



OP: fixed, obscure glazing in any part of the window below 1.7 metre above floor level to comply with standard B22 Clause 55.04-6 Rescode

JOB NO: 9618
 DIVISION: TP.18
 REVISION: A
 CHECKED BY: RB DRAWING BY: CD
 TOWN PLANNING 02 03 2020

**PROPOSAL
 OVERLOOKING SCREENS**

**TOWN PLANNING PERMIT ISSUE
 76 STATION STREET
 ASPENDALE VIC 3195**



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REV.	DATE	DESCRIPTION
A.	2023/2	Council RPT H

INITIAL: _____
 of _____

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M Metal Roofing, Shale Grey



T tiles cladding - black



P Lightweight panel cladding, charcoal



R render finish - off white



CR cement render - natural



B brick veneer - Black



G Glass panel/windows clear



Pergola metal powder coated - Black



overlooking screen - Black



sectional metal garage door with glass insert

REV. DATE DESCRIPTION INITIAL
 A. 2023/2 Council Ref H

TOWN PLANNING PERMIT ISSUE
**76 STATION STREET
 ASPENDALE VIC 3195**

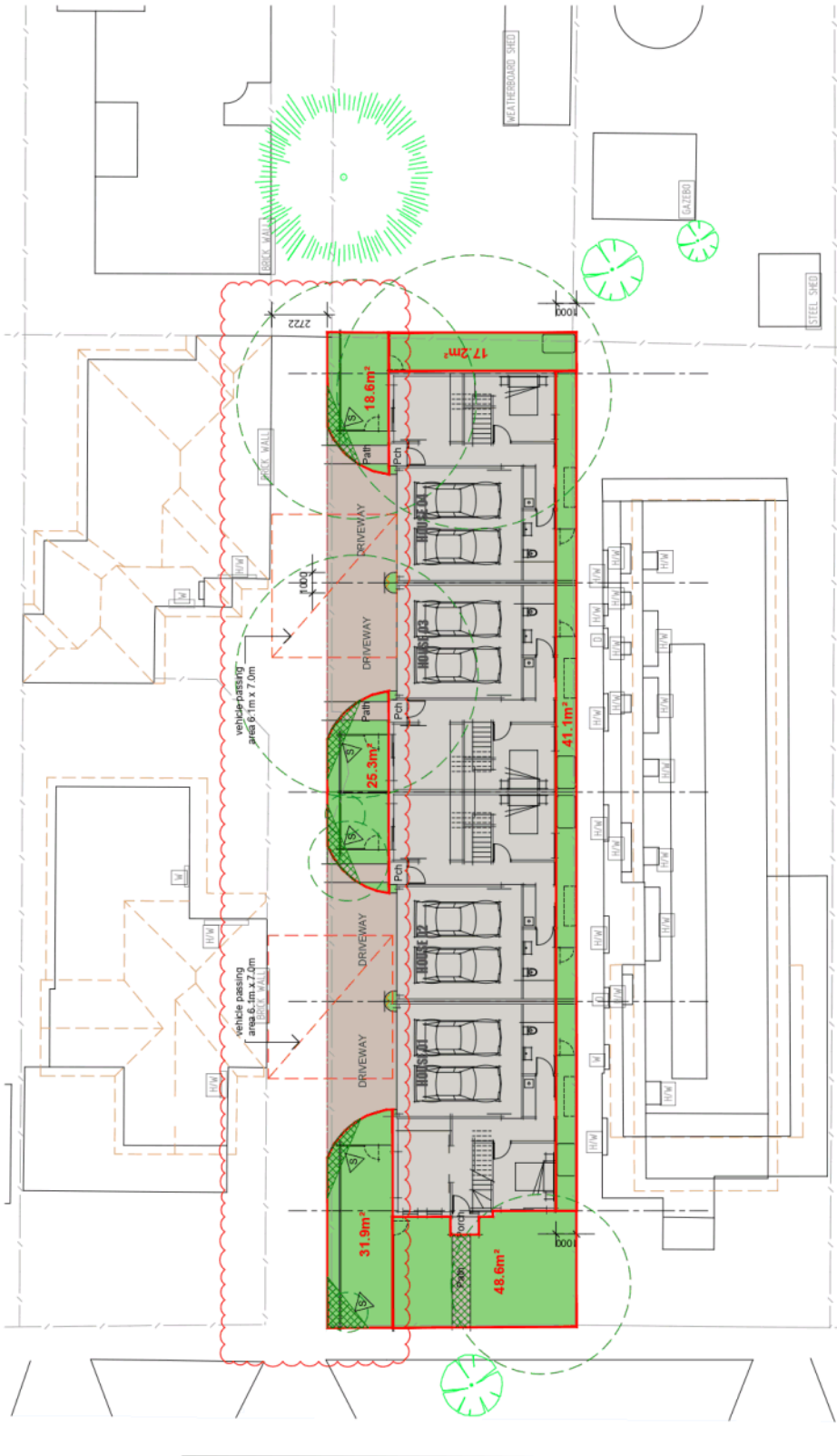
DRAWING:
**PROPOSAL
 SCHEDULE OF FINISHES**

JOB NO: **9618**
 DWG NO: **TP.19**
 REVISION: **A**
 CHECKED BY: RB DRAWN BY: CD
TOWN PLANNING 02 03 2020

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LS SITE GARDEN AREA PLAN 1:200_{A3}

NOTES

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REV.	DATE	DESCRIPTION	INITIAL
A.	20/10/22	Submitted permit issue	cd
B.	21/07/22	Garden area revised	cd
C.	21/07/22	Garden area revised	cd
D.	21/04/22	Driveway, Passing bay revised	cd

LEGEND

Site area 593sqm
total garden area 182.7sqm = 31% (required 178sqm = 30%)
permeable area 158sqm = 26% (required 119sqm = 20%)

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GARDEN AREA FLOOR PLAN
SCALE: 1:200@1:100@1:1

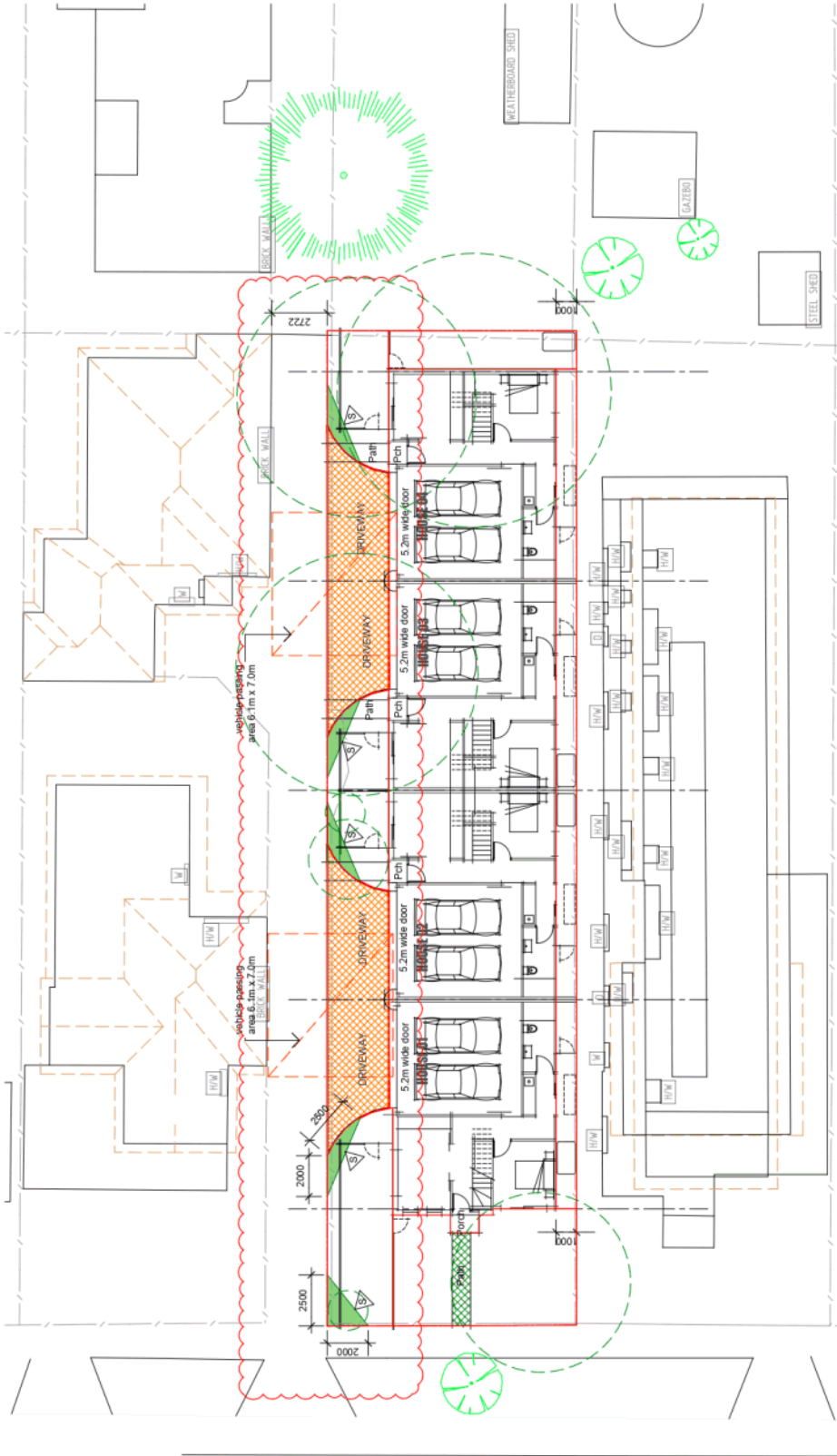


Corner Spill with provided the arseclipping in those 50 per cent clear of visual obstructions. Extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage To provide a clear view of pedestrians on the footpath of the frontage

JOB NO. **9618**
DWG NO. **TP20**
CHECKED BY: **RE DROWN BY CD**
JOB NO. **TP PERMIT 08 04 2021**

REVISION:

D



Site area 593sqm

LS SITE GARDEN AREA PLAN 1:200_{A3}

NOTES

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REV.	DATE	DESCRIPTION	INITIAL
A	20/10/20	Issue for permit issue	cd
A	21/04/20	Check RFL	cd
A	21/04/20	Driveway revised	cd

LEGEND

Proposed drive way



Corner Splay with provided the landscaping in those per cent clear of visual obstructions Extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage To provide a clear view of pedestrians on the footpath of the frontage



Trees to be removed
Trees to be retained

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TOWN PLANNING PERMIT ISSUE
**76 STATION STREET
ASCENDALE VIC 3195**

DRAWING
**PROPOSED DRIVEWAY PLAN
SCALE: 1:200@A3 1:100@A1**

JOB NO. **9618**
DWG NO. **TP30**
CHECKED BY: **RE DRWIN BY CD**
REVISION: **TP PERMIT 08 04 2021**

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Planning Committee Meeting

23 June 2021

Agenda Item No: 4.6

KP-2021/93 - 2 ASHLAR ROAD, MOORABBIN

Contact Officer: Beau McKenzie, Principal Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2021/93 - 2 Ashlar Road, Moorabbin.

Disclosure of Officer / Contractor Direct or Indirect Interest

This application requires a decision by Council as a staff member of the City Development Department has declared that they have an interest in the issue of a Planning Permit on the subject site. This person has not had any involvement with the consideration of the application or provided advice in relation to this application.

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Planning Permit to subdivide the Land into Three (3) Lots at 2 Ashlar Road, Moorabbin, subject to the conditions contained within this report.

**City of Kingston
Planning Committee Meeting**

Agenda

23 June 2021

DELEGATE REPORT - EXECUTIVE SUMMARY

Address	2 Ashlar Road, MOORABBIN VIC 3189
Legal Description	Lot 39 on PS 011473
Applicant	Nilsson, Noel & Holmes (Surveyors) Pty Ltd
Planning Officer	Beau McKenzie

PLANNING REQUIREMENTS SUMMARY

Planning Scheme	Kingston
Zoning	Clause 32.08 – General Residential Zone (Schedule 3)
Overlays	None
Particular Provisions	Clause 53.01 – Public Open Space Contribution Clause 56 – Subdivision
Permit Trigger/s	Clause 32.08-3 – To subdivide land (GRZ)

APPLICATION / PROCESS SUMMARY

Proposal	Subdivide the Land into Three (3) Lots		
Reference No.	KP-2021/93	RFI Received	N/A
App. Received	01-Mar-2021	App. Amended	N/A
Site inspection	Yes		
S.52 Advertising	Not required	Advertising Completed	N/A
S.55 Referrals	Melbourne Water, South-East Water, United Energy, Multinet Gas and Fuel		
Internal referrals	No		
Objection(s)	N/A (TRIM checked on 12/05/2021)		
Subdivision plan ref:	PS 847858J, Version 01 Reference 9826, drawing no. 9826S (dated 25/11/2020)		

LEGISLATIVE SUMMARY

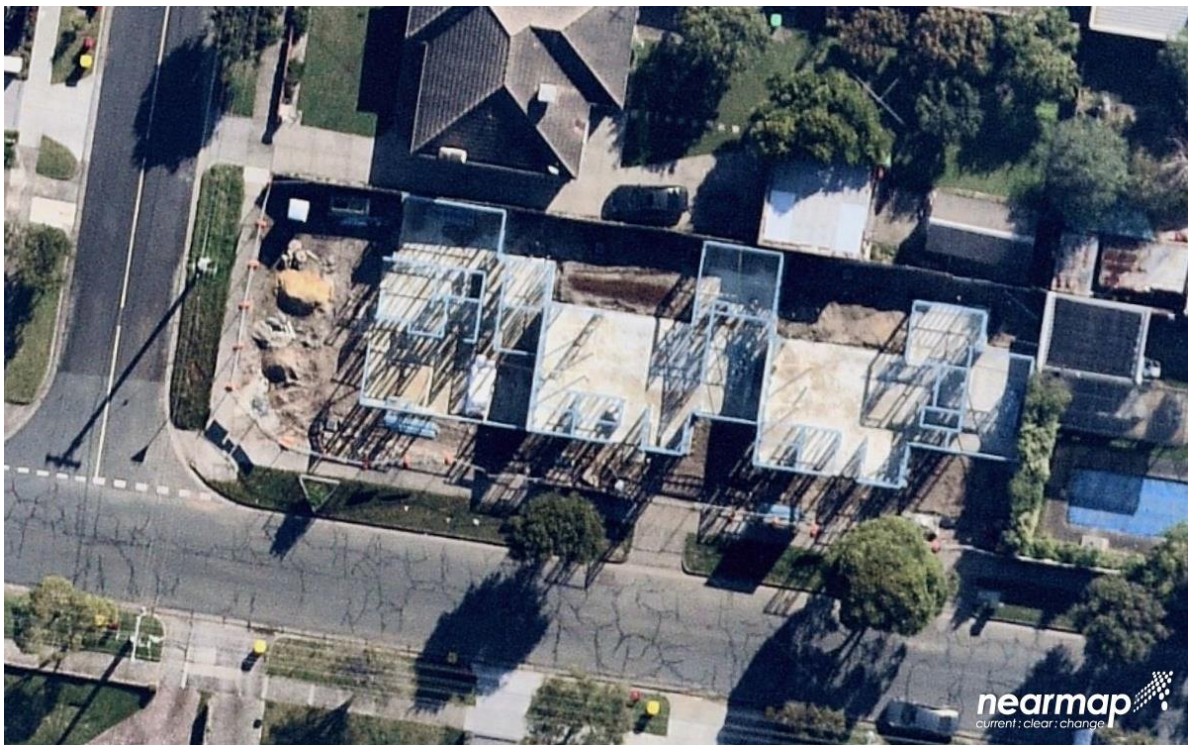
Covenant/other Restriction	Yes (instrument no. 1761698), relates to earth removal/excavation and manufacturing of bricks, tiles, pottery etc.	Complies: Yes
Aboriginal Cultural Heritage Sensitivity Area	YES	
CHMP	EXEMPT	
Public Open Space Contribution Amount	5%	

1.0 RELEVANT HISTORY

- 1.1 Planning Permit KP-2020/81 was issued by the City of Kingston on 31 July 2020 for the development of the site for three (3) dwellings (the Development Permit). The relevant plans were endorsed by Council on 5 October 2020.

2.0 SITE PARTICULARS

- 2.1 The site is rectangular in shape and is on the north-eastern corner of the Ashlar and Barilla Road intersection. The land has a frontage to Ashlar Road of 13.72 metres (m), a corner splay of 3.02 m and a frontage to Barilla Road of 44.81 m. The site area totals 742 m².
- 2.2 The construction of the approved development is underway on the subject site as depicted in the most recent aerial imagery below. The development is not at lockup stage.



Source – Nearmaps, dated 29 April 2021

- 2.3 The land slopes from the south west corner to north east corner of 1.05 m from property boundary to property boundary. The land is void of vegetation.
- 2.4 A 3.05m wide drainage and sewerage easement is located along the site's east (rear) property boundary
- 2.5 There is a restrictive covenant listed on the Certificate of Title, which restricts the excavation and removal of earth, clay, stone or gravel from the land except for the purpose of excavating for foundations for any building, and to restrict the use of the land for the manufacture of brick tiles or pottery. The proposed subdivision does not result in any breach of restriction.

