

Agenda

Planning Committee Meeting

Wednesday, 17th March 2021

Commencing at 7.00pm

via the Zoom Platform and live streamed

kingston.vic.gov.au

Paul Franklin
Acting Chief Executive Officer
Kingston City Council



**City of Kingston
Planning Committee Meeting**

Agenda

17 March 2021

Notice is given that Planning Committee Meeting of Kingston City Council will be held via the Zoom Platform and live streamed on Wednesday, 17 March 2021.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Planning Committee Meeting 17 February 2021

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

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

4. Planning and Development Reports

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5. Confidential Items

Nil

4. Planning and Development Reports

Planning Committee Meeting

17 March 2021

Agenda Item No: 4.1

TOWN PLANNING APPLICATION DECISIONS - FEBRUARY 2021

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

Town Planning Application Decisions – February, 2021

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

Author: Jaclyn Murdoch – Manager, City Development

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	63	74
Notice of Decision	11	13
Refusal to Grant a Permit	2	2
Other - Withdrawn (5) - Prohibited (0) - Permit not required (1) - Lapsed (3) - Failure to Determine (0)	9	11
Total	85	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions February 2021 (Ref 21/49137) 

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

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

4.1

TOWN PLANNING APPLICATION DECISIONS - FEBRUARY 2021

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Planning Decisions February, 2021

APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2020/620	88 Patty Street	MENTONE	19/10/2020	1/02/2021	Subdivide the land into two (2) lots and extend the existing dwelling	Permit	No
KP-2020/735	22 Clare Street	PARKDALE	14/12/2020	2/02/2021	Three (3) lot subdivision of land affected by an Environmental Significance Overlay (Schedule 3)	Permit	No
KP-2021/10	56 Elliot Street	MORDIALLOC	29/01/2021	2/02/2021	To retrospectively install an above ground spa on land within a Special Building Overlay	Permit	No
KP-2021/38	Gnd Floor 1064 Centre Road	OAKLEIGH SOUTH	29/01/2021	2/02/2021	Construction of buildings and works and a minor car parking waiver.	Withdrawn	No
KP-2020/760	494 Main Street	MORDIALLOC	22/12/2020	2/02/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2020/753	37 Wordsworth Avenue	CLAYTON SOUTH	17/12/2020	2/02/2021	Subdivide the Land into Four (4) Lots	Permit	No
KP-2016/1047/B	52 Rennison Street	PARKDALE	8/09/2020	2/02/2021	Develop the land for the construction of three (3) dwellings	Permit	No
KP-2020/619	207 Warrigal Road	CHELtenham	19/10/2020	2/02/2021	Subdivide the Land into Four (4) Lots	Permit	No
KP-2020/462	66 Golden Avenue	BONBEACH	14/08/2020	3/02/2021	The development of Six (6) Dwellings, Subdivision of the land into Six (6) Lots and associated works in accordance with the submitted plans	Refused	No
KP-2020/115	43 Golden Avenue	CHELSEA	2/03/2020	3/02/2021	Development of land for five (5) dwellings	Notice of Decision	No
KP-2020/641	6 Gladstone Avenue	ASPENDALE	30/10/2020	4/02/2021	The development of one (1) dwelling on a Lot less than 300 square metres	Notice of Decision	No
KP-2020/770	10 High Street	MORDIALLOC	23/12/2020	4/02/2021	Subdivide into four (4) Lots in a Design and Development Overlay 1	Permit	No

