

Agenda

Planning Committee Meeting

Wednesday, 18th April 2018

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

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John Nevins
Chief Executive Officer
Kingston City Council

community inspired leadership



City of
KINGSTON

**City of Kingston
Planning Committee Meeting**

Agenda

18 April 2018

Notice is given that Planning Committee Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Wednesday, 18 April 2018.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 24 January 2018

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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4.5	Amendment C157- Design and Development Overlay Foreshore and Urban Coastal Areas	
	Appendix 3	Legal Advice

4. Planning and Development Reports

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Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - MARCH 2018

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

Town Planning Application Decisions – March 2018

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

Author: Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of March, 2018.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	85	73
Notice of Decision	22	19
Refusal to Grant a Permit	2	2
Other - Withdrawn (5) - Prohibited (0) - Permit not required (0) - Lapsed (1) - Failure to Determine (1)	7	6
Total	116	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

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

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

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Agenda Item No: 4.2

KP16/1087 - 19 REEVE COURT, CHELTENHAM

Contact Officer: Andrew Stubbings, Senior Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. - 19 Reeve Court, Cheltenham.

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 Planning Permit to develop the land for the Construction of six (6) dwellings at 19 Reeve Court, Cheltenham, subject to the conditions contained within this report.

PLANNING OFFICER REPORT	
APPLICANT	Raft Properties Pty Ltd
ADDRESS OF LAND	No. 19 Reeve Court, CHELTENHAM 3192
PLAN OF SUBDIVISION REFERENCE	Lot 16 on Plan of Subdivision No. 021889
PROPOSAL	SIX (6) DWELLINGS
PLANNING OFFICER	Andrew Stubbings
REFERENCE NO.	KP-1087/2016
ZONE	Clause 32.08: General Residential Zone (Schedule 2)
OVERLAYS	N/A
OBJECTIONS	Eight (8)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Date stamped 06 February 2018
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Application KP-93/2016 – 21 and 23 Reeve Court, Cheltenham has been issued for the construction of thirteen (13) double storey attached dwellings. The site is currently clear of an vegetation or buildings ready for construction.



2.0 SITE PARTICULARS

- 2.1 The subject site is located on the west side of Reeve Court, Cheltenham. The allotment is irregular in shape with a frontage width of 12.19 metres, a maximum site depth of 38.40 metres resulting in an overall area of 714m². The topography of the land is relatively flat and appears to be devoid of any significant vegetation.

- 2.2 At present, the subject site is occupied by a single-storey brick veneer dwelling with an associated outbuilding (detached shed) and an in-ground swimming pool. The existing development on the land features a minimum front building setback of 8.09 metres from Reeve Court. Vehicle access to the site is currently available via a double-width crossover which is shared with the adjoining property at No. 21 Reeve Court.
- 2.3 No front fence exists along the length of the site's front property boundary. A Weeping Bottlebrush street tree is located within the adjoining road reserve.
- 2.4 A 1.83 metre wide easement is located adjacent to the site's rear (west) property boundary. There appear to be no restrictions registered on the Certificate of Title issued for the subject land.

3.0 SURROUNDING ENVIRONS

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



- 3.2 The surrounding area typically comprises of a combination of single dwellings on single allotments and more recent examples of medium density housing. The architectural style and built form of existing residential development in the surrounding area is highly varied, with older housing stock gradually being replaced with contemporary forms of housing. However, the majority of dwellings within Reeve Court feature front setbacks of at least 5.5 metres with reasonable side building setbacks. Most existing dwellings are of single-storey or double-storey construction. There is no predominant fencing style in the neighbourhood, however, it is noted that many of the residential properties within the Court feature no front fencing.

3.3 The subject site is located approximately 50 metres (as the crow flies) east of the Southland Shopping Centre which forms part of the Southland Principal Activity Centre. It is acknowledged, however, that the subject site is located outside of the Southland Principal Activity Centre Policy Area, pursuant to Clause 22.01 of the Kingston Planning Scheme. The land located on the eastern side of Chesterville Road is predominantly used for residential purposes in addition to a high prevalence of medical centres on the properties which are situated directly opposite the shopping centre. The surrounding residential area is well serviced by public transport, primary and secondary schools, community facilities and public reserves (including the Sir William Fry Reserve on the west side of Nepean Highway).

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

North (Side): No. 21 Reeve Court – A double-storey weatherboard clad dwelling exists on this property which is setback 6.32 metres from the street. Recent planning approval has been issued by Council at the direction of the Victorian Civil & Administrative Tribunal (VCAT) to allow for this site and that at No. 23 Reeve Court to be developed for thirteen (13) double-storey dwellings of attached construction with basement car parking.

West (Rear): No. 42, No. 44 & No. 46 Chesterville Road – The land referred to as No. 42 Chesterville Road has been developed for two (2) dwellings whilst the properties known as No. 44 & No. 46 Chesterville Road are occupied by a single dwelling only.

South (Side): No. 17 Reeve Court – A single-storey rendered brick dwelling with an attached car garage exists on this property which features a minimum front building setback of 5.75 metres from the street.

East (Front): Road and No. 22 Reeve Court (Opposite) – A single-storey weatherboard clad dwelling occupies this property and features a minimum front building setback of 12.13 metres from Reeve Court.

3.5 Public Open Space Strategy. The site is located within 4A – Local Area, Cheltenham (North and Central. A summary of the open space provision ‘

“This area is not well serviced with access to open space; it is in open space shortfall and is predicted to be inadequately served with open space in 2031. There are four small, neighbourhood playgrounds, each of which only serve immediate neighbourhoods and the south western section of the area is more than 400 to 500 metres away from a playground. There is one social family recreation space at Le Page Park and there should be a focus on ensuring that Le Page Park is the hub of the precinct catering for all age groups and accessibility. Sporting activities are catered for at Le Page Park and Keys Road Reserve (as well as Cheltenham Secondary College)”.

If the development is approved, the future subdivision of land will require a 5% public open space contribution fee that will assist in enhancing Le Page Park as the play hub for the local area.

4.0 PROPOSAL

4.1 It is proposed to develop the subject land for six (6) double-storey dwellings of attached construction with basement car parking, generally in accordance with the amended plans received by Council on the 06 February 2018. The existing dwelling and associated outbuilding would be demolished as a part of this application.



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

Dwelling No.	No. of Bedrooms	Total Floor Area (m²)	Total Private Open Space Area (m²)	No. of Car Parking Spaces
1	2	108	32	1
2	2	98	25	1
3	2	98	25	1
4	2	89	30	1
5	2	100	10	1
6	2	95	10	1

4.3 A total of seven (7) on-site car parking spaces would be provided within a basement car parking area on this site, including the provision of one (1) dedicated visitor car spaces. All vehicle access would be provided via the existing crossover (to be marginally widened) at Reeve Court. Separate pedestrian access would be provided via a pathway located adjacent to north-east side of the proposed development.

4.4 External building materials for the proposed residential building would comprise of a combination of face brickwork (colour not specified – earthy tone), horizontal cladding (details not specified), rendered finish to cladding (Dulux “Surfmist” and Dulux “Woodland Grey”) with Colorbond metal sheet roof cladding (Colorbond “Woodland Grey”).

4.5 A 1.2 metre high timber picket fence would be erected along the southern-most section of the site's front property boundary and return along the length of the southern edge of the proposed basement car park ramp.

4.6 The proposal has an overall site coverage of 59.5%, permeability of 24% and Garden Area of 35.4%.

5.0 PLANNING PERMIT PROVISIONS

Zone

5.1 General Residential Zone (Schedule 2): Pursuant to Clause 32.08 of the Kingston Planning Scheme, a planning permit is required to construct or extend a residential building. 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.

Overlays

5.2 Not applicable.

Particular Provisions

5.3 Clause 52.06 – Car Parking contains the following residential car parking rates:

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

This equates to a parking requirement of seven (7) car spaces (including the provision of one visitor space) for the proposed development. A total of seven (7) on site car parking spaces would be accommodated within the proposed basement car parking area, including provision of a single dedicated visitor car parking space.

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

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

General Provisions

5.5 The Decision Guidelines of Clause 65 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 State Planning Policy Framework (SPPF)

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

6.2 Local Planning Policy Framework (LPPF)

Clause 21.05 Residential Land Use
Clause 22.11 Residential Development Policy

6.3 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within *Area No. 8* of the Neighbourhood Character Guidelines.

6.4 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

7.0 ADVERTISING

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining one (1) public notice on the site for fourteen (14) days. The advertising process was satisfactorily completed and eight (8) objections were received to the proposal (including six (6) duplicate copies of the same submission).

7.2 The main grounds of objection are, as follows:

- Car parking;
- Overshadowing;
- Neighbourhood character;
- Visual bulk;
- Density;
- Construction Management; and
- History with VCAT Approval for No. 21-23 Reeve, Court.

8.0 PRELIMINARY CONFERENCE MEETING

8.1 A Planning Consultation Meeting was held on the 31st August, 2017, with a Planning Officer, the Permit Applicant/Representative, a Ward Councillor and three (3) 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 all of the objections still stand.

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

9.1 A section 57A amendment was lodged with Council and date stamped 06 February 2018 and circulated to all objector and Ward Councillors. The following response was provided by the applicant:

“In consideration of the applicable planning policy framework to this site, recent determinations of the Victorian Civil and Administrative Tribunal and discussions with adjoining properties, please find enclosed an application to amend the existing planning permit application under consideration.”

We confirm the following amendments/clarifications for Councils consideration of this matter:

- *Confirmation of the proposed development complying with the relevant Garden Area of requirements of the General Residential Zone of the Kingston Planning Scheme, provided on Sheet TP02, noting that 35.4% of the site be considered to be Garden Area.*
- *Updated notation on the submitted drawings to confirm that the existing street tree within the Reeve Court road reserve is to be retained, with the crossover designed to ensure that the tree will not be impacted on.*
- *With respect to the boundary fence on the southern boundary of the site, following detailed discussions with the owner of the dwelling at 17 Reeve Court, we confirm that the southern boundary of the site will be treated with a boundary fence detailed as follows:*
 - *Total height 2.4 metres, consisting of 2 x 150mm plinths at the base of the fence, 1.8m timber paling fence, with 300mm trellis on top.*
 - *The overshadowing diagrams have been reviewed and detailed on the plans to highlight the degree of potential overshadowing cast by the proposed development and how it will relate to surrounding properties. The updated shadow diagrams ensures that the property to the south will maintain 40sqm of private open space free of shadow throughout all periods of the day on September 22.*
- *With respect to the proposed street setback to Reeve Court, we confirm that the proposed development will be setback a minimum distance of 7.1 metres at ground floor level, with the upper level of the development setback a minimum of 4.9 metres from the street frontage to the edge of the balcony for Unit 6. We provide the following information to support the proposed front setback of this development.*
 - *The properties to the south of the site along Reeve Curt are setback in the order of 5.2 metres from their lot frontages which creates a prevailing character of setbacks along the western side of Reeve Court.*
 - *The relationship of the application site, and the proposed development on the site, ensures that any development on this land will not sit out of character with the setbacks in the street, with the proposed development being designed to not protrude forward of the predominant building in the street.*
 - *The application site is located at the commencement of the court bowl which impacts on the technical setback of the proposed development, however that doesn't accurately represent how the developments sits in the streetscape.*
 - *The proposed development demonstrates a consistency of setback with the approved and endorsed development on the property to the north of the application site.*
 - *As the site is identified as being located within the medium density housing area of the Southland Principal Activity Centre where the contemplation of reduced street setbacks form part of the local policy direction.*

- *That the proposed street setback allows for the provision of appropriate landscaping, including trees, to ensure that the desired increased in residential density is able to also able to deliver of the landscape policy outcomes sought”.*

10.0 REFERRALS

10.1 The application was referred (and re-referred, where necessary) to the following internal departments:

- Council’s Roads and Drains Department – no objection, subject to standard permit conditions.
- Council’s Traffic Engineering Department – no objection, will all initial requirements now satisfied with the revised plans.
- Council’s Vegetation Management Officer / Street Trees – no objection, subject to the retention of the existing street tree.
- Council’s Urban Designer fully supports the proposal in its amended form, refer to section 12 for further assessment.

10.2 The application was not required to be referred to any external authorities, pursuant to Clause 66.02 of the Kingston Planning Scheme.

11.0 PLANNING CONSIDERATIONS:

State 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 ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **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 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.*

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- 11.3 **Clause 11.01-2** 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 13** (Environmental Risks) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 11.5 **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 **Clause 15.03-2** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.7 The Subject Land is **not** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.8 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.
- 11.9 The policies contained within Clause 16.01-4 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.
- 11.10 Policies pertaining to urban design, built form and heritage outcomes are found at Clause 15 of the State Planning Policy Framework. Of particular significance, Clause 15.01 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 promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.11 It is submitted that the proposed development satisfies the afore-mentioned 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.*
 - *To recognise and response to special housing needs within the community.*
- 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 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

Zoning Provisions

11.18 The mandatory requirement for the provision of minimum garden areas associated with new dwellings and/or residential buildings under Clause 32.08-4 of the Scheme is not applicable to this application, as it was lodged prior to the introduction of Amendment VC110 on the 27th March, 2017.

Overlay Provisions

11.19 Not applicable.

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 following assessment gives further discussion to that in the attached appendix, particularly those standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions with a number of variations sought. Three (3) of the thirty-three (33) ResCode standards are sought to be varied, with the remaining thirty (30) standards satisfied by the proposal.

Standard B1 – Neighbourhood Character

One of the key objectives of Clause 55.02-1 is “to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area”. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.

The subject site is located within a predominately residential area where medium density housing is becoming increasingly prevalent, due to the area being located within close proximity to the Southland Principal Activity Centre. The surrounding area is also provided with good access to the existing public transport network, an established medical centre precinct on the east side of Chesterville Road, local schools, public facilities, etc. Given that the property is larger than most “typical” residential allotments in the surrounding area, it clearly has the capacity to accommodate a more intensive form of residential development on the subject site.

It is also acknowledged that the upper floor level areas of the four (4) double-storey dwellings at the rear (west) of the site would be graduated in height and should minimise the perception of height and building mass, with particular regard to the adjoining interface with the existing residential properties at No. 42, No. 44 & No. 46 Chesterville Road. Further, it is considered that the built form characteristics associated with the new development are reflective of recent examples of medium density housing within this part of Cheltenham where multi-storey construction is becoming prevalent.

Of particular note, the Victorian Civil & Administrative Tribunal (VCAT) issued an order on the 30th May, 2017, directing Council to issue a Planning Permit for the development of the subject site for thirteen (13) dwellings with basement car parking over the two (2) adjoining allotments referred to as No. 21 & No. 23 Reeve Court. One of the main grounds of concern raised through the objections referred to this case and that the current application would give rise to similar issues relating to neighbourhood character. It is important to acknowledge, however, that one of the key factors in the Tribunal’s determination (under Paragraph 36) states that “*given the location of the site and its status in a housing diversity area, it is difficult to expect this existing character to stay and not evolve, despite respondents from Reeve Court placing high value on the current low density nature of the street*”. Council officers also concur that it is reasonable to expect some degree in intensification of housing development within Reeve Court given its close proximity to Southland Shopping Centre.

Councils Urban Designer provides the following assessment “The proposal is generally supportable in urban design terms. Given recent approval (granted by the tribunal) next door at 21-23 Reeve Street, which is larger and in every other way similar to the proposal, it is considered that the nature and scale of this proposed development is acceptable in this location.

In terms of neighbourhood character, the neighbouring approval would ensure that the proposal is a comfortable fit in an emerging medium density precinct and streetscape. In the event that this approval is not constructed, the narrow opening of the subject site and modest streetscape presentation will mean that the proposal is a comfortable fit in the existing streetscape and any future permutation.

The streetscape presentation itself is undoubtedly compromised by the narrow opening to the street but the ultimate design response is appropriate, considering the large amount of the frontage which is given over to meaningful landscape. The residential sense of address, while somewhat dominated by the vehicular access arrangements, is suitably announced a framed gate and established hierarchy of garden paths leading from the main entrance to individual entrances.

With regard to internal amenity, it is expected that individual dwellings achieve reasonable levels of daylight, cross ventilation and outlook, given the placement of uses and rooms within dwellings with regard to similar neighbouring uses. For instance, the 2 dwellings addressing the street feature 'reverse living' conditions with bedrooms at the ground floor and living rooms at the first floor overlooking the street. While the rear of the site has 4 dwellings with living at the ground floor with private courtyards to the rear.

The proposed development is supported in urban design terms and the planning application is recommended for approval”.

Accordingly, the design and siting of the proposed development should not unduly affect the directly adjoining residential properties to the subject land and, as such, offers a good planning outcome for the site.

Standard B17 – Side & Rear Setbacks

The objective of this Standard is “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”.

Based on the requirements under this Standard, a new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1.0 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.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this Standard.

The considered plans show that the minimum side first floor level setback of the development from the site’s northern boundary would only be 1.80 metres, whereas a minimum building setback of 1.84 metres is required under this Standard (based on the proposed wall height of 6.0 metres).

The Design Guidelines for this Standard require the Responsible Authority to consider the design response, including the impact of the reduced building setbacks on the amenity of existing habitable room windows or secluded private open space areas within adjoining properties. A variation to the minimum side (north) building setback requirements under this Standard is considered reasonable in this instance as parts of the development to encroach within the respective setback area would comprise of a 8.3 metre long section of wall, with most parts of the upper floor levels to be setback in excess of the minimum technical requirements. As such, a reduction in the nominated side building setback should not result in any unreasonable amenity impacts to the existing dwelling at No. 21 Reeve Court.

Accordingly, a variation to this Standard is considered reasonable and warrants support in this instance.

Standard B28 – Private Open Space

The objective of this Standard is “to provide adequate private open space for the reasonable recreation and service needs of residents”.

Under this Standard, it is stated that “each dwelling should have a private open space area of 40 square metres with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3 metres, a minimum area of 25 square metres and convenient access from a living room”. It is noted that the private open space areas nominated for Dwellings 1 to 4 would range in size from a total area of 25m² to 32m², falling short of the minimum requirement of 40m². A variation to this Standard is considered reasonable with respect to this application given that each of the proposed courtyard areas nominated for the respective dwellings would be orientated to received good solar access from the north (side) and feature a minimum dimension exceeding 3.0 metres.

Accordingly, the location and dimension of each respective secluded private open space area is considered to satisfy the objective of this Standard.

Standard B34 – Site Services

The key objective of this Standard is “to ensure that site facilities are accessible, adequate and attractive”.

The submitted plans omit details of the provision of a mail box for each dwelling. This could be satisfactorily addressed through the inclusion of a suitable condition on any permit issued for the proposal.

12.3 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston’s MSS and Residential Development Policy has been provided at Section 11.2 of this Report, with the proposal found to be generally consistent with the relevant policies.

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

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 The Objector’s concerns have largely been addressed in the attached *Appendix A* and, where necessary, further elaborated on in the assessment above.

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; and
- A suitable level of compliance with all relevant policies, including Clause 52.06 (Car Parking) and 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 six (6) dwellings with basement car parking and associated works at No. 19 Reeve Court, 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 plans date stamped 06 February 2018, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and , with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the responsible Authority and incorporating:
 - ii. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iii. 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.
 - iv. 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
 - v. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - vi. a range of plant types from ground covers to large shrubs and trees provided at adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vii. the provision of one (1) medium native canopy tree within the front setback of the property that is capable of reaching at least 10 metres in height with a canopy spread of 5 metres at maturity;
 - viii. the provision of one (1) small native canopy tree within the front setback of the property that is capable of reaching at least 6 metres in height with a canopy spread of 4 metres at maturity
 - ix. the provision of one (1) medium tree within the private open space of Units 1, 2, 3 and 4 that is capable of reaching at least 8 metres in height with a canopy spread of 4 metres at maturity; and

- x. all trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xi. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - xii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xiii. The location of any tree protection measures including for street trees accurately drawn to scale and labelled; and
- b. the provision of a 1800mm high timber paling fence to be erected along the entire length of the site's south (side) property boundary, at the Owner/Developer's expense;
 - c. the provision of a communal mail box area, located directly adjacent to the site's street frontage;
 - d. the provision of security lighting adjacent to the basement access ramp and the pedestrian pathway on the northern side of the proposed development;
 - e. the internal driveway must at least 500mm from the side boundary at the site's front property boundary;
 - f. the provision of a Waste Management Plan (WMP) to be submitted to and approved to the satisfaction of the Responsible Authority, in accordance with Condition 7;
 - g. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - h. the location of all external heating and/or cooling units for the proposed dwellings;
 - i. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development; and
 - j. convex mirror or stop/go lights for traffic management at entry point of basement ramp.

Endorsed Plans

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

Landscaping Conditions

- 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. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Street Trees

5. Tree Protection Fencing is to be established around the *Callistemon salignus* (Weeping Bottlebrush) street tree 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.

Construction Management

6. 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.

Waste Management Plan

7. Prior to the commencement of the Development, 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 all to the satisfaction of the Responsible Authority:
 - 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 whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Environmentally Sustainable Design (ESD)

8. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an improved ESD report prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed as evidence of its approval and will then form part of the Permit and shall thereafter be complied with to the satisfaction of the Responsible Authority. The ESD report must include, but is not limited to, how the development will achieve a minimum 5 star and average 6 star energy rating, detailed initiatives for stormwater harvesting, insulation, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation, energy efficient concepts, waste and recycling, building materials, glazing and internal/ cross-flow ventilation and the like where appropriate and relevant to the satisfaction of the Responsible Authority.

Drainage and Water Sensitive Urban Design

9. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 9a, 9b & 9c, above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
10. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 6.4L/s.

- c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
- 11. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
- 12. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 11 and constructed to the satisfaction of the responsible authority.

Parking and Traffic Management

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

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

Infrastructure and Road Works

- 14. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Reeve Court and all internal driveways must align with the existing/proposed vehicle crossing.
- 17. 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.
- 18. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.

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19. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
21. The proposed double vehicle crossing must be constructed to Council's industrial strength specifications.
22. All front and side fences must be constructed wholly within the title property boundaries of the subject land.

General amenity conditions

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 be concealed from the street, unless with the further written consent of the Responsible Authority.
24. 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.
25. 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.

Lighting

26. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land, to the satisfaction of the Responsible Authority.

Completion of Works

27. Prior to the occupation of each dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
28. Prior to the occupation of each dwelling hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
29. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

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

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

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

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

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

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

Note: Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.

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

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

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

1. The proposal fails to comply with relevant state and local planning policies contained within Kingston Planning Scheme.
2. The proposal results in excessive visual bulk, massing to the detriment of the local neighbourhood character.
3. The proposal fails to achieve adequate amenity for future residents.

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme

Two or More Dwellings on a Lot and Residential Buildings (Clause 55 and Schedule 2 to the General Residential Zone).

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	Complies. Refer to Section 12 of this report for further discussion.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	The proposal is considered to be consistent with all relevant sections of the SPPF, LPPF (including Council's MSS) and local planning policies, namely Council's Residential Development Policy under Clause 22.11 of the Kingston Planning Scheme. The subject site is located within an area targeted for "increased housing diversity" and is located just outside of the Southland Principal Activity Centre policy area (being Clause 22.01 of the Scheme).
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	Less than ten (10) dwellings proposed.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Complies. It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations. A 1.83 metre wide easement is located adjacent to the site's west (rear) property boundary.
<p>B5 Integration with the Street Integrate the layout of development with the</p>	Yes	Complies. The proposed development would be

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Title and Objective	Complies with Standard?	Requirement and Proposed
street		orientated towards Reeve Court. No high front fencing is proposed.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<p>The proposed development would feature a minimum ground floor front building setback of 7.02 metres, which exceeds the minimum requirement of 6.95 metres based on the technical requirements of this Standard. However, the upper level is setback a minimum of 4.9 metres from the street frontage being the area of non compliance. This area of non compliance is justified by:</p> <ul style="list-style-type: none"> - The proposed development demonstrates a consistency of setback with the approved and endorsed development on the property to the north of the application site. - As the site is identified as being located within the medium density housing area of the Southland Principal Activity Centre where the contemplation of reduced street setbacks form part of the local policy direction. - That the proposed street setback allows for the provision of appropriate landscaping, including trees, to ensure that the desired increased in residential density is able to also able to deliver of

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Title and Objective	Complies with Standard?	Requirement and Proposed
		the landscape policy outcomes sought. The proposal is considered to comply with the objective.
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9.0 metres (under the GRZ2). Proposed: 7.48 metres above natural ground level (maximum). Complies.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 60% Proposed: 59.5% Complies.
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 24% Complies.
B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	Complies. The orientation and layout of the proposed development should make good use of daylight and solar energy.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	Yes	Complies. The proposed communal open space areas would be well integrated into the layout of the new dwellings.
B12 Safety Layout to provide safety and security for residents and property.	Yes	Complies. The layout and design of the proposed development would promote a sense of safety and security for the likely residents.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. 	Yes	Complies. No significant vegetation removal is proposed. Conditional consent has been offered to the proposal which includes a requirement for the retention of the existing Weeping Bottlebrush street tree.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<ul style="list-style-type: none"> The retention of mature vegetation on the site. 		
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	Complies. The existing crossover at Reeve Court would be retained (but marginally widened) to provide vehicle access to the proposed basement car parking area.
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	Complies. Each dwelling would be provided with convenient and accessible car parking within the proposed basement car parking area.
B16 (Parking Provision) no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.		
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	No (part)	<p><u>Ground Floor - Required</u> East (Front): N/A (frontage) North (Side): Up to 200mm or 1.0 metre. West (Rear): Up to 200mm or 1.0 metre. South (Side): Up to 200mm or 1.0 metre. <u>First Floor - Required</u> East (Front): N/A (frontage) North (Side): 1.84m. West (Rear): 1.73m. South (Side): 2.03m.</p> <p><u>Ground Floor - Proposed</u> East (Front): N/A (frontage) North (Side): 0m. West (Rear): 3.09m. South (Side): 1.0m.</p> <p><u>First Floor – Proposed</u> East (Front): N/A (frontage) North (Side): 1.80m. West (Rear): 4.30m. South (Side): 2.50m.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
		Does not comply – variation required. Refer to Section 12 of this report for further discussion.
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p>Maximum: 10 metres plus 25% of the remaining length on any property boundary.</p> <p>Complies. A maximum total wall length of 17.0m is to be constructed along the site's northern boundary, resulting in not more than 10m + 25% of the remaining boundary length. The maximum average wall height is also nominated as 2.96m above the natural ground level.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	Complies. All existing habitable room windows would be located more than 1.0 metre from any wall associated with the proposed development.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	<p>Complies. The south-facing wall associated with the proposed development would be setback in accordance with the technical requirements of this Standard, which include a minimum building setback of 1.0 metre from the site's southern boundary. Whilst the Objector from No. 17 Reeve Court has expressed concern regarding loss of natural daylight to three (3) bedrooms along the northern side of their dwelling, it is considered that the proposal's compliance with the Standard should ensure that the existing level of amenity should not be unreasonably affected.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>Complies. The amount of additional shadowing likely to be generated by the proposed residential building onto the adjoining properties falls within the maximum allowed under this Standard. Given the east/west orientation of the subject site and the nominated building setbacks, the level of overshadowing generated by the proposal should not be excessive. This is further demonstrated through the provision of at least 5 hours of sunlight for a minimum area of 40m² between 9am and 3pm for the directly adjoining properties (namely that to the south at No. 17 Reeve Court).</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>Complies. The proposed dwellings should not generate any unreasonable overlooking opportunities into any existing habitable room windows or secluded private open spaces areas on the adjoining properties located within a horizontal distance of 9.0 metres. It is, however, recommended that a new 1800mm high boundary fence be erected along the length of the site's southern boundary. This should (in part) address the Objector's concerns regarding overlooking from the ground level habitable room windows of Dwellings 4 and 5.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Complies. It is unlikely that any internal overlooking would be generated by the proposal.
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	Complies. A condition of any permit issued for the proposal should require details of the location of any external heating and/or cooling units associated with the proposed development.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	Complies. The design and layout of the proposed development appears to have considered the needs of persons with limited mobility.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	Complies. The entry area of the new dwellings would be identifiable from Reeve Court (Dwellings 5 & 6) and via a pedestrian pathway (Dwellings 1, 2 3 & 4).
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	Complies. Each new habitable room window would be provided with a minimum 1.0 metre clearance to the sky.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	No	<p>Required: An area of 40m², with one part of the POS to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 40m², a minimum dimension of 3.0 metres and convenient access from a living room.</p> <p>Does not comply – variation required. Refer to Section 12 of this report for further discussion.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	Yes	Complies. Each secluded private open space area would feature direct solar access to the north (side).
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	Complies. A minimum 6m ³ storage area is nominated for each dwelling and located within the basement car parking area.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	Complies. The proposed development is consistent with the evolving residential character associated with existing housing stock located on the periphery of the Southland Principal Activity Centre. It is also in-line with the recent planning approval issued for No. 21-23 Reeve Court for 13 dwellings. The design and siting of the proposal ensures that the development should not adversely affect the amenity of the surrounding properties. It is noted that the use of varied external building materials associated with each dwelling would be varied and should minimise any visual bulk generated by the proposed double-storey high development. Furthermore, the location of a full basement car parking area would ensure that the on-site facilities do not dominate the streetscape character of this section of Reeve Court.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Note: Schedule 2 to the General Residential Zone includes a variation to this Standard.</p>	Yes	Complies. A 1.2 metre high timber picket fence would be constructed along the southern section of the site's front property boundary.
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	Complies. No likely future body corporate management difficulties are envisaged with the proposed development. However, it is considered that a condition of any permit issued should require the provision of security lighting along the basement car parking area and adjacent to the proposed pedestrian pathway.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	No	Does not comply. Refer to Section 12 of this report for further discussion.

Appendices

Appendix 1 - 19 Reeve Court, Cheltenham - Council Plans (Ref 18/47209) [↓](#)

Author/s: Andrew Stubbings, Senior Planner
Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

4.2

KP16/1087 - 19 REEVE COURT, CHELTENHAM

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TOWN PLANNING

#	AMENDMENT	DATE
A	BRI	05.02.2017
B	COUNCIL RFL	05.03.2017
C	PLANNING PERMISSION	05.03.2017
F	AMENDMENTS	01.11.2017

PROJECT
19 REEVE CRT, CHELTENHAM

DRAWING
COVER SHEET

Consultants must verify all dimensions on site before commencing any work or preparing shop drawings.