3.0 SURROUNDING ENVIRONS

3.1 The surrounding area can typically be described as being developed by single and double storey detached and attached dwellings, with some multi-unit development evident, including dual occupancies and unit developments.

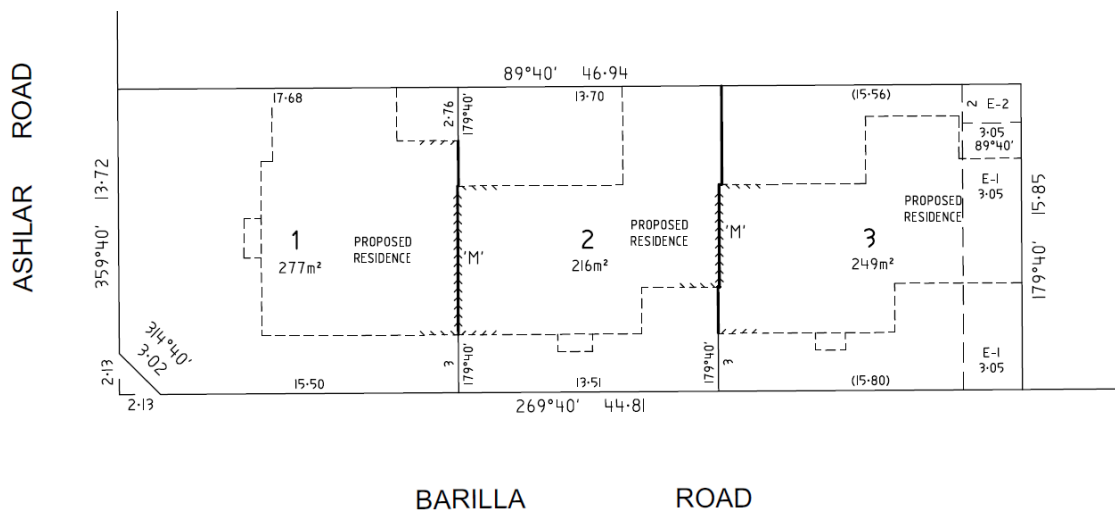


Source – Nearmaps, dated 29 April 2021

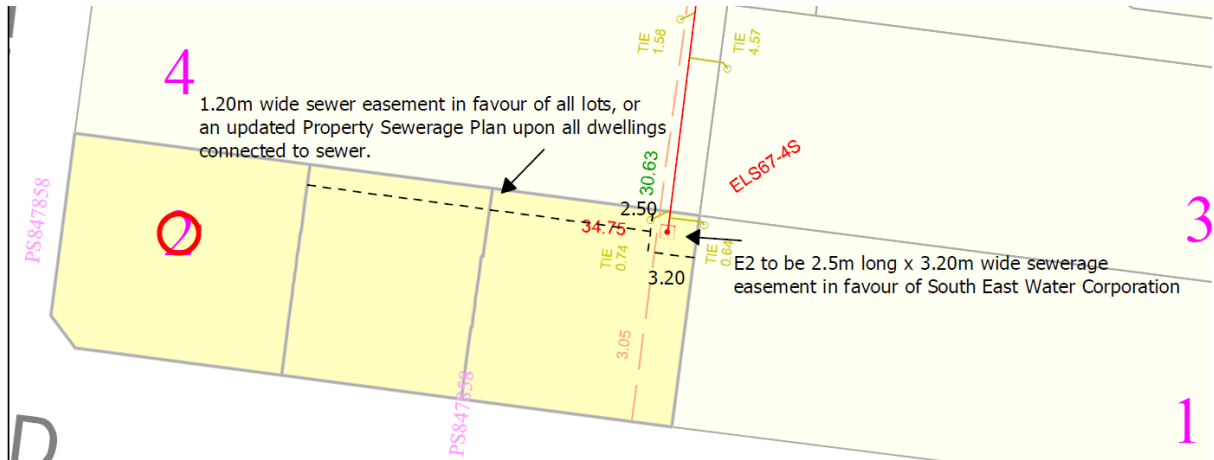
3.2 The subdivision pattern in the immediate area reflects the above development pattern with a mix of large single allotments of approximately 700-800 m² and smaller subdivided lots with areas ranging between of 100 m² to 300 m².

4.0 PROPOSAL

4.1 It is proposed to subdivide the subject site into three (3) lots.



4.2 It is noted that South-East Water have requested in their referral response for a 1.2 m and a 2.5m long by 3.2m wide sewerage easement along the northern and north-eastern property boundaries as shown in the plan below:



4.3 Further details regarding the proposed subdivision are displayed in the table below:

Lot Number	Area (m ²)
1	277m ²
2	216m ²
3	249m ²

4.4 The planning officer has undertaken a 'light-box' assessment where it has confirmed that the lot boundaries conform with the relevant endorsed development plan(s).

4.5 The 'light-box' assessment is provided below:



5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 A planning permit is required to subdivide land in the General Residential Zone pursuant to **Clause 32.08-3** of the Kingston Planning Scheme.

Particular Provisions

- 5.2 Clause 56 – a subdivision must comply with the relevant provisions of Clause 56 where each lot **does not** contain an existing dwelling or car parking space.

General Provisions

- 5.3 The Decision Guidelines of **Clause 65** of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

6.1 Planning Policy Framework (PPF)

<i>Clause 11</i>	<i>Settlement</i>
<i>Clause 13</i>	<i>Environmental Risks</i>
<i>Clause 15</i>	<i>Built Environment and Heritage</i>
<i>Clause 16</i>	<i>Housing</i>
<i>Clause 19</i>	<i>Infrastructure</i>

6.2 Local Planning Policy Framework (LPP)

<i>Clause 21.07</i>	<i>Housing</i>
<i>Clause 22.11</i>	<i>Public Open Space Contributions</i>

6.3 Other

Council's Open Space Strategy – Open Space Strategy Evaluation – City of Kingston (updated 2012)

7.0 ADVERTISING

- 7.1 The proposal is to subdivide land for which a Permit has already been issued for development. Whilst the subdivision allows for a greater density and varies the existing lot pattern, this consideration has already been assessed and supported in the development application. There are no other considerations for this subdivision application that will result in material detriment, and therefore advertising in accordance with section 52 of the *Planning and Environment Act 1987* is not required.

- 7.2 Furthermore, by way of permit conditions, the applicant will be required to enter into a section 173 agreement for the reasons:

- To restrict and regulate the development of the Subject Land;
- To give effect to conditions, subject to which the Subject Land can be developed in accordance with the Development Permit and the Planning Permit for subdivision; and
- To achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

8.0 SECTION 50/50A AMENDMENTS TO PLANS

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

9.0 REFERRALS

9.1 The application was referred to all relevant authorities, in accordance with section 55 of the *Planning and Environment Act 1987*, section 8 of the *Subdivisions Act 1988* and as required by the Kingston Planning Scheme (**Clause 66.01**) as listed below:

- Melbourne Water;
- South East Water;
- United Energy; and
- Multinet Gas and Fuel.

9.2 All authorities advised of no objection to the application, subject to conditions, which have been included verbatim within the officer's recommended permit conditions.

10.0 PLANNING CONSIDERATIONS:

Planning Policy Framework (PPF)

10.1 The State Planning Policy Framework sets out the relevant state-wide policies relating to subdivision at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 19** (Infrastructure).

10.2 The subdivision policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well as 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.

10.3 **Clause 11.06** relates to metropolitan Melbourne and draws on the objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy'

(Department of Transport, Planning and Local Infrastructure, 2014). **Clause 11.06-2** places particular emphasis on providing a diversity of housing in defined locations that cater for different households and are close to jobs and services, with strategies such as reducing the cost of living by increasing housing supply near services and public transport; and facilitating the supply of social housing and affordable housing.

- 10.4 **Clause 15.01-3** (Neighbourhood and Subdivision Design) contains an objective to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. A strategy contained within this clause is also to provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- 10.5 **Clause 15.03-2 (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 10.6 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 subdivision of land is on a lot (reg.11 of the *Aboriginal Heritage Regulations* 2018):
- less than 0.11 hectares in size; and
 - not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River.
- 10.7 **Clause 19** (Infrastructure) aims to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. Planning should provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Local Planning Policy Framework (LPP)

- 10.8 The City of Kingston's MSS at **Clause 21.07** (Housing) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. This clause essentially reinforces State Planning Policy relevant to housing, stressing the need to accommodate projected population increases.
- 10.9 The public open space contributions policy at **Clause 22.11** is applicable to all subdivision applications and identifies the desired way (i.e. financial payment or land contribution) in which Council will accept and use public open space contributions. Map 1 of this policy identifies the areas within Kingston where land contributions are preferred and similarly where cash contributions are preferred, and is to be used in conjunction with the required rates set out in the Schedule to **Clause 53.01** (Public Open Space Contribution and Subdivision) of the Scheme. This policy is further elaborated on in later sections of this report, where a public open space contribution is required.
- 10.10 It is considered that the proposed subdivision generally complies with and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential subdivision and development is anticipated under the zoning provisions. Subject to appropriate conditions on any permit

issued, the subdivision achieves an acceptable outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

Zone

10.11 The subject site is located in the General Residential Zone. The relevant purposes of this Zone pursuant to **Clause 32.08** of the Planning Scheme are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

10.12 Pursuant to **Clause 32.08-2** (General Residential Zone) of the Kingston Planning Scheme, an application to subdivide land, where each lot **does not** contain an existing dwelling or car parking space, must meet the requirements of Clause 56 (Subdivision) of the Kingston Planning Scheme and:

- *must meet of the objectives included in the clauses specified in the following table; and*
- *should meet all of the standard included in the clauses specified in the following table.*

CLASS OF SUBDIVISION	OBJECTIVES & STANDARD TO BE MET
60 or more lots	All except Clause 56.03-5.
16-59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3-15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

10.13 As each proposed lot contains neither a dwelling nor a car parking space, an assessment against the relevant sections of **Clause 56** (as prescribed above) is provided as an attachment to this report (refer to Attachment A).

Particular Provisions

Clause 53.01 – Public Open Space Contribution

10.14 **Clause 53.01** of the Scheme provides:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988

- 10.15 Planning Scheme Amendment C153 was formally approved by the Minister for Planning and came into effect on 26 April 2018. The Amendment introduced public open space contribution rates to all non-exempt subdivisions in **Clause 53.01** of the Kingston Planning Scheme. The public open space rate consists of 8 percent for all land within the Activity Centres, at least 8 percent for Strategic Redevelopment sites and 5 percent on all other land within the municipality. As the approved Amendment now forms part of the Scheme, the following public open space rates are applicable:
- a) 8% for all land within the Mordialloc and Highett Activity Centres as defined in **Clause 21.11** of the Kingston Planning Scheme;
 - b) 8% for all land within the Moorabbin, Cheltenham and Mentone Activity Centres as defined by the Activity Centre Zone;
 - c) At least 8% for Strategic Redevelopment Sites where there is a rezoning of non-residential land for intensive residential development and the rezoning would create a new community within the redevelopment site (nominally 200 dwellings or more); and
 - d) 5% for all other land within the municipality.
- 10.16 There are a number of important planning policy provisions contained in the Scheme which are relevant to the imposition of a requirement to provide a public open space contribution. **Clause 10** (Operation of the Planning Policy Framework) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable benefit.
- 10.17 **Clause 11** (Settlement) recognises the need to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in infrastructure including recreational and social facilities. In particular, **Clause 11.02** (Managing Growth) seeks to 'ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'.
- 10.18 **Clause 11.03** (Open Space Planning) has the objective to 'to assist creation of a diverse and integrated network of public open space commensurate with the needs of the community'. Strategies to achieve that objective include planning 'for regional and local open space networks for both recreation and conservation of natural and cultural environments', improving 'the quality and distribution of open space' and ensuring 'long-term protection' of public open space.
- 10.19 **Clause 15** (Built Environment and Heritage) seeks to achieve high quality urban design (and architecture). Attractive and functional public open space is an important element of high quality urban design.

- 10.20 **Clause 19** (Infrastructure) sets as an objective, '*Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely*'. The clause goes on to say '*Planning is to recognise social needs by providing land for a range of accessible community resources*'.
- 10.21 **Clause 22.11** (Public Open Space Contributions) forms the prevailing policy that guides Council to apply a land or cash public open space contribution. 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.
- 10.22 The subject site is located in area 1A (Moorabbin), which is a Cash Contribution Preferred Area on Map 1 of this clause.
- 10.23 In accordance with this policy and the Schedule to **Clause 53.01**, a public open space 'cash' contribution of 5% is required in respect of this subdivision and will be applied by way of a condition on any permit issued.

Clause 56 – Residential Subdivision

- 10.24 **Clause 56** (Residential Subdivision) of the Planning Scheme generally seeks to create liveable and sustainable neighbourhoods and urban places with character and identity, and achieve residential subdivision outcomes that appropriately respond to the site and its context. The provision addresses such matters as residential lot design and integrated water management.
- 10.25 An assessment against these provisions is found in the attached Appendix A. The proposal is found to comply with the relevant Objectives.

General Provisions

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

11.0 GENERAL COMMENTS:

- 11.1 The subdivision plan reflects the approved development plan for the site.
- 11.2 Further to section 7 of this Report, the permit applicant is required as a condition of any permit issued to enter into a Section 173 agreement with Council as:
- the development is not at lockup stage.
- 11.3 On balance, the proposed subdivision is considered to substantially comply with the relevant planning policy and therefore should be supported.

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- 11.4 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 60(1) of The Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.
- 11.5 Subject to appropriate conditions, including the conditions required by the relevant Referral Authorities, the proposed subdivision is considered appropriate, and should be supported.

12.0 RECOMMENDATION:

THAT:

- A) The application not be advertised given the proposal is to subdivide land for which a Planning Permit to develop the land has been issued, and that the subdivision layout is consistent with the approved development layout.
- B) A Planning Permit be issued to Subdivide the Land into Three (3) Lots, subject to the following conditions:

Endorsed Plans

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

Section 173 Agreement

2. If the plan of subdivision is to be Certified prior to the issue of an Occupancy Permit by the relevant Building Surveyor, the Owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the development of the created lots in accordance with Planning Permit KP-2020/81 issued by the Kingston City Council on 31 July 2020. All costs associated with the Agreement will be borne by the landowner.

Public Open Space Contribution

3. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority an amount equivalent to five per cent (5%) of the site value of all land in the subdivision. If the payment is not made within 12 months of the date of this permit, Council will request a revaluation of the site value at each anniversary and will vary the amount of the payment accordingly.

Telecommunications

4. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in

an area where the National Broadband Network will not be provided by optical fibre.

5. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Condition(s) required by South East Water

6. General
 - a) The Certified Plan of Subdivision should show E-2 easement to be a 2.50 metre long x 3.20 metre wide Sewerage easement located over the existing sewer main, within the North East corner, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.
 - b) The Certified Plan of Subdivision should show a 1.20 metre wide Sewerage easement, as per the attached plan, to be in favour of all lots pursuant to Section 12(1) of the Subdivision Act;

OR

An updated Property Sewerage Plan is to be submitted to South East Water after completion of the internal sewer works showing all dwellings connected to the existing sewer connection point. Easements pursuant to Section 12(2) of the Subdivision Act will then apply to both lots within the Plan of Subdivision.

Completion of Subdivision

7. Once the subdivision has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry

8. This permit as it relates to subdivision will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two (2) years from the date of this permit.
 - b) The plan of subdivision is not registered within five (5) years of the date of certification.

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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: Each building or part of a building resulting from this subdivision must comply with Regulation 231 of the Building Regulations 2018.

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 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 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 to enter into an agreement-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. prior to subdivision).

To lodge an application, please visit South East Water's website www.southeastwater.com.au.

Note: The owner(s), occupiers and visitors of the approved development for this site will not be eligible for Council resident or visitor parking permits.

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ATTACHMENT A – Clause 56 Assessment (3-15 lot subdivision)

Clause 56:	Standard.	Officers Comments.
Clause 56.01-1: Subdivision site and context description	<p>The site and context description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> ▪ In relation to the site: <ul style="list-style-type: none"> ▪ Site shape, size, dimensions and orientation. ▪ Levels and contours of the site. ▪ Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops. ▪ The siting and use of existing buildings and structures. ▪ Street frontage features such as poles, street trees and kerb crossovers. ▪ Access points. ▪ Location of drainage and other utilities. ▪ Easements. ▪ Any identified natural or cultural features of the site. ▪ Significant views to and from the site. ▪ Noise and odour sources or other external influences. ▪ Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill. ▪ Any other notable features or characteristics of the site. ▪ Adjacent uses. ▪ Any other factor affecting the capacity to develop the site including whether the site is affected by inundation. <p>An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:</p> <ul style="list-style-type: none"> ▪ The pattern of subdivision. ▪ Existing land uses. ▪ The location and use of existing buildings on adjacent land. ▪ Abutting street and path widths, materials and detailing. ▪ The location and type of significant vegetation. 	Complies
Clause 56.01-2: Subdivision design response	<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> ▪ Derives from and responds to the site and context description. ▪ Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay. ▪ Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme. ▪ Meets the relevant objectives of Clause 56. <p>The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. If in the opinion of the responsible authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement.</p>	Complies
Clause 56.03-5: Neighbourhood Character Objectives.	Standard C6 states that subdivision should:	The proposal is consistent with Standard C6.