KP-2020/728	1 Reuben Street	CHELTENHAM	10/12/2020	4/02/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2020/600	9 Bank Road	EDITHVALE	6/10/2020	4/02/2021	The development of two (2) dwellings	Notice of Decision	No
KP-2020/703	7 Wolstenholme Gardens	BONBEACH	27/11/2020	4/02/2021	The construction of an extension to the first floor east facing balcony and the construction of a first floor south facing balcony.	Permit	No
KP-2020/720	Unit 1 18 Arunta Crescent	CLARINDA	7/12/2020	5/02/2021	Re-subdivide Lot 1 and part of Common Property	Permit	No
KP-2020/101	2 18 Eighth Street	PARKDALE	21/02/2020	5/02/2021	Alterations to the existing dwelling and the development of one (1) additional double storey dwelling on land affected by a Special Building Overlay	Notice of Decision	No
KP-2020/611	23 Wingrove Street	CHELTENHAM	14/10/2020	5/02/2021	Develop two (2) dwellings	Notice of Decision	No
KP-2020/517	25 Rica Street	MOORABBIN	4/09/2020	5/02/2021	The development of two (2) dwellings	Permit	No
KP-2019/81/A	1 Troy Street	BONBEACH	14/10/2020	5/02/2021	Construction of two (2) dwellings on a lot	Permit	No
KP-2004/736/A	6-14 Arco Lane	HEATHERTON	23/09/2020	5/02/2021	To use this site for a Restaurant with a Restaurant and Cafe Licence	Permit	No
KP-2016/436/A	6 Gladstone Avenue	ASPENDALE	1/10/2019	5/02/2021	In accordance with the endorsed plans, develop the land for the construction of one (1) dwelling	Permit	Yes
KP-2020/579	2 36 Herald Street	CHELTENHAM	30/09/2020	5/02/2021	The development of alterations and additions to the existing dwelling (veranda)	Permit	No
KP-2020/478	26 Station Street	ASPENDALE	21/08/2020	5/02/2021	The development of two (2) dwellings	Permit	No
KP-2020/702	485-489 Main Street	MORDIALLOC	26/11/2020	5/02/2021	Display of advertising signage and painting in a Heritage Overlay	Permit	No
KP-2018/510/A	1 23 Oakes Avenue	CLAYTON SOUTH	20/11/2020	5/02/2021	Develop the land for the construction of five (5) dwellings and	Permit	No

KP-2016/1084/A	26 Gothic Road	ASPENDALE	2/06/2020	5/02/2021	waive the visitor car parking requirement associated with the development	Permit	Yes
KP-2020/698	Shop 7-8 21 Thompson Road	PATTERSON LAKES	27/11/2020	5/02/2021	Develop the land for the construction of eight (8) dwellings	Permit	No
KP-2020/415	245 Nepean Highway	PARKDALE	21/07/2020	5/02/2021	The sale of liquor for consumption on and off the premises associated with a bottle shop and food and drink premises	Permit	No
KP-2020/33	24 Clydebank Road	EDITHVALE	23/01/2020	8/02/2021	To develop the land for the construction of two (2) dwellings and create and alter access to a road in a Road Zone Category 1	Permit	No
KA-3/2019	217-221 Governor Road	BRAESIDE	16/08/2019	9/02/2021	The development of four (4) double-storey dwellings	Permit	No
KP-2020/643	4 Dimar Court	DINGLEY VILLAGE	2/11/2020	9/02/2021	Remove a Section 173 agreement (instrument number T433842J) that applies to the land	Permit	No
KP-2020/622	2 Anchor Street	ASPENDALE	20/10/2020	9/02/2021	The display of a double sided electronic and illuminated business identification sign (replacing the existing sign).	Permit	No
KP-2021/39	14 Gothic Road	ASPENDALE	1/02/2021	9/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/645	Unit 1 14 Station Street	MENTONE	3/11/2020	10/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2021/33	1A Munro Avenue	EDITHVALE	29/01/2021	10/02/2021	Construct a front fence higher than 1.5 metres on a lot under 300 square metres in size	Permit	No
KP-2020/443	40 74-76 Gladesville Boulevard	PATTERSON LAKES	6/08/2020	11/02/2021	Construct a front fence higher than 1.5m on a lot under 300 square metres in size	Permit	No
					The development of alterations and additions to the existing dwelling	Permit	No

KP-2020/541	39 Kallay Street	CLAYTON SOUTH	14/09/2020	11/02/2021	The development of one (1) dwelling to the rear of an existing dwelling	Permit	No
KP-2020/574	1 1A Foster Street	ASPENDALE	29/09/2020	12/02/2021	Subdivide the Land into Twenty-Six (26) Lots - Stage 2	Permit	No
KP-2020/724	12B Rigby Street	CARRUM	6/01/2021	12/02/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2021/9	114 Nepean Highway	ASPENDALE	11/01/2021	12/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/261	26 Gothic Road	ASPENDALE	19/05/2020	12/02/2021	Subdivide the Land into Eight (8) Lots	Permit	No
KP-2020/761	51 Sixth Street	PARKDALE	22/12/2020	12/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/322	8 Waller Court	CHELTENHAM	15/06/2020	12/02/2021	Develop the land for two (2) dwellings	Permit	No
KP-2020/123	26 Elder Street	CLARINDA	5/03/2020	15/02/2021	Subdivide the Land into Three (3) Lots	Lapsed	No
KP-2018/279/A	32 Bevan Avenue	CLAYTON SOUTH	20/03/2020	15/02/2021	Develop the land for the construction of six (6) dwellings and waiver of one (1) visitor parking space	Permit	No
KP-2016/853/A	3 Rimmer Street	MENTONE	17/11/2020	15/02/2021	Develop the land for the construction of two (2) double storey dwellings	Permit	No
KP-2020/492	54 Clarinda Road	CLARINDA	26/08/2020	15/02/2021	Alterations to the existing dwelling, construction of two (2) additional dwellings and alter access to a Road Zone, Category 1	Permit	No
KP-2021/35	8 Botany Court	CLARINDA	28/01/2021	15/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/563/A	60 Ella Grove	CHELSEA	9/11/2020	16/02/2021	The development of two (2) double storey dwellings and one (1) single storey dwelling	Permit	No
KP-2019/817/A	21-23 Capital Court	BRAESIDE	16/12/2020	16/02/2021	The development of warehouses	Permit	No
KP-2004/822/C	41 Houston Street	MENTONE	30/07/2020	16/02/2021	Two (2) Dwellings	Lapsed	No