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CHECKED BY DATE
DRAWN BY DATE
SCALE
SCALE
AUTHOR
SQA



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DRAWING NO.
TP00
REV.
F



FRONT VIEW

DRAWINGS LIST

- TP01 NEIGHBOURHOOD & SITE DESCRIPTION
- TP02 DESIGN RESPONSE PLAN
- TP03 SHADOW DIAGRAMS
- TP04 BASEMENT FLOOR PLAN
- TP05 GROUND FLOOR / SITE PLAN
- TP06 FIRST FLOOR PLAN
- TP07 ELEVATIONS & SCHEDULE OF EXTERNAL FINISHES
- TP08 PARKING TURNING CIRCLES

**MULTIUNIT DEVELOPMENT AT
19 REEVE CRT, CHELTENHAM**

TOWN PLANNING

AMENDMENT	DATE
A	03.02.2017
B	05.03.2017

BY	COUNCIL BFI
FOR	19 REEVE COURT, CHELTENHAM

NEIGHBOURHOOD & SITE DESCRIPTION

CONTRIBUTOR'S NAME: FINNIS ARCHITECTS

CONTRIBUTOR'S CONTACT: 01242 850111

CONTRIBUTOR'S ADDRESS: FINNIS ARCHITECTS, 19 REEVE COURT, CHELTENHAM, GLOS, GL51 6AA

CONTRIBUTOR'S PHONE: 01242 850111

CONTRIBUTOR'S EMAIL: info@finnisarchitects.co.uk

CONTRIBUTOR'S WEBSITE: www.finnisarchitects.co.uk

CONTRIBUTOR'S REFERENCE: 19 REEVE COURT, CHELTENHAM

CONTRIBUTOR'S REFERENCE: 19 REEVE COURT, CHELTENHAM

CONTRIBUTOR'S REFERENCE: 19 REEVE COURT, CHELTENHAM

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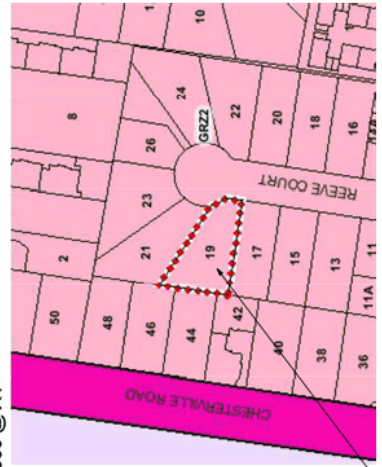
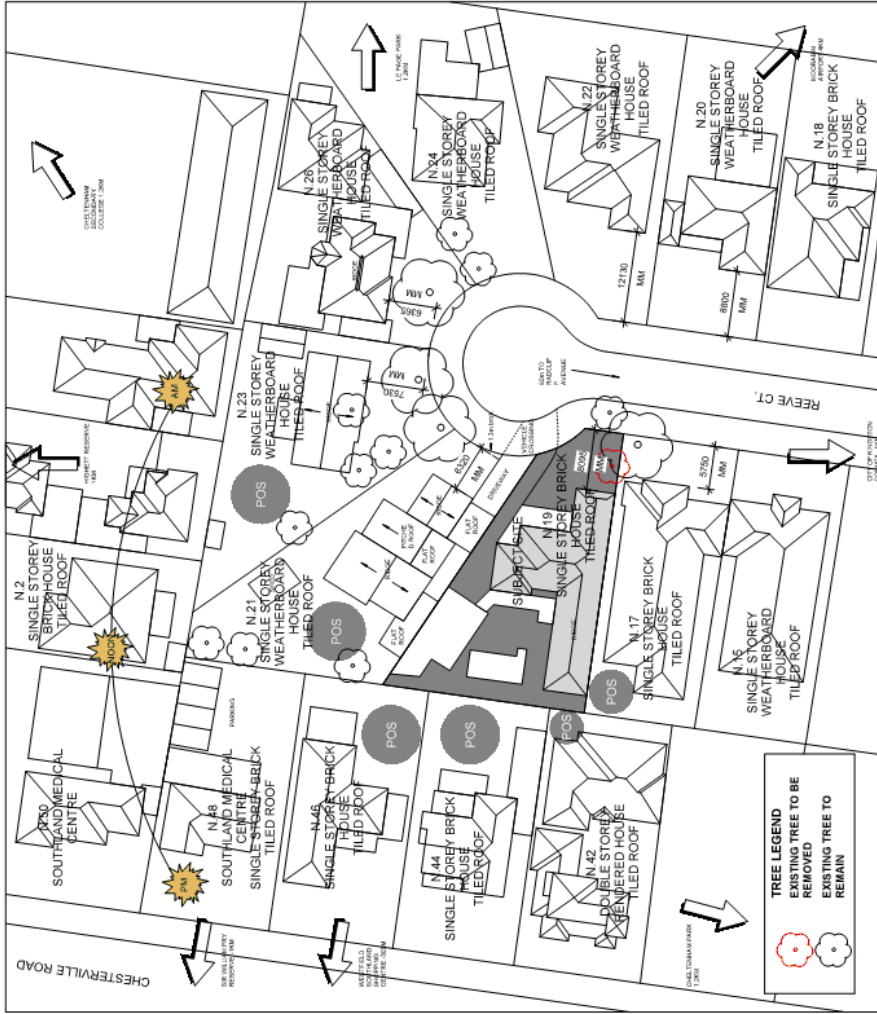
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CONTRIBUTOR'S REFERENCE: 19 REEVE COURT, CHELTENHAM

CONTRIBUTOR'S REFERENCE: 19 REEVE COURT, CHELTENHAM



TP01
REV: B



NEIGHBOURHOOD & SITE DESCRIPTION PLAN 1:300 @ A1

GR22 OF KINGSTON PLANNING SCHEME

SUBJECT SITE

AERIAL PHOTO



No. 17 REEVE CT. SINGLE STOREY WEATHERBOARD HOUSE WITH PITCHED TILED ROOF



No. 21 REEVE CT. DOUBLE STOREY WEATHERBOARD WITH PITCHED TILED ROOF. SUBJECT SITE



No. 24 REEVE CT. DOUBLE STOREY RENDERED HOUSE WITH PITCHED TILED ROOF



No. 25 REEVE CT. SINGLE STOREY WEATHERBOARD WITH PITCHED TILED ROOF



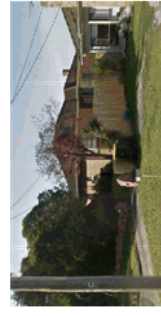
No. 14 REEVE CT. SINGLE STOREY WEATHERBOARD HOUSE WITH PITCHED TILED ROOF



SUBJECT SITE - No. 19 REEVE CT. SINGLE STOREY BRICK HOUSE WITH PITCHED TILED ROOF



No. 23 REEVE CT. SINGLE STOREY WEATHERBOARD WITH PITCHED TILED ROOF.



No. 24 REEVE CT. SINGLE STOREY BRICK HOUSE WITH PITCHED TILED ROOF

PHOTO REPORT



TOWN PLANNING

#	AMENDMENT	DATE
A	BRI	05.03.2017
B	COUNCIL REF.	05.03.2017
C	CONSENTS/NOTES	19.03.2017
D	CONSENTS/NOTES	20.03.2017
E	AMENDMENTS	20.03.2017

PROJECT: 19 REEVE CRT, CHELTENHAM

TITLE: DESIGN RESPONSE PLAN

DESIGNER: FINNIS ARCHITECTS

CONTRACTOR: [blank]

DATE: [blank]

SCALE: [blank]

AUTHOR: [blank]

DATE: [blank]



DATE: [blank]

SCALE: [blank]

AUTHOR: [blank]

Finnis Architects

72 Sturges Street, Abchurch Lane, LONDON
E1 6AN
P: +44 (0)20 7460 1111 F: +44 (0)20 7460 1112

DRAWING NO: TP02

REV: E

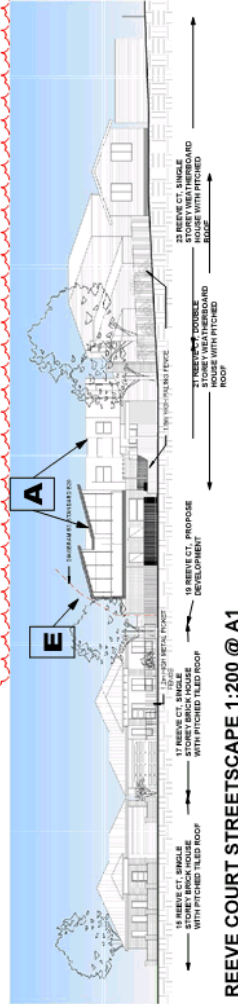


DESIGN RESPONSE - FIRST FLOOR PLAN 1:200 @ A1
 *garden area shown in red diagonal hatch pattern = 253m²



PROPOSED DEVELOPMENT SITS COMFORTABLY WITHIN STREET SETBACKS

NOTE:
 DESIGN RESPONSE PLAN TO BE READ IN CONJUNCTION WITH ARCHITECTURAL DRAWINGS & PLANNING ASSESSMENT



REEVE COURT STREETScape 1:200 @ A1

DESIGN RESPONSE KEY

- A** IT IS PROPOSED TO CONSTRUCT 6 DOUBLE STOREY TOWNHOUSES ABOVE THE COMMON BASEMENT CARPARK
- B** THE PROPOSED DESIGN PROVIDES TWO SEPARATE COMMON ACCESSES FROM REEVE CRT, A PEDESTRIAN ACCESS AT GROUND FLOOR LEVEL AND AN ACCESS RAMP TO THE BASEMENT CARPARK. 6 CAR SPACES ARE PROVIDED FOR THE RESIDENTS AND 1 CAR SPACE DESIGNATED FOR VISITORS.
- C** AN INTERNAL COURT IS PROPOSED TO PROVIDE A DIRECT ACCESS AND LIGHT TO EACH DWELLING WITH THE COMMON STAIRS TO BASEMENT.
- D** EACH DWELLING HAS AN ADEQUATE PRIVATE OPEN SPACE ACCESSIBLE FROM THE LIVING AREA. DWELLINGS 1, 2, 3 & 4 HAVE PRIVATE OPEN SPACE AT GROUND FLOOR LEVEL AND DWELLINGS 5 & 6 HAVE OPEN SPACE ON BALCONIES DUE TO REVERSE LIVING AREA.
- E** THE REAR AND SIDE SETBACKS ARE DESIGNED TO RESPOND TO THE SITE IMMEDIATE ADJUTALS AND TO AVOID THE NEGATIVE IMPACTS TO THE ADJUTING PROPERTIES. THE SIDE SETBACK OF SOUTHERN ELEVATION IS RESPONSIVE TO STANDARD B20 TO PROVIDE SOLAR ACCESS FOR WINDOWS OF 17 REEVE CRT.
- F** SITE FACILITIES ARE PLACED IN ACCORDANCE WITH COUNCIL PRACTICE AND AUSTRALIA POST REQUIREMENTS. THE WASTE COLLECTION ROOM IS PLACED AT BASEMENT FLOOR WITH EASY ACCESS FOR COLLECTION VEHICLES IN ACCORDANCE WITH THE WASTE MANAGEMENT PLAN.
- G** THE PROPOSED BUILDING HEIGHT COMPLIES WITH THE REQUIREMENTS OF THE GENERAL RESIDENTIAL ZONE, SCHEDULE 2 OF THE KINGSTON PLANNING SCHEME.
- H** THE ADEQUATE STORAGE SPACES ARE PROVIDED FOR EACH UNIT AT THE BASEMENT LEVEL. DIRECT INTERNAL ACCESS FROM BASEMENT IS PROVIDED FOR ALL DWELLINGS
- I** THE ARCHITECTURAL APPEARANCE OF THE BUILDING IS ARTICULATED THROUGH THE USE OF A MIXTURE OF DIFFERENT ARCHITECTURAL ELEMENTS AND MATERIALS SUCH AS SHADING AWNINGS, BALCONIES, SKILION ROOFS, ENTRY CANOPIES AND PRIVACY SCREENS

DEVELOPMENT SUMMARY

Unit No	1	2	3	4	5	6
Ground floor	72m ²	47m ²	47m ²	55m ²	51m ²	46m ²
First floor	36m ²	51m ²	51m ²	34m ²	49m ²	49m ²
Total	108m ²	98m ²	98m ²	89m ²	100m ²	95m ²
P.O.S.	32m ²	25m ²	25m ²	30m ²	10m ²	10m ²
Balcony						
Storage	20.5m ²	20m ²	20m ²	16m ²	12m ²	16m ²

SITE COVERAGE

SITE AREA	714m ²
SITE COVERAGE	425m ² (59.5%)
PERMEABILITY	172m ² (24.0%)
GARDEN AREA	253m ² (35.4%)

TOWN PLANNING

AMENDMENT	DATE
A	03/02/2017
B	05/03/2017
C	07/06/2017
D	07/06/2017
E	07/06/2017
F	01/11/2017

PROJECT:
19 REEVE CRT, CHELTENHAM

DATE:
20/02/2016

SCALE:
1:500

DATE:
01/11/2017

SCALE:
1:200

DATE:
01/11/2017

CONTRIBUTOR'S NAME:
FINNIS ARCHITECTS

CONTRIBUTOR'S ADDRESS:
72 BRIMLEY STREET, ABBOT PARK, GLOS, GLOUCESTERSHIRE, GL50 2JF

CONTRIBUTOR'S PHONE:
01453 584120

CONTRIBUTOR'S FAX:
01453 589222



CREATED ON DATE:
20/02/2016

SCALE:
1:500

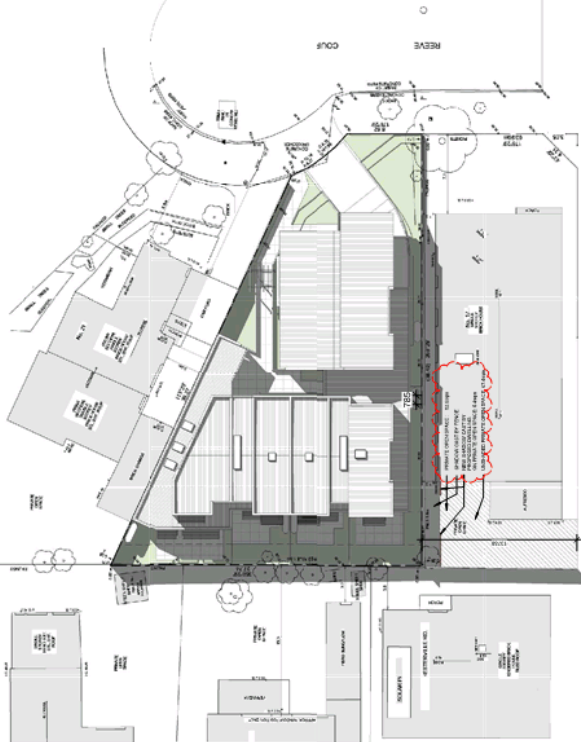
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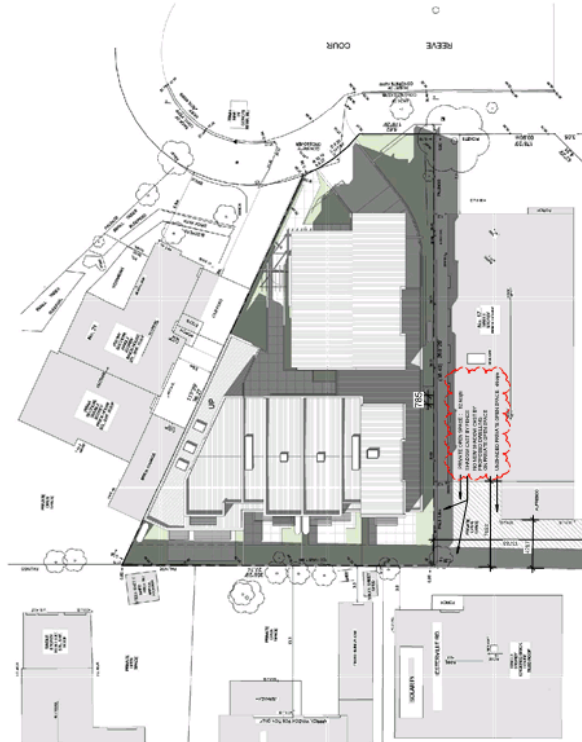
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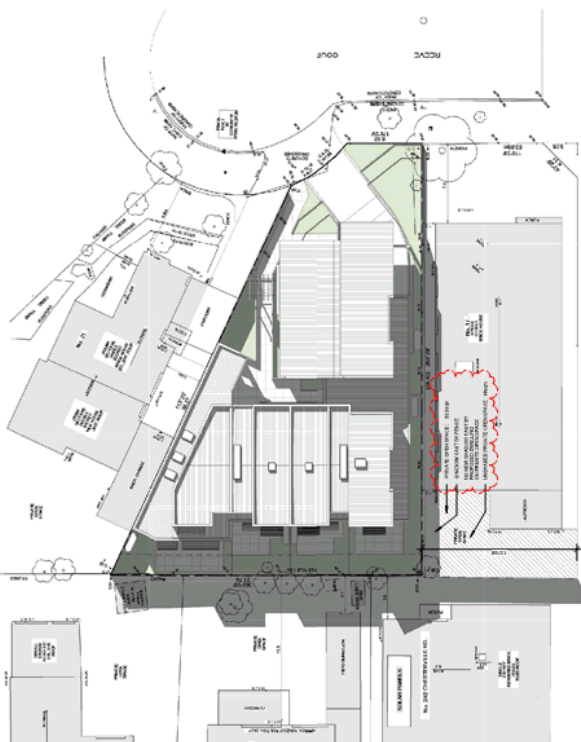
TP03
REV: F



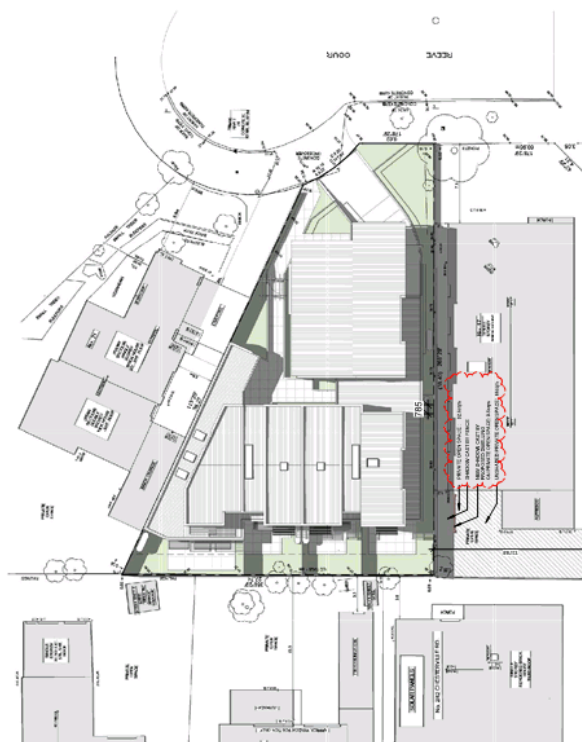
1 SHADOW DIAGRAM 9AM
1:200



2 SHADOW DIAGRAM 10AM
1:200



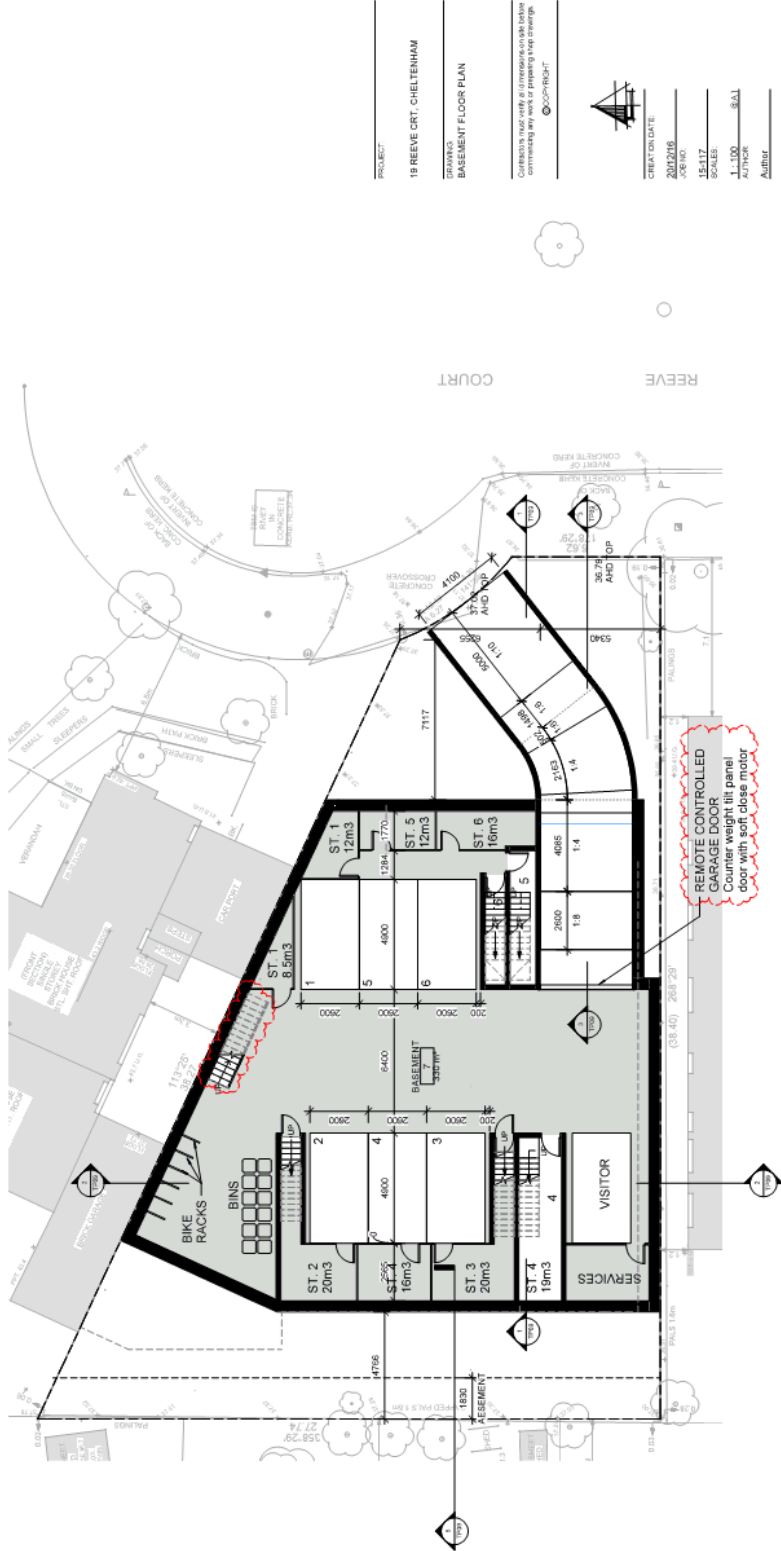
3 SHADOW DIAGRAM 12PM
1:200



4 SHADOW DIAGRAM 3 PM
1:200

TOWN PLANNING

#	AMENDMENT	DATE
A	BRI	05.02.2017
B	COUNCIL BFI	05.03.2017
C	CONSENT	05.03.2017
D	CONSENT	05.03.2017
E	CONSENT	05.03.2017
F	AMENDMENTS	25.11.2017



1 BASEMENT FLOOR PLAN
1 : 100

PROJECT:
19 REEVE CRT, CHELTENHAM

DESIGN:
BASEMENT FLOOR PLAN

CONTRACTOR'S NOTE:
Contractor must verify all dimensions on site before commencing any work or preparing shop drawings.



CLIENT DATE:
20/02/16
25/02/16
15.11.17
Scales:
1:100
Author:
Author

Finnis Architects
72 Bishop Street, Abchurch Lane, London
E1 6BB
P: +44 (0) 20 7464 2200 F: +44 (0) 20 7464 2201

DRAWING NO:
TP04
REV:
F

TOWN PLANNING

AMENDMENT	DATE
A	03.02.2017
B	05.08.2017
C	26.07.2017
D	26.07.2017
P	26.07.2017

AMENDMENT	DATE
A	03.02.2017
B	05.08.2017
C	26.07.2017
D	26.07.2017
P	26.07.2017

AMENDMENT	DATE
A	03.02.2017
B	05.08.2017
C	26.07.2017
D	26.07.2017
P	26.07.2017

PROJECT: 19 REEVE CRT, CHELTENHAM

CLIENT: GROUND FLOOR SITE PLAN

CONTRATOR'S NOTE: SEE ATTACHED DRAWINGS FOR DETAILS OF WORK TO BE COMPLETED BY CONTRACTOR.

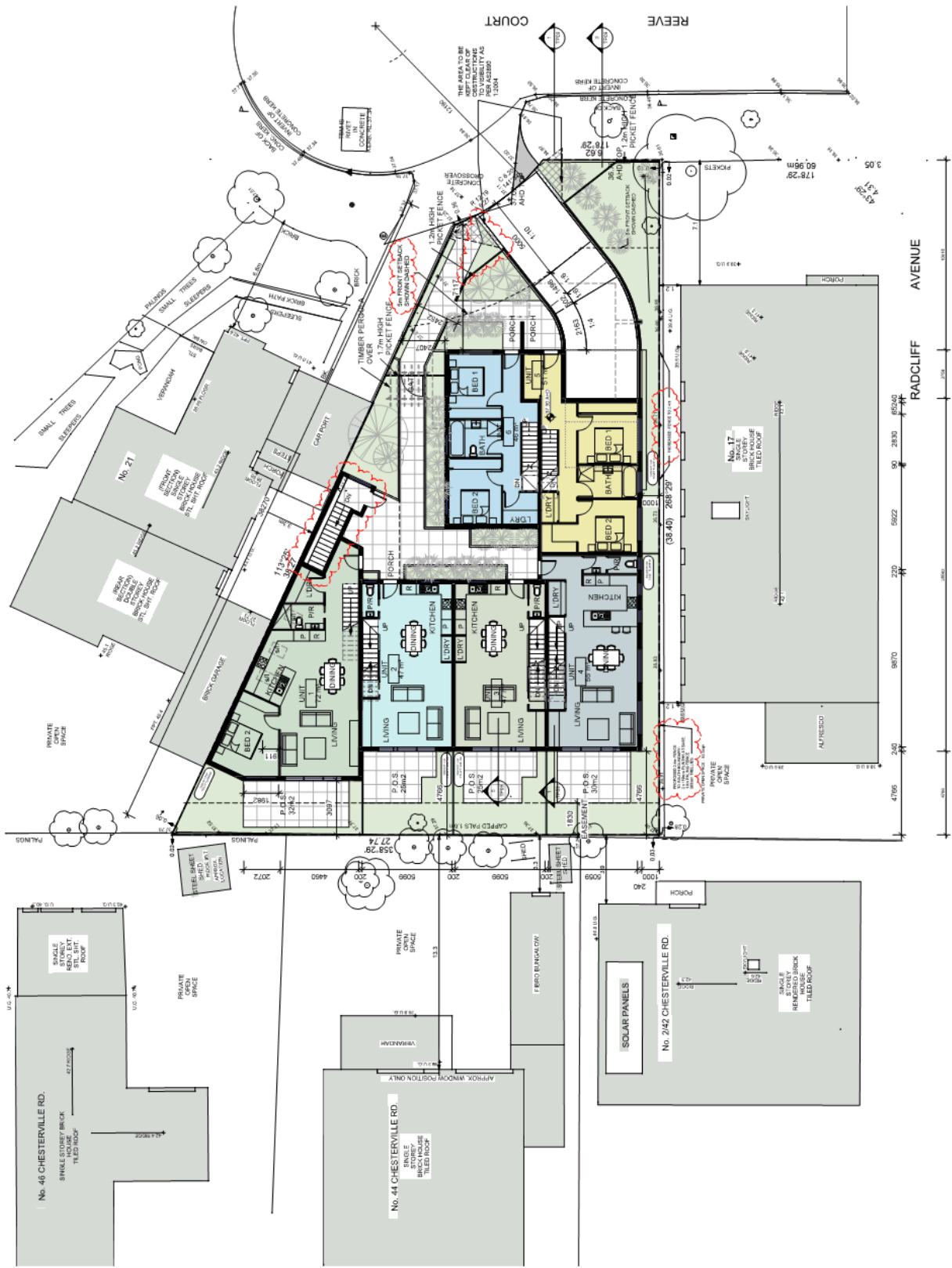


DATE: 26.07.2017	SCALE: 1:100	DATE: 26.07.2017
BY: [Signature]	SCALE: 1:100	DATE: 26.07.2017
BY: [Signature]	SCALE: 1:100	DATE: 26.07.2017
BY: [Signature]	SCALE: 1:100	DATE: 26.07.2017



72 St. James Street, Abingdon Park, 3206
 P1 433 9848 3206 F 1431 9892 2261

TP05
REV: F



GROUND FLOOR SITE PLAN

TOWN PLANNING

#	AMENDMENT	DATE
A	BPI	05.02.2017
B	COUNCIL BPI	05.03.2017
D	COUNCIL BPI	26.07.2017

PROJECT: 19 REEVE CRT, CHELTENHAM

REVISED: FIRST FLOOR PLAN

CONTRACTOR: [Redacted]

CONTRACTOR'S NOTE: [Redacted]



CHECKED DATE: 20.02.16

DATE: 05.11.17

SCALE: 1:100

AUTHOR: S.G.L.