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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Neighbourhood character was considered under the application that formed the Development Permit (Planning Permit KP-2020/81 issued by the Kingston City Council on 31 July 2020 for three (3) dwellings).</p>
<p>Clause 56.04-1: Lot diversity & distribution objectives</p>	<p>Standard C7 states that a subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> ▪ Single dwellings. ▪ Two dwellings or more. ▪ Higher density housing. ▪ Residential buildings and Retirement villages. <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	<p>The proposed subdivision is considered to be consistent with the prevailing lot patterns within the immediate area and provides for a range of lot sizes varying from 216m² to 277m².</p> <p>Further, the proposed subdivision is considered to be consistent with Council's Local Planning Policy Framework, specifically in accordance with the strategic intent of Kingston's 'Incremental</p>

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Clause 56:	Standard.	Officers Comments.
		Housing Change' areas.
Clause 56.04-2: Lot Area & Building Envelopes Objectives.	<p>Standard C8 states;</p> <ul style="list-style-type: none"> ○ that an application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: <ul style="list-style-type: none"> ● That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or ● That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. <ul style="list-style-type: none"> 7. Lots of between 300 square metres and 500 square metres should: <ul style="list-style-type: none"> ● Contain a building envelope that is consistent with a development of the lot approved under this scheme, or ● If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. 3. If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve. 4. Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. 5. A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> ● The objectives of the relevant standards are met, and ● The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. 6. Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope: <ul style="list-style-type: none"> ● The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and ● The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. 7. Lot dimensions and building envelopes should protect: <ul style="list-style-type: none"> ● Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. ● Existing or proposed easements on lots. ● Significant vegetation and site features. 	<p>The proposal is consistent with Standard C8. The proposed lot boundaries of the subdivision are consistent with the approved development plans. Solar access, easements and vegetation was a consideration of the Development Permit.</p>

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Clause 56:	Standard.	Officers Comments.
Clause 56.04-3: Solar Orientation of Lots Objectives.	<p>Standard C9 states that unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>The proposal is consistent with Standard C9. Solar orientation was a consideration of the Development Permit.</p>
Clause 56.04-5: Common Area Objectives.	<p>Standard C11 states that an application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>There is no common property proposed with the development or subdivision of the land.</p>
Clause 56.05-1: Integrated urban landscape objectives	<p>Standard C12 states that an application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should:</p> <ul style="list-style-type: none"> ▪ Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. ▪ Create attractive landscapes that visually emphasise streets and public open spaces. ▪ Respond to the site and context description for the site and surrounding area. ▪ Maintain significant vegetation where possible within an urban context. ▪ Take account of the physical features of the land including landform, soil and climate. ▪ Protect and enhance any significant natural and cultural features. ▪ Protect and link areas of significant local habitat where appropriate. ▪ Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. ▪ Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. ▪ Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. ▪ Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. ▪ Provide for walking and cycling networks that link with community facilities. ▪ Provide appropriate pathways, signage, fencing, public lighting and street furniture. ▪ Create low maintenance, durable landscapes that are capable of a long life. 	<p>The proposal is consistent with Standard 12. The approved development application included the provision of a landscape plan, prepared by a qualified professional, which has been endorsed to form part of the Development Permit.</p>

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Clause 56:	Standard.	Officers Comments.
	The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.	
Clause 56.06-2: Walking and cycling network Objectives	<p>Standard C15 states that the walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> ▪ Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. ▪ Link to any existing pedestrian and cycling networks. ▪ Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. ▪ Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. ▪ Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. ▪ Ensure safe street and road crossings including the provision of traffic controls where required. ▪ Provide an appropriate level of priority for pedestrians and cyclists. ▪ Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. ▪ Be accessible to people with disabilities. 	N/A
Clause 56.06-4: Neighbourhood street network Objective	<p>Standard C17 states that the neighbourhood street network must:</p> <ul style="list-style-type: none"> ▪ Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes. ▪ Provide clear physical distinctions between arterial roads and neighbourhood street types. ▪ Comply with the Roads Corporation's arterial road access management policies. ▪ Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. ▪ Provide safe and efficient access to activity centres for commercial and freight vehicles. ▪ Provide safe and efficient access to all lots for service and emergency vehicles. ▪ Provide safe movement for all vehicles. ▪ Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> ▪ Implement any relevant transport strategy, plan or policy for the area set out in this scheme. ▪ Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. 	N/A

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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> ▪ Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. ▪ Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. ▪ Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. ▪ Provide an appropriate level of local traffic dispersal. ▪ Indicate the appropriate street type. ▪ Provide a speed environment that is appropriate to the street type. ▪ Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). ▪ Encourage appropriate and safe pedestrian, cyclist and driver behaviour. ▪ Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. ▪ Minimise the provision of culs-de-sac. ▪ Provide for service and emergency vehicles to safely turn at the end of a dead-end street. ▪ Facilitate solar orientation of lots. ▪ Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. ▪ Contribute to the area's character and identity. ▪ Take account of any identified significant features. 	
<p>Clause 56.06-5: Walking and cycling network detail objective</p>	<p>Standard C18 states that footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> ▪ Be part of a comprehensive design of the road or street reservation. ▪ Be continuous and connect. ▪ Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. ▪ Accommodate projected user volumes and mix. ▪ Meet the requirements of Table C1. ▪ Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. ▪ Provide appropriate signage. ▪ Be constructed to allow access to lots without damage to the footpath or shared path surfaces. ▪ Be constructed with a durable, non-skid surface. ▪ Be of a quality and durability to ensure: <ul style="list-style-type: none"> · Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. · Discharge of urban run-off. · Preservation of all-weather access. · Maintenance of a reasonable, comfortable riding quality. · A minimum 20 year life span. 	N/A

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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> ▪ Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities 	
Clause 56.06-7: Neighbourhood Street detail Objective	<p>Standard C20 that the design of streets and roads should:</p> <ul style="list-style-type: none"> ▪ Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. ▪ Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. ▪ Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. ▪ Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. ▪ Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. ▪ Provide a safe environment for all street users applying speed control measures where appropriate. ▪ Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. ▪ Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. ▪ Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> · Enable the carriage of vehicles. · Avoid damage by construction vehicles and equipment. ▪ Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> · Safe passage of pedestrians, cyclists and vehicles. · Discharge of urban run-off. · Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. ▪ Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. ▪ Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. ▪ Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> · Perform the required integrated water management functions. · Delineate the edge of the carriageway for all street users. · Provide efficient and comfortable access to abutting lots at appropriate locations. · Contribute to streetscape design. <ul style="list-style-type: none"> ▪ Provide for the safe and efficient collection of waste and recycling materials from lots. ▪ Be accessible to people with disabilities. 	N/A

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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> ▪ Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met. <p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> ▪ The street hierarchy and typical cross-sections for all street types. ▪ Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. ▪ Water sensitive urban design features. ▪ Location and species of proposed street trees and other vegetation. ▪ Location of existing vegetation to be retained and proposed treatment to ensure its health. ▪ Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 	
Clause 56.06-8: Lot Access Objectives.	<p>Standard C21 states that</p> <ol style="list-style-type: none"> 1. Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. 2. Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. 3. The design and construction of a crossover should meet the requirements of the relevant road authority. 	The proposal is consistent with Standard C21. Vehicle access to the site will be via both Barilla Road for two dwellings and Ashlar Road for one dwelling (Residential Streets). It is proposed to use the existing crossover for access to one of the dwellings.
Clause 56.07-1: Drinking Water Supply Objectives.	<p>Standard C22 states that the supply of drinking water must be:</p> <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	The proposal is consistent with Standard C22. Water supply was a consideration of the Development Permit.
Clause 56.07-2: Reused and Recycled Water Objectives.	<p>Standard C23 states that reused and recycled water supply systems must be:</p>	The proposal is consistent with Standard C23.

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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	Water recycling and reuse was a consideration of the Development Permit.
Clause 56.07-3: Waste Water Management Objectives.	<p>Standard C24 states that waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. <p><i>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i></p>	The proposal is consistent with Standard C24. Waste water was a consideration of the Development Permit.
Clause 56.07-4: Stormwater management objectives.	<p>Standard C25 states that;</p> <p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999)</i>. Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> Provision must be made for the safe and effective passage of stormwater flows. 	The proposal is consistent with Standard C25. Storm water management, including the retention, reuse and disposal of storm water runoff was a consideration of the Development Permit.

**City of Kingston
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Clause 56:	Standard.	Officers Comments.
	<ul style="list-style-type: none"> • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
Clause 56.08-1: Site Management Objectives.	<p>Standard C26 states that a subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. • Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable. 	<p>The proposal is consistent with Standard C26. Construction of the development has commenced. These provisions were considered as part of the Development Permit and the subsequent building permit issued.</p>
Clause 56.09-1: Shared Trenching Objectives.	<p>Standard C27 states that reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>The proposal is consistent with Standard C27. This was a consideration of the</p>


**City of Kingston
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23 June 2021

Clause 56:	Standard.	Officers Comments.
		Development Permit.
Clause 56.09-2: Electricity, telecommunications and gas objectives	<p>Standard C28 states that;</p> <ol style="list-style-type: none"> 1. The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. 2. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. 3. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. 4. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency. 	The proposal is consistent with Standard C28. This was a consideration of the Development Permit.
Clause 56.09-3: Fire Hydrants Objective	<p>Standard C29 states that a fire hydrants should be provided:</p> <ul style="list-style-type: none"> ▪ A maximum distance of 120 metres from the rear of each lot. ▪ No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	There is a nearby fire hydrant within 120m of the rear of each proposed lot.
Clause 56.09-4: Public Lighting Objective	<p>Standard C30 states that a public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles. Public lighting should be designed in accordance with the relevant Australian Standards. Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	N/A

Appendices


Appendix 1 - KP-2021/93 - 2 Ashlar Road Moorabbin - CONSIDERED PLANS (Ref 21/116085) 

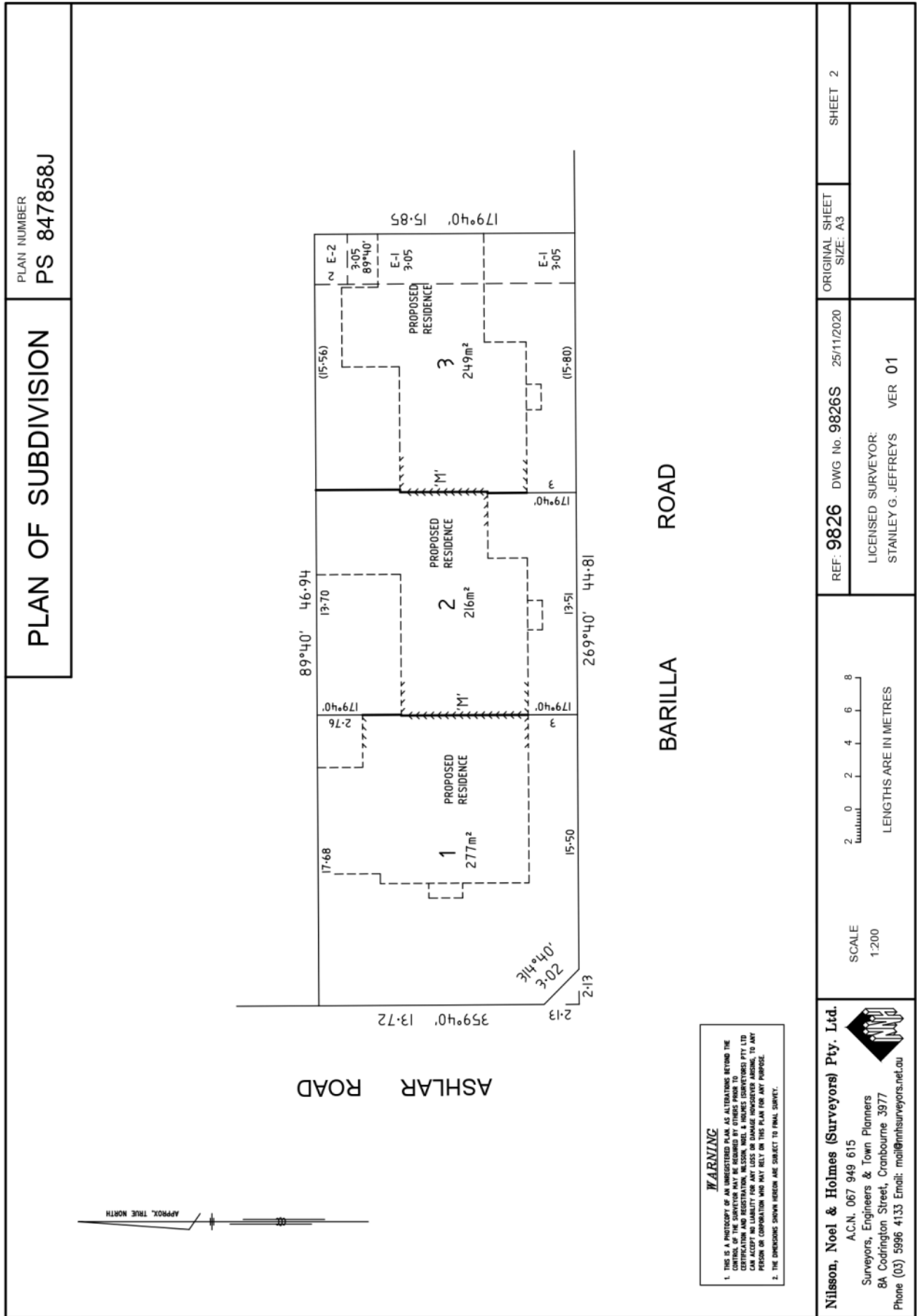
Author/s: Beau McKenzie, Principal Planner
 Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
 Alfred Carnovale, Manager City Development

4.6

KP-2021/93 - 2 ASHLAR ROAD, MOORABBIN

1	KP-2021/93 - 2 Ashlar Road Moorabbin - CONSIDERED PLANS	379
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PLAN OF SUBDIVISION		LV USE ONLY EDITION	PLAN NUMBER PS 847858J	
LOCATION OF LAND Parish: MOORABBIN Township: - Section: - Crown Allotment: - Crown Portion: 40 (PART) Title Reference: VOL 6364 FOL 662 Last Plan Reference: LOT 39 ON LP 11473 Postal Address: 2 ASHLAR ROAD, (at time of subdivision) MOORABBIN 3189 MGA94 Co-ordinates: E 328 120 Zone: 55 (of approx. centre of land in plan) N 5 798 930		Council Name: CITY OF KINGSTON		
VESTING OF ROADS AND / OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL / BODY / PERSON			
NIL	NIL			
NOTATIONS		Boundaries shown by continuous thick lines are defined by buildings. Location of boundaries defined by buildings. Median: BOUNDARIES SHOWN HATCHED THUS  'M' Exterior Face: ALL OTHER BOUNDARIES		
Depth Limitation: DOES NOT APPLY Staging: This is not a staged subdivision. Planning Permit No. KP-2020/81 OWNERS CORPORATION NOTATION LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS. FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES. Survey: This plan is based on survey. This survey has been connected to permanent marks no(s) In proclaimed Survey Area No. -		<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>WARNING</p> <p>1. THIS IS A PHOTOCOPY OF AN UNREGISTERED PLAN. AS ALTERATIONS BEYOND THE CONTROL OF THE SURVEYOR MAY BE REQUIRED BY OTHERS PRIOR TO CERTIFICATION AND REGISTRATION, NILSSON, NOEL & HOLMES (SURVEYORS) PTY LTD CAN ACCEPT NO LIABILITY FOR ANY LOSS OR DAMAGE HOWSOEVER ARISING, TO ANY PERSON OR CORPORATION WHO MAY RELY ON THIS PLAN FOR ANY PURPOSE.</p> <p>2. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO FINAL SURVEY.</p> </div>		
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL LAND IN THIS PLAN.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
E-1,E-2 E-2	DRAINAGE & SEWERAGE SEWERAGE	3.05 3.05	LP 11473 THIS PLAN	LOTS ON LP 11473 SOUTH EAST WATER CORPORATION
Nilsson, Noel & Holmes (Surveyors) Pty. Ltd. A.C.N. 067 949 615 Surveyors, Engineers & Town Planners 8A Codrington Street, Cranbourne 3977 Phone (03) 5996 4133 Email: mail@nnhsurveyors.net.au		REF: 9826 DWG No. 9826S 25/11/2020 LICENSED SURVEYOR: STANLEY G. JEFFREYS VER 01		ORIGINAL SHEET SIZE: A3 Sheet 1 of 2 sheets



OWNERS CORPORATION SCHEDULE							PS847858J																				
Owners Corporation No. 1							Plan No. PS847858J																				
Land affected by Owners Corporation: All of the lots in the table below																											
Common Property No.: 1																											
Limitations of Owners Corporation: Limited																											
Notations The purpose of Owners Corporation No. 1 is to manage the common drainage, sewerage and water supply services WARNING This is a copy of an unregistered plan. As alterations beyond the control of the surveyor may be required by others prior to certification and registration, Nilsson Noel & Holmes (Surveyors) Pty. Ltd. can accept no liability for any loss or damage howsoever arising, to any person or corporation who may rely on this plan for any purpose.							<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center;">Totals</th> </tr> <tr> <th style="width: 33%;"></th> <th style="width: 33%;">Entitlement</th> <th style="width: 33%;">Liability</th> </tr> <tr> <td style="text-align: center;">This schedule</td> <td style="text-align: center;">300</td> <td style="text-align: center;">300</td> </tr> <tr> <td style="text-align: center;">Balance of existing OC</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">Overall Total</td> <td style="text-align: center;">300</td> <td style="text-align: center;">300</td> </tr> </table>						Totals				Entitlement	Liability	This schedule	300	300	Balance of existing OC	0	0	Overall Total	300	300
Totals																											
	Entitlement	Liability																									
This schedule	300	300																									
Balance of existing OC	0	0																									
Overall Total	300	300																									
Lot Entitlement and Lot Liability																											
Lot	Entitlement	Liability		Lot	Entitlement	Liability		Lot	Entitlement	Liability		Lot	Entitlement	Liability													
1	100	100																									
2	100	100																									
3	100	100																									
Nilsson, Noel & Holmes (Surveyors) Pty Ltd 8a Codrington Street Cranbourne VIC 3977				Surveyors file reference: 9826						SHEET 1 OF 1 ORIGINAL SHEET SIZE: A3																	
				STANLEY G. JEFFREYS, Version 1																							

Planning Committee Meeting

23 June 2021

Agenda Item No: 4.7

KP-2020/669 - 32-38 PIETRO ROAD, HEATHERTON

Contact Officer: Tim Yildirim, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2020/669 - 32-38 Pietro Road, Heatherton.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Planning Permit to develop the land for the construction of one (1) dwelling and associated works at 32-38 Pietro Road, Heatherton, subject to the conditions contained within this report.