KP-2019/650	1 27 Barkly Street	MORDIALLOC	9/10/2019	16/02/2021	The development of four (4) dwellings	Permit	No
KP-2021/44	124 Chute Street	MORDIALLOC	4/02/2021	17/02/2021	Installation of a swimming pool on land within a Special Building Overlay	Permit	No
KP-2020/339	22 Gipps Avenue	MORDIALLOC	18/06/2020	17/02/2021	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2017/401/A	16 Bond Street	CLAYTON SOUTH	11/12/2020	17/02/2021	Develop the land for the construction of one (1) double storey dwelling to the rear of an existing dwelling	Lapsed	No
KP-2013/666/B	Unit 1 12 Canberra Street	CARRUM	27/08/2020	18/02/2021	Develop the land for the construction of an additional dwelling to the rear of the existing dwelling.	Permit	No
KP-2020/525	11 Park Street	MORDIALLOC	22/09/2020	18/02/2021	Part demolition for the development of an extension to the existing dwelling and the development of a carport in the Heritage Overlay - Schedule 98	Notice of Decision	No
KP-2020/624	14 Elizabeth Street	MENTONE	21/10/2020	18/02/2021	The development of four (4) dwellings	Notice of Decision	No
KP-2020/614	37A Genoa Street	MOORABBIN	15/10/2020	18/02/2021	The use of the land for shops and the construction of a five storey building containing 33 dwellings and 3 shops.	Notice of Decision	No
KP-2020/745	30 Springs Road	CLARINDA	16/12/2020	18/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/469	47 Hillston Road	MOORABBIN	18/08/2020	19/02/2021	Part demolition for the development of a second dwelling (to the rear of an existing dwelling) in a Neighbourhood Character Overlay (Schedule 1)	Notice of Decision	No
KP-2007/881/B	275-315 Kingston Road	CLARINDA	21/10/2020	19/02/2021	Amend the Planning Permit and endorsed plans for buildings and works for two feed bins to an existing pug mill in association with the existing materials	Withdrawn	No

KP-2020/408	35-37 Lakewood Boulevard	BRAESIDE	17/07/2020	19/02/2021	recycling/refuse transfer station (retrospective application)	Permit	No
KP-2019/438	235 Westall Road	CLAYTON SOUTH	18/07/2019	19/02/2021	Develop 10 warehouses and a reduction of the car parking requirement	Permit	No
KP-2021/52	35 Parnell Street	CHELTENHAM	9/02/2021	19/02/2021	Subdivide the Land into Three (3) Lots	Permit	No
KP-2020/381	92 Turner Road	HIGHETT	6/07/2020	19/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/625	85 Davey Street	PARKDALE	21/10/2020	22/02/2021	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2020/84	10 Booth Street	PARKDALE	16/02/2020	23/02/2021	The development of land for a single-storey building in association with an existing pre-school (child care centre) and a reduction to the car parking requirements under Clause 52.06 of the Kingston Planning Scheme	Permit	No
KP-2021/63	16 Munro Avenue	EDITHVALE	15/02/2021	24/02/2021	The development of two (2) dwellings	Notice of Decision	No
KP-2020/223	189-199 Nepean Highway	MENTONE	4/05/2020	24/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/602	5 587 Nepean Highway	BONBEACH	12/10/2020	24/02/2021	The use of the land for a residential hotel and dwellings, the construction of a mixed use, seven (7) storey building comprising a residential hotel (sixty one (61) serviced apartments), twenty three (23) dwellings and two retail premises, basement car parking, alterations to the access to a road in	Refused	No
					The development of an extension to the existing dwelling on a lot less than 300sqm and in the Design and Development Overlay - Schedule 7.	Permit	No