AUTHOR: [Redacted]



DRAWING NO: TP006
 REV: D



1 FIRST FLOOR
 1:100

TOWN PLANNING

#	AMENDMENT	DATE
E	POST SUBMISSION AMENDMENTS	01/09/2017

PROJECT:
19 REEVE CRT, CHELTENHAM
DRAWING:
ELEVATIONS 2

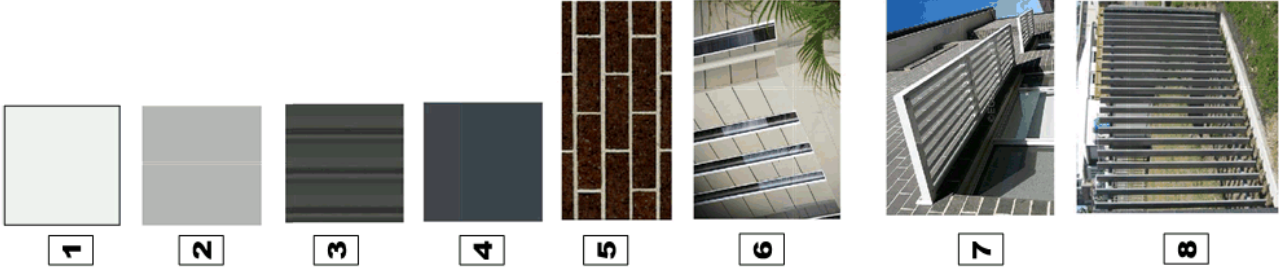
Consultants must verify all dimensions on site before commencing any work or preparing shop drawings.
© Finniss Architects

CHECK FOR DATE:
02/08/17
JOB NO:
16/117
SCALE:
1:100
AUTHOR:
Author



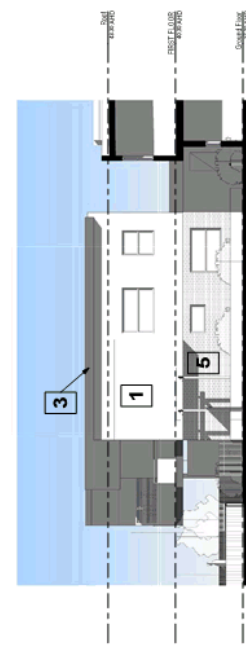
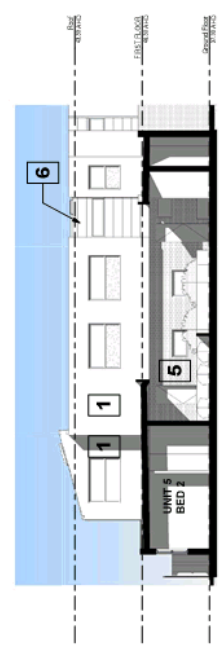
Finniss Architects
72 Bishop Street, Abcort Park, 3206
P (+61) 848 3202 F (+61) 8922 2241
2848464210

TP08
REV:
E



EXTERNAL FINISHED SCHEDULE

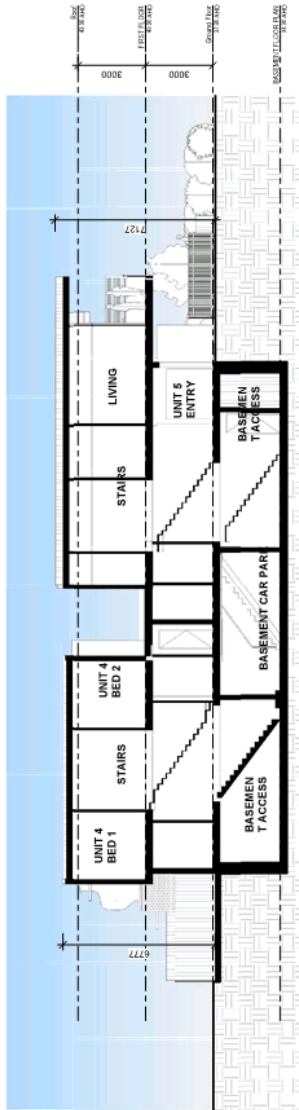
- 1 RENDER FINISH CLADDING TO MATCH DULLUX "SURE MIST"
- 2 WINDOW & DOOR FRAMES "LIGHT GREY"
- 3 COLORBOND ROOF "WOODLAND GREY"
- 4 RENDER "WOODLAND GREY"
- 5 FACE BRICK, SELECTED EARTHY TONE
- 6 HORIZONTAL CLADDING
- 7 SUNSHADING AWNINGS
- 8 PICKET FENCE



ELEVATIONS 1:100 @ A1 1:200 @ A3

TOWN PLANNING

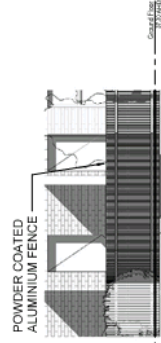
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B	CONVCL RFI	06.08.2017



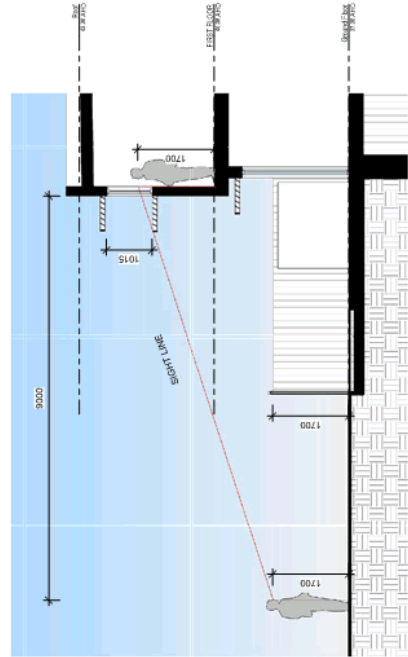
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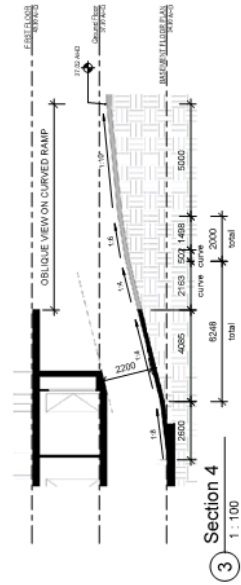
2 Section 3
1:100



4 FENCE DETAIL
1:50



5 Section 5
1:50



3 Section 4
1:100

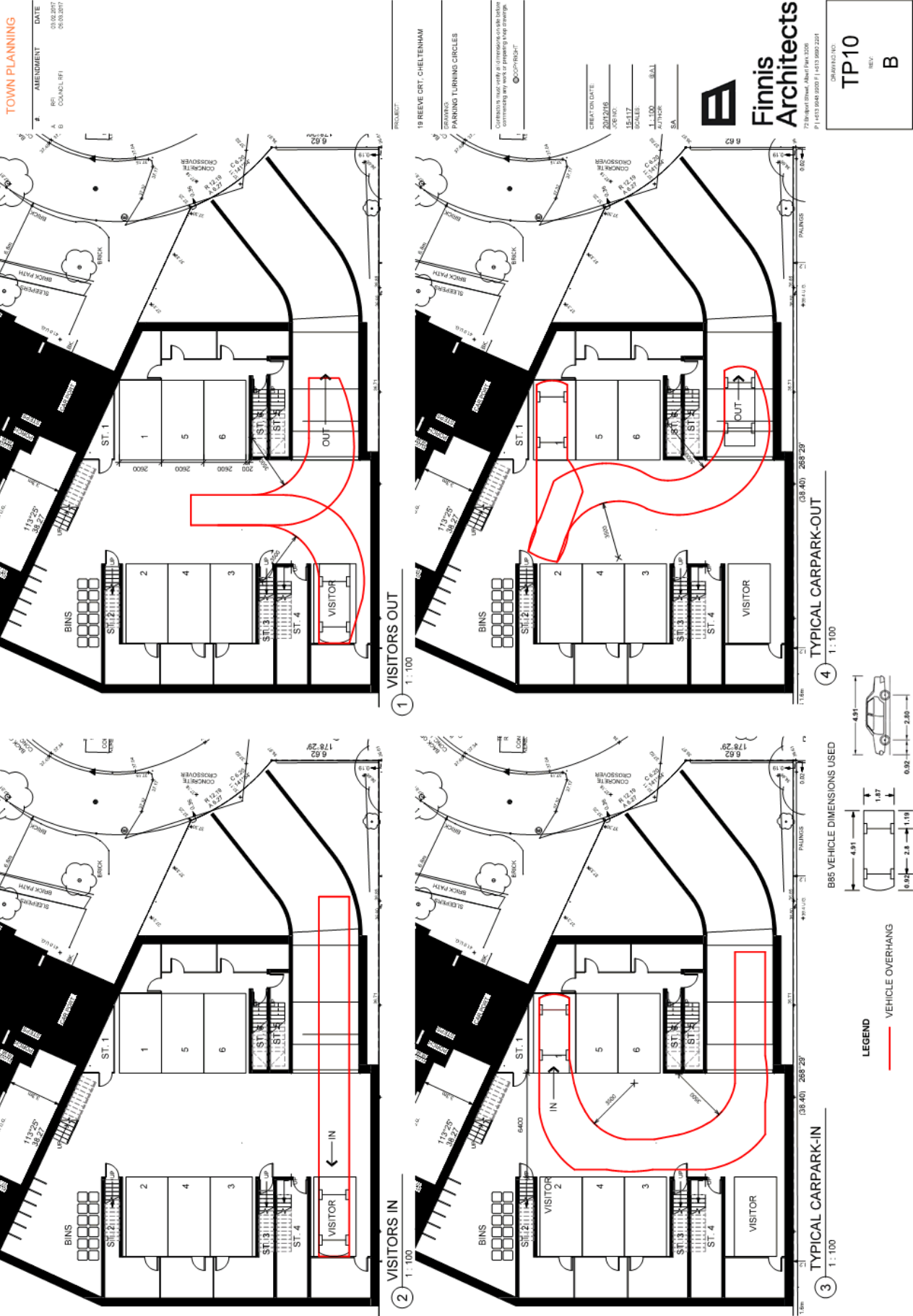
PROJECT:	19 REEVE CRT, CHELTENHAM
TOWN PLANNING SECTIONS	

CONTRATOR'S MUST NOTIFY ALL INTERESTED PARTIES BEFORE COMMENCING ANY WORK OR PREPARING STOP DRAWINGS.
© COPPERBUILT

CREATION DATE:	20/02/16
DATE:	06/08/17
SCALE:	AS SHOWN
APPROVED:	[Signature]
DATE:	02/10/16
AUTHOR:	



TP09
REV: B



Planning Committee Meeting

18 April 2018

Agenda Item No: 4.3

KP17/265 - 590 NEPEAN HIGHWAY BONBEACH

Contact Officer: Hugh Charlton, Statutory Planning

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-265/2017 - 590 Nepean Highway Bonbeach.

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 Planning Permit Develop the land for the construction of six (6) dwellings and alter access to a Road Zone Category 1 at 590 Nepean Highway Bonbeach, subject to the conditions contained within this report.

PLANNING OFFICER REPORT	
APPLICANT	Boncroft and Malone Architects
ADDRESS OF LAND	590 Nepean Highway Bonbeach
PLAN OF SUBDIVISION REFERENCE	Lots 1 and 2 on PS 25656
PROPOSAL	Develop the land for the construction of six (6) dwellings and alter access to a Road Zone Category 1
PLANNING OFFICER	Hugh Charlton
REFERENCE NO.	KP-265/2017
ZONE	Clause 32.08: General Residential Zone (Schedule 2)
OVERLAYS	Clause 43.02: Design and Development Overlay Schedules 1 and 7
OBJECTIONS	10
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Bancroft and Malone Architects comprising Drawing No's. TP010 to TP060 inclusive, dated 5/11/17, submitted to Council on 10 November 2017,
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	Yes

1.0 RELEVANT LAND HISTORY

1.1 Council records indicate that there is no relevant planning history relating to this site.

2.0 SITE PARTICULARS

2.1 The subject site comprises two lots, generally rectangular in shape with a frontage to Nepean Highway of 18.7 metres, a side depth of 87-89 metres, resulting in a site area of 1620m². It currently contains two single storey dwellings, one to each lot, and associated outbuildings. The existing dwelling on the front lot enjoys a 28 metre front setback to Nepean Highway. There is existing foreshore access via a pedestrian gate in the south-western corner of the site.

2.2 The site has a gradual fall from the front (east) to rear (west) by approximately 1.3 metres. There is a range of existing coastal vegetation including five (5) coast banksias of moderate retention value generally located in the front half of the site, and in the areas adjacent to the side boundaries at the rear of the site.

2.3 There is no street tree in the frontage. A power pole is located within the frontage.

2.4 The site is encumbered by two easements along its southern boundary for access to rear lot, and mid-block for drainage and sewerage (along rear boundary of 1/590 Nepean). There is no restrictions listed on the Certificate of Title.

2.5 The subject site is located within Area 9C of the *Kingston Open Space Strategy* approved by Council in June 2012. The Strategy notes that gaps to be addressed include access to

the bay east of the highway, open space for relaxation, open space west of the TAFE and in the north of the local area.

- 2.6 A site inspection was carried out by the planning officer.

3.0 SURROUNDING ENVIRONS

- 3.1 The site is located in an established residential area where the predominant built form is a multi-dwelling development with rows of semi and fully attached townhouses, typically of lots between 60m² and 200m² in area. The architectural style and built form of existing residential development in the surrounding area is varied. Building envelopes are typically orientated to the foreshore with rows of townhouses or detached dwellings, then to the rear having another row of townhouses orientated at 90 degrees to the foreshore. The majority of dwellings feature front setbacks around 6 metres. Most dwellings are of double-storey in scale. High front fencing is reasonably common along Nepean Highway.

- 3.2 The subject site is located within the General Residential 2 Zone. The surrounding residential area is well serviced by primary and secondary schools, community facilities and public reserves.

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

North (Rear) – Two properties abut this boundary:

No. 589 Nepean Highway comprises a double storey apartment building of 12 units. Communal open space is located on the double storey roof top of the western building. Private open space of a service area with three clotheslines is located adjacent to the subject site boundary.

No. 589A Nepean Highway comprises a double storey detached dwelling located adjacent to the foreshore. A garage and large area of secluded private open space are located adjacent to the subject site boundary.

South (Side) – Seven (7) properties abut this boundary. No.s 1,3,5,7,9,11, and 13 The Waterfront comprise seven (7) double storey townhouses and seven (7) areas of secluded private open space adjacent to the subject site boundary, most of which are orientated to the subject site. The front dwelling is setback 6 metres from Nepean Highway.

East (Front) – Nepean Highway and the Frankston rail line.

West (Side) – Foreshore of the Port Phillip Bay.

4.0 PROPOSAL

- 4.1 The application seeks to develop the land for the construction of six (6) dwellings on a lot and to alter access to a Road Zone Category 1.

- 4.2 The proposed development comprises semi-detached, double storey dwellings in three detached buildings. Three dwellings face the foreshore and the other dwellings are orientated 90 degrees to the foreshore. All dwellings are reversed living with either three (3) or four (4) bedrooms. All dwellings have two (2) car spaces and provide one (1) visitor

space as per the requirement under Clause 52.06. Car parking for the foreshore orientated dwellings is contained below Dwelling 3.

- 4.3 The design is a contemporary response that includes flat roofs to an overall height of 7.1m. Built form is partially constructed for a total length of 17.8m along the northern side boundary to average heights of 3.5m.
- 4.4 Proposed materials include: brick, render and profiled steel clad walls, Colorbond roofs, and timber garage doors.
- 4.5 Secluded private open space ranges between 10 to 28m² balconies/terraces plus an additional 30 to 50m² ground floor secluded private open space for all dwellings except Dwelling 3 which has the larger 28m² terrace.
- 4.6 The majority of vegetation on site is to be removed with the exception of two (2) coast banksias located generally in the middle of the site. One (1) double crossover is proposed for access to all dwellings.
- 4.7 Site coverage is proposed to be 47 per cent, and permeability 38 per cent.

5.0 PLANNING PERMIT PROVISIONS

Zone

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

Overlays

- 5.2 Design and Development Overlay Schedule 1. Pursuant to Clause 43.02-1, a planning permit is not required in this instance as the buildings have internal storey heights less than 3.5m from floor to ceiling. It is noted that a permit cannot be granted if a building could be perceived as greater than 2 storeys in height.
- 5.3 Design and Development Overlay Schedule 7. A permit is triggered pursuant to Clause 43.02-7 for all external buildings or works within 4.5m of the foreshore reserve boundary. The application meets the mandatory requirement for buildings and works to be setback greater than 4.5m from the foreshore reserve. The proposed fencing within the 4.5m foreshore setback is exempt from this requirement.

Particular Provisions

- 5.4 Clause 52.06 – Car Parking contains the following residential car parking rates:
- 1 space to each 1 or 2 bedroom dwelling;
 - 2 spaces to each 3 or more bedroom dwelling; and
 - 1 visitor space for every 5 dwellings.

This equates to a parking requirement of 13 spaces (including 1 visitor space) 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.

- 5.5 Clause 52.06 – 8 Design standards, including vehicle movements, access, garaging dimensions, tandem space dimensions, and passing bays have been reviewed and are considered compliant. A condition, should a permit issue, has been recommended to set back the wall on the north side of the passing bay 1 metre to the north will achieve an adequate pedestrian sight line (splay) on that side for vehicles.
- 5.6 Land Adjacent to a Road Zone, Category 1: Pursuant to Clause 52.29 of the Kingston Planning Scheme, a planning permit is required to construct or alter an access to a Road Zone Category 1. VicRoads have no objection to the application, subject to conditions included on any permit issued relating to crossover design, access, and corner splays for sightlines.
- 5.7 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

- 5.8 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 State Planning Policy Framework (SPPF)

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

6.2 Local Planning Policy Framework (LPPF)

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

6.3 Other

Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 65 of the Neighbourhood Character Guidelines.

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.

7.2 10 objection(s) to the proposal were received. The grounds of objection raised are summarised as follows:

- Overlooking
- Overshadowing
- Visual bulk
- Materials/reflective glass
- Noise impact from beach walkway

Non-planning grounds raised:

- Drainage
- Boundary fencing construction
- Detriment to properties during construction

8.0 PLANNING CONSULTATION MEETING

8.1 A planning consultation meeting was held on 1 February 2018 with the relevant Planning Officer, the Permit Applicant and 10 objectors in attendance. The above-mentioned issues were discussed at length.

8.2 Some of the concerns were addressed by agreement between the applicant and objectors for increased privacy screening. These voluntary changes form recommended permit conditions, should a permit issue.

8.3 The majority of the concerns were unable to be resolved at the meeting, and the objections still stand.

9.0 SECTION 50 – AMENDMENT TO PLANS

9.1 Prior to advertising the Permit Applicant lodged amended plans on 10 November 2017 pursuant to Section 50 of the *Planning and Environment Act 1987*. Amended plans were submitted in response to Council officer concerns with character, detail design, visual impact, access to daylight, overshadowing, beach access, retention of existing trees, and mandatory garden area.

9.2 The amended plans incorporate the following changes:

- Changes to dwelling entries

- Reduction to first floors of Dwellings 1 and 2 to increase the southern boundary setback by 400mm and reduce overshadowing
- Slight increase to Dwellings 4 and 6 side boundary setbacks and modulation to walls
- Detail design changes
- Change to landscaping and additional retention of a tree

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

10 REFERRALS

10.1 The application was referred to the following internal departments:

- Council's Development Engineer – no objection to the application, subject to standard conditions including stormwater management, and the incorporation of water sensitive urban design principles such as water tanks for toilet flushing and a raised apex to protect the property from overland flows from the street.
- Council's Vegetation Management Officer – no objection to the proposal, subject to the provision of a landscape plan and associated planting schedule, and retention of the 2 coast banksias trees as proposed. The removal of the remaining vegetation was supported. An additional coast banksia was preferred to be retained where Dwelling 1's entry is located, however the applicant was unable to accommodate its retention.
- Council's Roads and Drains Department – no objections to the proposal, subject to standard conditions, most of which have already been achieved on plan.
- Council's Traffic Department – no objections to the proposal, subject to consideration of a pedestrian sight line (splay) on the north side of the driveway.
- Council's Urban Designer – verbally raised concern that the materiality of the proposal did not adequately reflect the coastal character and the proposal suffers from a lack of vertical delineation and too much rendered forms.

10.2 The application was referred to the following external determining referral authorities:

- VicRoads - no objection to the application, subject to conditions included on any permit issued relating to crossover design, access, and corner splays for sightlines.
- Department of Environment, Land, Water and Planning (DELWP) - no objection to the application, subject to conditions included on any permit issued regarding development, access and protection of the foreshore. The use of the one existing access point to the foreshore as proposed was supported.

11 PLANNING CONSIDERATIONS:

State 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: Metropolitan Planning Strategy' (Department of Transport, Planning and Local Infrastructure, 2014).
- 11.2 The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **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 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 11.01-2** 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 11.04-2** 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.
- 11.5 **Clause 11.04-4** aims to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities, with strategies such as protecting Melbourne and its suburbs from inappropriate development; creating neighbourhoods that support safe communities and healthy lifestyles; and promoting design excellence.
- 11.6 **Clause 12.02-2** relates to appropriate development of coastal areas. This clause aims to ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values. Subject to condition, particularly the changes sought to the design of the foreshore facing dwellings, the development is considered to be sensitively sited and designed and respects the character of coastal settlements.
- 11.7 **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.

- 11.8 Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** 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** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.9 Clause **15.03-2 (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.10 The Subject Land **is** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.11 In this instance, as the proposed activity **is not exempt** under the Regulations of the *Aboriginal Heritage Act 2006*, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council. Accordingly, a CHMP has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. Importantly, the Plan (for the initial application proposal of 8 dwellings) has been approved by the Secretary of the Department of Premier and Cabinet. The Department has advised that this CHMP which considered 8 dwellings suffices for the amended proposal for 6 dwellings and that no revision to the CHMP is required.
- 11.12 The approved Plan contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area. A condition on permit will require compliance with the CHMP and the specified measures to be taken before, during and after the activity.
- 11.13 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.
- 11.14 The policies contained within **Clause 16.01-4** 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.
- 11.15 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

- 11.16 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.
- 11.17 Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:
- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
 - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
 - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*
- 11.18 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.
- 11.19 **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.
- 11.20 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:
1.
 - *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.*

11.21 It is considered that subject to condition the proposed development will generally comply with the Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

Zoning Provisions

11.22 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 – 500 square metres	25%
501 – 650 square metres	30%
Above 650 square metres	35%

It is considered that the proposal in its current format complies with the mandatory garden requirement. A minimum of 35.6% garden area has been provided for the entire lot.

12 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 following assessment gives further discussion to that in the attached appendix, particularly those standards where concessions are sought. Subject to conditions the application will receive a reasonable level of compliance with the ResCode provisions.

Standard B1 – Neighbourhood Character

- 12.3 The objective of this Clause 55.02-1 is '*to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area*'. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.
- 12.4 The site is located in an established residential area where the predominant built form is multi-dwelling development with rows of semi and fully attached townhouses, typically between 60m² and 200m² lot areas.
- 12.5 The proposed design response comprises a row of townhouses orientated to the foreshore, then another row of townhouses orientated at 90 degrees to the foreshore. This arrangement reflects the predominant arrangement of townhouses in the area, and generally maintains the rhythm and spacing between buildings along Nepean Highway. The detachment of buildings into three distinct parts adequately responds to the built form of the adjoining properties, providing generous space between buildings with broad garden areas at ground level.
- 12.6 The extent of garages forms a dominate feature of Dwelling 1 to 3. A garage-scape of this extent is contrary to Council's Residential Development Policy at Clause 22.11 which seeks to reduce the dominance of parking structures (garages and carports). In this context of similar garaged interfaces and outcomes, the proposed design and layout is appropriate subject to minor changes. Conditions are recommended to bring the entries of Dwellings 1, 2 and 3 forward to improve their visibility and sense of address. This change in turn will also make the garages appear recessive, thus is considered acceptable.
- 12.7 The proposed design is consistently contemporary through the development, comprising rectilinear styling and a range of architectural themes. Conditions are recommended to improve the detail design and emphasise more consistent themes in order to improve the character response and reduce visual impacts to neighbouring properties.
- 12.8 Subject to a range conditions to refine the proposal, the application will adequately respond to the preferred future character and sufficiently reference the existing coastal character along Nepean Highway.

Standard B2 – Residential Policy

- 12.9 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston's MSS and Residential Development Policy has been provided at section 11 of this report, with the proposal found to be satisfactory.
- 12.10 Clause 22.11 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.*
- 12.11 Medium density development forms part of the emerging character of the area within the surrounding land zoned General Residential. As previously outlined, infill development is

predominant this side of the Nepean Highway, typically between 60m² and 200m² lot areas.

- 12.12 The proposed intensity of development is generally consistent with the intent of the 'Increased Housing Diversity Area' and will provide a satisfactory response to local policy providing housing change that will respect the existing character of the area and provides additional diversity in housing stock to cater for the changing needs within the municipality.
- 12.13 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

Standard B5 - Integration with the Street and Standard B26 - Dwelling Entry

- 12.14 The proposal includes adequate street facing fenestration and a balcony to Dwelling 1, but is hampered by the high front fence and a poor sense of address which compromises the street integration.
- 12.15 Dwellings 2 and 3 also suffer from poor sense of address. Entries are hidden down pathways behind walls or to the rear of the visitor parking. The lack of visible entries emphasise the already dominant garages.
- 12.16 In order to improve the sense of address to Dwellings 1 to 3, conditions on any permit issued are recommended to:
- a) rearrange dwelling entries to Dwellings 1, 2 and 3 to be:
 - i. located adjacent to the driveway;
 - ii. a minimum of 500mm forward of the respective garage;
 - iii. covered;
 - iv. with any internal rearrangement required including provision of 6m³ storage areas;
 - b) Dwelling 1's entry stairwell be glazed at ground level facing the street;

Standard B10 - Energy Efficiency

- 12.17 The application generally achieves an energy efficient design. The proposal should not reduce the energy efficiency of adjoining lots. There is adequate screening or covering over north and west facing glazing to reduce harsh solar access.
- 12.18 However north facing windows have not been adequately maximised for Dwelling 6, as required by the Standard. The ground floor bedrooms have no north-facing glazing, but have an opportunity to provide north-facing glazing by virtue of the boundary setback.
- 12.19 As such a condition will require:
- a) provision of north-facing ground floor bedroom windows to Dwelling 6 with waist high sill heights or similar and with eaves above or double glazing that reduces harsh solar access;

Standard B13 – Landscaping

- 12.20 Council's Vegetation Officer supports the retention of the 2 coast banksias trees (located mid-block) as proposed and the removal of the remaining vegetation. An additional coast

banksia was preferred to be retained where Dwelling 1's entry is located, however the applicant was unable to accommodate its retention.

- 12.21 It is recommended that a landscape plan be required by way of a condition of any permit issued which includes protection of the two existing trees to be retained on site and the inclusion of indigenous species throughout to offset the loss of existing vegetation and maintain the coastal landscape character.
- 12.22 The proposal also features extensive hard surfaces with limited landscaped around the driveway to soften the edges. As such, conditions are recommended to address this by:
- a) provide a minimum 1 metre wide garden bed adjacent to the northern side of the passing bay at the site entry achieved by setting back the fence to Dwelling 1;
 - b) garden bed around the retained Tree 6 be increased to the south of Dwelling 2, unfenced to the driveway and held in common property;

Standard B17 - Side and Rear Setbacks and Standard B20 - North Facing Windows

- 12.23 For Dwellings 1 to 3, the visual impact is mitigated by good side setbacks and detachment between dwellings. Conditions are recommended later in the report to improve the detail design of their southern elevations which will also assist with reducing any apparent visual impact.
- 12.24 It is considered that Dwelling 4 fails to limit the amenity impact to the sensitive area on the adjoining property No.13 Waterfront, therefore fails to meet the overarching objective of Standard B17. The existing dwelling at No.13 Waterfront has a number of habitable room windows at ground. It is noted that the first floor habitable room windows and terrace facing the subject site are screened or have high glazing.
- 12.25 To some extent, Dwelling 6 also suffers from concerns with an unreasonable visual impact when viewed from the existing area of secluded private open space opposite at No. 589A Nepean Highway. This is discussed later in the report under Standard B31 - Detail design.
- 12.26 Further the proposal fails to meet Standard B20 which seeks to provide adequate solar access to existing north-facing habitable room windows. This Standard requires a greater setback of the southern boundary wall to Dwelling 4 than Standard B17, and requires:

Required: For Dwelling 4, first floor setback 1.6 to 2.62m from southern boundary

Proposed: for Dwelling 4, 1.52m to 1.9m with a mansard roof at 2.5m setback.

- 12.27 The applicant has attempted to meet Standard B20 by a range of differing wall heights and an angled mansard roofline to the southern elevation of Dwelling 4, and fails by a small amount numerically. Of larger concern is the resulting design of that southern elevation which becomes a cluttered architectural form, designed to meet a numerical standards and maximise internal space rather than providing a good design response. This is considered to be inappropriate when considered in conjunction with the potential visual impact to No.13 Waterfront.
- 12.28 As such, conditions are recommended to reduce the visual impact of Dwelling 4 and provide adequate solar access to No.13 Waterfront by:

- a) setback first floor living/dining/kitchen wall of Dwelling 4 to 2.6 metres from the southern boundary and with vertical profile to the walls, with no increase to the length of the building;
- b) balcony balustrade to Dwelling 4 setback 2.6 metres from the southern boundary;

Standard B18 - Walls on Boundaries

12.29 Standard B18 requires the following for walls on boundary:

Maximum: 29.25m on north and south side boundaries (length) to 3.2 metres average height

Proposed: 17.8m on northern boundary (length) to 3.5 metres average height.

12.30 The proposed height of the wall on boundary does not comply with the standard. The wall is located opposite an area of existing private open space (POS), however the POS is a service area with 3 clothes lines that occupy this space. It appears the main area of secluded POS for No. 589 Nepean is a first floor communal roof top deck which would not be impacted upon by the proposed wall on boundary.

12.31 As such a dispensation is warranted for the height of the wall on boundary.

Standard B22 – Overlooking

12.32 The majority of first floor balconies and habitable room windows located within 9.0 metres of an existing habitable room window or secluded POS area of an adjoining property would be either highlight windows or fitted with obscured glass to a minimum height of 1700mm above the first floor finished floor level of each proposed dwelling as required by this standard.

12.33 However some views have not been adequately limited and would fail to meet the standard. Further, in the Planning Consultation Meeting an agreement was made between the applicant and objectors for voluntary changes to increase the height of privacy screening.

12.34 To limit the potential overlooking, the following conditions are recommended:

- a) privacy screening to Dwelling 2's balcony to part of its western edge for a length of 1.7 metres from the northern edge and designed in accordance with Standard B22 of Clause 55;
- b) wall nibs/blade screening that protrudes along the same line as the south-facing elevation for an adequate length to limit views from Dwelling 1 and 2's living room to No.s 1,3,5,7,9,11 The Waterfront;
- c) south-facing first floor stairwell windows to Dwelling 1 and 2 be fixed obscured glazing and not an applied film;
- d) east-facing study window of Dwelling 3 to be reduced in width and located further from the southern edge to limit views to No.s 5 and 7 The Waterfront;
- e) sill height of south-facing first floor habitable room windows be 1.8 metres high from finished floor level; (applicant volunteered to address objector concerns)

- f) sill height of north-facing first floor habitable room windows of Dwelling 6 be 1.8 metres high from finished floor level; (applicant volunteered to address objector concerns)

Standard B27 - Daylight to New Windows

- 12.35 Ground floor bedrooms to Dwellings 4, 5, 6 each rely on light-courts to provide daylight. These light courts are considered inadequate in area and would fail to provide adequate daylight into new habitable rooms, particularly for Dwelling 5, who's light-court would be enclosed by double storey high walls.
- 12.36 The light-courts are also walled in for Dwelling 4 and 6 at ground level, which is particularly unnecessary for Dwelling 6 given there is no communal walkway adjacent. For Dwelling 4, the response is to keep this dwelling private from the adjacent communal access way to the beach.
- 12.37 As such, conditions are recommended as follows:
 - a) increase light-court to Dwellings 4 and 5 to a minimum of 1.6m x 3.6m and to provide daylight to 1 bedroom only and non-habitable rooms, with all other habitable rooms to have external window(s) for adequate daylight access;
 - b) light-wells of Dwelling 6 to be open to the side boundary by deletion of the enclosing ground floor wall;

Standard B29 - Solar Access to Open Space

- 12.38 The terraces for Dwellings 1 and 2 will not have adequate solar access and fail to meet the standard. The standard requires a 3.53 metre depth from the 1.7 metre high northern screens to these terraces. A 3 metre depth is proposed.
- 12.39 It is considered that this can be addressed by increasing the light penetration by a change of materials to the high balcony screening.
- 12.40 As such a condition is recommended to:
 - a) the privacy screening to Dwelling 1 and 2's terrace be obscured glazed (or otherwise) with a transparency of 25 per cent;

Standard B30 - Storage

- 12.41 The majority of dwellings provide adequate storage under stairs. However storage for Dwellings 1 and 2 has not been provided. There is adequate area to accommodate storage within the parking bays located below Dwelling 3.
- 12.42 As such a condition is recommended to require:
 - a) tandem car parking below Dwelling 3 be made into fully enclosed garages, with a minimal internal length of 11.3 metres, a storage area of 6m³ nominated at the northern end within each garage, and each nominated for Dwelling 1 or 2;

Standard B31 - Design Detail

- 12.43 The surrounding character of the beachside area is mixed. Council's Urban Designer raised concern that the materiality of the proposal does not adequately reflect the coastal character and the proposal suffers from a lack of vertical delineation and too much rendered forms.
- 12.44 Rather than following a consistent design theme, some elevations are cluttered particularly the side elevations to Dwellings 4 and 6. These side elevations suffer from a range of modulated walls, setbacks, and heights, but also a vast range of materials which contribute to a visual bulky outcome which impacts the amenity of the adjoining properties.
- 12.45 As such, conditions are recommended as follows:
- a) the first floor area below the glazing on the south-facing elevations of Dwellings 1 to 3 clad with timber or a similar material;
 - b) a consistent colour scheme to the first floors materials of Dwellings 4 to 6;
 - c) foreshore façade to Dwellings 4 to 6 have reduced glazing and detailing that emphasises individual units by wider framing party walls, a larger first floor timber fascia, balustrade glazing of a different material, or by similar means;
 - d) southern side of Dwelling 6 and northern side of Dwelling 4 have a more cohesive design, includes timber cladding, and which reduces the appearance of visual bulk;
- 12.46 It is also noted that in regards to an objector concern with materials and reflective glass, the Department of Environment, Land, Water and Planning (DELWP) have included a condition that all external surfaces must be made of non-reflective materials that blend with the surrounding environment.