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

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

**City of Kingston
Planning Committee Meeting**

Agenda

23 June 2021

Address	32-38 Pietro Road, HEATHERTON VIC 3202		
Legal Description	Lot 7 on LP 40093		
Applicant	Country Lane Homes		
Planning Officer	Tim Yildirim		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 35.04 – Green Wedge Zone (Schedule 2)		
Overlays	Clause 43.02 – Design and Development Overlay – Schedule 5		
Particular Provisions	Clause 52.06 – Car Parking		
Permit Trigger/s	Clause 51.02 – Metropolitan Green Wedge Land		
	Clause 35.04-5 – a permit is required to construct or carry out buildings and works associated with a Section 2 Use.		
APPLICATION / PROCESS			
Proposal	The development of one (1) dwelling.		
Reference No.	KP-2020/669	RFI Received	22 March 2021
App. Received	17 November 2020	App. Amended	N/A
S.52 Advertising	Commenced: 25 March 2021	Advertising Completed	12 April 2021.
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	Nil (TRIM checked on 13 May 2021)		
LEGISLATIVE			
Covenant/other Restriction	Yes	Complies: Yes	
CHMP Considered Plans	EXEMPT Country Lane Homes, titled property address, Revision A, dated 12 March 2021, submitted to Council on 22 March 2021.		

1.0 RELEVANT LAND HISTORY

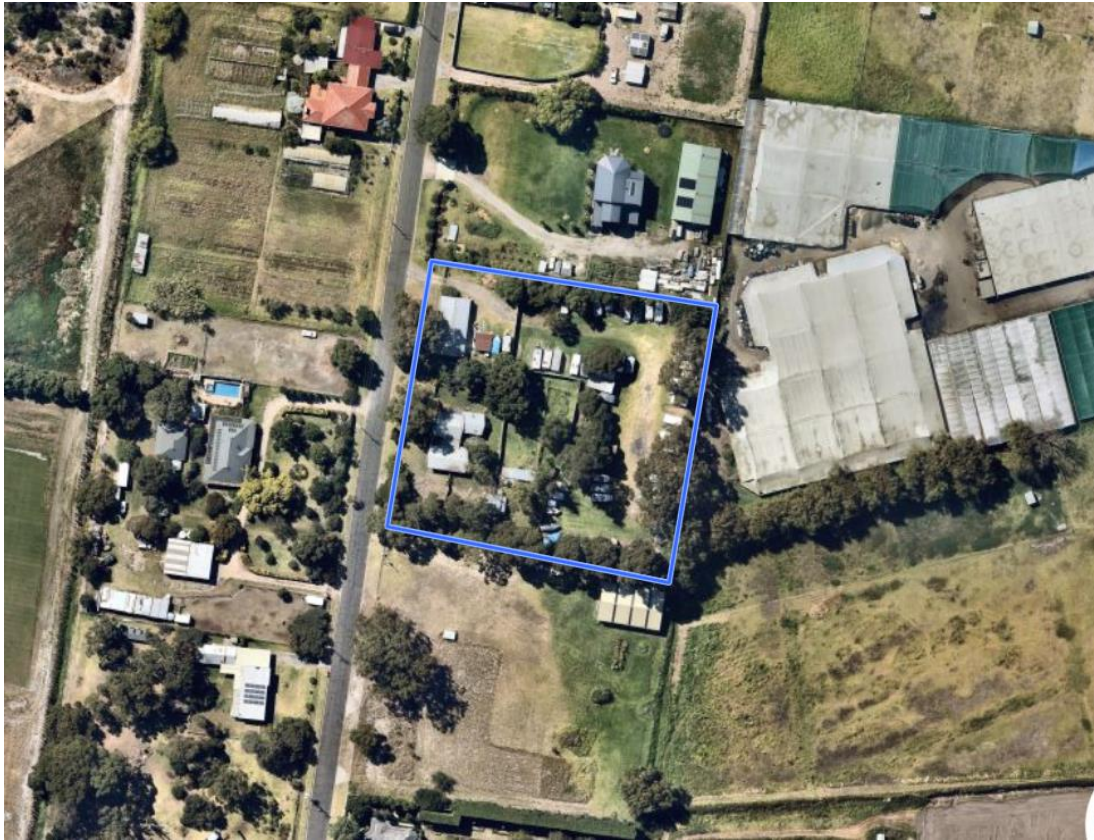
1.1 There are no recent planning decisions relevant to the assessment of this application.

2.0 SITE PARTICULARS

Built form	<p>A single storey, stone, weatherboard and sheet metal, dwelling and associated out-buildings (several carports and sheds) occupy the land. The existing dwelling is set back approximately 10m from its respective front property boundary.</p> <p>Land to the rear of the land has established Existing Use Rights for the purposes of Vehicle Storage (Caravans and Boats).</p>
Size (m²)	8124m ²
Topography	The land has a slight slope of 1.5 metres that falls from west (front) to the rear (east).
Fencing	No associated front fencing.
Vegetation	There are thirty (30) trees on the property, with a mix of native and exotic species. One senescent <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle; Tree 19 on plans) is proposed to be removed. Due to this tree's position as a single specimen and close location to the house, it is likely to be planted rather than naturally occurring. Council supports its removal, with replacement planting as a condition of any permit issued. It is also not a trigger under 52.17 as it has been planted (confirmed by external ecologist).
Easement(s)	A 2.44m wide E-1 easement is located along the site's east (rear) property boundary
Footpath assets / access	Two (2) existing crossovers, one adjacent to the south (side) common boundary, and the other adjacent to the north (side) common boundary. It is noted the existing crossover and driveway, towards the southern (side) boundary, are to be utilised, with no modifications proposed. There are several trees within the subject site adjacent to the road reserve, however all trees are situated on the subject site.
Covenant(s) / Restrictions	There is a Restrictive Covenant listed on the Copy of Title. The Covenant notes that <i>any act matter or thing which shall cause or result in inundation of the land</i> to do with the easement to the rear is prohibited. The proposed dwelling is not considered to result in a breach of the Covenant.

3.0 SURROUNDING ENVIRONS

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



View from North (side) boundary facing subject site:



view from Pietro Road facing Subject site:



View from south (side) boundary facing subject site:



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

North and west	No. 26 – 30 Pietro Road, and 23-31 & 33-41 Pietro Road (respectively). Each allotment is used for rural style residential use and development.
East	No. 49-51 Pine Lane - An indoor/under cover plant nursery called Azalea Wholesale Nursery occupies the neighbouring site.

South	No. 40 – 46 Pietro Road, which currently contains a Shed. Planning Permit KP-2015/610 was issued by Council, to develop the land for construction of one (1) dwelling, however the permit has not been acted upon.
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3.3 The surrounding area generally comprises of large allotments which are semi-rural in nature and predominantly used for rural style living, with large dwellings, market gardens and other agricultural 'as of right' uses

4.0 PROPOSAL

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

Description	Demolish the existing dwelling on the land to develop the land for the construction of one (1) dwelling.
Storeys	Double storey
Maximum building height	8.887m
Bedrooms (including study)	Four (4)
Front setback	10.0m
Site Coverage	6.49%
Access	Existing crossover towards south (side) boundary to be utilised.
Vegetation removal/retention	The proposed site plan states ' <i>the driveway is existing and no work is planned.</i> ' There are several trees surrounding this existing driveway and they will need to be protected against the access thoroughfare during construction. A basic Tree Management Plan is required for the protection of existing trees on site – this is to be made a condition of any permit issued.
Building materials	Rendered brick, weatherboard and corrugated Colorbond roofing.

5.0 PLANNING PERMIT PROVISIONS

Zone

5.1 Pursuant to **Clause 35.04-5 (GWZ2)**, a planning permit is required to construct a building or construct or carry out works associated with a use in Section 2 (dwelling).

5.2 Furthermore, a planning permit is also required to construct a building which fall within the following setbacks:

- 20 metres from any other road (other than Road Zone, Category 1 or 2)
- 5 metres from any other boundary

- 100 metres from a dwelling not in the same ownership.

5.3 It is noted that the proposed dwelling is within 20 metres of Pietro Road (approx. 10m front setback proposed), is setback more than 5 metres from any other boundary (minimum 16.8 metres) and is within 100 metres of several dwellings that are not in the same ownership. Therefore, a permit is required as the proposed dwellings falls within the following setbacks:

- 20 metres from any other road (other than Road Zone, Category 1 or 2)
- 100 metres from a dwelling not in the same ownership.

6.0 Overlay

6.1 Pursuant to Clause 2.0 of DDO5 a planning permit is required to construct a building or construct or carry out works, which exceeds 25 metres in height. As the maximum height is nominated at 8.887 metres above Natural Ground Level, a planning permit is not required in respect of the Overlay.

Particular Provisions

6.2 **Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions** allows for the use of land for a dwelling, provided it is the only dwelling on the land. Therefore, the application complies with this provision (subject to conditions on any permit issued for the existing dwelling to be demolished).

6.3 Pursuant to **Clause 52.06 – Car Parking**: a dwelling with three or more bedrooms is required to provide two car parking spaces. The proposal has the capacity to accommodate two car parking spaces within the existing driveway. It is noted no undercover carparking has been proposed. Having regard to Clause 52.06-9, *where two or more car parking spaces are provided for a dwelling, at least one space must be under cover*. This requirement is to be made a condition of any permit issued, as well as the following minimum length and width requirements pertaining to Clause 52.06-9:

- *Any proposed car parking space within the required garage or carport, must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.*

General Provisions

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

7.0 RELEVANT POLICIES

7.1 Planning Policy Framework (PPF)

Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 13	Environmental Risks and Amenity
Clause 14	Natural Resource Management
Clause 15	Built Environment and Heritage
Clause 16	Housing

7.2 Local Planning Policy Framework (LPP)

- Clause 21.01 Vision and Strategic Framework
- Clause 21.02 Settlement
- Clause 21.03 Environment and Landscape Values
- Clause 21.05 Natural Resource Management
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Housing
- Clause 22.02 South East Non Urban Area Policy
- Clause 22.03 Moorabbin Airport Environs Policy

7.3 Other

7.4 Kingston Green Wedge Plan (April 2012 – reference document within Clause 21.02 and Clause 22.03). The document outlines the current use, conditions and issues effecting the green wedge land. The plan also outlines the future use of the green wedge land.

8.0 ADVERTISING

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

9.0 PLANNING CONSULTATION MEETING

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

10.0 AMENDMENT TO PLANS

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

11.0 REFERRALS

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

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	<p>No objection raised, subject to conditions included on any permit issued relating to landscape planting requirements, and the provision of a Tree Management and Protection Plan.</p> <p>The overall combined site area is noted to exceed 4,000m². Accordingly, the application required the advice of an Expert Ecologist, in accordance with an adopted Notice of Motion by Council. The application was referred, and concern was raised regarding any required removal of the three (3) Sweet Pittosporums on the subject land, however the proposal does not seek to remove these trees. Further, conditions of any permit issued will require the provision of a Tree Management and Protection Plan, to the satisfaction of the Responsible Authority. It is therefore concluded that there are no concerns with impacts to the aforementioned trees, subject to</p>

	conditions on any permit issued. Confirmation that Clause 52.17 was also provided by the external ecologist.
City Strategy	No objection comments provided.

12.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 12.1 Clause 11 (Settlement) directs planning to anticipate 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. Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect the green wedge from inappropriate development, as well as surrounding environmental, landscape and scenic values, such as biodiversity assets.
- 12.2 Clause 12.01-1S (Protection of Biodiversity) seeks to protect areas of biodiversity, including through a network of green spaces. Clause 12.01-1S (Native Vegetation Management), seeks to ensure there is no net loss to biodiversity, as a result of the removal, destruction or lopping of native vegetation.
- 12.3 Clause 14.01-1S (Protection of Agricultural Land) seeks *to limit new housing development in rural areas by, directing housing growth into existing settlements.*
- 12.4 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Clause 15.01-2S aims to *minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment*, and encourages *development to retain existing vegetation*. Clause 15.01-6S encourages development to respect valued areas of rural character, in a manner which ensures that the *siting, scale and appearance of development protects and enhances the rural character.*
- 12.5 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 12.6 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity, however pursuant to Regulation 9 (1)(a) of the *Aboriginal Heritage Regulations (2018)* *the construction of one dwelling on a lot or allotment* is an exempt activity and therefore the proposal is exempt from the requirements of a Cultural Heritage Management Plan.
- 12.7 Clause 16.01-3S (Rural Residential Development) seeks to *manage development in rural areas to protect agriculture and avoid inappropriate residential development.*

Local Planning Policy Framework

- 12.8 The City of Kingston's MSS at **Clause 21.01 – Vision and Strategic Framework** of the Kingston Planning Scheme, seeks to ensure the ongoing management of the Kingston Green Wedge areas, as key features of the municipality that are sought to be retained.
- 12.9 **Clause 21.02 – Settlement** identifies that Kingston's green wedge areas are *under pressure for more intensive urban development due in part to their proximity to established urban areas*. This is to be done so by ensuring *activities in the green wedge zone are consistent*

with, and contribute to, the optimal long-term planning solutions for the south eastern regional green wedge.

- 12.10 **Clause 21.03 – Environment and Landscape Values** seeks to protect and enhance environmental values by *promoting the further development of a green wedge landscape character.*
- 12.11 **Clause 21.06 – Built Environment and Heritage** identifies that *new development can impact on the valued local characteristics of the green wedge environment.* Applicable strategies in place seek to ensure that development is *responsive to its context.*
- 12.12 The extent of the south-east non-urban area is identified at **Clause 22.02** (South East Non-Urban Area Policy). These areas are recognised for the pressure placed on them by urban development and acknowledges that a regional approach is required to achieve sustainable land outcomes. Clause 22.04 seeks to promote a strategic approach to non-urban land use, with the protection of agricultural land and environmental values sought broadly across the municipalities.
- 12.13 Key objectives relating to the proposed development are as follows;
- *To encourage sustainable land use practices and provide optimal long term planning solutions for the use and development of land.*
 - *To protect quality agricultural land, and encourage sustainable farm management practices.*
 - *To protect and enhance environmental values including wetlands, flora and fauna habitats and hydraulic functions.*
 - *To protect and further develop the scenic and landscape values of the non-urban area.*
 - *To provide for open space links and opportunities for recreation.*
- 12.14 Furthermore, it is policy that:
- *All proposals and planning outcomes:*
 - *Protect and create a high quality rural landscape.*
 - *Protect and create flora and fauna habitats and networks.*
 - *Create public open spaces and open space linkages.*
 - *Result in clear and sustainable urban boundaries.*
 - *Result in an urban form which is of a high design standard and low visual impact.*
- 12.15 The policy directs the development of a structure plan and, whilst primarily seeks to encourage non-urban / agricultural uses, entertains a range of planning opportunities with the policy area, however only where it can be demonstrated that such activities are complementary and subservient to the achievement of the framework plan policies. The future strategic direction for the subject site and the appropriateness of what is proposed is discussed in detail later in this report.
- 12.16 The Moorabbin Airport Environs Policy under **Clause 22.03** recognises the significance of the role played by Moorabbin Airport in the local and regional economy and seeks to ensure that the development of the surrounding land is sensitive to the long term operation of the airport.