KP-2020/406	19 Elm Grove	PARKDALE	16/07/2020	24/02/2021	The development of two (2) double storey dwellings in a Special Building Overlay	Permit	No
KP-2021/5	14 Sherbrooke Avenue	OAKLEIGH SOUTH	11/02/2021	25/02/2021	Extend the existing dwelling on land within a Special Building Overlay	Permit	No
KP-2021/83	18 Coral Island Court	PATTERSON LAKES	24/02/2021	25/02/2021	New Front Fence	Permit Not Required	No
KP-2012/189/B	98 Gladesville Boulevard	PATTERSON LAKES	10/11/2020	25/02/2021	The use and development of the land for a food and drink premises (cafe), the construction of thirteen dwellings, a reduction in the car parking requirement for a food and drink premises, the waiver of the requirement for a loading bay for a food and drink premises and a reduction in the bicycle parking	Permit	No
KP-2021/85	49 Pier One Drive	PATTERSON LAKES	24/02/2021	25/02/2021	Proposal of a 4 storey dwelling with attached garage	Rejected	No
KP-2021/67	5 Evesham Road	CHELTENHAM	16/02/2021	25/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2021/68	22 Clarinda Road	CLARINDA	16/02/2021	25/02/2021	Subdivide the Land into Two (2) Lots	Permit	No
KP-2021/65	2 30 Charles Street	CHELTENHAM	15/02/2021	25/02/2021	Extend the existing dwelling on land within a Special Building Overlay	Permit	No
KP-2021/4	6 King Street	MENTONE	6/01/2021	25/02/2021	Construction of a secondary dwelling	Permit	No
KP-2020/534	155 Warren Road	PARKDALE	11/09/2020	26/02/2021	The development of two (2) dwellings	Permit	No
KP-2020/651	Factory 3 73 Main Road	CLAYTON SOUTH	6/11/2020	26/02/2021	Use the land for a dance studio and display of floodlit signage	Permit	No
KP-2020/767	131A Embankment Grove	CHELSEA	23/12/2020	26/02/2021	The development of alterations and additions to the existing dwelling	Withdrawn	No
KP-2021/15	80 Barkly Street	MORDIALLOC	14/01/2021	27/02/2021	The development of alterations and additions to the rear of existing dwelling	Withdrawn	No

KP-2021/41	178A Lower Dandenong Road	PARKDALE	2/02/2021	27/02/2021	Construct a front fence over 1.5 metres in height on a lot under 300 square metres in size	Withdrawn	No
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Agenda Item No: 4.2

KP-2020/293 - 254-260 NEPEAN HIGHWAY EDITHVALE

Contact Officer: Beau McKenzie, Principal Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2020/293 - 254-260 Nepean Highway Edithvale.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That the Planning Committee determine to support the proposal and issue a Notice of Decision to Develop the land for a double-storey mixed use development comprising of ten (10) dwellings and three (3) retail premises including one (1) food and drink premises; use of the land for dwellings in the Commercial 1 Zone; buildings and works, partial demolition and construct/display a sign in a Heritage Overlay (Schedule 48); reduce the car parking requirements of clause 52.06; a display an above-verandah internally-illuminated sign pursuant to Clause 52.05. at 254-260 Nepean Highway Edithvale, subject to the conditions contained within this report.