Standard B33 - Common Property

- 12.47 Access to the beach is supported by the DELWP who manage the crown land. However the way it is accessed through the property is poorly considered and results in on and off-site amenity impacts.
- 12.48 The communal walkway along the southern boundary of Dwelling 4 leading to the beach limits access to daylight to bedrooms by requiring the need for enclosed light-courts to the ground floor bedrooms. It also has been raised as a potential for noise source affecting the existing bedrooms nearby of No.13 The Waterfront as raised by an objector.
- 12.49 The applicant was unable to accept either deletion or relocation of the communal access to the northern side of Dwelling 6 as suggested by Planning Officers. As such, if access is to remain along the southern boundary it is warranted that the light-court to Dwelling 4 be increased as previously recommended, and other arrangements be made to ensure it is private access only to avoid a public thoroughfare.
- 12.50 As such conditions as required for:
- a) the communal walkway to the beach adjacent to the southern property boundary access be:
 - i. nominated as the only communal walkway to the beach for private use only;
 - ii. nominate the gate adjacent to Dwelling 6's eastern wall as a security gate;

- 13.1 The objector concerns have been addressed in the attached Appendix A and, where necessary, further elaborated on in the assessment above.
- 13.2 The following objections raised are not valid as they fall outside of the scope of planning considerations:
- Drainage
 - Boundary fencing construction
 - Detriment to properties during construction

14 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; and
 - A suitable level of compliance with all relevant policies, including Clause 55 of the Kingston Planning Scheme

15 RECOMMENDATION:

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to **Develop the land for the construction of six (6) dwellings and alter access to a Road Zone Category 1** at 590 Nepean Highway Bonbeach, 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 Bancroft and Malone Architects comprising Drawing No's. TP010 to TP060 inclusive, dated 5/11/17, submitted to Council on 10 November 2017, but modified to show:
 - a. setback the first floor living/dining/kitchen wall of Dwelling 4 to 2.6 metres from the southern boundary with a vertical profile to the walls and no increase to the length of the building;
 - b. balcony balustrade to Dwelling 4 setback a minimum of 2.6 metres from the southern boundary;
 - c. the light-court to Dwellings 4 and 5 increased to a minimum of 1.6m x 3.6m and provide daylight to 1 bedroom only and non-habitable rooms, with all other habitable rooms to have external facing window(s) and adequate daylight access;

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- d. light-well of Dwelling 6 to be open to the side boundary by deletion of the enclosing ground floor wall;
- e. the privacy screening to Dwelling 1 and 2's terrace be obscured glazed (or otherwise) with a transparency of 25 per cent;
- f. tandem car parking below Dwelling 3 be made into fully enclosed garages, with a minimal internal length of 11.3 metres, a storage area of 6m³ nominated at the northern end within each garage, and each nominated for Dwelling 1 or 2;
- g. rearrange dwelling entries to Dwellings 1, 2 and 3 to be:
 - i. located adjacent to the driveway;
 - ii. a minimum of 500mm forward of the respective garage;
 - iii. covered;
 - iv. with any internal rearrangement required including provision of 6m³ storage areas;
- h. Dwelling 1's entry stairwell be glazed at ground level facing the street;
- i. provide a minimum 1 metre wide garden bed adjacent to the northern side of the passing bay at the site entry achieved by setting back the fence to Dwelling 1's private open space;
- j. garden bed around the retained Tree 6 be increased to the south of Dwelling 2, unfenced to the driveway and held in common property;
- k. the following measures to limit overlooking:
 - i. privacy screening to Dwelling 2's balcony to part of its western edge for a length of 1.7 metres from the northern edge and designed in accordance with Standard B22 of Clause 55;
 - ii. wall nibs/blade screening that protrudes along the same line as the south-facing elevation for an adequate length to limit views from Dwelling 1 and 2's living room to No.s 1,3,5,7,9,11 The Waterfront;
 - iii. south-facing first floor stairwell windows to Dwelling 1 and 2 be fixed obscured glazing and not an applied film;
 - iv. east-facing study window of Dwelling 3 to be reduced in width and located further from the southern edge to limit views to No.s 5 and 7 The Waterfront;
 - v. sill height of south-facing first floor habitable room windows be 1.8 metres high from finished floor level;
 - vi. sill height of north-facing first floor habitable room windows of Dwelling 6 be 1.8 metres high from finished floor level.
- l. provision of north-facing ground floor bedroom windows to Dwelling 6 with waist high sill heights or similar and with eaves above or double glazing that reduces harsh solar access;
- m. foreshore facing façade to Dwellings 4 to 6 have reduced glazing and detailing that emphasises individual units by wider framing party walls, a larger first floor timber fascia, balustrade glazing of a different material, or by similar means;
- n. first floor area below the glazing on the south-facing elevations of Dwellings 1 to 3 clad with timber or a similar material;
- o. southern side of Dwelling 6 and northern side of Dwelling 4 have a more cohesive design, includes timber cladding, and which reduces the appearance of visual bulk;
- p. a consistent colour scheme to the first floors materials of Dwellings 4 to 6;
- q. the communal walkway to the beach adjacent to the southern property boundary access be:

- i. nominated as the only communal walkway to the beach for private use only;
 - ii. nominate the gate adjacent to Dwelling 6's eastern wall as a security gate;
- r. all windows/walls shown on floor plans to be consistent with elevations, in particular but not limited to, showing Dwelling 3's south-facing first floor study as a wall;
- s. boundary lengths notated on floor plans;
- t. table of the site and proposed key features notated on floor plans;
- u. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-used for toilet flushing;
- v. mail boxes nominated;
- w. all existing easements shown on plan;
- x. provision of a longitudinal section of the reverse fall driveway with levels and grades to AHD, provision of a flood proof apex as required by Condition 8 of this permit, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme;
- y. summary of all key commitments identified within the submission of a Sustainable Design Assessment required under Condition 20 of this permit clearly shown on plans;
- z. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
- aa. all requirements of VicRoads in accordance with Conditions 9 to 13 of this permit;
- bb. no new beach access nominated on plans and compliance with all requirements of the Department of Environment, Land, Water and Planning in accordance with Conditions 14 to 19 of this permit;
- cc. location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan (and basement plan if there is one) and a notation referring to the endorsed Tree Management Plan as required by this permit;
- dd. a Tree Management and Retention Plan as required by Conditions 3 to 5 of this permit.
- ee. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v) A range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 100% indigenous coastal species by total numbers and plant type;
 - vi) The provision of two (2) *Banksia integrifolia* (Coast Banksia) to be planted within the front setback of the site;

- vii) The provision of two (2) *Banksia integrifolia* (Coast Banksia) to be planted in the communal area in front of Dwellings 4, 5 and 6;
- viii) The provision of one (1) *Banksia integrifolia* (Coast Banksia) to be planted within the rear private open space of Dwellings 4, 5 and 6 facing the foreshore.
- 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) No trees with a mature height over five (5) metres are to be planted over proposed or existing easements;
- xi) The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- xii) The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan; and
- xiii) 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.

Endorsed Plans

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

Tree Management and Protection Plan

- 3. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
- 4. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
- 5. The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of;
 - a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.

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 above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
7. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 14.6L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.
8. A flood proof apex (ie ridge level) must be provided to protect the property from overland flows. This apex is to be a minimum of 150mm above the existing back of path level along the entire Nepean Highway 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.

VicRoads conditions

9. Prior to the commencement of use of the development hereby approved, a sealed access crossover as at least 6.5 metres wide at the property boundary, with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed and the power pole relocated, to the satisfaction the Responsible Authority (Council) and at no cost to VicRoads.
10. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads.

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11. Prior to the commencement of the use of the development hereby approved, the access crossover and associated works must be provided and available for use.
12. Vehicles must enter and exit the land in a forward direction at all times.
13. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

Department of Environment, Land, Water and Planning (DELWP) conditions

14. There must be no:
 - a) storage of materials (including temporary stock sites) or spoil;
 - b) truck turning areas;
 - c) new entry points;
 - d) parking of vehicles;
 - e) vegetation removal;
 - f) buildings and works; and
 - g) discharge of stormwater or other concentrated flow of water;
on the adjacent Crown land as part of the development and its future use.
15. Any landscaping works undertaken on the site must not include the planting of environmental weeds.
16. Prior to work commencing, the shared boundary with Crown land must be suitably fenced (and erected on the correct boundaries of the land) to the satisfaction of the Responsible Authority and the Department of Environment, Land, Water and Planning, at the applicant's expense.
17. Public access along the adjoining Crown land must not be restricted by the use or development.
18. That all formal private access from the subject land onto the adjacent Crown land (foreshore) be restricted to the one access point situated at the south west corner of the land located on the plan titled Design Response – ground floor TP 020 by Andy Bankcroft Architects, dated 3 March 2017.
19. All external surfaces must be made of non-reflective materials that blend with the surrounding environment to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

20. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
21. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SDA is to be submitted to the Responsible Authority that all of the required measures specified in the SDA have been implemented.

Infrastructure and Road Works

22. 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.
23. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
24. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
25. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
26. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
27. The proposed vehicle crossing must be constructed to Council's higher strength specifications.

Construction Management

28. 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.

General amenity conditions

29. 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.
30. 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.

31. 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.

Cultural Heritage Management Plan

32. All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan No. 14229 prepared by JEM Archaeology and approved by the Department of Premier and Cabinet on the 25 May 2016. A copy of the approved CHMP must be held on site during the construction activity.

Completion of Works

33. 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.
34. 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

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

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

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

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Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

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

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

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

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

OR

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

1. The proposal is inconsistent with the emerging character and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposal fails to satisfy the objectives regarding built form and car parking within Clause 22.11 of the Kingston Planning Scheme.
3. The proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
4. The proposal fails to allow adequate daylight into new habitable room windows, contrary to Clause 55.05-3 of the Kingston Planning Scheme.
5. The detailed design of the proposal creates the perception of visual bulk, contrary to Clause 55.06-1 of the Kingston Planning Scheme.
6. The proposal fails to provide an adequate sense of identity or adequate street integration, contrary to Clauses 55.02-5 and 55.05-2 of the Kingston Planning Scheme.
7. The proposal fails to allow adequate solar access to existing north-facing habitable room windows, contrary to Clause 55.04-4 of the Kingston Planning Scheme.
8. The proposal results in an unreasonable loss of vegetation to the detriment of the visual amenity and coastal environment, contrary to Clause 55.03-8 and Clause 22.11 of the Kingston Planning Scheme.

APPENDIX A – RESCODE

Standard of the Kingston Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and (Schedule 2)) to the General Residential Zone.

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	See section 12 of the report.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See section 12 of the report.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	Not applicable as less than 10 dwellings proposed.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	No	See section 12 of the report.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	Required: 6.45 metres Proposed: 8.3 metres
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	Maximum: 9 metres (11 metres and no more than 3 storeys under GRZ2) (9 metres and no more than 3 storeys under GRZ3)

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Title and Objective	Complies with Standard?	Requirement and Proposed
		Proposed: 7.1 metres
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 60% Proposed: 47%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 38%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	No	See section 12 of the report.
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	The development faces three dwellings to the foreshore and maintains the existing pedestrian access point.
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	<p>The proposal includes adequate parking and turning areas without compromising the safety of pedestrians.</p> <p>On site surveillance is considered adequate with views from first floor that are tailored by screening to observe the driveway.</p>
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	No	See section 12 of the report.
<p>B14 Access Ensure the safe, manageable and</p>	Yes	The dwellings will expand the existing single

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Title and Objective	Complies with Standard?	Requirement and Proposed	
<p>convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>		<p>crossover and provides an adequate passing area. Subject to the recommended conditions by VicRoads, the proposal will provide safe and manageable vehicle access.</p>	
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	<p>Each dwelling is accompanied by secure garaging that is conveniently accessible being adjacent to each dwelling.</p>	
<p>B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.</p>			
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes but fails to meet the objective	<p>Required: <u>First Floor</u> East: N/A (frontage) North: 1.52-1.81m South: 1.52-1.81m West: 1.81m</p>	<p>Proposed: <u>First Floor</u> East: N/A (frontage) North: 1.52-1.81m South: 1.52-1.81m West: 8m</p>
		<p>See section 12 of the report.</p>	
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	No	<p>Maximum: 29.25m on north and south side boundaries (length) to 3.2 metres average height Proposed: 17.8m on northern boundary (length) to 3.5 metres average height.</p> <p>See section 12 of report.</p>	
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	<p>Complies</p>	

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	No	<p>Required: For Dwelling 4, 2.62m from southern boundary Proposed: for Dwelling 4, 1.6m to 1.9m with a mansard roof at 2.5m setback</p> <p>See section 12 of the report.</p>
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>According to the standard the secluded POS to No.s 1,3,5,7,9,11 The Waterfront should not be further overshadowed as these areas of POS received less sunlight than the recommended standard. The proposal complies and will not generate any additional shadows to existing areas of POS when measured on the equinox.</p>
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	No	See section 12 of the report.
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Complies
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	A condition of any permit issued for the proposal will require any external heating and/or cooling units located away from existing habitable room windows.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	Entries at ground floor could be modified for people with limited mobility.
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	No	See section 12 of the report.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	No	See section 12 of the report.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	Yes	<p>Required: 40m² for each dwelling with one part of the private open space to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 25m², a minimum dimension of 3m and convenient access from a living room. OR A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room. OR A roof-top area of 10m² with a minimum width of 2m and convenient access from a living room.</p> <p>Proposed: 10-28m² balconies/terraces plus additional 30-50m² ground floor SPOS for all dwellings except Dwelling 3 which has the largest 28m² terrace.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	No	See section 12 of the report.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	No	See section 12 of the report.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	No	See section 12 of the report.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Note: Schedule 2/3 to the General Residential Zone includes a variation to this standard</p>	No	<p>Maximum: 2m in RDZ1 Proposed: 2.1m A minor dispensation of 100mm is warranted in this context, where a character of high wall frontages has been established adjacent to a busy arterial road.</p>
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	No	See section 12 of the report.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	No	Conditions will require provision of mailboxes and rainwater tanks.

Appendices

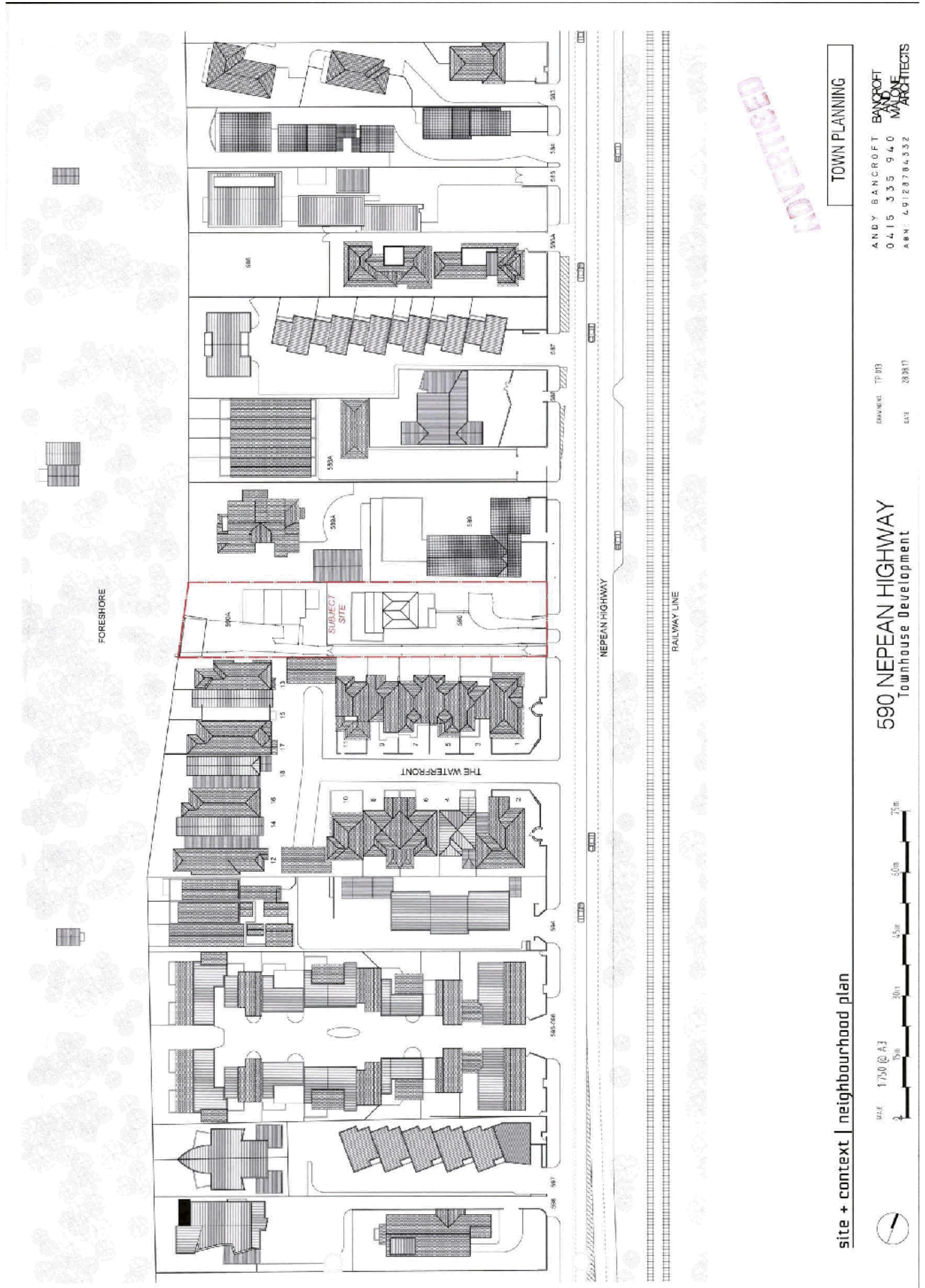
Appendix 1 - KP17/265 - 590 Nepean Highway - Plans for consideration by Committee
(Ref 18/46221) [↓](#)

Author/s: Hugh Charlton, Statutory Planning
Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

4.3

KP17/265 - 590 NEPEAN HIGHWAY BONBEACH

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NOT FOR CONSTRUCTION

TOWN PLANNING

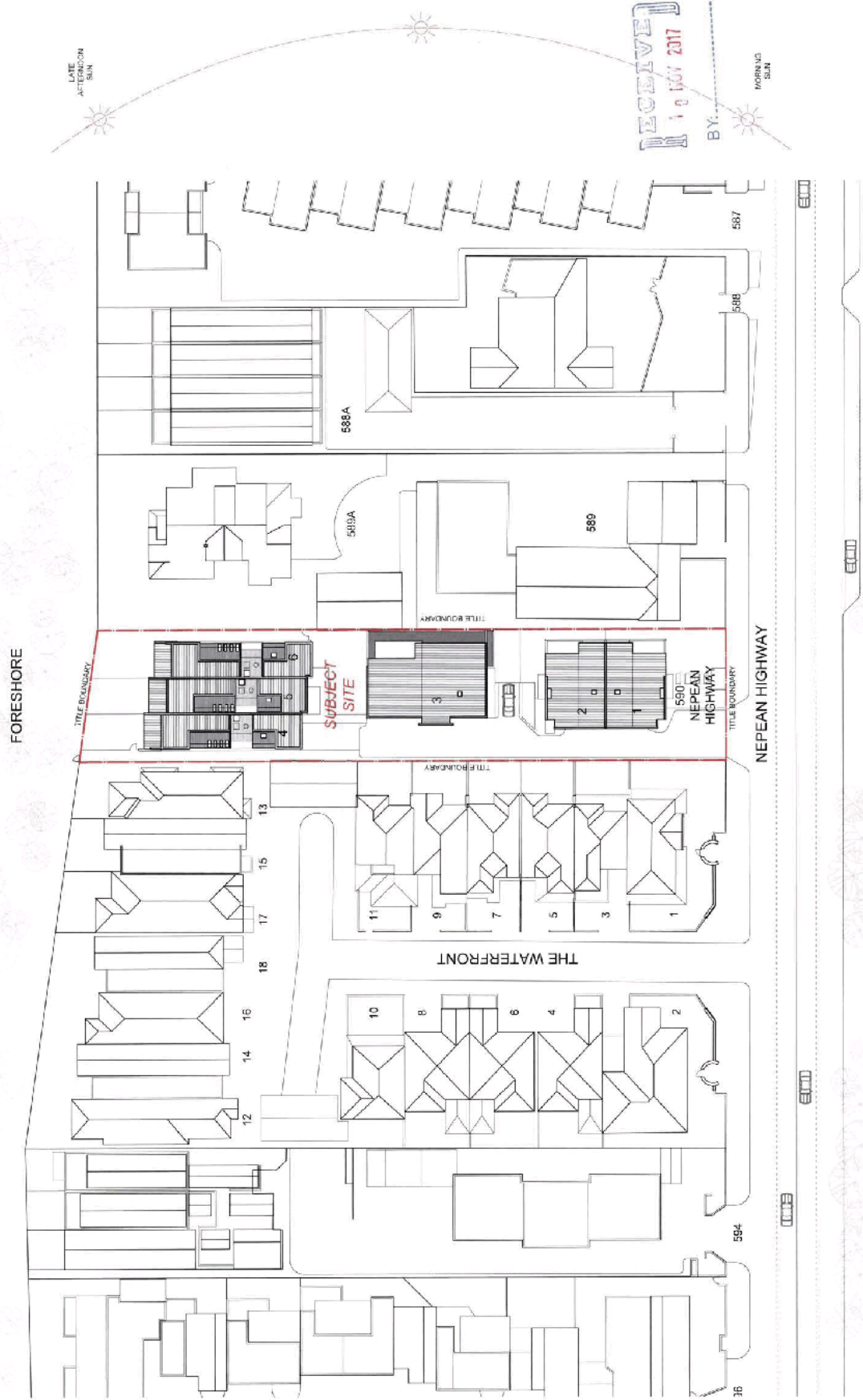
DRAWN: TP 05
DATE: 08/08/17

590 NEPEAN HIGHWAY
Townhouse Development

site + context | neighbourhood plan

SCALE 1:750 @ A3





TOWN PLANNING

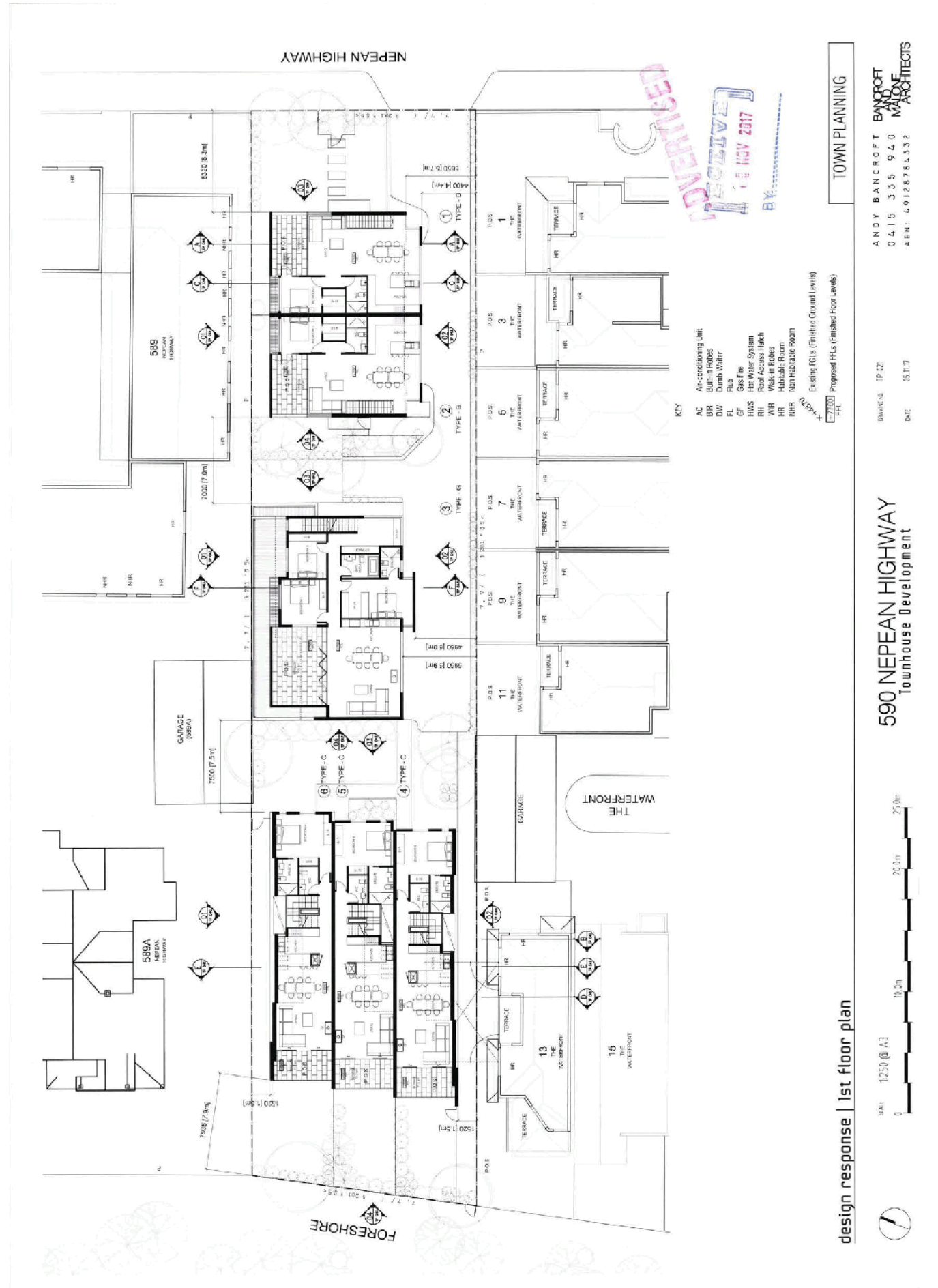
ANDY BANCROFT
BANKROFT
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MALONE
ARCHITECTS
ABN: 49128784332

DRAWING: TP 01E
DATE: 30/03/17

590 NEPEAN HIGHWAY
Townhouse Development

site + context | design response





design response | 1st floor plan



SCALE: 1:250 @ A3



590 NEPEAN HIGHWAY
Townhouse Development

DATE: 05/11/17
DRAWING NO: TP-122

ANDY BANCROFT
0415 335 940
MALLON ARCHITECTS
AEN: 60128764332

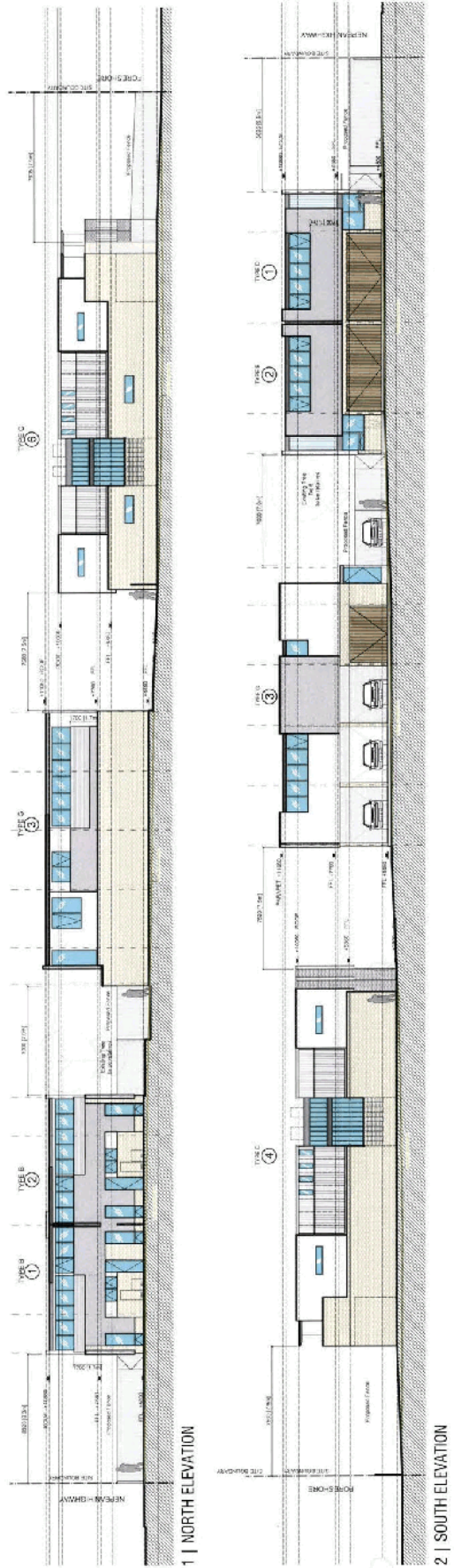
TOWN PLANNING

ADVERTISED
16 NOV 2017
BY: [Logo]

KEY

- AC Air-conditioning Unit
- BR Built-in Robes
- DW Dumb Waiter
- FL Flat
- GF Gas Fire
- HWAS Hot Water System
- RHE Pool Access Hatch
- WIR Walk-in Robes
- HR Habitable Room
- HRER Non Habitable Room

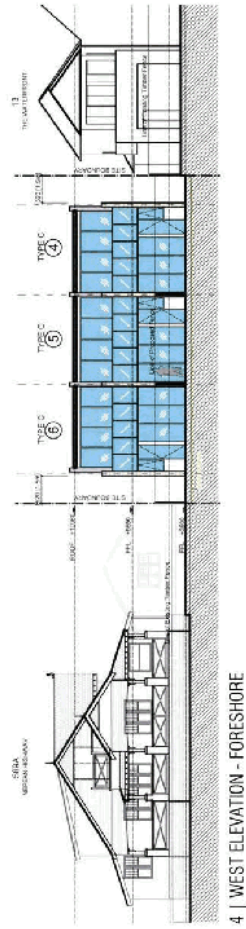
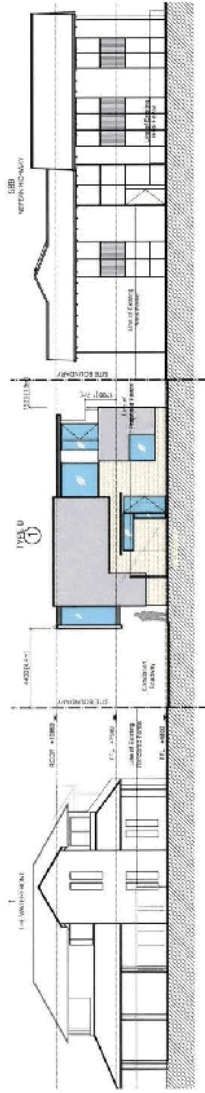
Existing FGLs (Finished Ground Levels)
+2.700 Proposed FGLs (Finished Floor Levels)
+0.000