12.17 The policy seeks to:

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

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

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

12.19 The application has been assessed against the abovementioned Local Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme. The proposed dwelling would occupy land which is currently used for the purposes of a dwelling (albeit with established existing use rights) and limits impact on the existing vegetation on-site (subject to conditions). Therefore, the proposal is found to limit / avoid negative impacts on the existing landscape qualities or agricultural land, whilst also improving the appearance of the land.

Zoning Provisions

12.20 The primary purpose(s) of the Green Wedge Zone (GWZ) relate to directing uses which occur on the land to ensure the non-urban landscape character and biodiversity is protected.

12.21 Whilst a planning permit is required to construct buildings and works associated with a dwelling in the GWZ, the site is currently used for a dwelling and is connected to the relevant services, therefore the development does not result in the introduction of a new use on the land.

12.22 Overall the proposed dwelling is considered appropriate as it would not adversely affect the environmental values of the green wedge, with the strategic directions of the Green Wedge Plan acknowledging that dwellings exist in the area and nominating the subject site and surrounding area as 'low density residential'.

12.23 Having regard to the proposed location of the dwelling, two (2) variations are sought to the prescribed setback (permit triggers) pertaining to the GWZ. These include:

- A building which is within 20.0 metres of 'any other road' (Pietro Road); and
- A building which is within 100 metres from a dwelling not in the same ownership.

- 12.24 Having regard to the additional permit triggers, the proposed setbacks of the dwelling are considered appropriate for the following reasons:
- The dwelling is positioned to be located generally over the location of the existing dwelling.
 - The setback of the proposed dwelling generally matches the existing dwelling on site.
 - The proposed setbacks of the dwelling are considered to be generally in accordance with the Green Wedge Management Plan (2012), noting Section 7.5 (Building Decision Guidelines – p 124) recommends building setbacks to achieve a minimum of 10 metres from the front and rear (which has been achieved).
 - The proposed materials of render, brick, weatherboard and Colorbond roofing, are considered typical elements of both standard and rural dwelling forms (including established character along Pietro Road for such materials).
 - Vegetation removal is limited, with only a single specimen proposed for removal (likely to be planted rather than naturally occurring). The remaining trees on site will require protection during construction, by way of a condition on any permit issued.
- 12.25 Having regard to Clause 35.04-2 (Use of Land for a Dwelling), a Lot used for a dwelling must meet the following requirements:
- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
 - *The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - *The dwelling must be connected to a reticulated potable water supply or have an alternative potable watersupply with adequate storage for domestic use as well as for fire fighting purposes.*
 - *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source*
- 12.26 It is noted that the existing dwelling on-site has established Existing Use Rights, having regard to Clause 63.01 (Extent of Existing Use Rights). Having regard to Clause 63.05 (Sections 2 and 3 uses), a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:
- *No building or works are constructed or carried out without a permit.*
 - *A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
 - *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
 - *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*
- 12.27 In response to the criteria pertaining to Clause 63.05, the applicant has sought to obtain a planning permit for the buildings and works proposes, the proposed buildings and works are found to comply with all other requirements in this scheme (see below), the existing use right has an implied restriction for one (1) dwelling, which is continued to be met as part of this application (subject to conditions on any permit issued requiring demolition of the existing dwelling), and, as discussed throughout this report, the amenity of the area would not be

further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

12.28 Pursuant to Clause 35.04-2, a lot used for a dwelling must meet the following requirements:

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

12.29 Having regard to the above requirements:

- Pietro Road offers vehicle access by way of an all-weather road at a width adequate to accommodate emergency vehicles. The existing accessway on-site can also be sealed should future need arise.
- The existing dwelling on site is connected to the relevant systems (sewerage, electricity and water) and the proposed dwelling will utilise these existing connections.

12.30 The relevant decision guidelines under the GWZ have been considered for the application. The relevant guidelines include the following:

General issues

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

Environmental issues

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*

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

Design and Siting issues

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

12.31 The proposal is considered to be generally in accordance with the applicable Decision Guidelines pertaining to Clause 35.04-6 of the GWZ. The proposed dwelling would be situated on land which is currently used for the purposes of a dwelling, therefore, the replacement of the existing dwelling, with a new dwelling, will improve the appearance of the subject site when viewed from the public realm and neighbouring properties. The Design Response put forth is responsive to the established dwelling character along Pietro Road, whilst also limiting visual bulk and encroachment onto the road and existing vegetation on site. The application has been assessed against the GWZ and it is considered that the proposed development is consistent with the purpose of the zoning controls contained within the Kingston Planning Scheme.

Overlay Provisions

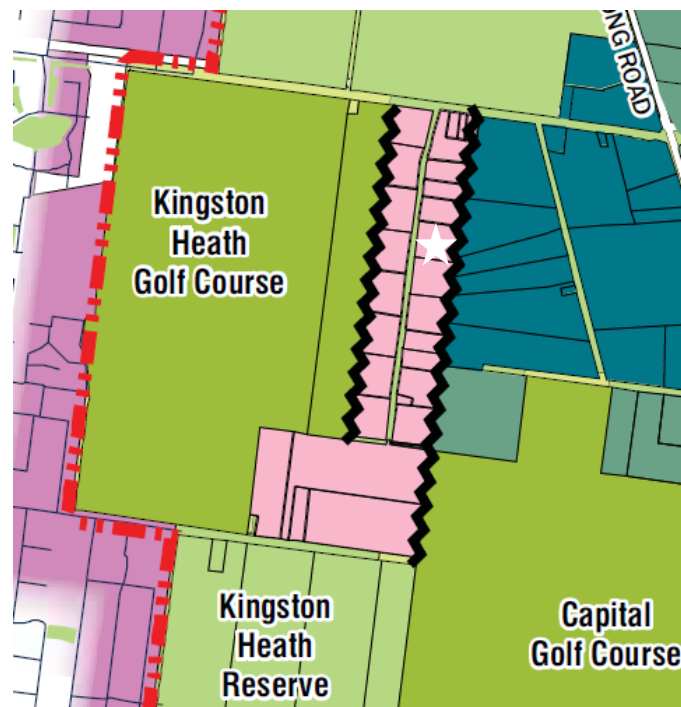
- 12.32 The subject site is located within a Design and Development Overlay (Schedule 5). Clause 43.02-2 states that *a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.*
- 12.33 Schedule 5 to the Design and Development Overlay notes that *a permit is required to construct a building or construct or carry out works, which exceeds 25 metres in height.*
- 12.34 As the maximum height of the dwelling is 8.887 metres above Natural Ground Level, a planning permit is not required in this respect.
- 12.35 Pursuant to the DDO5, the application was not referred to the authority specified in Clause 66.04 as there is no associated permit trigger in this instance.

13.0 FURTHER CONSIDERATIONS / ANALYSIS

- 13.1 The remaining matters are responded to as follows:
- 13.2 The Kingston Green Wedge Management Plan was adopted by Council on 27 August 2014 and identifies the values and features of the Green Wedge, the preferred land uses,

environmental and natural resources that should be protected, and the needs of the local community.

- 13.3 Section 4.1 of the Plan identifies that residential land uses are scattered throughout the green wedge. The plan considers the wider benefit of formalising the conditions under which residential development may be appropriate to ensure that the semi-rural spaciousness of larger allotments is achieved. Furthermore, section 4.3 of the Plan highlights under the residential heading that the Plan will '*allow for existing residential uses to remain in the Kingston Green Wedge.*'
- 13.4 The future land use plan at map 5 of the Plan identifies the subject site as low density residential.



- 13.5 It is clear from the policy that the primary intention for land within non-urban areas is to create and sustain open space for habitat, recreation and improved linkages. Whilst this is the future direction for the land, both policy and the Green Wedge Plan acknowledge the existence of residential land uses within the green wedge and allow for the retention of these existing residential uses. Therefore, it is considered that the proposal would not limit the future possibilities of the site and surrounding land.
- 13.6 The building design guidelines at section 7.5 of the Plan seek to achieve the following within green wedge low density residential (typology 1). The relevant design guidelines are listed as follows:
- *Require predominantly single storey height for buildings and structures.*
 - *Minimise building footprints and the presence of outbuildings/storage areas, and ensure total building site coverage does not exceed 20%.*
 - *Set buildings back from front and side boundaries a minimum of 10 metres to allow sufficient space for landscaping and vegetation, and to retain a spacious setting.*

- *Encourage the removal of environmental weeds and planting of appropriate native / indigenous vegetation where possible.*
- *Minimise areas of non-permeable surfacing.*
- *Utilise materials, colours and finishes that best immerse built form within the semi-rural landscape (e.g. timber, render, glazing, stone, brick and iron roofing).*

13.7 In relation to the dwelling proposed, it is considered that the double storey height proposed is responsive to the established low density residential character along Pietro Road and is therefore appropriate in this regard. The proposed dwelling offers appropriate front, side and rear setbacks and limits the overall site coverage to 6.49%. The impact to vegetation is minimal (particularly native vegetation) and the materials nominated respond to the preferred 'semi-rural landscape' character.

13.8 On this basis, it is considered that the proposed development achieves a reasonable outcome in terms of delivering a low density residential landscape, in accordance with the Policy and Strategic Directives of the Green Wedge Management Plan.

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 the PPF, LPPF, the Green Wedge Zone and **Clause 51.02**, of the Kingston Planning Scheme, and the incorporated document – *Kingston Green Wedge Plan (2012)*

15.0 RECOMMENDATION

15.1 That the Planning Committee determine to support the proposal and issue a Planning Permit for the development of one (1) dwelling and associated works at 32-38 Pietro 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 Country Lane Homes, titled property address, Revision A, dated 12 March 2021, submitted to Council on 22 March 2021, but modified to show:
 - a. The provision of at least one (1) undercover carparking space, as required by Clause 52.06-9 (design standard 2) of the Planning Scheme, to the satisfaction of the Responsible Authority. Any proposed car parking space within the required garage or carport, must be at least 6.0 metres long and 3.5 metres wide for a single space (or 5.5 metres wide for a double space), measured inside the garage or carport;

**City of Kingston
Planning Committee Meeting**

Agenda

23 June 2021

- b. the Ground Floor Plan amended to remove the existing driveway in the location of the proposed dwelling, with any alterations to the existing driveway denoted on the Ground Floor Plan;
- c. mailbox nominated;
- d. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- e. a notation on the ground floor plan which reads: 'prior to the occupation of the dwelling hereby permitted, the existing dwelling on site must be demolished and the site cleaned to a standard that is well presented, to the satisfaction of the responsible authority';
- f. one (1) *Eucalyptus camaldulensis* (River Red Gum) to be planted in the front setback, provided at a minimum of 2 metres in height at time of planting, with the location shown on the Ground Floor Plan;
- g. the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan; and
- h. any changes as required by Condition 6.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 4. New buildings must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 1994, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority.
- 5. Prior to the occupation of the dwelling hereby permitted, the existing dwelling on site must be demolished and the site cleaned to a standard that is well presented, to the satisfaction of the responsible authority.

Tree Management and Protection Plan

- 6. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilized.
 - iii. A notation to refer to the Tree Management Plan.

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Planning Committee Meeting**

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23 June 2021

7. 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.
8. 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.

General amenity conditions

9. All works 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.
10. All externally-located heating and cooling units, exhaust fans and the like must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
11. 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

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

Time Limits

14. 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.

Appendices

Appendix 1 - KP-2020/669 - 32 - 38 Pietro Road, Heatherton - Considered Plans (Ref 21/118855) 

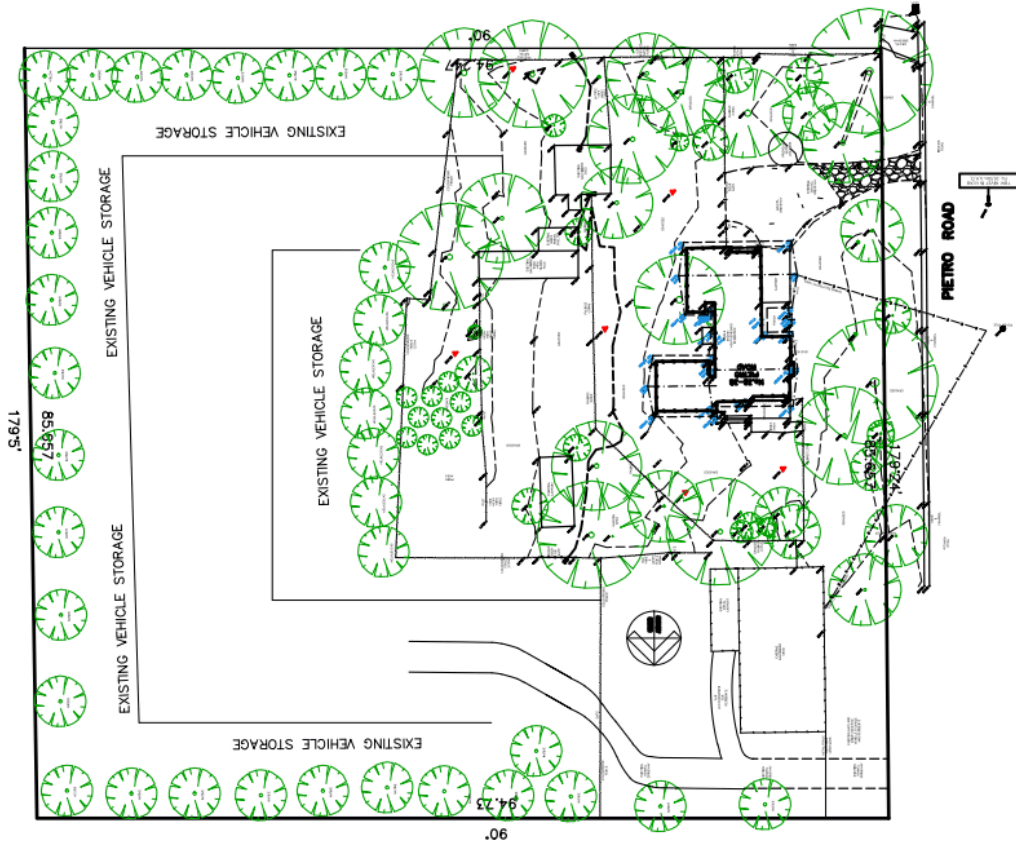
Author/s: Tim Yildirim, Statutory Planner
Reviewed and Approved By: Nicole Bartley, Team Leader Statutory Planning
Alfred Carnovale, Manager City Development

4.7

KP-2020/669 - 32-38 PIETRO ROAD, HEATHERTON

1	KP-2020/669 - 32 - 38 Pietro Road, Heatherton - Considered Plans.....	405
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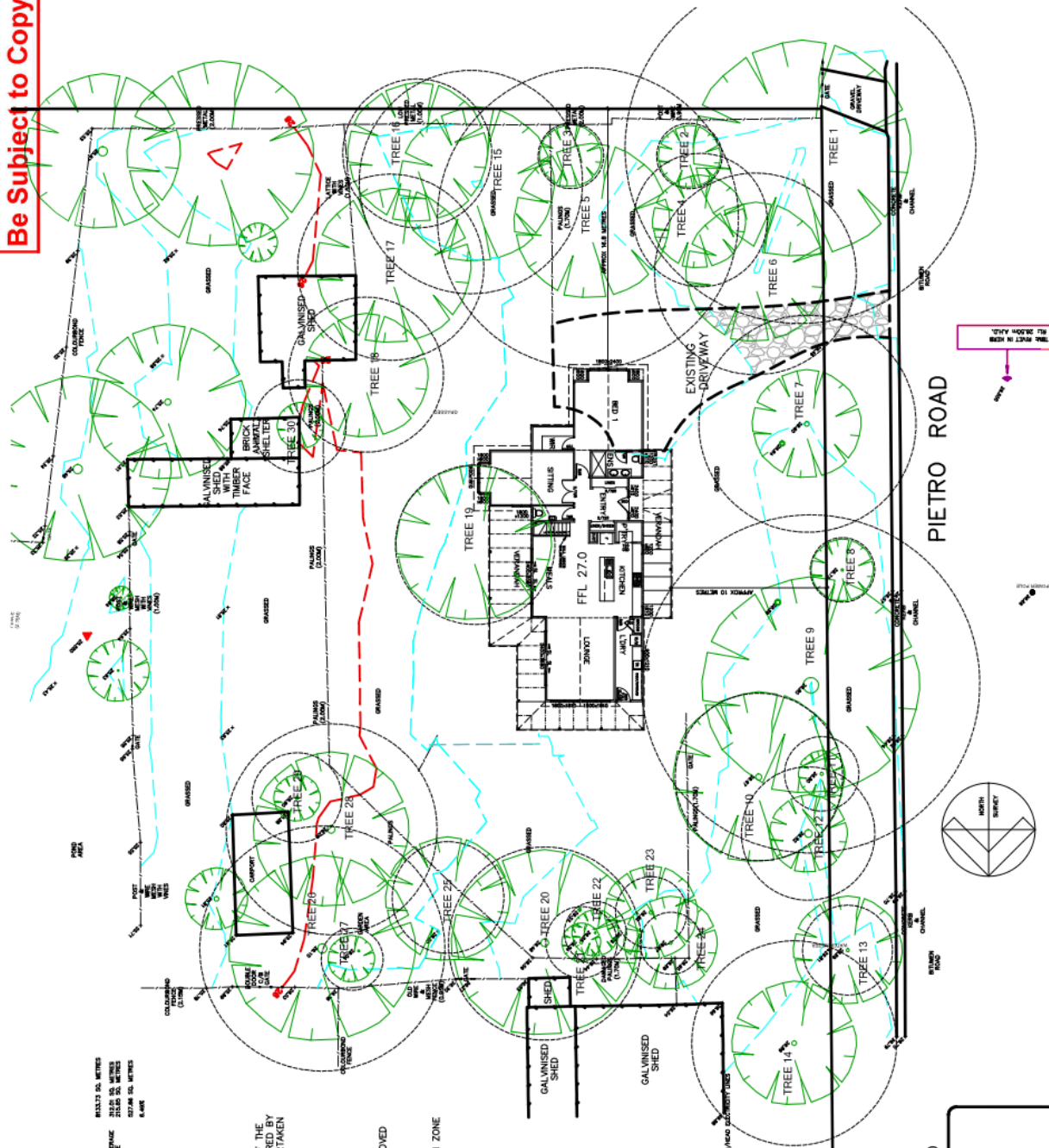
EXISTING CONDITIONS 1:500
 PROPOSED TIMBER RESIDENCE
 32-38 PIETRO ROAD
 HEATHERTON
 STEPHEN & SILVANA ANTHONY

M.K. DATE	REVISION
A 12.3.21	TOWN PLANNING UPDATES

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TREE INFORMATION

- TREE 1 - TO BE RETAINED
- TREE 2 - TO BE RETAINED
- TREE 3 - TO BE RETAINED
- TREE 4 - TO BE RETAINED
- TREE 5 - TO BE RETAINED
- TREE 6 - TO BE RETAINED
- TREE 7 - TO BE RETAINED
- TREE 8 - TO BE RETAINED
- TREE 9 - TO BE RETAINED
- TREE 10 - TO BE RETAINED
- TREE 11 - TO BE RETAINED
- TREE 12 - TO BE RETAINED
- TREE 13 - TO BE RETAINED
- TREE 14 - TO BE RETAINED
- TREE 15 - TO BE RETAINED
- TREE 16 - TO BE RETAINED
- TREE 17 - TO BE RETAINED
- TREE 18 - TO BE REMOVED
- TREE 19 - TO BE RETAINED
- TREE 20 - TO BE RETAINED
- TREE 21 - TO BE RETAINED
- TREE 22 - TO BE RETAINED
- TREE 23 - TO BE RETAINED
- TREE 24 - TO BE RETAINED
- TREE 25 - TO BE RETAINED
- TREE 26 - TO BE RETAINED
- TREE 27 - TO BE RETAINED
- TREE 28 - TO BE RETAINED
- TREE 29 - TO BE RETAINED
- TREE 30 - TO BE RETAINED

SITE COVERAGE
 TOTAL SITE 10,400 SQ. METRES
 IMPERMEABLE SITE COVERAGE 2,100 SQ. METRES
 PERMEABLE SITE COVERAGE 8,300 SQ. METRES
 TOTAL SITE COVERAGE 10,400

ALL ITEMS IS PART & OF THE
 ARBORIST REPORT PREPARED BY
 TAYLORS WILL BE UNDERTAKEN



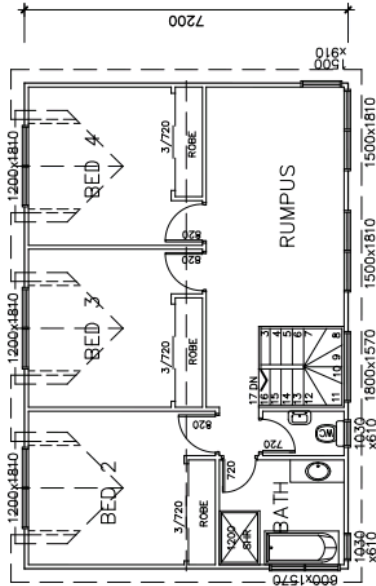
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A	12.03.21 HOUSE SETBACK 10 METRES

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 DATE 01/06/20 192007-2A
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PROPOSED SITE PLAN 1:250
 PROPOSED TIMBER RESIDENCE
 32-38 PIETRO ROAD
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AREAS		
GROUND FLOOR	149.43 m sq.	16.08 sqs.
FIRST FLOOR	77.76 m sq.	8.37 sqs.
TOTAL	227.19 m sq.	24.45 sqs.
DECK	66.42 m sq.	7.15 sqs.

FIRST FLOOR PLAN 1:100

**PROPOSED TIMBER RESIDENCE
32-38 PIETRO ROAD
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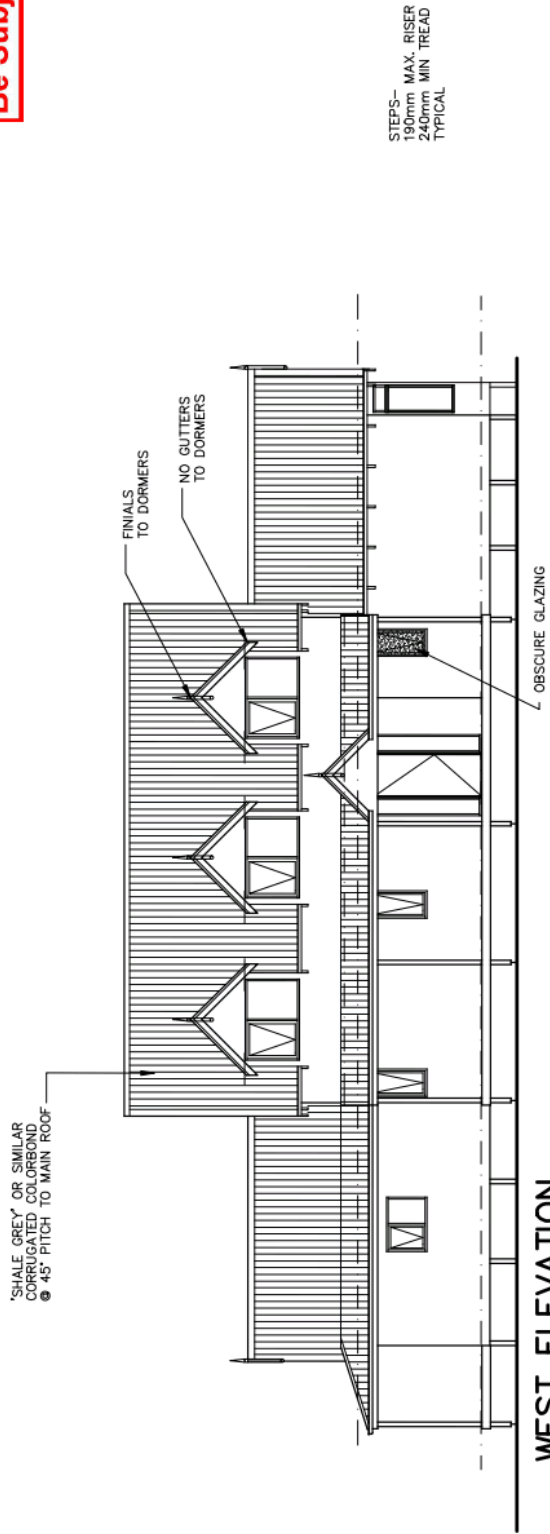
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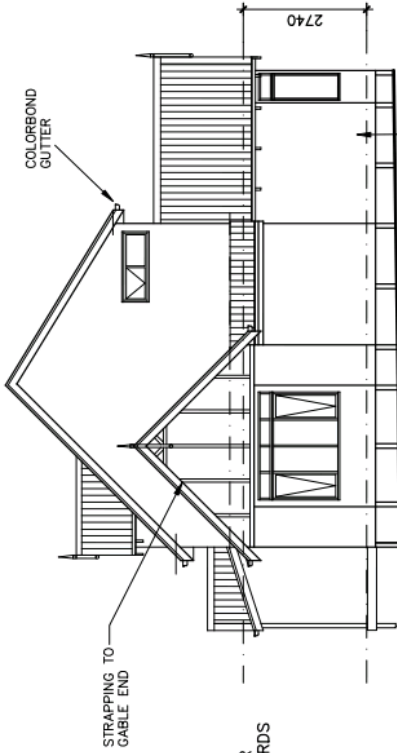
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WEST ELEVATION



SOUTH ELEVATION

MATERIAL & COLOUR SCHEDULE

- HOUSE ROOF COLOUR SHALE GREY OR SIMILAR
- HOUSE ROOF MATERIAL CORRUGATED COLOURBOND
- HOUSE WALL COLOUR DULUX CLASSIC CREAM OR SIMILAR
- HOUSE WALL MATERIAL JAMES HARDIE LINEA WEATHERBOARDS
- WINDOW COLOUR SURFIMIST
- WINDOW MATERIAL ALUMINIUM
- TRIM COLOUR SHALE GREY OR SIMILAR
- TRIM MATERIAL LOSP

ELEVATIONS 1:100

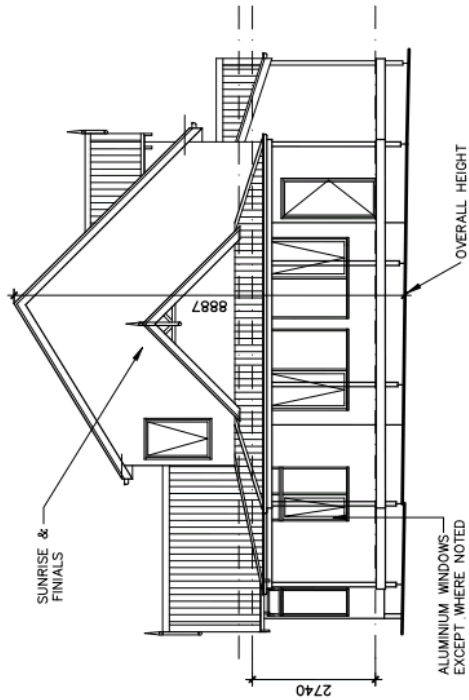
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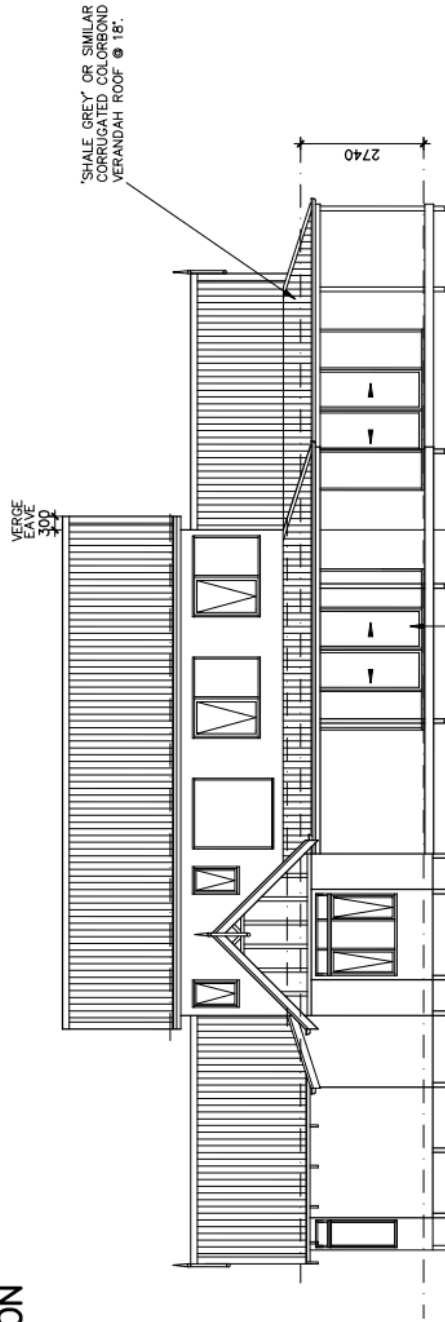
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NORTH ELEVATION



EAST ELEVATION

ELEVATIONS 1:100

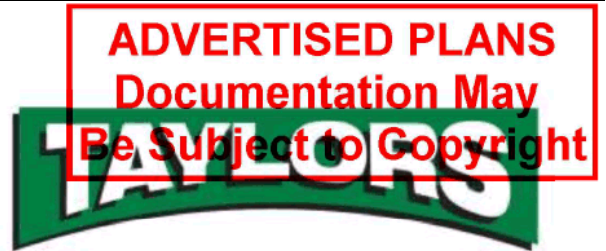
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32-38 PIETRO ROAD
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DATE 01/06/20		
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Arboricultural Impact Assessment

REPORT COMMISSIONED BY:
Stephen & Silvana Anthony

DATE OF ASSESSMENT:
Monday, October 19, 2020

SUBJECT SITE:
32 Pietro Rd,
Heatherton VIC 3202

DATE OF REPORT:
Wednesday, November 11, 2020

REPORT PREPARED BY:
Ben Thomas
Consulting Arborist
Grad. Cert. Arboriculture (AQF 8)

VERSION 2

TAYLOR'S TREES

ABN

36 119 781 118

CONTACT

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1 Assignment

1.1 Author / Consulting Arborist

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Consulting Arborist	Bayswater North VIC 3153
Grad. Cert. Arboriculture (AQF 8)	Phone Mobile
Company	(03) 9720 6025 0401 442 604
Taylor's Trees	Email
	info@taylorstrees.com.au

1.2 Client

Name	Intended Audience
Stephen & Silvana Anthony	<ul style="list-style-type: none"> ○ The property/tree owner(s) ○ The development project manager and associated construction staff ○ Council Planning Department
Site Address	
32 Pietro Rd, Heatherton VIC 3202	

1.3 Brief

The purpose of this report is to provide an independent arboricultural assessment of prominent trees that are located within the subject site and within five metres of the site boundary lines.

Detail has been requested in relation to the following instructions:

- To provide an objective assessment of the overall condition of the subject trees.
- To provide an objective assessment of the retention value of the subject trees.
- To determine the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To determine if the subject trees are expected to remain viable as a result of the proposed development.
- To propose recommendations that are expected to ensure that the subject trees would remain viable post construction.



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2 Data collection

2.1 Site visit

- Ben Thomas, of Taylors Trees, visited the site for an arboricultural assessment on Monday the 19th of October 2020 at 9:00am.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted. Assessment was therefore limited only to parts of the trees that were visible from within the subject site.
- A digital camera was used at ground level to obtain photographs within this report.
- The height of the trees was measured by using a Nikon Forestry Pro 2 Laser Range Finder.
- A circumference tape measure was used to determine the trunk dimensions of Trees 1 - 30.
- Encroachment percentages have been calculated via ArborCAD.

2.2.1 Documents viewed

- Proposed plan (01/06/2020)
- Kingston City Council Planning Scheme
- Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites'
- Australian Standard AS4373 – 2007 'Pruning of Amenity Trees'

3 Site description

- The subject site is located in a Green Wedge Zone – Schedule 2 (GWZ2) within the Kingston City Council.
- An existing residential dwelling is located within the subject site.
- The terrain of the site appeared to be predominately flat.
- The subject trees are all located within the subject site.
- No additional prominent vegetation was observed within five metres of the site boundary lines.