RECEIVED
10 JULY 2017

MATERIALS & FINISHES LEGEND

- BY:
- Rounded Insulation (Chase Up)
 - Rendered Insulation
 - Brick Veneer
 - Gulching
 - Coffered Steel Ceiling
 - Timber Garage Door
 - Coloured Ceiling
 - Rising Fascia



design response | elevations

TOWN PLANNING

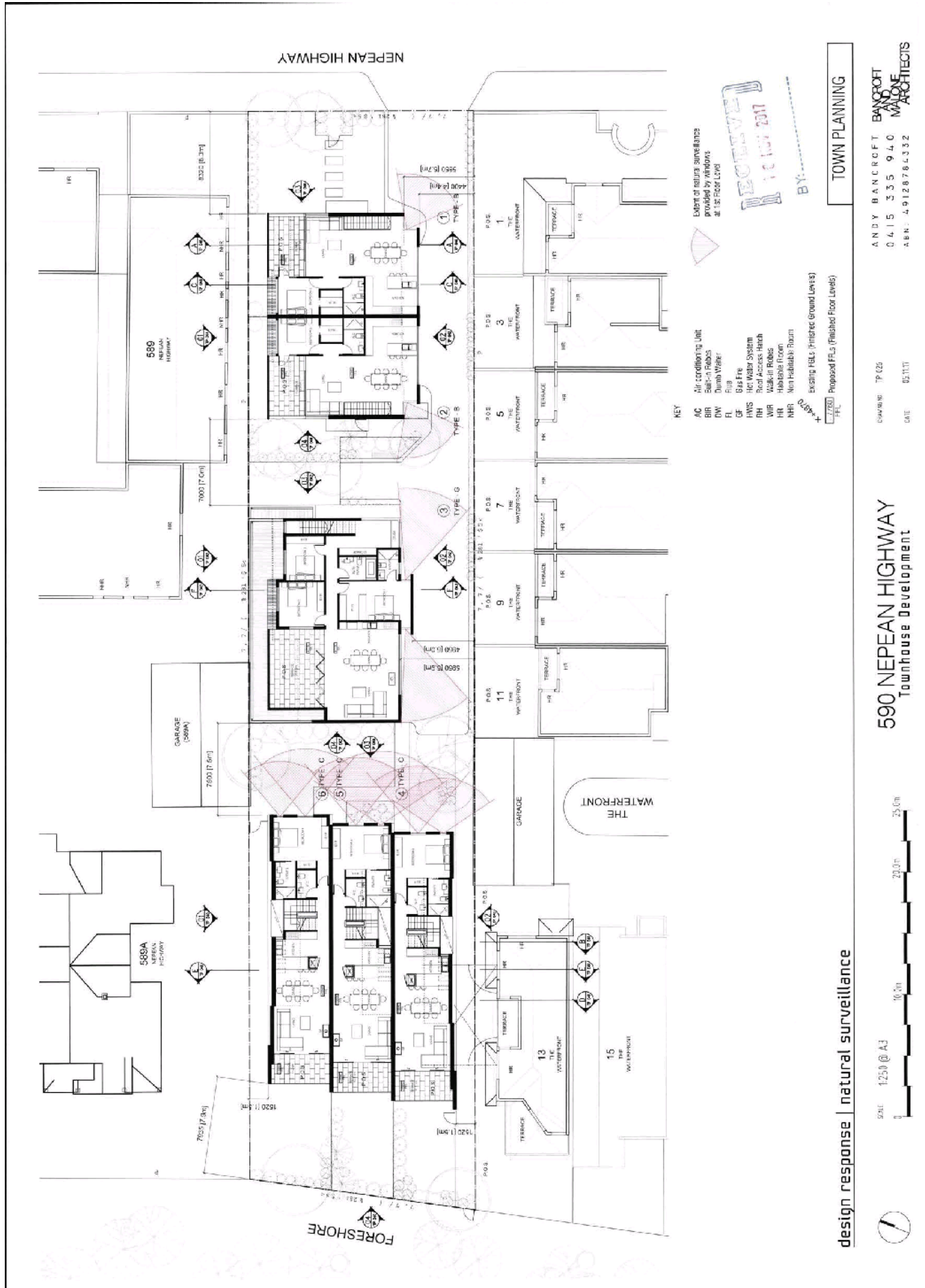
590 NEPEAN HIGHWAY
Townhouse Development

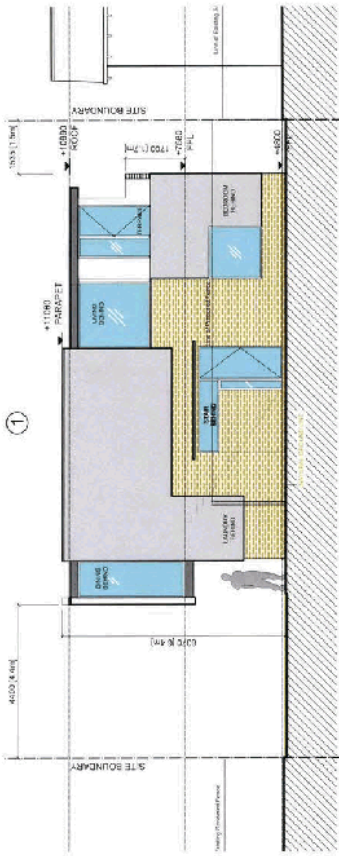
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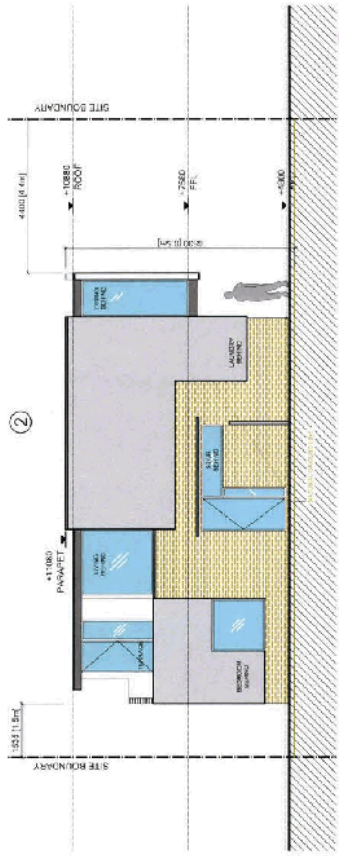
DATE 05/11/17
DRAWING TP 023

ANDY BANCROFT
0415 535 940
MAYNE ARCHITECTS
ABN: 49128784332

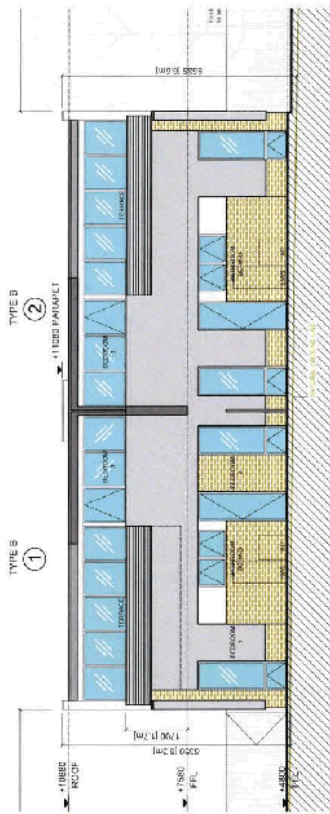




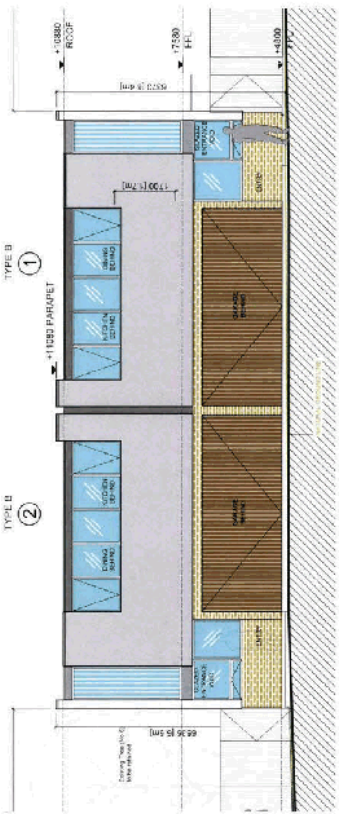
3 | EAST ELEVATION



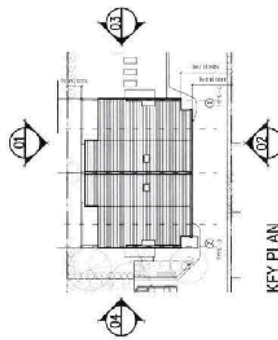
4 | WEST ELEVATION



1 | NORTH ELEVATION



2 | SOUTH ELEVATION



KEY PLAN

MATERIALS & FINISHES LEGEND

- Rendered Insulation (Close up)
- Rendered Insulation
- Brick Veneer
- Glazing
- Profiled Steel Cladding
- Timber Garage Door
- Coloured Steel Roofing
- Fascia

proposed elevations | unit nos 1+2

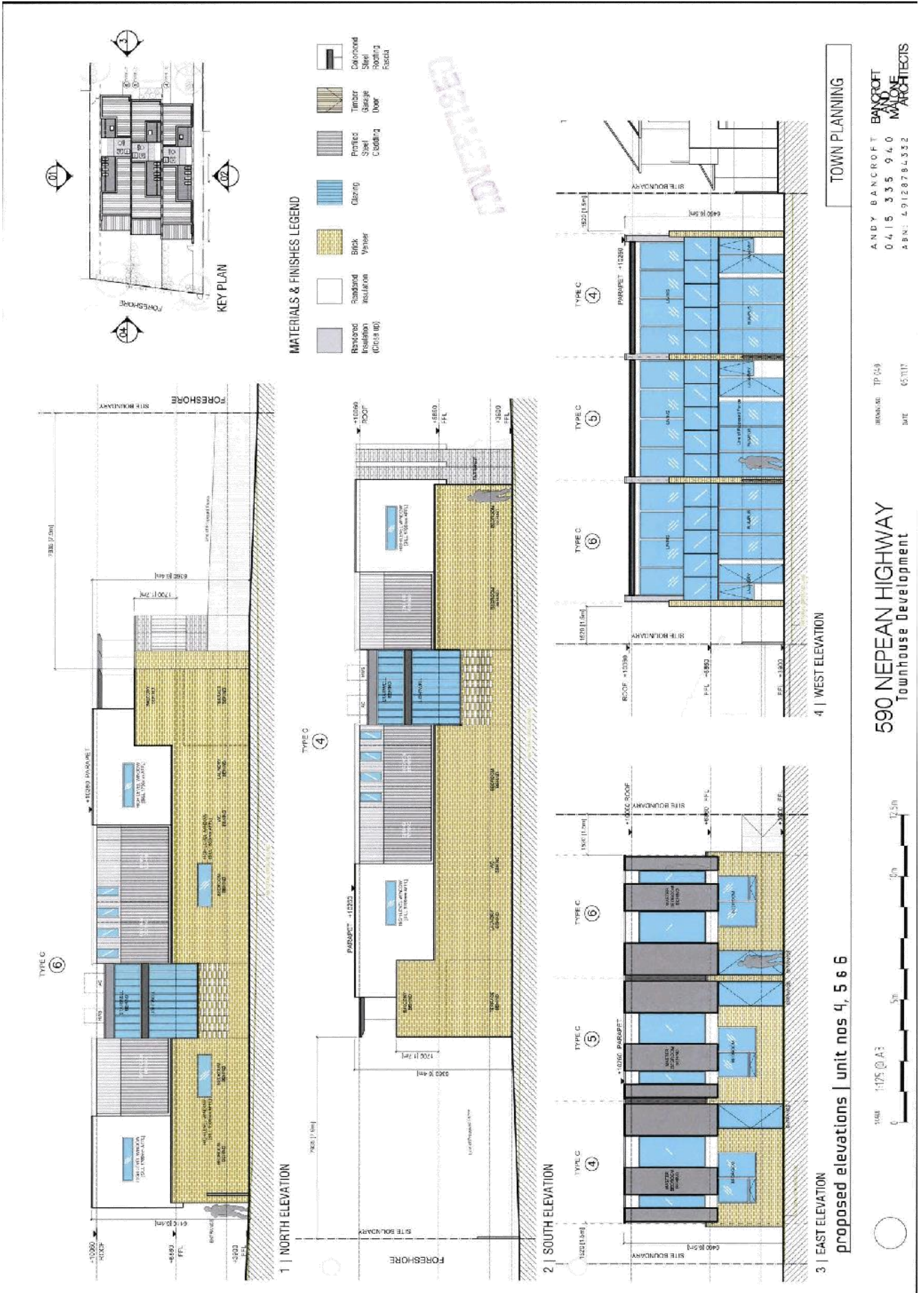


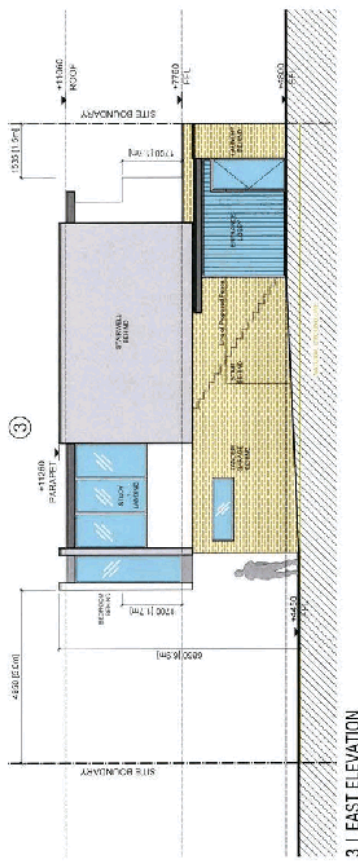
590 NEPEAN HIGHWAY
Townhouse Development

TOWN PLANNING

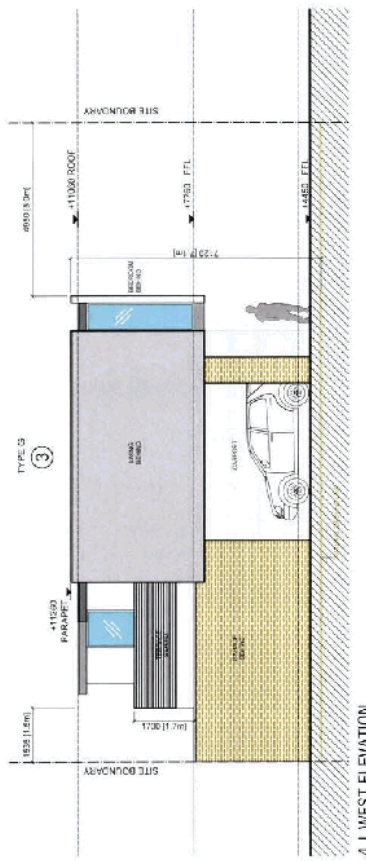
ANDY BANCROFT
04 15 335 940
A.B.N.: 49 128784332
BANCROFT
MALONE
ARCHITECTS

BRW/SHJ | P.34
DATE | 05/11/17

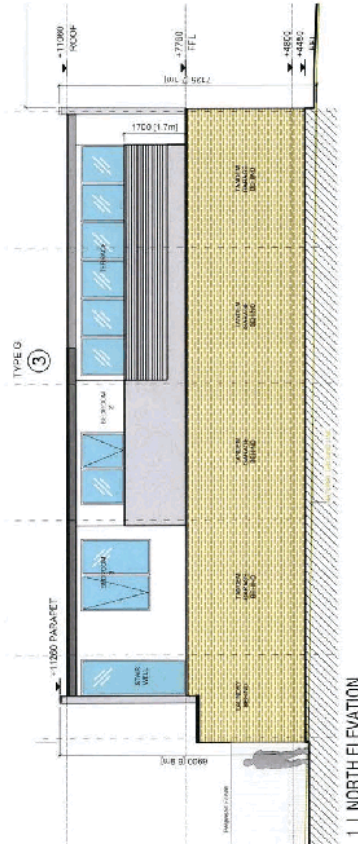




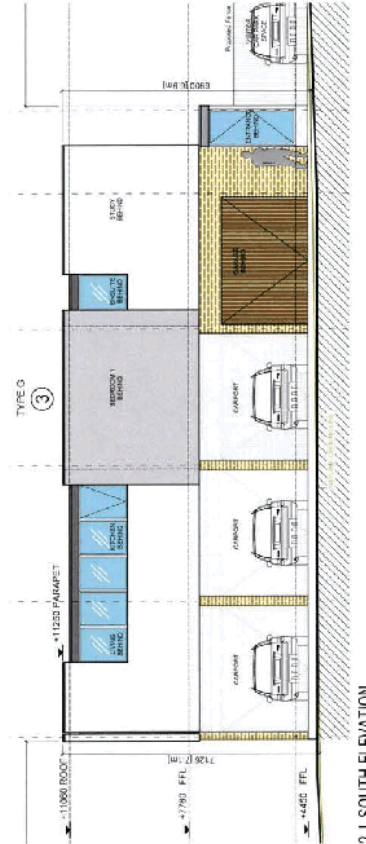
3 | EAST ELEVATION



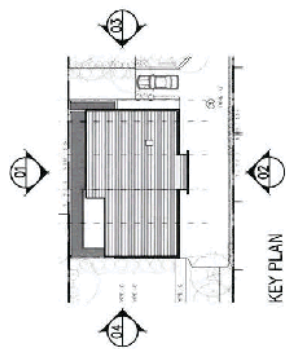
4 | WEST ELEVATION



1 | NORTH ELEVATION



2 | SOUTH ELEVATION



MATERIALS & FINISHES LEGEND

- Rendered Insulation (Chase up)
- Rendered Insulation
- Brick Veneer
- Glazing
- Profiled Steel Cladding
- Timber Garage Door
- Coloured Slats
- Fascia

proposed elevations | unit no 3 | Option A

SCALE 1:125 @ A3

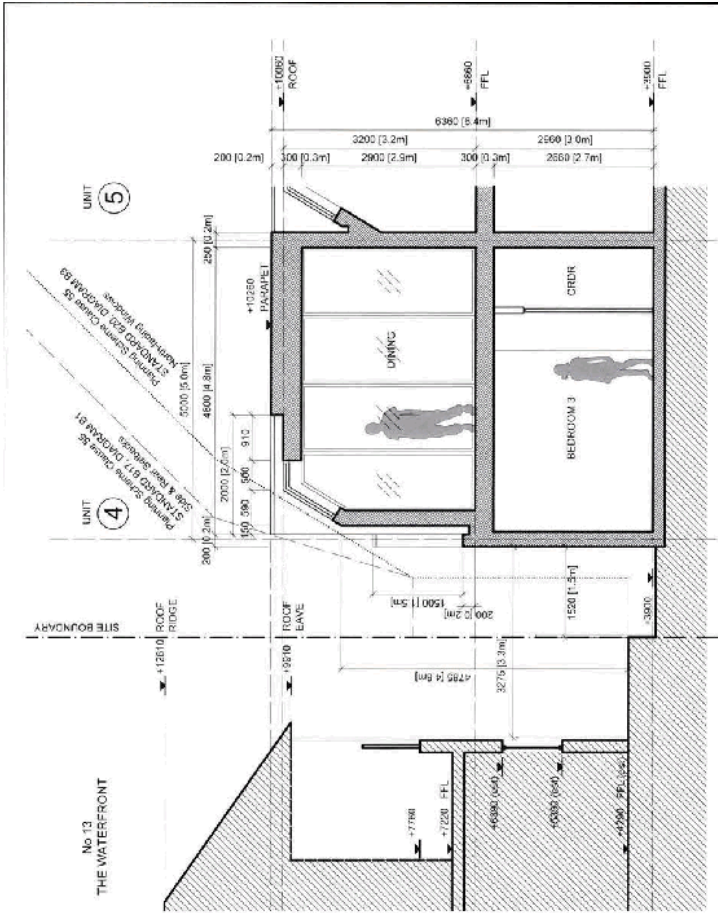


590 NEPEAN HIGHWAY
Townhouse Development

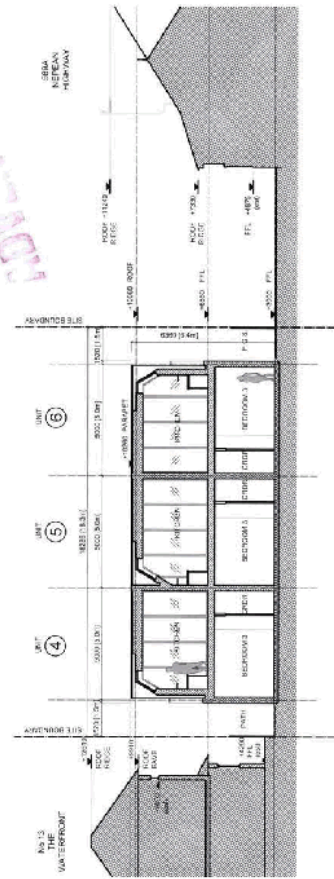
TOWN PLANNING

ANDY BANCROFT
0415 335 940
MADINE ARCHITECTS
ABN: 49128764332

DRAWING: TP142
DATE: 05/11/17



SECTION D-D
Section through Unit 4 (Dining)



SECTION E-E
Long Section through Site & Adjacent Properties
1:200 @ A3

TOWN PLANNING

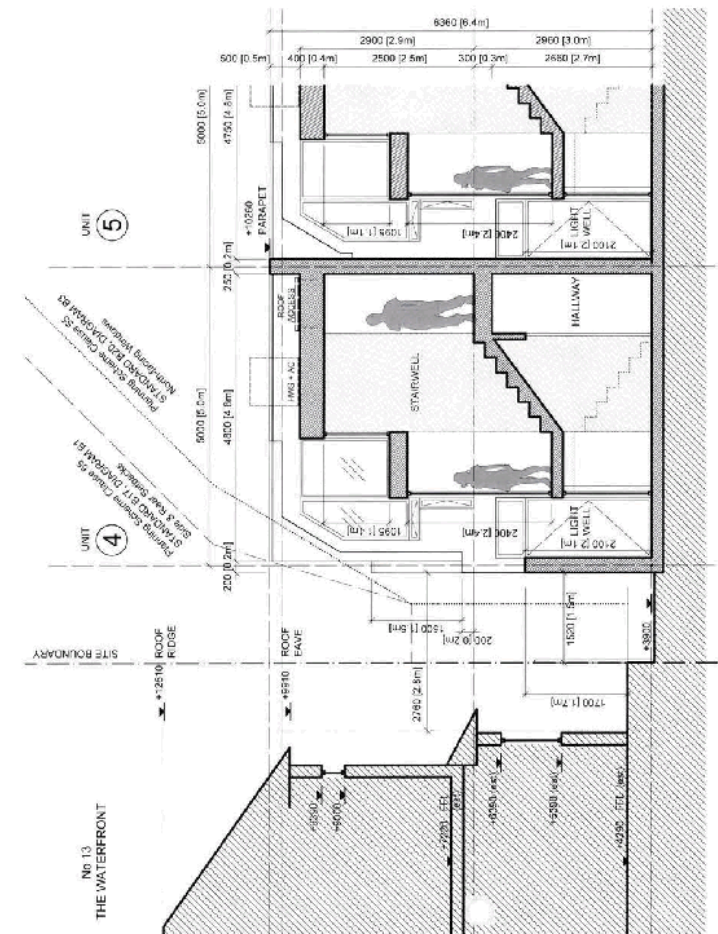
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ARCHITECTS
ABN: 40128784332

590 NEPEAN HIGHWAY
Townhouse Development

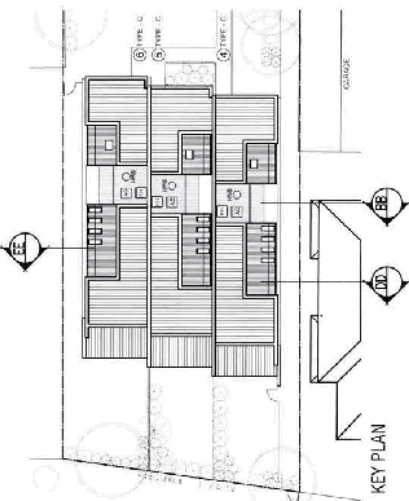


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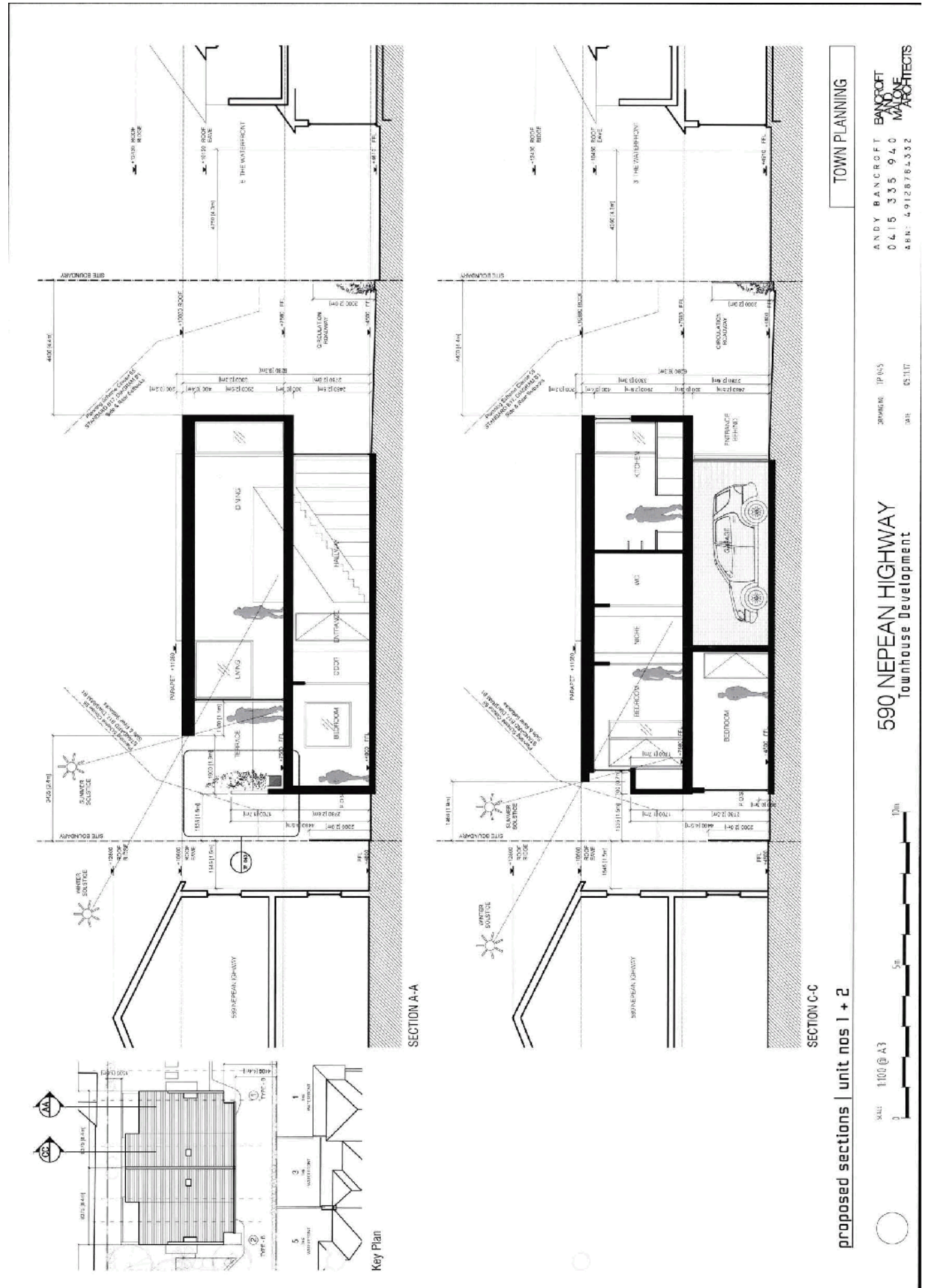
proposed sections | unit nos 4, 5 & 6

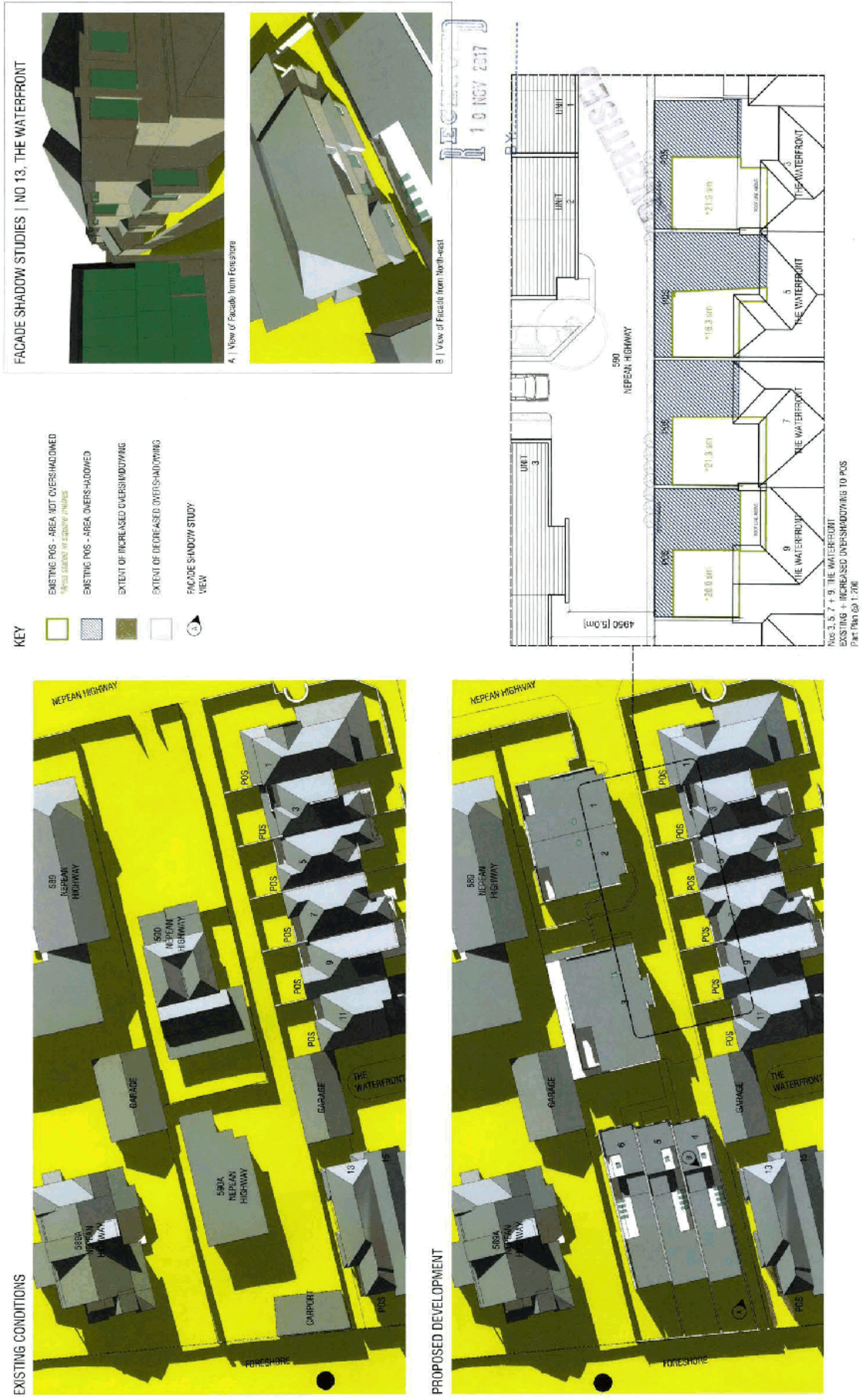


SECTION B-B
Section through Units 4 & 5 (Stairwell)



KEY PLAN





shadow study diagrams | 22 September, 0900hrs

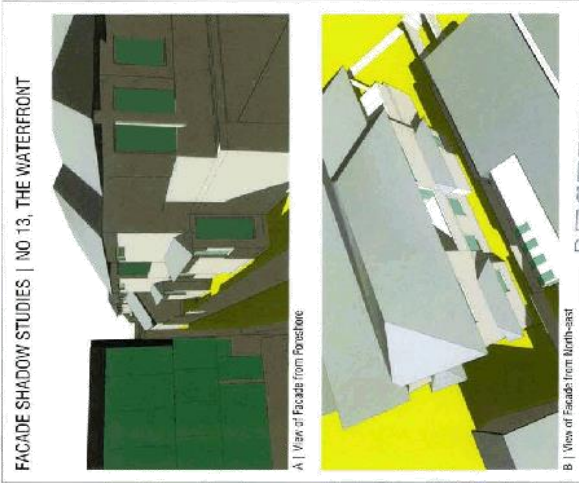
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590 NEPEAN HIGHWAY
Townhouse Development