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4 Tree data

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments	
1	<i>Eucalyptus gomphocephala</i>	Mature	Native WA	11 m	N-S 12 m	0.64 m	Fair	Fair	20 + years	Moderate	Moderate	11.3 m	3.6 m	Comprises of 3 stems at base.	
	0.40 m					2.07 m									1.41 m
	Tuart				E-W 12 m	1.25 m									
2	<i>Corymbia maculata</i>	Semi Mature	Native NSW VIC	8 m	N-S 2 m	0.14 m	Good	Fair	20 + years	Low	Low	2.0 m	1.6 m		
	0.47 m					E-W 2 m									0.18 m
	Spotted Gum														
3	<i>Corymbia maculata</i>	Semi Mature	Native NSW VIC	8 m	N-S 2 m	0.13 m	Good	Fair	20 + years	Low	Low	2.0 m	1.6 m		
	0.44 m					E-W 2 m									0.17 m
	Spotted Gum														
4	<i>Casuarina cunninghamiana</i>	Senescent	Native NSW QLD	15 m	N-S 4 m	0.36 m	Poor	Poor	5 - 10 years	Moderate	Moderate	4.3 m	2.5 m	Multiple areas of damage to the main stem.	
	1.23 m					E-W 4 m									0.50 m
	River she-oak														
5	<i>Melaleuca armillaris</i>	Mature	Native NSW VIC TAS	9 m	N-S 10 m	0.55 m	Fair	Fair	20 + years	Moderate	Moderate	9.7 m	3.6 m	Comprises of 2 stems at base.	
	0.60 m					1.88 m									1.82 m
	Bracelet Honey Myrtle				E-W 10 m	1.20 m									



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Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
6	<i>Melaleuca armillaris</i>	Mature	Native NSW VIC TAS	7 m	N-S 8 m	0.40 m	Fair	Fair	20 + years	Low	Low	6.5 m	3.3 m	Comprises of 3 stems at base.
	0.30 m													
7	Bracelet Honey Myrtle	Mature	Native QLD NSW NT WA	4 m	N-S 5 m	0.58 m	Good	Fair	10 - 20 years	Low	Low	7.0 m	2.7 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ.
	1.82 m													
8	White Cedar	Semi Mature	Native QLD NSW	4 m	N-S 3 m	0.13 m	Good	Fair	20 + years	Low	Low	2.0 m	1.7 m	
	0.50 m													
9	<i>Callistemon viminalis</i> / <i>Melaleuca viminalis</i> Weeping Bottlebrush	Mature	Native WA	17 m	N-S 17 m	0.98 m	Good	Good	20 + years	High	High	11.8 m	3.6 m	One limb towards the road in poor condition; exposed heartwood and borer activity.
	3.20 m													
10	<i>Eucalyptus gomphocephala</i>	Semi Mature	Exotic	8 m	N-S 8 m	0.32 m	Fair	Fair	20 + years	Moderate	Moderate	5.4 m	2.7 m	Somewhat sparse due to proximity to larger adjacent Tree 9.
	1.20 m													
	Tuart					0.27 m								
	<i>Ulmus glabra</i> 'Lutescens'					0.18 m								
	Golden Elm					(0.45 m)								
						0.41 m								
						0.60 m								
						1.04 m								
						(2.04 m)								
						0.64 m								



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Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread		DBH			Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
					N-S	E-W	CA1	DAB	DBH								
11	<i>Casuarina cunninghamiana</i>	Semi Mature	Native NSW QLD	3 m	N-S 3 m	E-W 3 m	0.20 m	0.85 m	0.29 m	Good	Fair	20 + years	Low	Low	2.4 m	2.0 m	Leaning form.
	0.36 m																
12	<i>Angophora costata</i>	Senescent	Native QLD NSW	10 m	N-S 5 m	E-W 5 m	1.60 m	0.47 m	Poor	Poor	5 - 10 years	Low	Low	4.3 m	2.4 m	2.4 m	Extensive damage to the main stem. Borer activity.
	0.11 m																
13	<i>Pittosporum undulatum</i>	Semi Mature	Native QLD NSW VIC	4 m	N-S 4 m	E-W 4 m	0.18 m	0.12 m	Good	Good	20 + years	Low	Low	2.9 m	1.9 m	1.9 m	Comprises of 2 stems at 0.8m above ground level.
	0.57 m																
14	<i>Callitris sp.</i>	Mature	Native	6 m	N-S 7 m	E-W 7 m	0.55 m	1.73 m	Good	Good	20 + years	Low	Low	6.6 m	2.6 m	2.6 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ.
	0.27 m																
15	<i>Melaleuca armillaris</i>	Senescent	Native NSW VIC TAS	7 m	N-S 10 m	E-W 7 m	0.35 m	0.49 m	Fair	Poor	10 - 20 years	Moderate	Low	7.2 m	3.2 m	3.2 m	Decay at the base. Comprises of 2 stems at the base.
	1.13 m																
	Bracelet Honey Myrtle				E-W 10 m		0.93 m										

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Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
16	<i>Angophora costata</i>	Semi Mature	Native QLD NSW	14 m	N-S 10 m	0.24 m	Good	Good	20 + years	Moderate	Moderate	4.8 m	2.3 m	Deadwood within the canopy.
	0.33 m (0.40 m)					0.82 m 1.10 m (1.92 m)								
17	<i>Fraxinus angustifolia</i> subsp. <i>angustifolia</i>	Semi Mature	Exotic	15 m	N-S 12 m	0.50 m	Good	Good	20 + years	Moderate	Moderate	6.0 m	2.9 m	
	1.70 m					0.72 m								
18	<i>Ulmus glabra</i> 'Lutescens'	Semi Mature	Exotic	8 m	N-S 10 m	0.21 m	Poor	Fair	10 - 20 years	Moderate	Low	5.0 m	2.4 m	Very sparse foliage within the canopy. Likely possum grazing. Comprises of 2 stems at 1.2m above ground level.
	0.37 m (0.42 m)					1.32 m								
19	<i>Melaleuca armillaris</i>	Senescent	Native NSW VIC TAS	8 m	N-S 10 m	0.69 m	Poor	Poor	5 - 10 years	Moderate	Low	8.3 m	3.0 m	Sparse foliage within canopy. Tip dieback. Previous failures. Included unions; typical of species. Large surface root visible under towards the house.
	2.29 m					0.80 m								
20	<i>Syzygium smithii</i>	Mature	Native NSW QLD	13 m	N-S 12 m	0.50 m	Good	Good	20 + years	Moderate	Moderate	6.0 m	2.7 m	
	1.67 m					0.63 m								
21	<i>Cupressus sempervirens</i>	Semi Mature	Exotic	10 m	N-S 3 m	0.19 m	Good	Fair	20 + years	Low	Low	2.3 m	1.8 m	
	0.66 m					0.24 m								



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Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH			Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
						CA1	DAB	DAB								
22	<i>Thuja sp.</i>	Semi Mature	Exotic	3 m	N-S 2 m	0.15 m	0.47 m	0.15 m	Dead	Fair	0-5	Low	Low	2.0 m	1.5 m	Multi-stemmed at ground level. DBH & CA1 measured at ground level. Tree may therefore tolerate a slightly greater than 10% encroachment into the TPZ.
	E-W 2 m															
23	<i>Ficus elastica</i>	Semi Mature	Exotic	4 m	N-S 4 m	0.19 m	0.69 m	0.22 m	Good	Fair	20+ years	Low	Low	2.3 m	1.8 m	
	E-W 4 m															
24	<i>Olea europaea</i>	Semi Mature	Exotic	4 m	N-S 4 m	0.15 m	0.60 m	0.24 m	Good	Good	20+ years	Low	Low	2.0 m	1.8 m	
	E-W 4 m															
25	<i>Pittosporum undulatum</i>	Semi Mature	Native QLD NSW VIC	8 m	N-S 8 m	0.30 m	0.91 m	0.35 m	Good	Good	20+ years	Low	Low	3.6 m	2.1 m	
	E-W 8 m															
26	<i>Eucalyptus robusta</i>	Mature	Native VIC NSW QLD	13 m	N-S 12 m	0.66 m	2.23 m	0.80 m	Good	Good	20+ years	Moderate	Moderate	7.9 m	3.0 m	
	E-W 12 m															
27	<i>Pittosporum undulatum</i>	Semi Mature	Native QLD NSW VIC	3 m	N-S 3 m	0.10 m	0.35 m	0.13 m	Fair	Fair	10-20 years	Low	Low	2.0 m	1.5 m	Vine throughout canopy.
	E-W 3 m															



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Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DBH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	TPZ Radius	SRZ Radius	Comments
28	<i>Liquidambar styraciflua</i>	Semi Mature	Exotic	13 m	N-S 12 m	0.35 m 0.46 m (0.57 m)	Good	Good	20 + years	Moderate	Moderate	6.8 m	2.8 m	
	E-W 12 m				1.95 m 0.66 m									
29	<i>Robinia pseudoacacia</i>	Senescent	Exotic	3 m	N-S 3 m	0.18 m 0.16 m (0.24 m)	Poor	Fair	5 - 10 years	Low	Low	2.9 m	2.1 m	
	E-W 3 m				0.69 m 0.32 m									
30	<i>Liquidambar styraciflua</i>	Senescent	Exotic	8 m	N-S 4 m	0.25 m	Poor	Poor	0-5	Low	Low	3.0 m	2.0 m	Very sparse foliage within the canopy. Likely possum grazing.
	E-W 4 m				0.91 m 0.29 m									



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4.1 Photographic evidence



Tree 1



Tree 1 – Damage to smaller stem.



Tree 2



Tree 3



Tree 4



Tree 4 – Damage to main stem.



Tree 5



Tree 6



Tree 7



Tree 8



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Tree 9



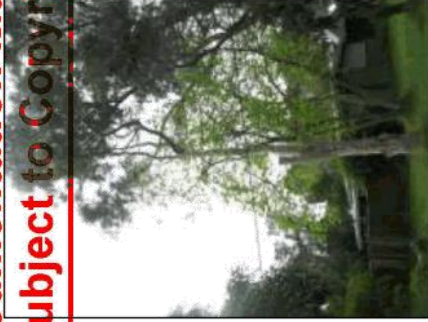
Tree 9 – Limb towards the road in poor condition.



Tree 10



Tree 11



Tree 12



Tree 13



Tree 14



Tree 15



Tree 16



Tree 17



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Tree 23



Tree 22



Tree 20 & 21



Tree 19



Tree 18



Tree 30



Tree 28 & 29



Tree 26 & 27



Tree 25



Tree 24



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Front yard viewed from the South



Rear yard viewed from the South



Driveway viewed from the West



Rear yard viewed from the East

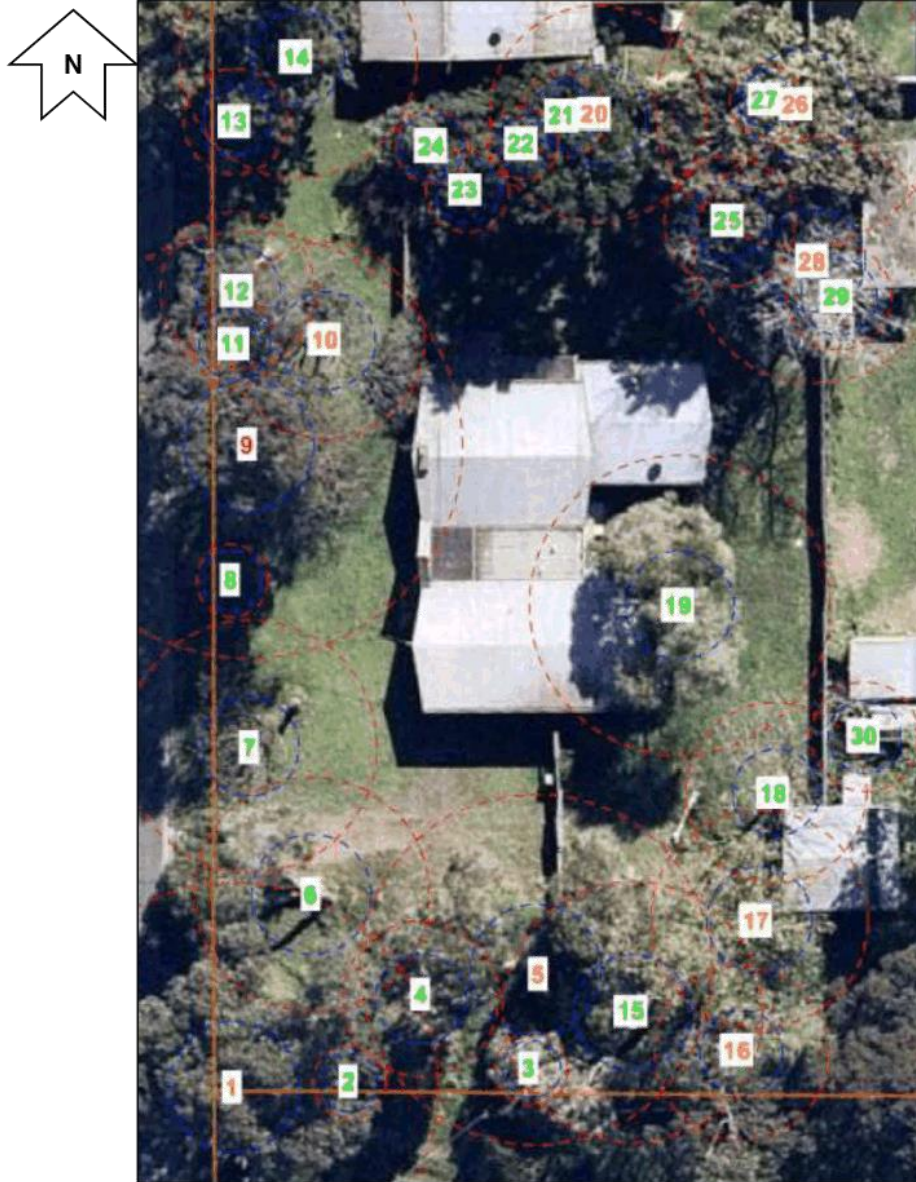


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5 Site maps

5.1 Existing conditions

The following map indicates the approximate tree locations in relation to the existing conditions:



LEGEND

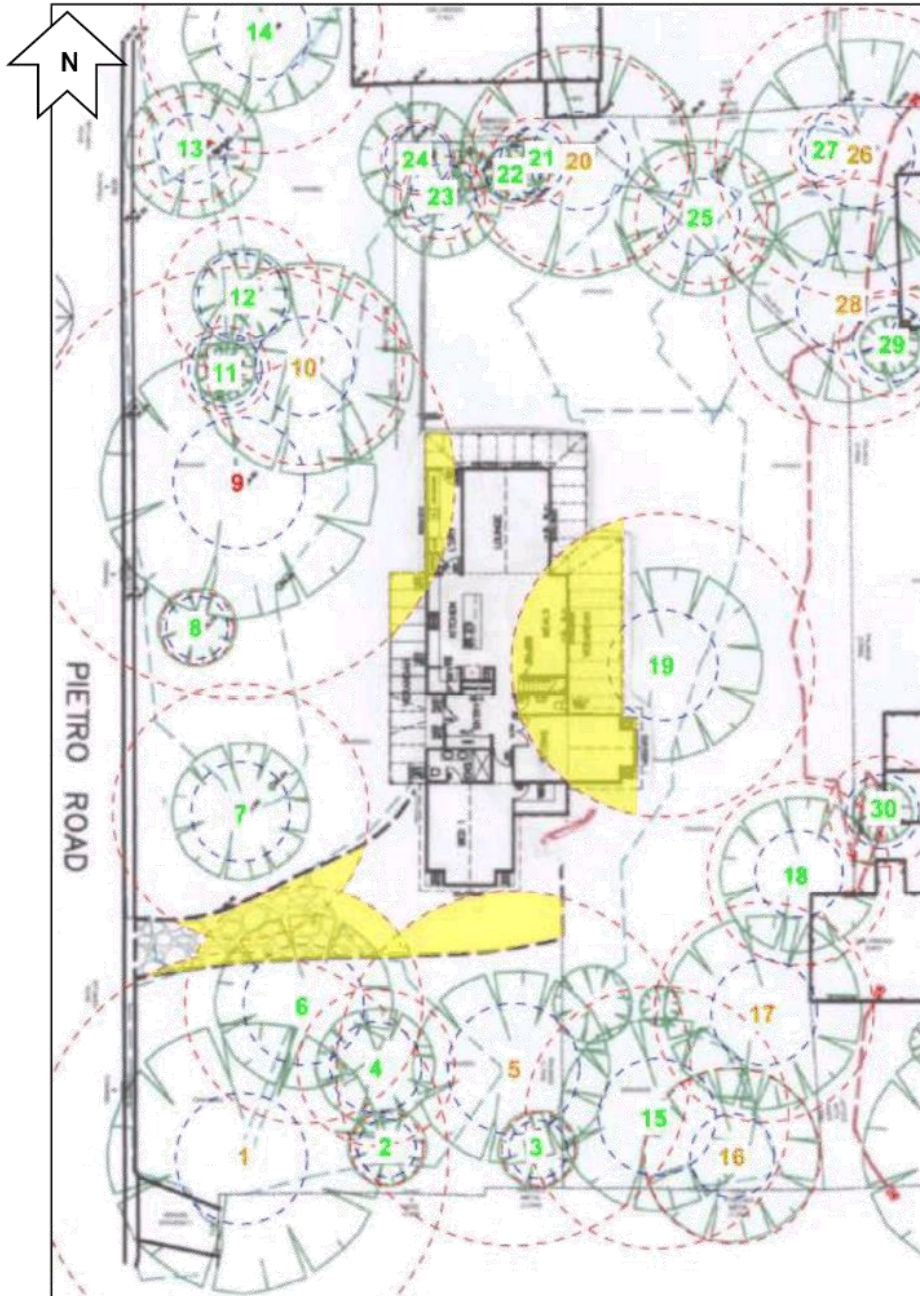
- | | | | |
|--|---|--|---|
| — LOW RETENTION VALUE | — HIGH RETENTION VALUE | — COUNCIL OWNED TREE | TREE PROTECTION ZONE |
| — MODERATE RETENTION VALUE | — OTHER PERSON'S TREE | PROPOSED ENCROACHMENT | STRUCTURAL ROOT ZONE |



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5.2 Proposed plan

The following map indicates the tree locations in relation to the proposed plans:



LEGEND

- LOW RETENTION VALUE
- HIGH RETENTION VALUE
- COUNCIL OWNED TREE
- MODERATE RETENTION VALUE
- OTHER PERSON'S TREE
- PROPOSED ENCROACHMENT
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE



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6 Discussion

6.1 Tree protection zone

The tree protection zone (TPZ) is determined by multiplying the trunk diameter of the tree at breast height, 1.4m from ground level, by 12. A 10% encroachment on one side of this zone is acceptable without investigation into root distribution or offset of the lost area.

Section 3.2 of the Australian Standard AS4970 – 2009 Protection of Trees on Development Sites states that the TPZ of Palms, other monocots, cycads and tree ferns should not be less than 1 m outside the crown projection.

6.2 Structural root zone

The structural root zone (SRZ) is the setback required to avoid damage to stabilising structural roots. The loss of roots within the SRZ must be avoided. The SRZ is determined by applying the following formula: $(D \times 50) 0.42 \times 0.64$ where D = trunk diameter in metres.

6.3 Designing around trees

It may be possible to encroach into or make variations to the TPZ of the trees that must be retained. Encroachment includes excavation, compacted fill and machine trenching.

The following is referenced from section 3.3.3 of the Australian Standards AS4970 – 2009 Protection of Trees on Development Sites:

6.3.1 Minor encroachment

If the proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

6.3.2 Major encroachment

If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ the project arborist must demonstrate that the trees would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods.



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7 Conclusion

7.1 Tree retention value

7.1.1 Low retention value

The following trees are considered to be of low retention value as they are relatively small specimens that are insignificant to the landscape:

- Tree 2 ○ Tree 8 ○ Tree 21 ○ Tree 27
- Tree 3 ○ Tree 11 ○ Tree 23 ○ Tree 29
- Tree 6 ○ Tree 13 ○ Tree 24 ○ Tree 30
- Tree 7 ○ Tree 14 ○ Tree 25

The following trees are of low retention value as they are of poor health and/or structure:

- Tree 4 ○ Tree 18
- Tree 12 ○ Tree 19
- Tree 15 ○ Tree 22

7.1.2 Moderate retention value

The following trees are considered to be of moderate retention value as they are moderate sized specimens that are growing in suitable location:

- Tree 1 ○ Tree 16 ○ Tree 26
- Tree 5 ○ Tree 17 ○ Tree 28
- Tree 10 ○ Tree 20

7.1.3 High retention value

The following tree is considered to be of high retention value as it is large tree that is significant to the landscape, suitably located and with a ULE of 20+ years:

- Tree 9

7.2 Permit requirements

7.2.1 Local law

The site is subject to Kingston City Council local law which states the following:

- A permit from the Vegetation team is needed to remove, prune or undertake works to any tree (including multi-stemmed trees) with a trunk circumference of 110cm or more measured at ground level. Further, a local law permit is also required to undertake works within the structural root zone of any protected tree or vegetation.



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7.2.2 Trees subject to permit requirements

The following trees require a permit to remove, prune or undertake works to, in accordance with local law:

- Tree 1 ○ Tree 9 ○ Tree 16 ○ Tree 25
- Tree 4 ○ Tree 10 ○ Tree 17 ○ Tree 26
- Tree 5 ○ Tree 12 ○ Tree 18 ○ Tree 28
- Tree 6 ○ Tree 14 ○ Tree 19
- Tree 7 ○ Tree 15 ○ Tree 20

The following trees are exempt from a local law as they are under the size criteria:

- Tree 2 ○ Tree 13 ○ Tree 24
- Tree 3 ○ Tree 21 ○ Tree 27
- Tree 8 ○ Tree 22 ○ Tree 29
- Tree 11 ○ Tree 23 ○ Tree 30

7.3 Impact assessment

The following table represents the encroachments of the proposed development:

Tree No.	Encroachment	TPZ encroachment	SRZ encroachment	Encroachment category	Proposed retention
1	Driveway	0.9%	0%	Minor	Retain
2	N/A	0%	0%	N/A	Retain
3	N/A	0%	0%	N/A	Retain
4	N/A	0%	0%	N/A	Retain
5	Driveway	8.2%	0%	Minor	Retain
6	Driveway	26.5%	7.1%	Major	Retain
7	Driveway	11.7%	0%	Major	Retain
8	N/A	0%	0%	N/A	Retain
9	Dwelling	3.5%	0%	Minor	Retain
10	N/A	0%	0%	N/A	Retain
11	N/A	0%	0%	N/A	Retain
12	N/A	0%	0%	N/A	Retain
13	N/A	0%	0%	N/A	Retain
14	N/A	0%	0%	N/A	Retain
15	N/A	0%	0%	N/A	Retain
16	N/A	0%	0%	N/A	Retain
17	N/A	0%	0%	N/A	Retain
18	N/A	0%	0%	N/A	Retain
19	Dwelling	21.2%	0%	Major	Remove
	Veranda	24.4%	9%	Major	
	TOTAL (accounting for overlap)	34.7%	8.3%	Major	
20	N/A	0%	0%	N/A	Retain
21	N/A	0%	0%	N/A	Retain
22	N/A	0%	0%	N/A	Retain
23	N/A	0%	0%	N/A	Retain
24	N/A	0%	0%	N/A	Retain
25	N/A	0%	0%	N/A	Retain



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Tree No.	Encroachment	TPZ encroachment	SRZ encroachment	Encroachment category	Proposed retention
26	N/A	0%	0%	N/A	Retain
27	N/A	0%	0%	N/A	Retain
28	N/A	0%	0%	N/A	Retain
29	N/A	0%	0%	N/A	Retain
30	N/A	0%	0%	N/A	Retain

Note: Encroachment calculations are approximate and do not consider over excavation.

7.3.1 No encroachment

Development is not proposed to encroach into the TPZ or SRZ of the following trees:

- Tree 2
- Tree 3
- Tree 4
- Tree 8
- Tree 10
- Tree 11
- Tree 12
- Tree 13
- Tree 14
- Tree 15
- Tree 16
- Tree 17
- Tree 18
- Tree 20
- Tree 21
- Tree 22
- Tree 23
- Tree 24
- Tree 25
- Tree 26
- Tree 27
- Tree 28
- Tree 29
- Tree 30

The proposed development is not expected to compromise the long-term viability of the above-mentioned trees.

Less invasive construction measures or development redesign is therefore not required to ensure that these trees would remain viable post construction.

7.3.2 Minor encroachment

The proposed development is considered to be a minor encroachment according to section 3.3.2 of the Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites' of the following trees:

- Tree 1
- Tree 5
- Tree 9

The proposed development is not expected to compromise the health and/or structural integrity of the above-mentioned trees.

Less invasive construction measures or development redesign is therefore not required to ensure that these trees remain viable post construction.



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7.3.3 Major encroachment

The proposed development is considered to be a major encroachment according to section 3.3.3 of the Australian Standard AS4970 – 2009 'Protection of Trees on Development Sites' of the following trees:

- Tree 6
- Tree 7
- Tree 19

Tree 6

- The footprint of the driveway is proposed to be a major encroachment (6.3.2) of 26.5% of the TPZ and 7.1% of the SRZ.
- This tree is of low retention value.
- This tree is proposed to be retained.
- A permit is required to remove, prune or undertake works to this tree in accordance with local law.
- The construction of the proposed development has the potential to compromise the tree's long-term viability.
- Recommendations within section 8.3 and 8.4 of this report are required to ensure that this tree would remain viable post construction.

Tree 7

- The footprint of the driveway is proposed to be a major encroachment (6.3.2) of 11.7% of the TPZ and 0% of the SRZ.
- This tree is of low retention value.
- This tree is proposed to be retained.
- A permit is required to remove, prune or undertake works to this tree in accordance with local law.
- The construction of the proposed development has the potential to compromise the tree's long-term viability.
- Recommendations within section 8.3 and 8.4 of this report are required to ensure that this tree would remain viable post construction.

Tree 19

Dwelling

- The footprint of the dwelling is proposed to be a major encroachment (6.3.2) of 21.2% of the TPZ and 0% of the SRZ.
- Individually, the construction of the dwelling has the potential to compromise the tree's long-term viability.

Veranda

- The Veranda is proposed to be a major encroachment (6.3.2) of 24.4% of the TPZ and 9% of the SRZ.
- Individually, the construction of the veranda has the potential to



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compromise the tree's long-term viability.

Overview

- This tree is of low retention value.
- This tree is proposed to be removed.
- The existing dwelling (built on a post footing system) is located within the footprint of the proposed encroachment.
- A permit is required to remove, prune or undertake works to this tree in accordance with local law.
- The total encroachment of the dwelling and veranda is 34.7% of the TPZ and 8.3% of the SRZ which is considered to be major (6.3.2).
- The construction of the proposed dwelling and veranda combined have the potential to compromise the tree's long-term viability.
- In the event of removal, less invasive construction measures or development redesign is not required.



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8 Recommendations

8.1 Tree retention

The following trees are proposed to be retained:

- | | | | |
|----------|-----------|-----------|-----------|
| ○ Tree 1 | ○ Tree 9 | ○ Tree 17 | ○ Tree 25 |
| ○ Tree 2 | ○ Tree 10 | ○ Tree 18 | ○ Tree 26 |
| ○ Tree 3 | ○ Tree 11 | ○ Tree 19 | ○ Tree 27 |
| ○ Tree 4 | ○ Tree 12 | ○ Tree 20 | ○ Tree 28 |
| ○ Tree 5 | ○ Tree 13 | ○ Tree 21 | ○ Tree 29 |
| ○ Tree 6 | ○ Tree 14 | ○ Tree 22 | ○ Tree 30 |
| ○ Tree 7 | ○ Tree 15 | ○ Tree 23 | |
| ○ Tree 8 | ○ Tree 16 | ○ Tree 24 | |

The following is recommended in order to ensure that trees that are proposed to be retained would remain viable post construction:

- Comply with less invasive construction measures (8.3)
- Comply with tree protection measures (8.4)

8.2 Tree removal

The following tree is proposed to be removed:

- Tree 19

In the event of tree removal, the following is recommended:

- Tree removal should be undertaken prior to construction commencing (including demolition).
- Written consent from the responsible authority must be obtained prior to tree removal.

8.2.1 Permit requirements for trees that are proposed to be retained

The following trees that are proposed to be retained require a permit to undertake works to, in accordance with local law:

- Tree 6
- Tree 7

8.2.2 Permit requirements for trees that are proposed to be removed

The following tree that are proposed to be retained requires a permit to remove in accordance with the local law:

- Tree 19



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8.3 Less invasive construction measures

8.3.1 Driveway

- Limit any excavation to surface scraping for levelling purposes only (e.g. no greater than 100mm in depth) within the TPZ of Tree 6 & 7.
- Engage a suitably qualified arborist (AQF Level 5) to supervise any surface scraping for the driveway within the TPZ of Tree 6 & 7.
- Construct driveway via permeable materials of pH neutral composition which allows water to penetrate through the surface and into the soil profile within the TPZ of Tree 6 & 7.

8.4 Tree protection measures

8.4.1 Pruning

- Tree 6 requires pruning to a height of 4m above ground level for clearance purposes.
- Only the minimum amount necessary for clearance in order to complete construction should be removed.
- Pruning should be undertaken by a suitably qualified Arborist (minimum AQF level 3).
- The pruning should be undertaken in accordance with the Australian Pruning Standard AS 4373 - 2007.
- Pruning should be undertaken prior to machinery being brought onto site.

8.4.2 Tree protection fencing

- Tree protection fencing (TPF) should be installed for Trees 1 – 18 & 20 - 24.
- TPF should be installed as close to the TPZ as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
- The existing fencing may be used as TPF for Trees 25 - 30.
- TPF should be installed prior to machinery being brought onsite for the demolition of the existing dwelling.
- TPF should be a minimum 1.8m high and comprised of wire mesh (or similar) supported by concrete feet (or similar).
- TPF should remain intact for the duration of the project.
- TPF should only be removed or shifted with the approval of the Project Arborist and the Responsible Authority.



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8.4.3 Tree protection signage

- The signage on the TPF should be placed on TPZ fencing at regular intervals so that it is visible from any angle outside the TPZ.
- Signage should state 'Tree Protection Zone, No Access' or similar.
- Signage should be greater than 600mm X 400mm in size.
- The contact details of the project arborist and site manager should be written clearly on the sign.



8.4.4 Ground protection

- Ground protection should be installed within the TPZ of Trees 6 & 7 that is located outside of the building footprint.
- Ground protection should be comprised of rumble boards with 100mm of mulch underneath.

8.4.5 Scaffolding

- When scaffolding must be erected within Tree Protection Zones, cover the ground with a 10cm layer of mulch, and then cover this with boards and plywood to prevent soil compaction.

8.4.6 Site storage

- A designated storage area where building materials, chemicals etc. can be stored should be located outside the TPZ of retained trees.

8.4.7 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:

- Machine excavation including trenching (unless approved by the Project Arborist, Arborist supervision may be required)
- Cultivation
- Storage
- Preparation of chemicals, including cement products
- Parking of vehicles
- Refuelling
- Dumping of waste
- Wash down and cleaning of equipment
- Placement of fill
- Lighting of fires



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- Physical damage to the tree
- Pruning or damaging of roots greater than 30mm in diameter

8.4.8 Drains and services

In the event that any drains or services are included in a greater than 10% encroachment into the TPZ or encroach into the SRZ of trees that are proposed to be retained, the following should be undertaken:

- Drains or services should be installed by non-root destructive means such as horizontal boring at greater than 1100mm in depth or by low pressure hydro-excavation to ensure that the bark of the roots remain intact, unless a root investigation determines that the tree(s) would remain viable.

Note: encroachment calculations must consider additional encroachments e.g. site cuts, retaining walls, building footprint.



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9 Limitation of liability

Taylor's Trees and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Taylor's Trees and their employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been made from ground level and limited to accessible components without dissection, excavation or probing.

Taylor's Trees cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed. Treatment, pruning and removal of trees may involve considerations beyond the scope of Taylor's Trees services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Taylor's Trees cannot take such issues into account unless complete and accurate information is given prior to or at the time of site inspection. Likewise, Taylor's Trees cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

In the event that Taylor's Trees recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems, Taylor's Trees must inspect the system installed at intervals not greater than 12 months unless otherwise specified in written reports. It is the client's responsibility to make arrangements with Taylor's Trees to conduct the re-inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation, Taylor's Trees must be advised in writing prior to the written assessment being presented in any form to any other party.



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10 Definition of terms

10.1 Tree health

- o Good
- o Fair
- o Poor
- o Very poor
- o Dead

Good: The tree is demonstrating good or exceptional growth for the species. The tree should exhibit a full canopy of foliage and have only minor pest or disease problems. Foliage colour size and density should be typical of a health specimen of that species.

Fair: The tree is in reasonable condition and growing well for the species. The tree should exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.

Poor: The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.

Very poor: The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.

Dead: The tree is no longer alive.

10.2 Structure

- o Good
- o Fair
- o Poor
- o Very poor
- o Failed

The definition of structure is the likelihood of the tree to fail under normal condition. A tree with good structure is highly unlikely to suffer any significant failure, while a tree with poor to very poor structure is likely or very likely to fail.

Good: The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.

Fair: The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.

Poor: The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.

Very poor: The tree has a poorly structured crown. The crown is unbalanced, or exhibits large gaps. Major limbs are not well defined. Branch unions may be poor or faulty at the point of attachment. A section of the tree has failed, or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.

Failed: A significant section of the tree or the whole tree has failed.

10.3 Useful life expectancy (ULE)

- o Unsafe or 0 years



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- o Less than 5 years
- o 5 to 10 years
- o 10 to 20 years
- o 20 +

Useful life expectancy is approximately how long a tree can be retained safely and usefully in the landscape providing site conditions remain unchanged and the recommended works are completed.

It is based on the principals of safety and usefulness in the landscape and should not reflect personal opinions on species suitability.

Unsafe or 0 years: The tree is considered dangerous in the location and/or no longer provides any amenity value.

Less Than 5 years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is efficient space, or consideration should be given to the removal of the tree to facilitate replanting.

5 to 10 Years: The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.

10 to 20 Years: The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.

20 + Years: The tree under normal circumstances and without extra stress should be safe and of value of more than years. During this period, regular inspections and maintenance will be required.

10.4 Tree retention value

- o High
- o Moderate
- o Low
- o Neighbouring tree
- o Council Owned Tree

High: The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.

Moderate: The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may be entering the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.

Low: The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.

Neighbouring tree: The tree is located within an adjoining private property/land. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.

Council Owned Tree: The tree is located within Council owned land. The tree is to be protected unless written consent from the responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.



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10.5 Age

- Young
- Semi Mature
- Mature
- Senescent

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

10.6 Amenity value

- Very low
- Low
- Moderate
- High

Very Low: Tree makes little or no amenity value to the site or surrounding areas. In some cases the tree might be detrimental to the areas amenity value (e.g. unsightly, risk of weed spread)

Low: Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of surrounding areas. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.

Moderate: The tree makes a moderate contribution to the amenity of the site and/or may contribute to the amenity of the surrounding area.

High: The tree makes a significant contribution to the amenity value of the site, or the tree makes a moderate contribution to the amenity value of the larger landscape.

The amenity value rating considered the impact that the tree has on any neighbouring sites as being equally important to that supplied to the subject site. However, trees that contribute to the general area (e.g. streetscape) are given a greater weight.

10.7 Terms within tree data table

- DBH
- DAB
- CA1
- TPZ
- SRZ

DBH: Diameter at breast height (1.4m from ground level)

DAB: Diameter at base of tree

CA1: Circumference of trunk at 1m from ground level

TPZ: Tree Protection Zone

SRZ: Structural Root Zone