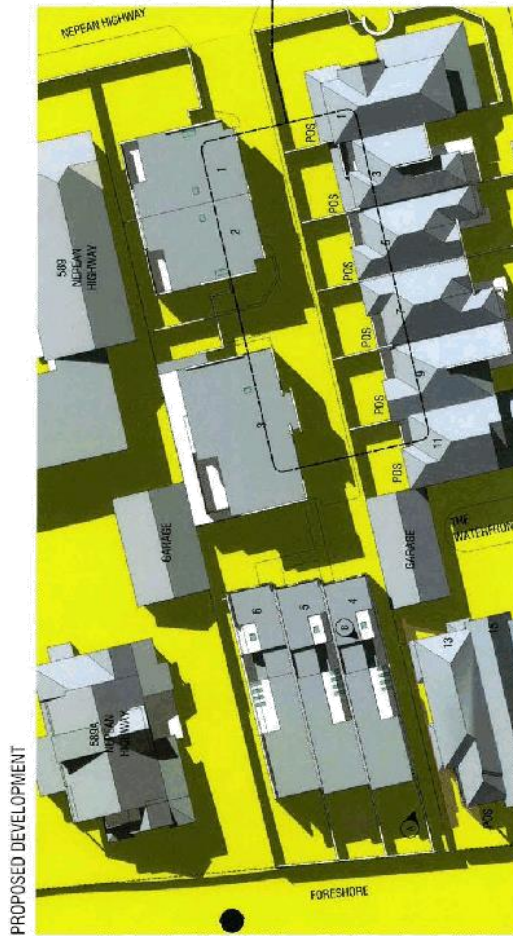
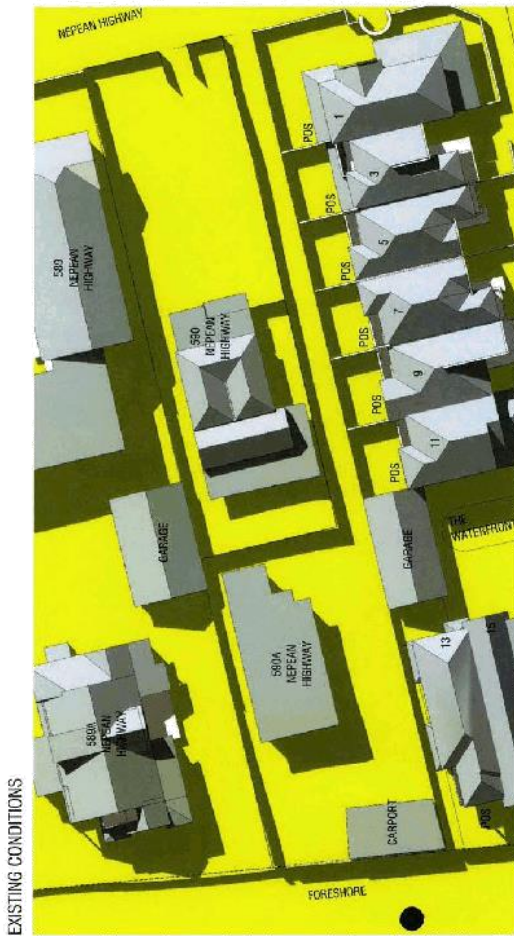
TOWN PLANNING

ANDY BANCROFT
0.415 335 940
ARCHITECTS
A.B.N.: 4.0128784332

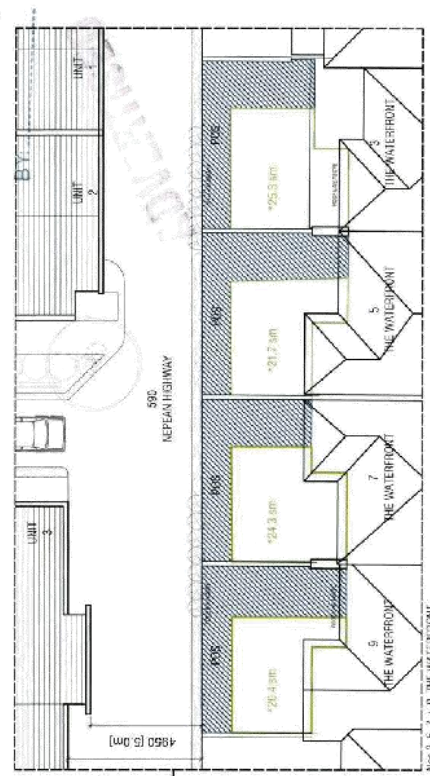
DRAWING NO. TP 530
DATE 05/11/17



- KEY**
- EXISTING POS - AREA NOT OVERSHADOWED
**Area shaded in facade study*
 - EXISTING POS - AREA OVERSHADOWED
 - EXTENT OF INCREASED OVERSHADOWING
 - EXTENT OF DECREASED OVERSHADOWING
 - FACADE SHADOW STUDY VIEW



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 11 NOV 2017
 CITY OF BAY BRUCE



Nos 1, 5, 7 + 9, THE WATERFRONT
 EXISTING + INCREASED OVERSHADOWING TO POS
 Part Plan @ 1:200

shadow study diagrams | 22 September, 1000hrs

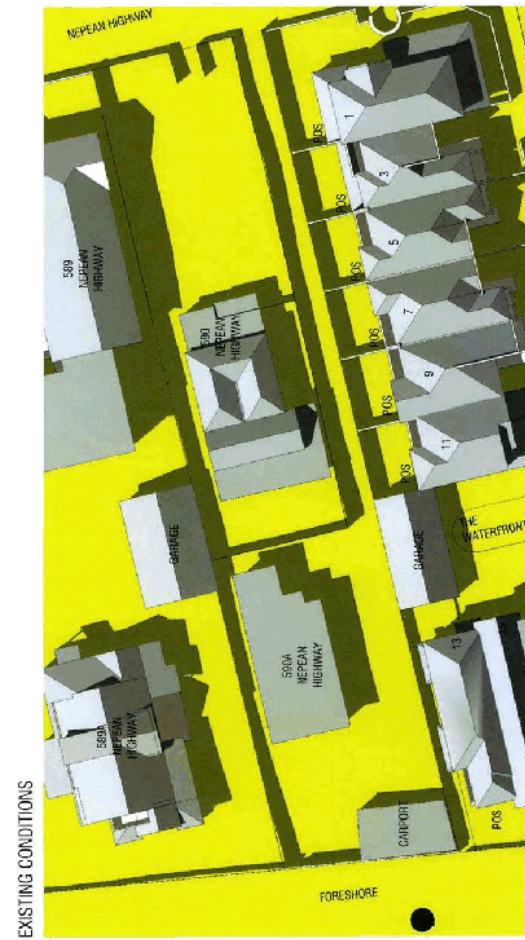
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590 NEPEAN HIGHWAY
 Townhouse Development

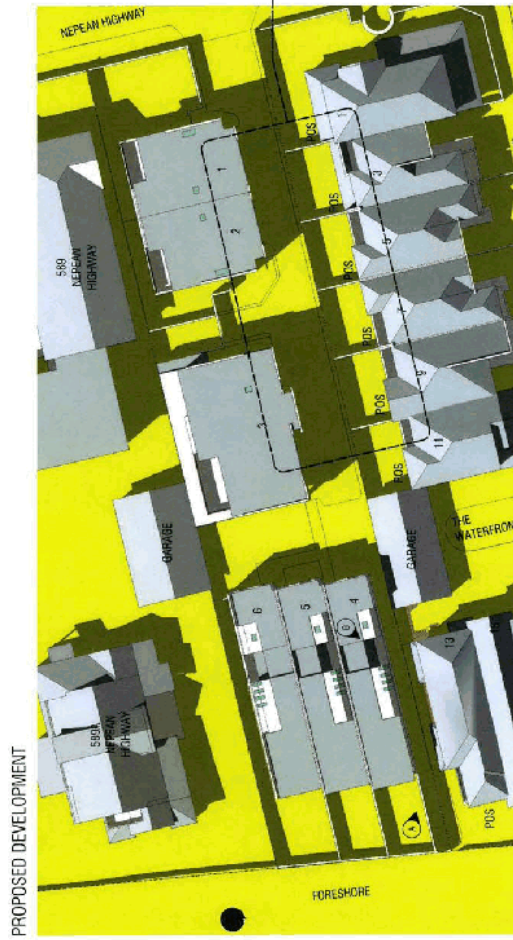
TOWN PLANNING

ANDY BANCROFT BANCROFT
 CL15 3.5 9.0 MANDRAKE
 ABN: 49128784332 ARCHITECTS


REVISION: TP 051
 DATE: 05/11/17

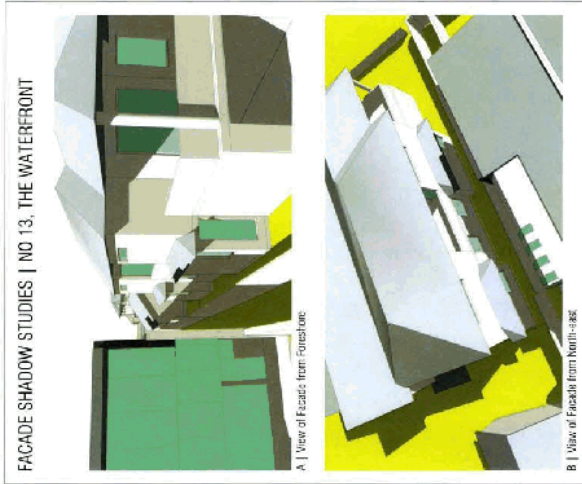


EXISTING CONDITIONS

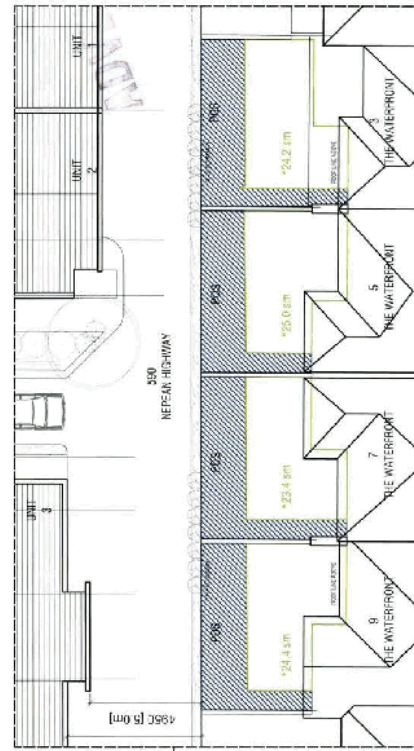


PROPOSED DEVELOPMENT

- KEY**
-  EXISTING PDS - AREA NOT OVERSHADOWED
**Area shaded in yellow means*
 -  EXISTING PDS - AREA OVERSHADOWED
 -  EXTENT OF INCREASED OVERSHADOWING
 -  EXTENT OF DECREASED OVERSHADOWING
 -  FACADE SHADOW STUDY
NEW



FACADE SHADOW STUDIES | NO 13, THE WATERFRONT



Units 3, 5, 7 + 8, THE WATERFRONT
EXISTING + INCREASED OVERSHADOWING TO PDS
Part Plan @ 1:200

shadow study diagrams | 22 September, 1900hrs



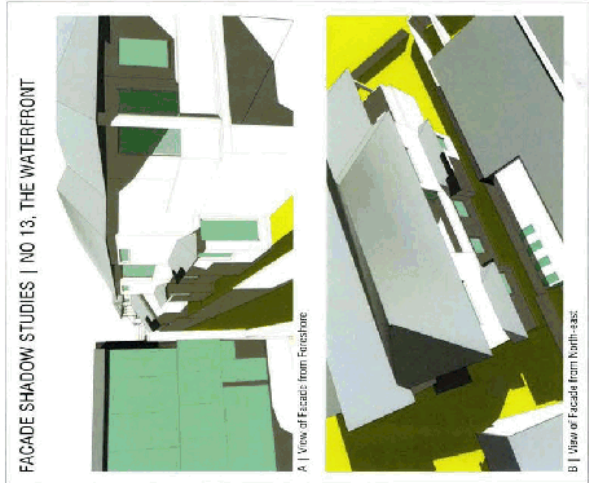
2000m
Not To Scale



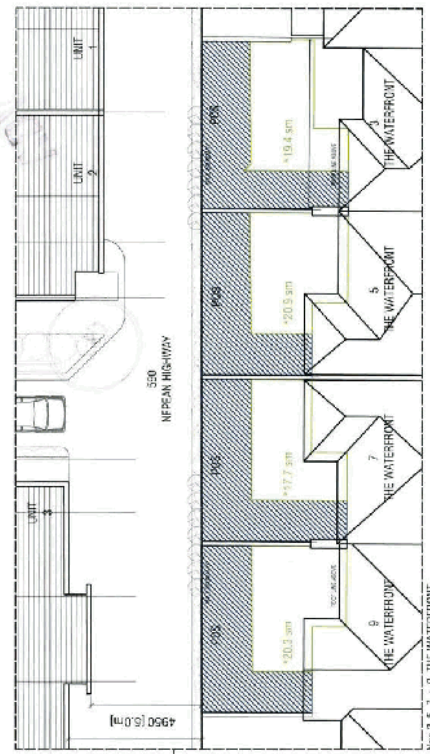
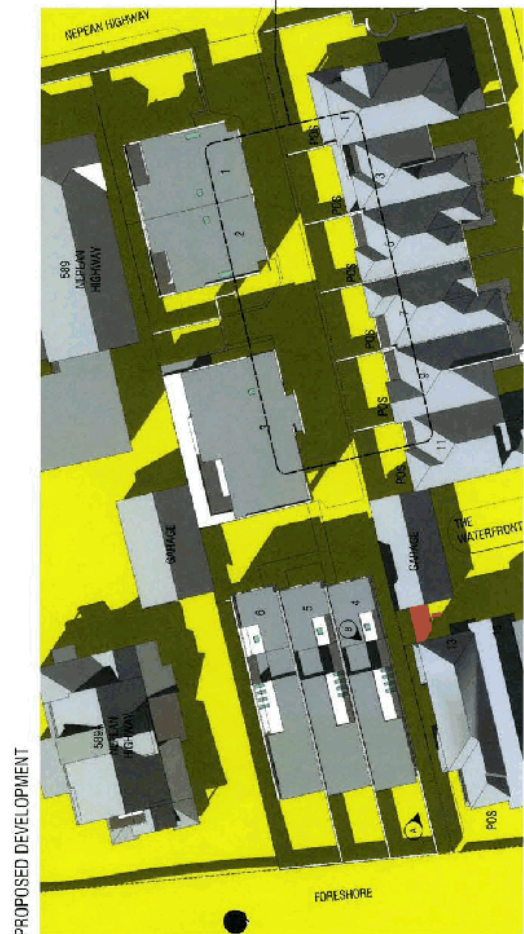
590 NEPEAN HIGHWAY
Townhouse Development

DATE: 05/11/17
DRAWING NO: TP-055

TOWN PLANNING
ANGY BANCROFT BANCROFT
04 15 335 940 MALONE
ARCHITECTS
ABN: 49128784332



- KEY**
- EXISTING POS - AREA NOT OVERSHADOWED
(No shadow cast on adjacent streets)
 - EXISTING POS - AREA OVERSHADOWED
 - EXTENT OF INCREASED OVERSHADOWING
 - EXTENT OF DECREASED OVERSHADOWING
 - FACADE SHADOW STUDY VIEW



Nos 3, 5, 7 + 9, THE WATERFRONT
EXISTING + INCREASED OVERSHADOWING TO PLUS
Plan Floor @ 1:200

shadow study diagrams | 22 September, 1500hrs

SCALE Not To Scale



590 NEPEAN HIGHWAY
Townhouse Development

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ANDY BANCROFT BANCROFT
0415 335 940 MALONE
ARCHITECTS
A.B.N.: 49128784332

RDW/MS/TP/DSK
DATE 05/11/17



1 | VIEW OF DEVELOPMENT - FROM START OF DRIVEWAY



2 | VIEW OF UNITS 4, 5 & 6 - FROM END OF DRIVEWAY

UNAPPROVED

RENDERING

BY:

KEY PLAN



design response | visualisations

TOWN PLANNING

not to scale



590 NEPEAN HIGHWAY
Townhouse Development

TP 613
95/117

ANDY BANCROFT BANCROFT
0415 335 940 MAJONE
ARN: 49126784332 ARCHITECTS

Planning Committee Meeting

18 April 2018

Agenda Item No: 4.4

KP17/716 - 51 GOLDEN AVENUE CHELSEA

Contact Officer: Hugh Charlton, Statutory Planning

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP716/2017 - 51 Golden Avenue Chelsea.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to grant a Planning Permit to Develop the land for the construction of five (5) dwellings at 51 Golden Avenue Chelsea, subject to the conditions contained within this report.

PLANNING OFFICER REPORT	
APPLICANT	Fair Dinkum Pty Ltd
ADDRESS OF LAND	51 Golden Avenue Chelsea
PLAN OF SUBDIVISION REFERENCE	Lot 86 on PS 5789
PROPOSAL	Develop the land for the construction of five (5) dwellings
PLANNING OFFICER	Hugh Charlton
REFERENCE NO.	KP716/2017
ZONE	Clause 32.08: General Residential Zone (Schedule 3)
OVERLAYS	None
OBJECTIONS	Seven (7)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	D.A.Szabo & Assoc comprising Drawing No's. L2017/031A Sheets 1 to 4 inclusive, dated August 2017, submitted to Council on 1 December 2017
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

- 1.1 Council records indicate that there is no relevant planning history relating to the subject site.
- 1.2 No. 49 Golden Avenue Chelsea - Planning Permit KP68/2011 was issued by Council on 29 November 2011 for five (5) dwellings in a tandem arrangement (all double storey other than with a single storey dwelling to the rear). This development had been completed and forms the existing conditions of the adjoining property to the west.
- 1.3 No. 40 Golden Avenue Bonbeach, 230 metres to the west of the subject site. Planning Permit KP990/2016 was approved by the Tribunal on 22 February 2018 for 6 dwellings with a reduction of the visitor car parking requirement. The Tribunal overturned the decision by Council's Planning Committee to refuse the proposal and sought to grant a permit. It is noted that the site is located in the General Residential Zone 3 in a 'Residential renewal area', and posed built form that was more intensive than the proposal at the subject site on a similar sized site of 1420m².

2.0 SITE PARTICULARS

- 2.1 The subject site is generally rectangular in shape with a frontage to Golden Avenue Street of 15.24 metres, a side depth of 88 metres, resulting in a site area of approximately 1340.5m². The site is currently vacant.
- 2.2 The land is generally flat with a slight slope of 650mm from the front to the rear. There is one large tree located to the front of the site and two smaller trees located centrally.
- 2.3 There is no restrictions or easements listed on the Certificate of Title.

2.4 The subject site is located within Area 9A – Chelsea of the *Kingston Open Space Strategy* approved by Council in June 2012. The Strategy notes that areas to the north are not well served in terms of open space and there is only a small area to the south.

2.5 A site inspection was carried out by the planning officer.

3.0 SURROUNDING ENVIRONS

3.1 The site is located in an established residential area where the predominant built form is older and new infill multi-dwelling development of five (5) to six (6) dwellings (for comparable sized lots). The architectural style and built form of existing residential development in the surrounding area is varied, however, the majority of dwellings feature front setbacks of around 7 metres and are detached from at least one side boundary.

3.2 Dwellings range from one to two storeys however where double storey is present it is generally located to the front with single storey scale at the very rear. There is no predominant fencing style in the neighbourhood, varying between open frontages to around 1.6m high fencing of varying styles.

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

North (Rear) – 2 properties abut this boundary:

- No. 54 Glenola Road comprises a double storey villa unit, having secluded private open space to the rear adjacent to the shared boundary.
- No. 56A Glenola Road comprises a single storey dwelling, having secluded private open space to the rear adjacent to the shared boundary and secluded private open space on the northern side of the dwelling, away from the subject site.

South (Front) – Golden Avenue and opposite are single storey dwellings comprising four (4) units .

East (Side) – 4 properties abut this boundary. No. 53 Golden Avenue comprises four (4) single storey tandem units, with four (4) areas of secluded private open space adjacent to the shared boundary. The front dwelling features a minimum front setback of 8.9 metres from the street.

West (Side) – 5 properties abut this boundary. No. 49 Golden Avenue (approved by planning permit in November 2011), comprises four (4) double storey dwellings and a single storey dwelling to the rear. Five (5) areas of secluded private open space are located adjacent to the shared boundary. The front dwelling features a minimum front setback of 7.6 metres from the street.

4.0 PROPOSAL

4.1 The application seeks to develop the land for the construction of five (5) dwellings on a lot.

4.2 The proposed development comprises semi-detached, double storey dwellings, with a single storey dwelling at the very rear. Dwellings are arranged in tandem with a common driveway providing access to four (4) of the dwellings, and separate access for the front dwelling. Three (3) dwellings provide two (2) bedrooms and two (2) dwellings provide three (3) bedrooms.

- 4.3 All dwellings have either one (1) or two (2) car spaces as per dwelling, and one (1) visitor car space is provided, in accordance the car parking requirements under Clause 52.06.
- 4.4 The design is a contemporary response that includes hipped roofs to an overall height of 7.6m. Built form on boundary is partially constructed for a length of 7.3m along the eastern side boundary and along the western side boundary for a length of 7.2m, and the northern rear boundary for a length of 4.2m, to average heights between 3 and 3.2m.
- 4.5 Proposed materials include: rendered brick and timber cladding to walls, Colorbond roofs.
- 4.6 Secluded private open space (POS) ranges between 46m² to 61m² at ground level, and supplemented for Dwelling 1 with an additional POS of 45m² in the front setback.
- 4.7 All vegetation on site is to be removed. No existing street tree will require removal.
- 4.8 One (1) single crossover proposed for Dwelling 1 and the existing single crossover will be used for the remaining dwellings.
- 4.9 Site coverage is proposed to be 38.6 per cent, and permeability 35.7 per cent.

5.0 PLANNING PERMIT PROVISIONS

Zone

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

Overlays

- 5.2 None.

Particular Provisions

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

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

This equates to a parking requirement of 8 spaces (including 1 visitor space) for the proposed development.

All dwellings have either 1 or 2 car spaces (depending on the number of bedrooms proposed), and 1 visitor car space is provided, in accordance the car parking requirements under Clause 52.06.

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.

- 5.4 Clause 52.06 – 8 Design standards, including, splays, garaging dimensions, tandem space dimensions, have been reviewed and are considered compliant. The vehicle movements and access is not compliant, and changes are required to ensure vehicles can enter and exit the site efficiently and safely. A condition will require:

a) garage door widths to Dwellings 2 to 5 increased to a minimum of 3.2 metres;

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

General Provisions

- 5.5 The Decision Guidelines of Clause 65 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 State Planning Policy Framework (SPPF)

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

6.2 Local Planning Policy Framework (LPPF)

Clause 21.05 Residential Land Use
Clause 22.11 Residential Development Policy

6.3 Other

Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 74 of the Neighbourhood Character Guidelines.

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.

- 7.2 Seven (7) objection(s) to the proposal were received. The grounds of objection raised are summarised as follows:

- Traffic and parking
- Overlooking
- Overshadowing
- Visual bulk
- Vegetation removal
- Crossovers
- Waste pickup
- Emergency vehicle access

8.0 PLANNING CONSULTATION MEETING

- 8.1 A planning consultation meeting was held on 27 February 2018 with the relevant Planning Officer, the Permit Applicant and seven (7) objector(s) in attendance. The above-mentioned issues were discussed at length.
- 8.2 The applicant offered to extend the northern boundary fence height by a trellis or similar to 56A Glenola Road which was accepted by the objector and owner of that property. This has been included in the recommended permit conditions.
- 8.3 The majority of the concerns were unable to be resolved at the meeting, and the objections still stand.

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

- 9.1 There were no formal amendments submitted to the application.

10 REFERRALS

- 10.1 The application was referred to the following internal departments:
- Council's Development Engineer – raised no objection to the application, subject to conditions included on any permit issued relating to stormwater management, rainwater tanks and a flood proof apex to protect the property from overland flows.
 - Council's Vegetation Management Officer - raised no objection to the application, subject to conditions included on any permit issued relating to a landscape plan with indigenous species. There is no street tree that will be impacted on. The two mature trees on the site are a Blue Atlas Cedar and a Desert Ash. Both trees were considered inappropriate to be retained within a new development site.
 - Council's Roads and Drains Department – raised no objection to the application, subject to conditions including separation between existing double crossover into individual crossovers. This condition has not been included as there is no proposal to modify the existing functional double crossover and it is considered *ultra vires* to require such changes in this instance.
- 10.2 The application was not required to be referred to any external referral authorities.

11 PLANNING CONSIDERATIONS:

State 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: Metropolitan Planning Strategy' (Department of Transport, Planning and Local Infrastructure, 2014).
- 11.2 The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **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 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 11.01-2** 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 11.04-2** 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.
- 11.5 **Clause 11.04-4** aims to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities, with strategies such as protecting Melbourne and its suburbs from inappropriate development; creating neighbourhoods that support safe communities and healthy lifestyles; and promoting design excellence.
- 11.6 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.7 **Clause 15.03-2 (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.8 The Subject Land **is not** identified in an area of Aboriginal Cultural Heritage Sensitivity.

- 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 Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** 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** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.11 The policies contained within **Clause 16.01-4** 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.
- 11.12 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself will achieve 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

- 11.13 The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- 11.14 Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:
- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*

- *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
 - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*
- 11.15 Council's Local Planning Policy at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.16 **Clause 22.11 Residential Development Policy** extends upon the provision contained at **Clause 21.05** (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.
- 11.17 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:
- ②①
- *To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.*
 - *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
 - *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
 - *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
 - *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
 - *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*
- 11.18 It is considered that the subject to condition, the proposed development generally complies with the Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

Zoning Provisions

- 11.19 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 – 500 square metres	25%
501 – 650 square metres	30%
Above 650 square metres	35%

It is considered that the proposal in its current format complies with the mandatory garden requirement. As calculated, a minimum of 35.6% garden area has been provided for the entire lot.

12 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 following assessment gives further discussion to that in the attached appendix, particularly those 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 which can be addressed by conditions.

Standard B1 – Neighbourhood Character and Standard B17 – Side and rear setbacks

- 12.3 As these two objectives overlap and the issues of concern overlap, these matters will be considered together.
- 12.4 The objective of Clause 55.02-1 is *‘to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area’*. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.
- 12.5 The objective of Clause 55.04-1 is *‘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.’*
- 12.6 The proposal for five dwellings in a tandem arrangement transitioning to a single storey scale at the rear is considered appropriate in-principle. In the surrounding context, this typology has been established, and as such the proposal is seen to reference the rhythm of the existing housing stock. The architectural form and materials draw parallels with the surrounding built form, incorporating typical characteristics such as gabled roofs with face brickwork and weatherboards.

- 12.7 There is concern with the combination of double storey forms with shallow eastern side setbacks which is considered a poor design response that fails to adequately align proposed building envelopes with existing building envelopes. Of particular concern, the adjoining property at No. 53 Golden Avenue has four (4) reasonably small areas of secluded private open space that would be most impacted by the proposal.
- 12.8 Similarly, the adjoining properties to the west and north have a number of secluded private open space areas (POS) which adjoin the subject site. However the proposal is adequately site responsive to these sensitive interfaces by virtue of the deeper first floor setbacks of minimum 4.53 metres (west) and 23.3 metres (north).
- 12.9 On the eastern side, the failure of the proposed development to respond to the character of built form and sensitive areas on adjoining properties is contrary to Standard B1. Dwelling 3 and to a lesser extent Dwelling 4 are inappropriately aligned with the existing secluded POS of No.'s 2 / 53 and 3 / 53 Golden Avenue.
- 12.10 The proposed first floor eastern setbacks of Dwellings 2 to 4 are acknowledged to just achieve Standard B17. However these setbacks are inconsistent with the depth of side setbacks for medium density development in the surrounding area which typically exceed the minimum standard by an additional 1 to 2 metres. As such the proposal would fail to meet the overarching objective of Clause 55.04-1 (Side and rear setbacks) to respect the existing character.
- 12.11 To ensure that the development is site responsive, respects the preferred character, and mitigates visual bulk, the following conditions on permit are recommended:
- a) first floors of Dwellings 2, 3 and 4 setback from the eastern boundary a minimum of 2.5 metres with generally no reduction to other setbacks;
 - b) deletion of the first floor bathroom of Dwelling 3; (to reduce the apparent length of first floor opposite the existing secluded POS at 2/53 Golden Avenue)

Standard B2 – Residential Policy

- 12.12 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston's MSS and Residential Development Policy has been provided at section 11 of this Report, with the proposal found to be satisfactory.
- 12.13 Further to the assessment at section 11, Clause 22.11 (Residential Development Policy) seeks to provide a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.
- 12.14 Clause 22.11 nominates the surrounding General Residential Zone Schedule 3 area for 'Incremental Housing Change' Areas, and states:

In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS. The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments.

- 12.15 It is noted that the site is not within convenient walking distance of public transport and activity centres. With comparison to existing density and lot size, the application proposes the potential for 5 lots between 135m² to 260m² in area which is consistent with the subdivision pattern of multi-dwelling development on comparable lot sizes.
- 12.16 Accordingly, it is considered that the proposed density is consistent with the incremental change in the surrounding area and the future subdivision pattern (that would be created by the development) and would be consistent with the existing character within Golden Avenue and surrounding residential streets.

Standard B10 - Energy Efficiency

- 12.17 The objectives seek to:
- *Achieve and protect energy efficient dwellings and residential buildings.*
 - *Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.*
- 12.18 It is considered that the proposal will not unreasonably impact on the energy efficiency of adjoining dwellings.
- 12.19 However the proposed dwellings are not sufficiently energy efficient and fail to achieve first-principles of energy efficiency, particularly to reduce heat loading on glazing. It is acknowledged that north-facing windows have been maximised as required.
- 12.20 In order to improve the energy efficiency of the proposed dwellings the following condition on permit is recommended:
- a) west-facing living room glazing to Dwellings 1, 2, 3 and 4 be double glazed or have a 500mm eave or similar above that reduces heat loading;

Standard B22 – Overlooking

- 12.21 The objective seeks to: *'Limit views into existing secluded private open space and habitable room windows.'*
- 12.22 The proposal meets Standard B22 in terms of limiting views into neighbouring dwellings and existing backyards. All first floor level habitable room windows located within 9.0 metres of existing habitable room windows or secluded POS area of an adjoining property would be either highlight windows or fitted with fixed screening to a minimum height of 1700mm above the finished floor level of each proposed dwelling with no more than 25 per cent transparency.

- 12.23 As mentioned, additional screening is proposed in agreement with the objector, to extend the northern boundary fence height by a trellis or similar to 56A Glenola Road, at the developer's cost.
- 12.24 With regard to internal amenity, it is considered that some first floor windows are excessively screened which is contrary to the decision guidelines for the Standard which considers: *'The internal daylight to and amenity of the proposed dwelling or residential building.'* Some of these windows, as recommended by condition below, can be altered without requiring privacy screening due to their internal facing outlooks which would meet Standard B22 as there are not within 9.0 metres of existing habitable room windows or secluded POS area of an adjoining property.
- 12.25 As such conditions on permit are recommended to require the following changes:
- a) first floor north-facing bedroom windows to Dwellings 2 and 3 be clear glazed with a waist-high sill height or similar;
 - b) details of west-facing first floor privacy screens which must be designed to limit overlooking yet maximise internal amenity, daylight and outlook in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;

Standard B29 - Solar Access to Open Space

- 12.26 The objective seeks to: *'Allow solar access into the secluded private open space of new dwellings/buildings.'*
- 12.27 It is considered that Dwellings 1 and 3 do not provide an adequate depth to their areas of private open space. The Standard requires a 7.1 metre depth from the wall on the northern side of the POS, whereas a depth of 6.34-6.4m is proposed.
- 12.28 A variation to Dwelling 1 can be justified on the basis that their secluded POS is larger with additional outdoor space available at the front, therefore will receive adequate solar access and standard of amenity.
- 12.29 However it is considered that Dwelling 3 will be unreasonably impacted upon by the size and position of Dwelling 4 to its north. In order to improve solar access to Dwelling 3, a reduction in the building envelope of Dwelling 4 is required, to increase the available afternoon daylight access the proposed secluded POS. Whilst this may result in the loss of the ensuite, the first floor of Dwelling 4 could be rearranged to maintain a bathroom.
- 12.30 As such a condition is recommended to reduce Dwelling 4 as follows:
- a) western wall of bedroom 2 of Dwelling 4 setback a minimum of 9 metres from the western boundary, and with an internal rearrangement as required to retain 2 bedrooms;

13 RESPONSE TO GROUNDS OF OBJECTIONS

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

Car Parking, traffic, emergency vehicle access

Objectors have raised concerns regarding any increases in traffic, parking difficulties in the street, and traffic safety issues.

The proposal does not seek a reduction of the car parking requirements of the Planning Scheme, and provides all of the required spaces according to Clause 52.06 – Car parking.

In terms of design (subject to minor conditions) the proposal meets Clause 52.06-8 'Design Standards' including, splays, garaging dimensions, tandem space dimensions, and access. The proposal provides for the required 3 metres accessway widths to accommodate emergency vehicles on site. The standard does not consider the road width and its ability to accommodate emergency vehicles as this is generally beyond the realm of the Kingston Planning Scheme.

14 CONCLUSION:

- 14.1 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.
- 14.2 The proposed development is considered appropriate for the site (subject to conditions) as evidenced by:
- The compatibility of the design and siting with the surrounding area;
 - The mitigation of off-site amenity impacts; and
 - A suitable level of compliance with all relevant policies, including Clause 55 of the Kingston Planning Scheme
- 14.3 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.

15 RECOMMENDATION:

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to **Develop the land for the construction of five (5) dwellings** at 51 Golden Avenue Chelsea, subject to the following conditions:

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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 D.A.Szabo & Assoc. comprising Drawing No's. L2017/031A Sheets 1 to 4 inclusive, dated August 2017, submitted to Council on 1 December 2017, but modified to show:
 - a. the western boundary fence height extended by a 300mm high trellis to 56A Glenola Road at the developer's cost, unless otherwise agreed between the respective owners;
 - b. first floors of Dwellings 2, 3 and 4 setback from the eastern boundary a minimum of 2.5 metres with generally no reductions to other setbacks;
 - c. deletion of the first floor bathroom of Dwelling 3;
 - d. west-facing living room glazing to Dwellings 1, 2, 3 and 4 be double glazed or have a 500mm eave or similar above that reduces heat loading;
 - e. first floor north-facing bedroom windows to Dwellings 2 and 3 be clear glazed with a waist-high sill or similar;
 - f. details of west-facing first floor privacy screens which must be designed to limit overlooking whilst maximising internal amenity, daylight and outlook in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;
 - g. western wall of bedroom 2 of Dwelling 4 setback a minimum of 9 metres from the western boundary with an internal rearrangement (as required) to retain two bedrooms;
 - h. garage door widths to Dwellings 2 to 5 increased to a minimum of 3.2 metres;
 - i. the lengths of on-boundary walls clearly dimensioned;
 - j. the longitudinal section of reverse fall driveways with levels, distances, grades as per AS2890.1:2004 and provision of a flood proof apex as per condition 5 of this Permit;
 - k. provision of a 2000L water tank clearly nominated for each new dwelling and collected to toilets for flushing;
 - l. summary of all key commitments identified within the submission of a Sustainable Design Assessment required under Condition 6 of this permit clearly shown on plans;
 - m. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveways of the development;
 - n. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - iv. A range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species by total numbers and plant type;

- v. The provision of two (2) indigenous canopy trees capable of reaching a mature height of at least 12 meters and 5 meters wide to be planted within the front setback, one (1) indigenous canopy tree capable of reaching a mature height of at least 5 meters and 2.5 meters wide to be planted in each area of secluded private open space, a further two (2) indigenous canopy tree capable of reaching a mature height of at least 4 meters and 1.5 meters wide to be planted along the driveway garden bed at the widest point to provide a landscape buffer from neighbouring properties, with species to be approved by the Responsible Authority;
- vi. 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;
- vii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
- viii. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- ix. 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.

Endorsed Plans

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

Drainage and Water Sensitive Urban Design

- 3. 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 above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.

4. 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 12L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

5. A flood proof apex (i.e. ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum of 320mm above the existing kerb and channel invert level along the entire Golden Avenue 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 (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.

Sustainable Design Assessment

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

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

Infrastructure and Road Works

8. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.

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

10. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.

11. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.

12. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

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

Completion of Works

16. Prior to the occupation of the 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.
17. 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 (except where that landscaping is on public land) to the satisfaction of the Responsible Authority.

Time Limits

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

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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

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

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

OR

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

1. The proposal is inconsistent with the emerging character and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposed extent of massing is visually intrusive and would result in unreasonable amenity impacts on adjoining properties.
3. The secluded private open space to Dwellings 1 and 3 would receive inadequate solar access, contrary to Clause 55.05-5 of the Kingston Planning Scheme.

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme

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

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	No	See section 12 of the report.
<p>B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See section 12 of the report.
<p>B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	Not applicable as less than 10 dwellings proposed.
<p>B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	Yes	The proposed development would be orientated towards the street and includes street facing habitable rooms. No front fencing is proposed along the site's street frontage.
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	Required: 8.3 metres Proposed: 8.3 metres
<p>B7 Building Height Building height should respect the existing or preferred neighbourhood character.</p>	Yes	Maximum: 9 metres (9 metres and no more than 3 storeys under GRZ3)

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Title and Objective	Complies with Standard?	Requirement and Proposed
		Proposed: 7.6 metres
<p>B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p> <p>Note: Schedule 3 to the General Residential Zone includes a variation to this standard</p>	Yes	<p>Maximum: 50% Proposed: 35.4%</p>
<p>B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>At least: 20% Proposed: 38.6%</p>
<p>B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	No	See section 12 of the report.
<p>B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	There is no communal private open space adjoining the site.
<p>B12 Safety Layout to provide safety and security for residents and property.</p>	Yes	The proposal will achieve adequate parking areas without compromising the safety of pedestrians, and offers adequate street and on-site surveillance.
<p>B13 Landscaping To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	<p>Council's Vegetation officers state there are no trees on site worthy of retention. The two mature trees on the site are a Blue Atlas Cedar and a Desert Ash. Both trees were considered inappropriate to be retained within a new development site.</p> <p>It is recommended that a landscape plan be required by way of a condition of any permit issued which includes the provision of</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed	
		additional indigenous canopy trees.	
<p>B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Yes	One (1) new crossover is to be created and the existing crossover retained to provide access for dwellings in a safe and manageable manner and of a suitable total width, spaced to maximise on-street parking.	
<p>B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	Yes	<p>Each dwelling is accompanied by secure garaging that is conveniently accessible being adjacent to each dwelling.</p> <p>Habitable room windows will be setback the recommended 1 metre from the shared driveway.</p>	
<p>B16 – no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.</p>			
<p>B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes, but fails to meet objective	<p>Required: <u>First Floor</u> South: N/A (frontage) East: 1.66-1.66m North: 1.6m West: 1.60-1.63m</p> <p>See report section 12</p>	<p>Proposed: <u>First Floor</u> South: N/A (frontage) East: 1.71m North: 23.3m West: 4.53m</p>

**City of Kingston
Planning Committee Meeting**

Agenda

18 April 2018

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p>Maximum: A length of 29.5m along the eastern or western side boundaries, on the northern rear boundary for a length of 11.3m, to average heights of 3.2m.</p> <p>Proposed: A length of 7.3m along the eastern side boundary and along the western side boundary for a length of 7.2m, and the northern rear boundary for a length of 4.2m, to average heights between 3 and 3.2m.</p>
<p>B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p>	Yes	Complies
<p>B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	N/A	No existing north facing habitable room windows within 3m of the subject site.

**City of Kingston
Planning Committee Meeting**

Agenda

18 April 2018

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	Complies. The amount of additional shadowing likely to be generated by the proposed dwellings onto the adjoining properties falls within the maximum allowed under this Standard. Given the orientation of the subject site, the level of overshadowing generated by the proposal should not be excessive with the majority of shadow generated to fall within the property boundaries of the subject land. The proposal's compliance with this Standard is demonstrated through the provision of at least 5 hours of sunlight for a minimum area of 40m ² between 9am and 3pm for the directly adjoining properties.
<p>B22 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	No	See section 12 of the report
<p>B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	No internal views are likely to be generated in this instance.
<p>B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	A condition of any permit issued for the proposal will require external heating and/or cooling units not be located near existing habitable room windows.
<p>B25 Accessibility Consider people with limited mobility in the design of developments.</p>	Yes	Entries at ground floor could be modified for people with limited mobility.

**City of Kingston
Planning Committee Meeting**

Agenda

18 April 2018

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.</p>	Yes	Dwelling entries are visible either from the street frontage or from the shared driveway, with porches providing shelter and an adequate sense of identity.
<p>B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	Yes	Complies.
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p> <p>Note: Schedule 3 to the General Residential Zone includes a variation to this standard</p>	Yes	<p>Required: At ground level: 40m² of POS for a 2 bedroom dwelling 60m² of POS for a 3 bedroom dwelling 80m² of POS for a 4 bedroom plus dwelling</p> <p>A minimum dimension of 5m, and minimum width of 3m for the secondary area, and convenient access from a living room.</p> <p>Proposed: 60-61m² for Dwelling 1 and 5 (3 bedrooms) 46-60m² for Dwelling 2, 3, 4 (2 bedrooms).</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	No	See section 12 of the report.
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	Yes	A 6m ³ storage area is nominated for each dwelling within garages which are enlarged.
<p>B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	Yes	The proposal is a contemporary response with adequate hallmarks of existing character such as hipped rooflines and hipped roof between each level, recessed first floors, weatherboards, render, and large glazing.

**City of Kingston
Planning Committee Meeting**

Agenda

18 April 2018

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Note: Schedule 3 to the General Residential Zone includes a variation to this standard</p>	N/A	None proposed
<p>B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	Areas of common property appear to be practical, attractive and easily maintained.
<p>B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	<p>Rubbish bin locations, water tank, clothes line, mail boxes are nominated for each proposed dwelling.</p> <p>A waste management plan is not considered necessary for this number of dwellings.</p> <p>The proposal is no different from surrounding multi-unit development in terms of density and frontage width, thus Council's waste services should be able to collect waste in the same manner. Whilst it is acknowledged that waste pickup may be compromised by road access, this is not part of the considerations under the Kingston Planning Scheme for this type of proposal.</p>

Appendices

Appendix 1 - KP17/716 - 51 Golden Avenue Chelsea - Plans for consideration by
Committee (Ref 18/41514) [↓](#)

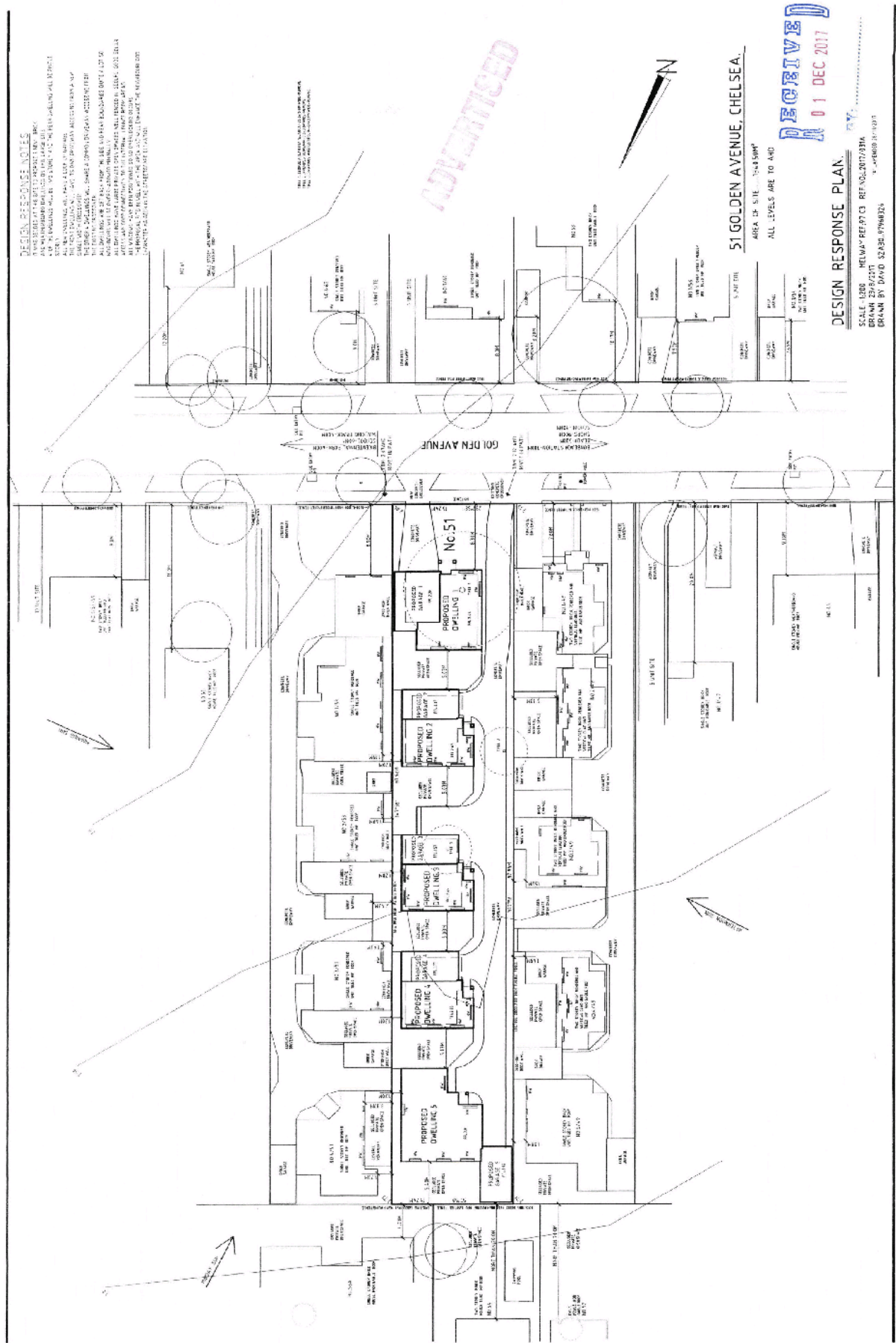
Author/s: Hugh Charlton, Statutory Planning

Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

4.4

KP17/716 - 51 GOLDEN AVENUE CHELSEA

1	KP17/716 - 51 Golden Avenue Chelsea - Plans for consideration by Committee.....	141
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DESIGN RESPONSE NOTES

1. THE PROPOSED OFFICE BUILDING IS A 3-STOREY BUILDING WITH A TOTAL FLOOR AREA OF 10,000 SQ FT. THE PROPOSED DWELLINGS ARE 2-STOREY BUILDINGS WITH A TOTAL FLOOR AREA OF 10,000 SQ FT. THE PROPOSED DWELLINGS ARE 2-STOREY BUILDINGS WITH A TOTAL FLOOR AREA OF 10,000 SQ FT.

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51 GOLDEN AVENUE, CHELSEA.

AREA OF SITE 10,000 SQ FT

ALL LEVELS ARE TO AHD

RECEIVED

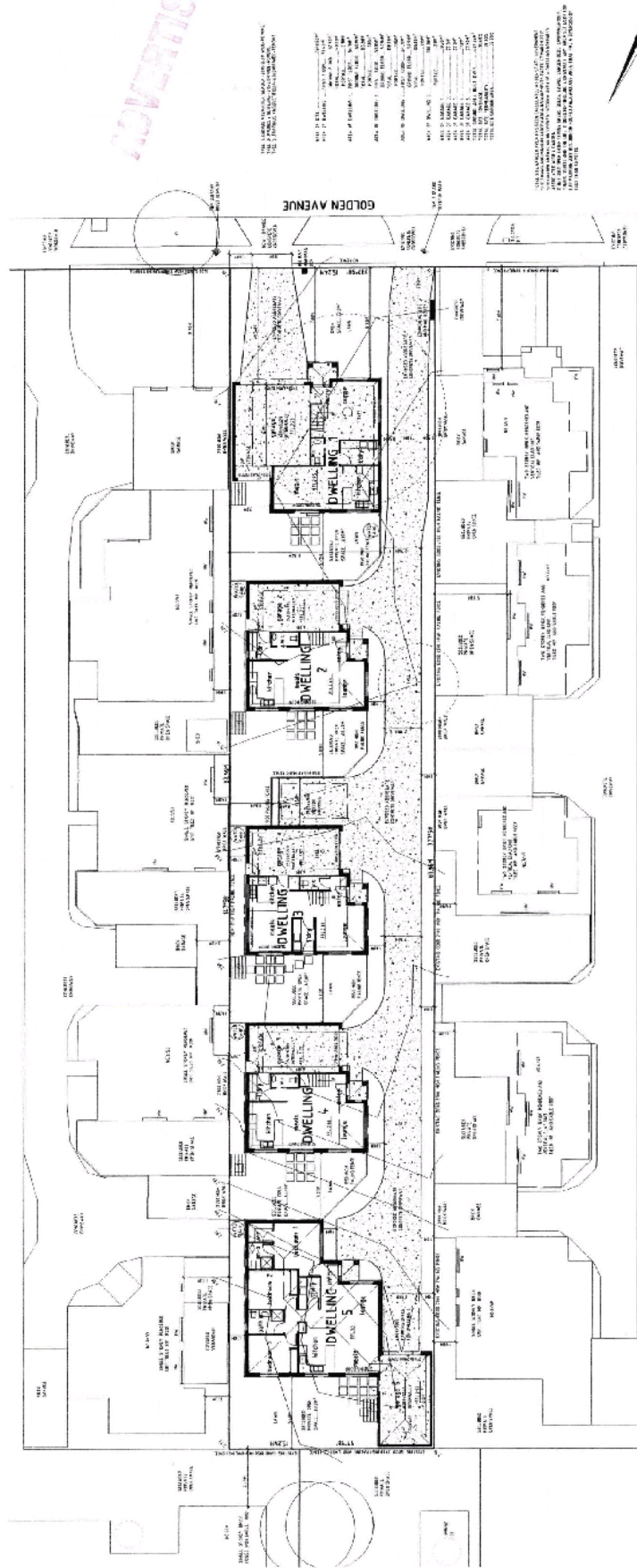
01 DEC 2017

DESIGN RESPONSE PLAN.

SCALE 1:200 HELWA REF 713 REF NO: 2017/0318

BRANCH 23/6/2017

GRABBY DAVID 32436/1766826



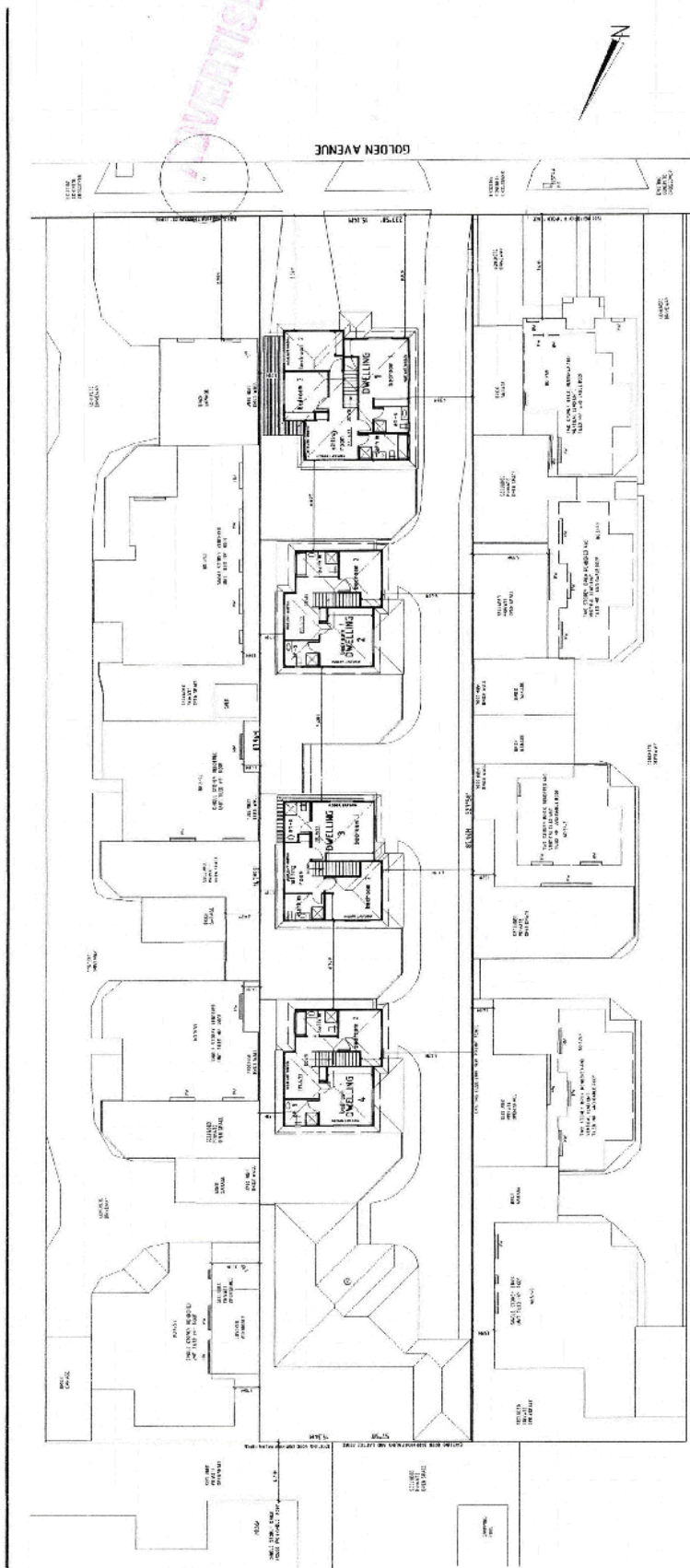
SITE DEVELOPMENT PLAN
 GEORGE ELEOR PLANS - ALL LEGS 1:10 AND
 D.A. STABLE & ASSOC.
 9786120

DATE: 1.1.17
 SCALE: 1:100
 SHEET: 1/1

PROPOSED 5 DWELLING DEVELOPMENT FOR FARDINUM P/L AT 51 GOLDEN AVENUE, CHELSEA.

RECEIVED
 01 DEC 2017

THE LANDSCAPE ARCHITECT HAS PREPARED THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 2002 AND THE LOCAL GOVERNMENT (LANDSCAPE ARCHITECTURE) REGULATIONS 2002. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL IMPACT ASSESSMENTS AND HAS TAKEN INTO ACCOUNT THE RECOMMENDATIONS OF THE VISUAL IMPACT ASSESSMENTS. THE LANDSCAPE ARCHITECT HAS CONDUCTED VISUAL IMPACT ASSESSMENTS AND HAS TAKEN INTO ACCOUNT THE RECOMMENDATIONS OF THE VISUAL IMPACT ASSESSMENTS.



GOLDEN AVENUE

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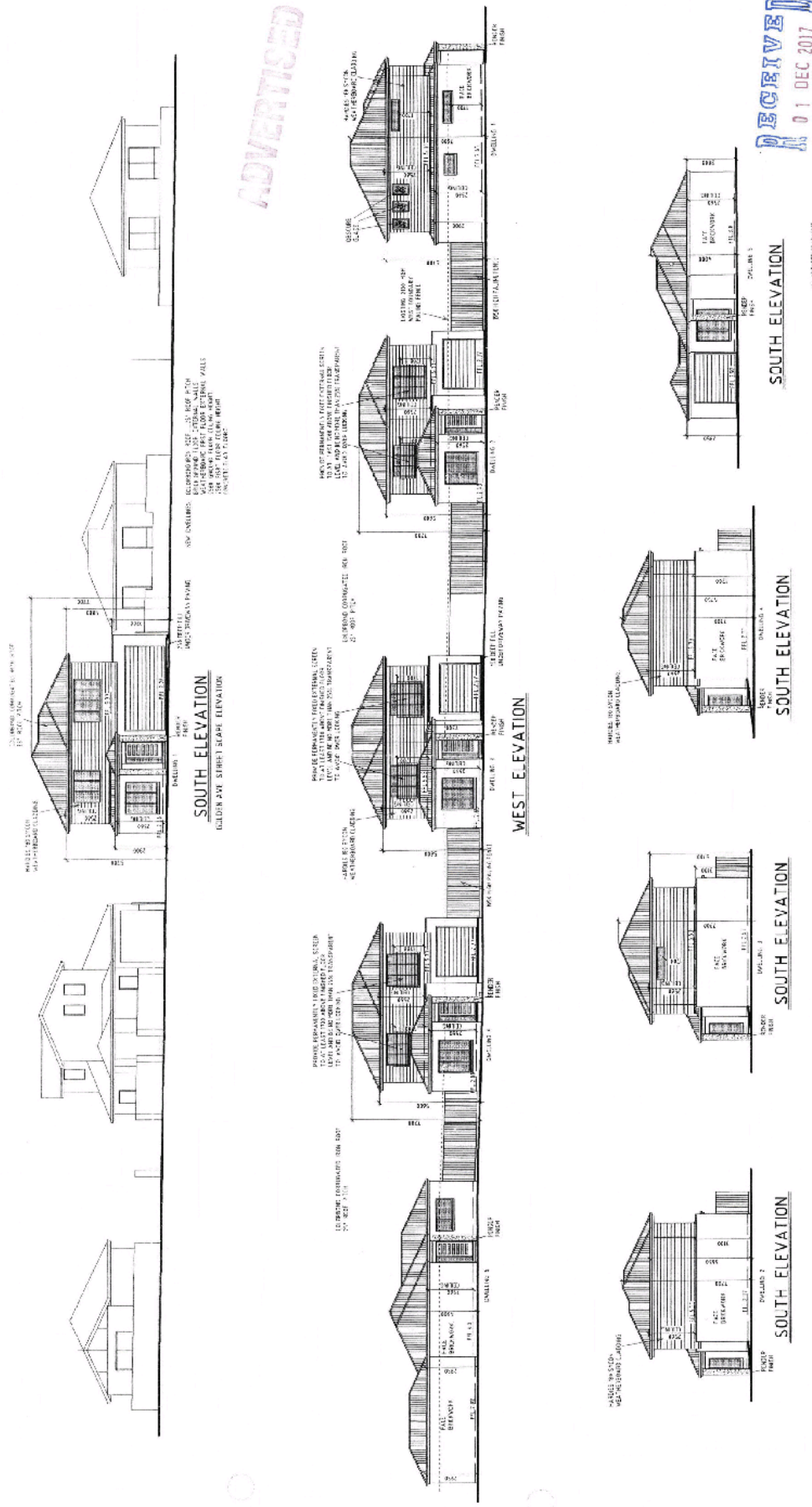
SITE DEVELOPMENT PLAN
FIRST FLOOR PLANS

PROJECT NO. 17716
DATE: 11/14/17
DRAWN BY: JASZARSKI ASSOCIATES
CHECKED BY: JASZARSKI ASSOCIATES
DATE: 11/14/17

Proposed 5 Dwelling Development for Fairdinkum P/L at 51 Golden Avenue Chelsea

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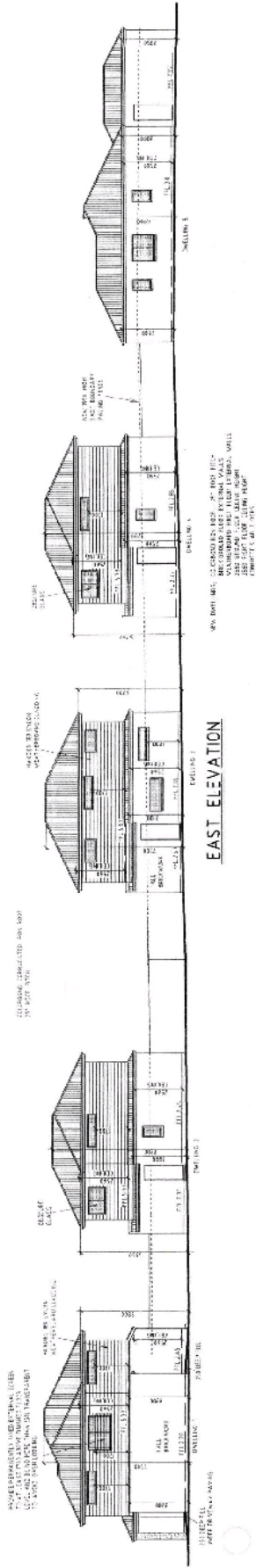
01 DEC 2017



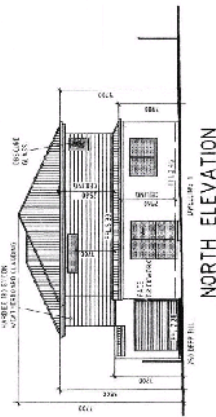
Proposed 5 Dwelling Development for Fairdinkum P/L at 51 Golden Avenue, Chelsea.

D.A. SZABO & ASSOC.
37968326

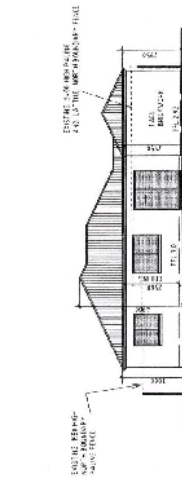
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LAYOUT/SECTION
AUGUST 2017



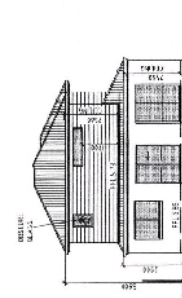
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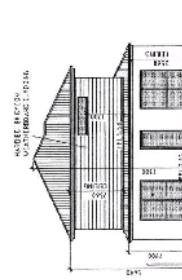
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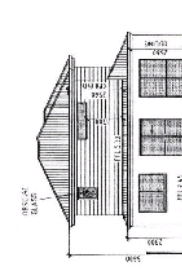
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NORTH ELEVATION



NORTH ELEVATION



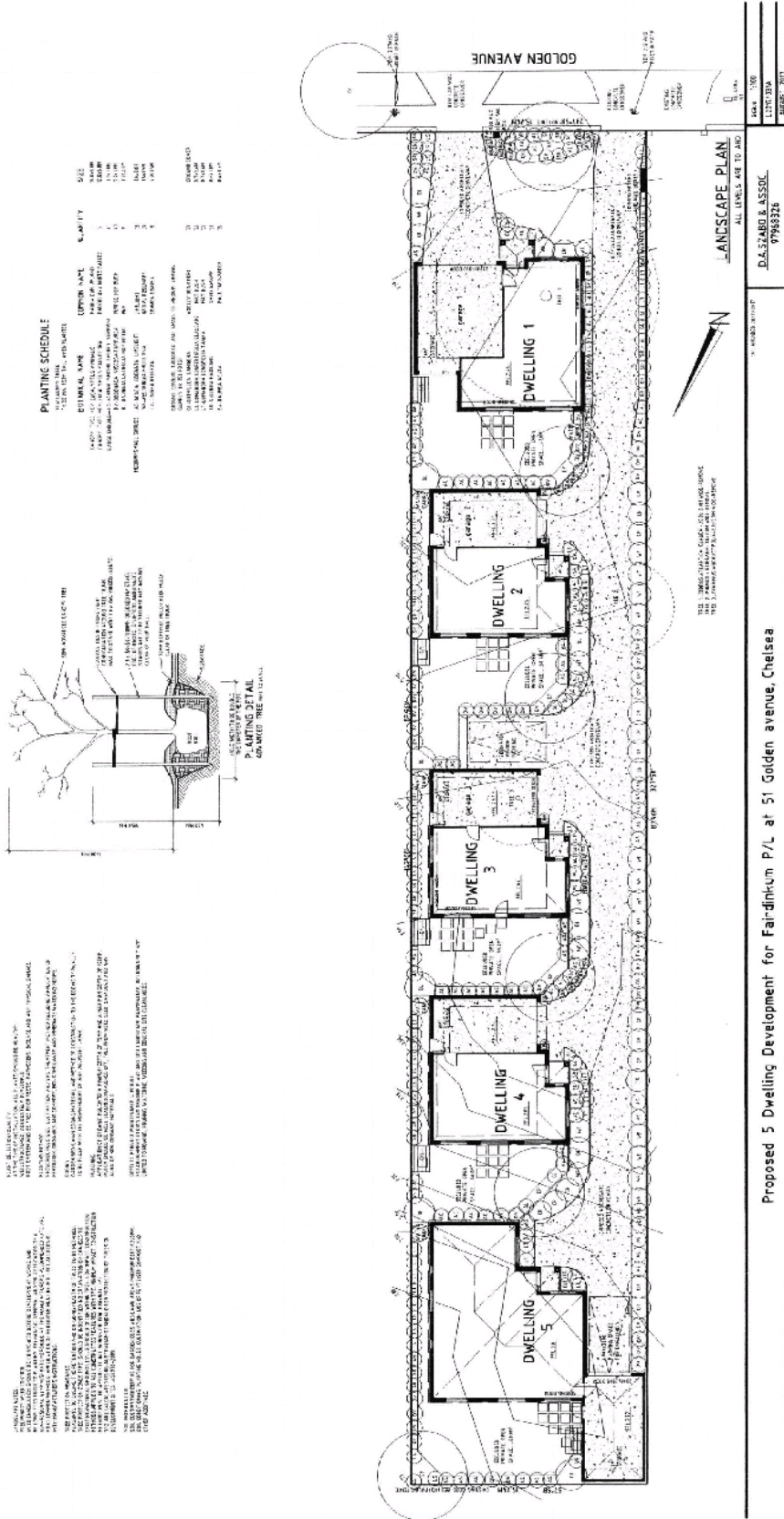
NORTH ELEVATION

RECEIVED
01 DEC 2017

Scale: 1:100
DATE: 01 DEC 2017
DRAWN BY: J.S.P.

D.A. SZABO & ASSOC.
97963326

Proposed 5 Dwelling Development for Faircinkum P/L at 51 Golden Avenue, Chelsea.



PLANTING SCHEDULE

PLANTING SCHEDULE	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE
1	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE
2	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE
3	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE
4	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE
5	PLANTING NAME	PLANTING SIZE	PLANTING QUANTITY	PLANTING DATE

PLANTING DETAIL

PLANTING DETAIL showing a cross-section of a tree in a planting pit. The diagram includes labels for the tree, soil, and planting pit dimensions. It shows a tree with a trunk diameter of 100mm and a planting pit that is 1000mm wide and 1000mm deep. The soil is shown to be 100mm above the ground level.

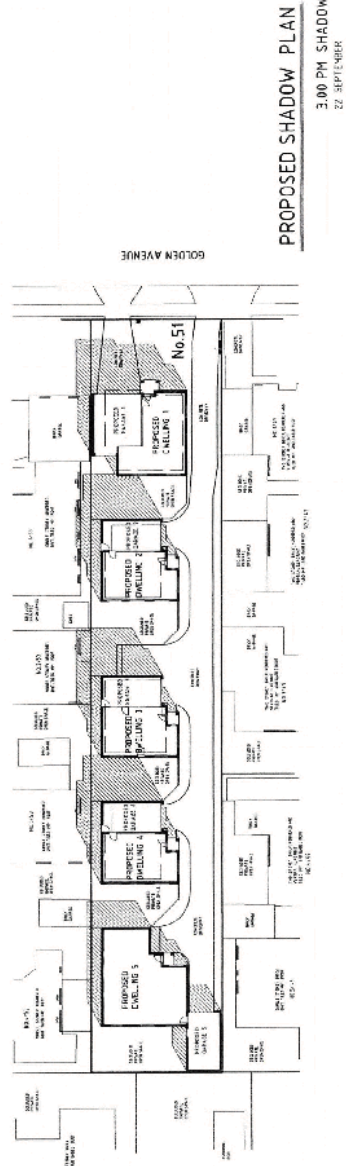
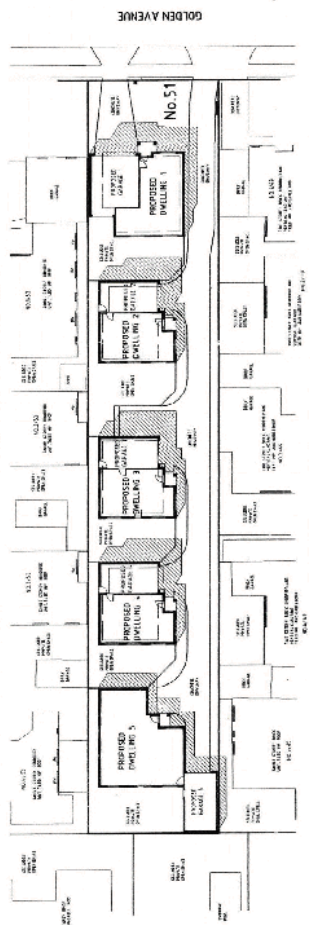
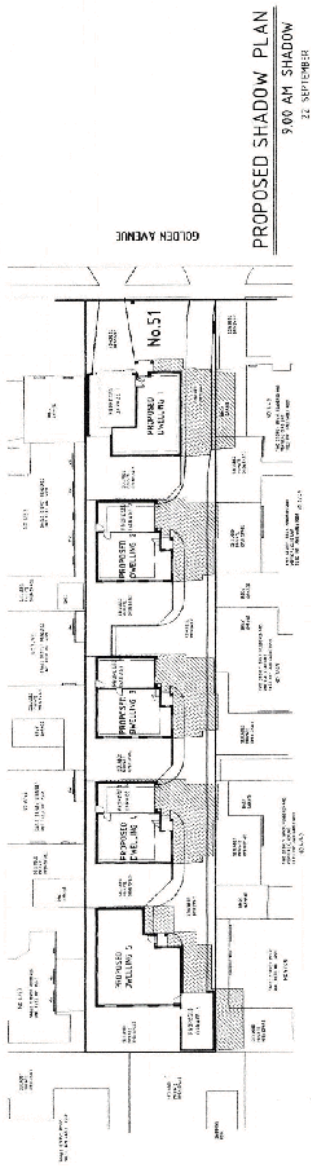
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01 DEC 2017

City of London

Proposed 5 Dwelling Development for Fairdinkum P/L at 51 Golden Avenue, Chelsea

D.A. SZABO & ASSOC.
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01 DEC 2017

Proposed 5 Dwelling Development for Fairdinkum P/L at 51 Golden Avenue, Chelsea.	D.A. SZABO & ASSOC. 97968326
	SCALE: 1:250 DATE: 12/01/2017 PROJECT: 4.4 KP17/716

Planning Committee Meeting

18 April 2018

Agenda Item No: 4.5

AMENDMENT C157- DESIGN AND DEVELOPMENT OVERLAY FORESHORE AND URBAN COASTAL AREAS

Contact Officer: Sarah Capenerhurst, Principal Strategic Planner

Purpose of Report

The purpose of this report is to seek direction from the Council to request the Minister for Planning to prepare, approve and adopt Planning Scheme Amendment C157 to the Kingston Planning Scheme, pursuant to Section 20(4) of the Planning and Environment Act 1987.

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:

1. Request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C157 to the Kingston Planning Scheme pursuant to Section 20(2) of the Planning and Environment Act 1987.

1. Executive Summary

Planning Scheme Amendment C157 seeks to amend and combine, by way of a policy neutral conversion, Schedules 1 and 7 of Clause 43.02 Design and Development Overlay of the Kingston Planning Scheme. In doing this, the proposed Amendment implements the recommendations of Council's adopted Planning Scheme Review (2012) which found that:

'...the manner in which the overlays operate is flawed, the wording is difficult to interpret and through enhancements, efficiencies in the planning permit application system could be found. As both overlays apply to the same areas within the City, there is an opportunity to combine them to create one overlay that deals with building height and setbacks for those areas adjoining the foreshore reserve.'

Officers, with the assistance of legal practitioners, have reviewed the existing controls and have amended the existing schedules to:

- Combine Schedules 1 and 7 of Clause 43.02 Design and Development Overlay.
- Include a map to clearly delineate the foreshore reserve and foreshore reserve boundary.
- Clarify the mandatory provisions (specifically maximum height).
- Clarify the design objectives and decision guidelines in line with current best practice.
- Remove confusing and redundant content.

The purpose of the combined DDO (Appendix 1) is to provide a policy neutral translation which maintains the status quo of a two storey height limit and separation of built form from the foreshore reserve. The DDO clarifies the original intent of the controls thereby improving Councils' ability to protect the amenity and privacy of residential properties along the foreshore.

Combining Schedules 1 and 7 of the DDO will also assist in limiting the now extensive layering of planning controls in an area proximate to the foreshore which consistently creates confusion for parties not familiar with Planning Scheme. This direction is consistent with the State Government seeking to simplify the Planning Scheme and reduce planning red tape under the Smart Planning Program.

For the reasons outlined above it is recommended that Council request Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C157 to the Kingston Planning Scheme pursuant to Section 20(2) of the Planning and Environment Act 1987.

2. Background

In November 1985, the then Minister for Planning and Environment made an Interim Development Order to protect the Bayside area between Elwood and Frankston by introducing maximum building height limits (Height Control 77, 78 and 79¹). These height limits applied to all development within an area extending from the foreshore to between 200-1000 metres inland and specified a mandatory maximum building height of 6 metres and 2 storeys (excluding basements). A permit was required if any storey was to be more than 3.5 metres in height and there were no exemptions for attics.

The controls were introduced after concern was expressed by a number of councils and individuals that the Melbourne foreshore needed to be safeguarded from inappropriate coastal development that did not reflect the unique coastal environment. Amendment C363 introduced by the Minister in 1985 specified a maximum height of 2 storeys in order to ensure that amenity impacts could be largely contained within individual lots with the key objective of Amendment No. 363 to *'protect and enhance the coastal environment'*.

In 2000 the new format planning scheme was introduced which maintained the height controls originally introduced in 1985, but were translated into the Scheme via Schedules 1 and 7 of Clause 43.02 Design and Development Overlay (DDO1 and DDO7) of the Kingston Planning Scheme.

In 2010-2012, Council undertook a Planning Scheme Review, as required by Section 12(B) of the *Planning and Environment Act 1987*. This review assessed the strategic performance of the Kingston Planning Scheme and identified most major issues facing Kingston as well as additional work required to strengthen the strategic direction of the Planning Scheme. One of the highest priorities, as identified by the Review, was to undertake Amendments to resolve the identified anomalies including the issues with DDO1 and 7. The review identified that:

"Both schedules are a direct translation from the old format planning schemes and have for many years been difficult to interpret by users of the planning scheme. This review has reinforced that the manner in which the overlays operate is flawed, the wording is difficult to interpret and through enhancements, efficiencies in the planning permit application system could be found. As both overlays apply to the same areas within the City, there is an opportunity to combine them to create one overlay that

¹ Melbourne Metropolitan Planning Scheme (Bayside Building Height Controls- Explanatory statement) Amendment C 363- Ministry for Planning and Environment

deals with building height and setbacks for those areas adjoining the foreshore reserve. This review recommends that as part of future work an amendment will ultimately clarify the intent of these Schedules to ensure they become more user friendly and clearer”.

At its Ordinary Council Meeting on the 26 March 2012, Council passed a resolution to adopt the Planning Scheme Review. The findings of the review were subsequently submitted to the then Minister for Planning in March 2012.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs
Outcome 1.2 - Effectively influence the urban and architectural design of the City

Combining DDO1 & DDO7 will provide a policy neutral translation of existing Planning Scheme controls in order to improve their drafting, legibility and ease of implementation.

3.2 Consultation

Consultation has been undertaken with the Statutory Planning Department, legal counsel and the Department of Environment, Land, Water and Planning (DELWP) in preparation of the revised draft control.

On the basis that the proposed changes are policy neutral, this report proposes that Council request the Minister to exercise his discretion under Section 20(4) to exempt the proposed Amendment from the usual notice requirements.

3.3 Legal Advice

Officers have sought legal advice (Appendix 3 – Confidential) in relation the proposed control which has confirmed the policy neutral nature of the changes and the appropriateness of Council requesting the Minister for Planning to use his powers to prepare, approve and adopt the amendment subject to Section 20(4) of the *Planning and Environment Act*.

4. Operation and Strategic Issues

4.1 Interpretation of Schedule 1 ‘Urban Coastal Height Control Area’

Schedules 1 and 7 of the Design and Development Overlay apply to areas adjoining the foreshore (predominately land zoned Public Parks and Recreation Zone (PPRZ)) from Mentone to Carrum. Both schedules are a direct translation from the old format planning schemes. The current wording of the Schedules are ambiguous and difficult to interpret. This has resulted in inconsistent application of the controls and a number of conflicting precedents at VCAT.

The issues that generally create uncertainty relate to the interpretation of the ‘overall height’ requirements and reference to a building not exceeding a height of 2 storeys. A number of cases have been dealt with at the Tribunal, with Tribunal members continually commenting on the confusion of Schedule 1 and 7 ‘...ever since the introduction of the Foreshore Height Limitation in DDO1 in late 1999, the interpretation of the provisions has caused difficulty and the manner in which the provisions have been expressed has created ambiguities²...’.

² *Woodward v Kingston CC [2015] VCAT 1168, Poci Brothers Pty Ltd v Bayside CC 15 VPR 263*

The intent and objectives of the control, indeed the heading, relate to the maximum height that a building can be developed to. However the wording associated with the two storey height requirement has led to interpretative challenges and uncertainty.

There are four references throughout the schedule to “overall height” which is an undefined term in the Planning Scheme, *Planning and Environment Act 1987* and the *Interpretation of Legislation Act*. The key control is based on height rather than on desirable design outcomes which have led to technical interpretive difficulties with regards to the inclusion, or otherwise, of roofs and other ancillary works such as basements under ground level and the like.

If a literal reading of this requirement was to be taken, then this has the potential of prohibiting any works above the ceiling of a second storey (including a roof). This is not the intent of the control and has meant that it is extremely difficult for planners to provide guidance as to the precise extent of works which can therefore be carried out above the second storey as the height is only expressed as storeys. For this part of the Schedule, the two storey height control has been applied so that the external appearance of a building must not exceed two storeys which has thus involved assessment of the extent of any proposed structure above the second storey.

4.2 Interpretation of Schedule 7 ‘Urban Coastal Foreshore Setback Control Area’

Council officers believe that the intent of this control was to protect and enhance the visual and aesthetic appearance of the foreshore area by maintaining a visual separation between the foreshore (land located predominately within the Public Park and Recreation Zone) and adjoining urban areas by encouraging new buildings which are sympathetic to the surrounding foreshore environment. DDO7 applies to all land, south of Mordialloc Creek right through to Carrum (approximately 9 kilometres of land) which directly adjoins the foreshore. This area is unique as there is no road separating development from the foreshore.

Since the original implementation of this control, substantial development between the foreshore and Nepean Highway has occurred, resulting in many sites being developed and subdivided into two or more lots, thus resulting in the overlay applying to sites which no longer directly adjoin the foreshore. This has resulted in a number of applications being referred to the Tribunal due to confusion regarding application of the DDO7 control on land allotments either not immediately adjacent to the foreshore boundary or to public land contained on the foreshore reserve which are also affected by this overlay.

The exemption under the schedule does not operate beyond 4.5 metres of the foreshore reserve, thus planning permission would technically be required under the DDO to construct a building or carry out works on any other land subject to DDO7, which was not the intent or objective of this provision.

The matter is further complicated by the fact that the term ‘foreshore reserve boundary’ is an undefined term which has continuously caused confusion at both Council and Tribunal level.

In order to address the above issues Council has prepared a revised DDO1 Schedule which seeks to clarify the intent of DDO1 and DDO7 within a single control. The redrafted schedule is provided at Appendix 1.

4.3 Proposed Planning Scheme Amendment

The Planning Scheme Amendment proposes to provide a policy neutral translation which:

- Combine Schedules 1 and 7 of Clause 43.02 Design and Development Overlay.
- Include a map to clearly delineate the foreshore reserve and foreshore reserve boundary.
- Clarify the mandatory provisions.
- Clarify the design objectives and decision guidelines.
- Remove confusing and redundant content.

The purpose of the combined DDO attached at Appendix 1, is a policy neutral document which maintains the status quo of a two storey height limit and separation of built form from the foreshore reserve. The DDO clarifies the original intent of the controls which will improve Councils' ability to manage the pressure for higher buildings and to protect the amenity and privacy of residential properties along the foreshore.

Combining Schedules 1 and 7 of the DDO will have the result of limiting the now extensive layering of planning controls in an area proximate to the foreshore which consistently creates confusion for parties not familiar with Planning Scheme mechanisms. This direction is consistent with the State Government seeking to simplify the Planning Scheme and reduce planning red tape under the Smart Planning Program. The redrafted schedule will also assist landowners of sites affected by these controls by making the planning permit application process more simple and straightforward to navigate.

4.3.1 Differences between current and proposed controls

The proposed control corrects the anomalies within the existing controls to remove ambiguity in the drafting and provide greater certainty to users of the Planning Scheme. The two storey building height will continue to operate as a mandatory requirement with exemptions for a basement and alterations or extensions to a lawfully existing noncompliant building.

The main differences between the existing and consolidated proposed control are as follows (it is noted that these are all policy neutral and will not materially affect the owners or occupiers of any land subject to the control):

- The design objectives are the result of consolidating the design objectives in the existing DDO1 and DDO7. The changes are inconsequential.
- The 6 metre height requirement for a single storey has been removed as it is redundant and is considered to defeat the purpose of the overall intent and purpose of the building height requirement which is to limit building height to two storeys. This reduces planning red tape and provides a more effective and user friendly planning control. It is noted that the 6m height requirement for works not forming part of a building has been retained with the exemption for placement of lawfully existing noncompliant works.
- Clarification of what constitutes a second storey is introduced within the proposed control.
- The foreshore reserve boundary and foreshore reserve area has been defined by way of using a map found at the back of the proposed control. This will improve the ability for both end users (applicants) as well as the City Development team to administer the foreshore reserve requirement.

- New decision guidelines have been introduced. This was necessary as under the existing DDO1 there are no decision guidelines which make the assessment component of an application extremely difficult for any user of the existing scheme. This will enable applications for replacement or alterations of lawfully existing noncompliant building or works to be objectively administered and assessed leading to better outcomes.

4.4 Options

4.4.1 Option 1

Request Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C157 to the Kingston Planning Scheme pursuant to Section 20(2) of the Planning and Environment Act 1987.

4.4.2 Option 2

Council has the option of not pursuing the proposed Amendment. This option would retain the status quo. Under this option no change would occur to the current schedules, whereby appeals to the Victorian Civil and Administrative Tribunal (VCAT) regularly occur.

Officers recommend that Council proceed with Option 1 above as amending the existing schedules will remove ambiguity and the confusion regarding these controls.

5. Conclusion

It is recommended that a request be made to the Minister for planning for Authorisation to prepare Planning Scheme Amendment C157 pursuant to Section 20(2) of the Planning and Environment Act 1987.

5.1 Resource Implications

The proposed Amendment will reduce officer time and cost associated with interpreting the current controls and attending VCAT.

5.2 Legal / Risk Implications

The proposed DDO has been reviewed by legal counsel. The advice has indicated that the draft control is a robust planning document. If the proposed Amendment is not implemented the status quo remains, whereby permit applicants can continue to challenge the current controls which could negatively impact upon the character of the foreshore environment.

Appendices

Appendix 1 - Proposed Consolidated DDO1 Schedule (Ref 18/38939) [↓](#)

Appendix 2 - Existing DDO1 and DDO7 Schedules (Ref 18/46867) [↓](#)

Appendix 3 - Legal Advice (Ref 18/39666) - Confidential

Author/s: Sarah Capenerhurst, Principal Strategic Planner
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4.5

AMENDMENT C157- DESIGN AND DEVELOPMENT OVERLAY FORESHORE AND URBAN COASTAL AREAS

1	Proposed Consolidated DDO1 Schedule	159
2	Existing DDO1 and DDO7 Schedules	165

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C--**SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO1**.

FORESHORE AND URBAN COASTAL AREAS1.0
--/20--
C--**Design objectives**

- To protect and enhance the foreshore environment within the vicinity of the Port Phillip Bay.
- To protect and enhance the foreshore environment within the vicinity of the Patterson River.
- To ensure that new buildings and works are compatible and sympathetic to the foreshore environment and maintain visual separation between the foreshore environment and adjoining urban areas.
- To ensure that new buildings and works protect the amenity of adjoining properties and enhance the character of the immediate locality.

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C--**Buildings and works****Definitions**

For the purposes of this schedule:

- 'foreshore reserve' means the land shown hatched on Map 1 to this schedule.
- 'foreshore reserve boundary' means the foreshore reserve boundary shown on Map 1.

Permit not required

A permit is not required to construct a building or construct or carry out works provided that:

- the building or works must comply with the mandatory requirements for maximum height specified in this schedule; and
- the building or works must be not less than 4.5 metres from any part of the foreshore reserve boundary.

A permit is not required to construct an eave on a building provided the eave is not less than 4 metres from any part of the foreshore reserve boundary.

Note: The mandatory requirements of this schedule also apply.

Permit Required

A permit is required to alter or extend a building that lawfully existed on the approval date of this schedule and does not comply with the mandatory requirements for maximum building height specified in this schedule.

Note: The mandatory requirements of this schedule also apply.

Mandatory requirements

The following mandatory requirements apply to all buildings and works, whether or not a permit is required.

Maximum height requirements

A building must not contain more than 2 storeys above natural ground level at any point, excluding a basement.

This requirement does not apply to an alteration to, or extension of, a building that lawfully existed on the approval date of this schedule, provided that all of the following requirements are met:

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- The existing building must contain 3 or more storeys above natural ground level excluding a basement.
- The maximum building height of the existing building must not be exceeded.
- The external bulk of the existing building must not be significantly increased.
- The footprint of the upper storey of the existing building must not be increased by more than 10%.

The second storey of a building must not contain an attic with a habitable room, bathroom, laundry, toilet, pantry or walk-in wardrobe. This does not apply to a building that lawfully existed on the approval date of this schedule and that contains an attic with a habitable room, bathroom, laundry, toilet, pantry or walk-in wardrobe.

Works, which do not form part of a building, must not exceed 6 metres in overall height. A permit may be granted to replace works which do not form part of a building that exceed 6 metres in overall height provided that the works lawfully existed on the approval date of this schedule.

A permit must not be granted to vary these requirements.

Foreshore reserve requirement

A building must not be constructed and works must not be constructed or carried out within 4.5 metres from any part of the foreshore reserve boundary. This requirement does not apply to land that forms part of the foreshore reserve or to any of the following:

- A fence that does not exceed a height of 1.8 metres above natural ground level.
- A clothesline or clothes hoist that does not exceed a height of 1.8 metres above natural ground level.
- An eave that is not less than 4 metres from any part of the foreshore reserve boundary.
- A domestic swimming pool or spa and associated mechanical and safety equipment that is associated with one dwelling on a lot and not more than 300 mm above natural ground level.
- Repairs and routine maintenance to an existing building or works.
- A deck to a dwelling with a finished floor level not more than 300 mm above natural ground level.
- A disabled access ramp or a retaining wall that does not exceed a height of 1 metre above natural ground level.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- Buildings or works that do not exceed 1.8 metres above natural ground level associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with one dwelling on a lot.
- Buildings or works carried out by or on behalf of a municipality, public authority or utility service provider.
- Domestic services normal to a dwelling.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- A rainwater tank with a capacity of not more than 10,000 litres

A permit must not be granted to vary these requirements.

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Subdivision

A permit is not required to subdivide land.

KINGSTON PLANNING SCHEME

4.0 Advertising signs

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None specified.

5.0 Decision guidelines

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C--

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives of this schedule.
- The effect of the proposed development on the environmental and landscape values of the site and of the local area, including the effect on the foreshore environment, waterways, areas of remnant vegetation, areas prone to erosion and on the amenity of areas of public open space.
- The visual impact of the proposed development when viewed from the foreshore reserve, the Port Phillip Bay or the Paterson River.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs and muted and non-reflective materials.
- Whether a proposed development successfully integrates with the existing building.
- Whether the foreshore environment would be improved by the re-establishment of local indigenous vegetation.

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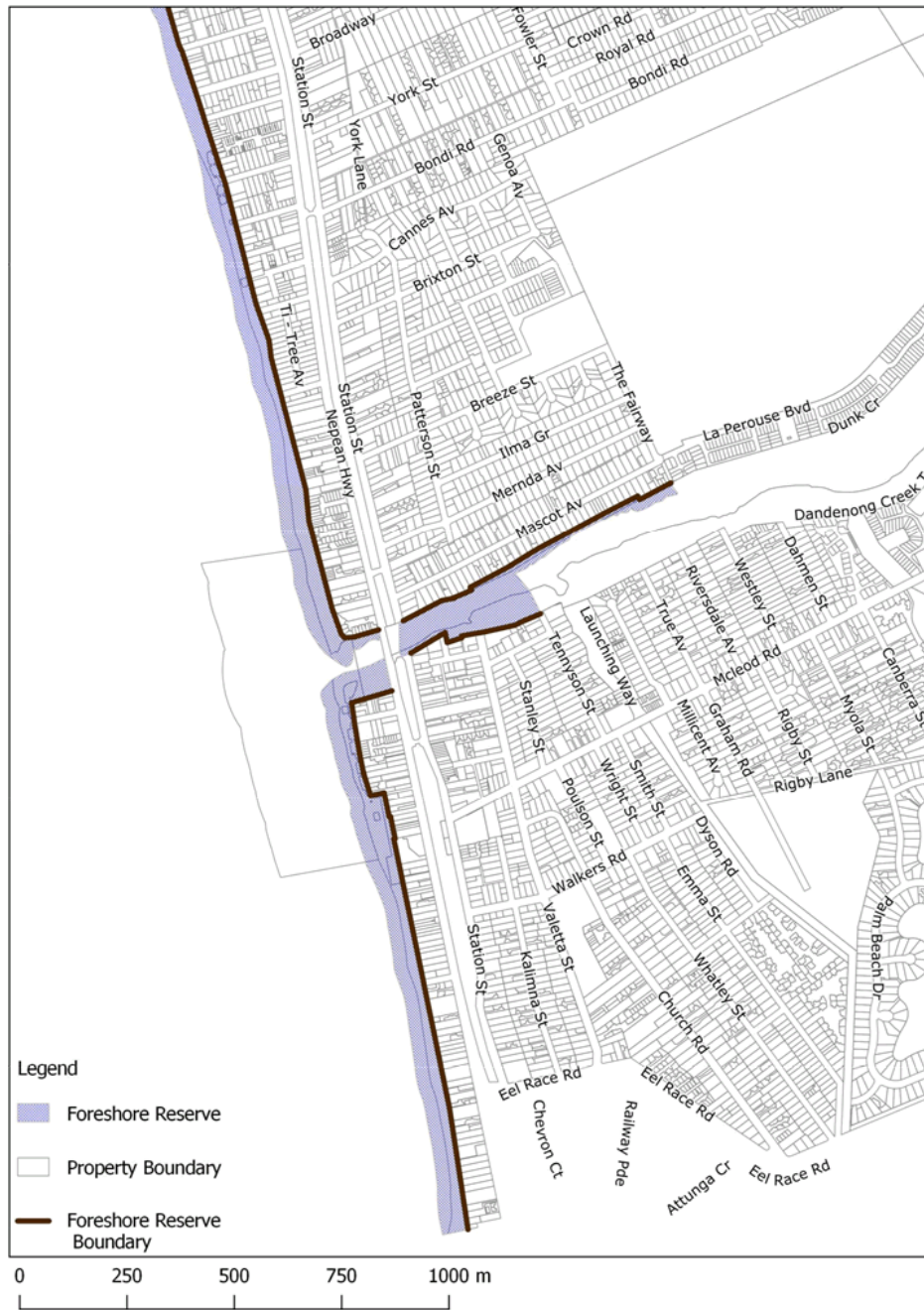
Map 1: Foreshore reserve



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KINGSTON PLANNING SCHEME

19/01/2006
VC37**SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as DDO1

URBAN COASTAL HEIGHT CONTROL AREA**1.0**
19/01/2006
VC37**Design Objectives**

To protect and enhance the foreshore environment of Mentone, Parkdale, Mordialloc, Aspendale and Chelsea and adjacent areas including Port Phillip Bay.

To ensure that new buildings, works, renovations and extensions are compatible with surrounding buildings and natural features, and sympathetic to the surrounding natural landscape and environment.

To relate building heights, building bulk and setbacks to adjoining sites so that they are compatible with and enhance the appearance and character of the immediate locality.

2.0
19/01/2006
VC37**Buildings and Works****Permit not required**

A permit is not required to construct or carry out:

- Navigational aids.
- Radio mast.
- Television antenna.
- Television antenna associated with a building.
- A building which has an internal storey height (measured from floor to ceiling) of 3.5 metres or less. This internal storey height requirement does not include stairwells and lightwells which comply with the overall height requirements.
- Works which do not exceed 6.0 metres in overall height.

Permit requirement

The following requirements must be met before a permit can be granted:

- A single storey building (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level) must not exceed 6.0 metres in overall height.
- Works, which do not form part of a building, must not exceed 6.0 metres in overall height.
- A building must not be greater than 2 storeys in height (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level).

A permit cannot be granted to construct a building or to construct or carry out works, which are not in accordance with the above requirements.

A permit may be granted to replace a building or works existing on the approval date but which does not meet the heights requirements of this clause. The replacement building may

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be higher than the requirements of this clause only if the responsible authority is satisfied an increased height improves the amenity of the area.

Note: The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

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03/12/2009
C108**SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as DDO7

URBAN COASTAL FORESHORE SETBACK CONTROL AREA**1.0**
19/01/2006
VC37**Design objectives**

- To protect and enhance the visual and aesthetic appearance of the foreshore area.
- To encourage new buildings and works which are sympathetic to the surrounding foreshore environment.

2.0
03/12/2009
C108**Buildings and works****Permit not required**

A permit is not required to construct or carry out any of the following buildings or works within 4.5 metres of the foreshore reserve boundary:

- Eaves up to 500 mm.
- A fence.
- A clothes line.
- A clothes hoist.
- A swimming pool.
- A change to the existing conditions or topography of the land.

Permit requirement

A permit must not be granted to construct a building or construct or carry out works within 4.5 metres of the foreshore reserve boundary.

3.0
19/01/2006
VC37**Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Whether there is a need to re establish local indigenous vegetation compatible with the foreshore environment.

5 Confidential Items

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

Confidential Appendices

- 4.5 Amendment C157- Design and Development Overlay Foreshore and Urban Coastal Areas**
Appendix 3, Legal Advice is designated confidential as it relates to (s89 2f)

RECOMMENDATION

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

Confidential Appendices

- 4.5 Amendment C157- Design and Development Overlay Foreshore and Urban Coastal Areas**
Appendix 3, Legal Advice
This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2f)