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

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EXECUTIVE SUMMARY			
Address	254-260 Nepean Highway, Edithvale		
Legal Description	Lots 1 and 3 on Plan of Subdivision 5459 and lot 1 on Title Plan 428136A		
Applicant	Max Architects Pty Ltd		
Planning Officer	Beau McKenzie		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zone(s)	Clause 34.01 – Commercial 1 Zone		
Overlay(s)	Clause 43.01 – Heritage Overlay (Schedule 48) Clause 43.02 – Design and Development Overlay (Schedules 1 and 7)		
Particular and General Provision(s)	Clause 52.05 – Signs Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road Clause 53.18 – Stormwater Management in Urban Development Clause 55 – Two or more Dwellings on a lot and Residential Buildings		
Permit Trigger(s)	Clause 65.01 – Approval of An Application or Plan Clause 34.01-1 – Use the land for dwellings in the Commercial 1 Zone Clause 34.01-4 – Construct a building or construct or carry out works in the Commercial 1 Zone Clause 43.01-1 – Construct a building or construct or carry out works, and construct and display a sign in the Heritage Overlay Clause 43.02-2 – Construct a building or construct or carry out works in the Design and Development Overlay Clause 52.05-11 – Display an above verandah internally illuminated sign Clause 52.06-3 – Reduction of the car parking requirement		
APPLICATION / PROCESS			
Proposal	Develop the land for a double-storey mixed use development comprising of ten (10) dwellings and three (3) retail premises including one (1) food and drink premises; use of the land for dwellings in the Commercial 1 Zone; buildings and works, partial demolition and construct/display a sign in a Heritage Overlay (Schedule 48); reduce the car parking requirements of clause 52.06; a display an above-verandah internally-illuminated sign pursuant to Clause 52.05.		
Reference No.	KP-2020/293	RFI Received	18 September 2020
App. Received	3 June 2020	App. Amended	Not applicable
Site inspection	No		
S.52 Advertising Commenced	28 September 2020	S.52 Advertising Completed	15 October 2020
S.55 Referrals	15 October 2020 Nil, however section 52 referral sent to Melbourne Water, Level Crossing Removal Project and Department of Transport (formerly VicRoads)		
Internal referrals	Yes		
Objection(s)	10 (Checked on 18/02/2021)		
Vegetation removal	No	Trees over 8 metres in height	No
LEGISLATIVE			
Covenant/other Restriction	No	Complies	No
Aboriginal Cultural Sensitivity Area CHMP	Yes		

Considered Plan(s)

Prepared by 'Max Architects Pty Ltd', project no. 2019/391, drawing no. TP-00 to TP-16, received by Council on 16/10/2020, various revisions including as follows:

- Revision A, dated 13/07//2020 (TP-10, TP-14 to TP-16)
- Revision B, dated 13/07/2020 (TP-11)
- Revision C, dated 13/07/2020 (TP-02, TP-12, TP-13)
- Revision D, dated 02/09/2020 (TP-00, TP-01, TP-05)
- Revision E, dated 15/10/2020 (TP-04)
- Revision F, dated 15/10/2020 (TP-03, TP-06 to TP-09)

1.0 KEY ISSUES

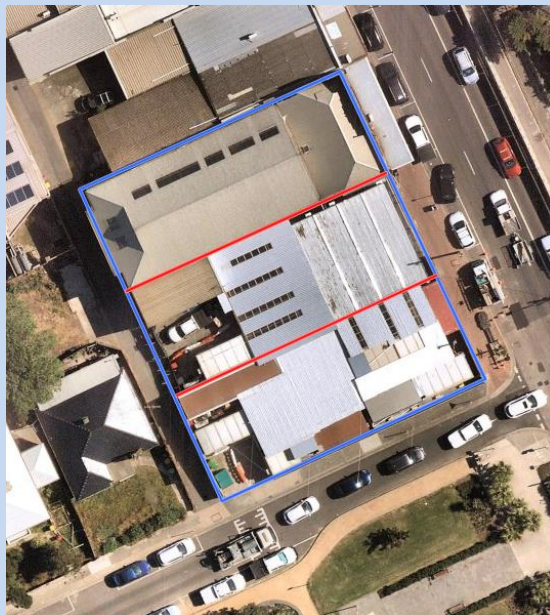
1.1 The main issues arising from this proposal relate to:

- Amenity impacts (I.e. Overlooking and overshadowing);
- Built form and design detail (I.e. Heritage building);
- Car parking and vehicle access; and
- Design, location, and scale of sign(s).

2.0 SITE PARTICULARS

Lot configuration

The subject site is rectangular in shape and comprises of multiple allotments on the north-west corner of Nepean Highway and The Esplanade in Edithvale. There is also a right-of-way (ROW) on the western boundary of the property. The below aerial highlights the overall site in blue and the allotments divided in red.



Built form

As the site comprises separate allotments, there are multiple existing structures. The two southern most parcels of land currently contains temporary buildings that is in use by the Level Crossing Removal Project for works along

the Frankston Railway Line opposite the site. The northern most parcel contains a double-storey heritage building constructed in the 1920s (later 1940s for the façade) and was originally known as the Plain's Hall and later Edithvale Cinema. The architectural style of the building is Streamline Modern or Art Deco style. The building has historical and social significance due to its relationship with the surrounding Edithvale community. The photos below provide a visual perspective of the subject site and its existing buildings:

Looking north-west to site (specifically former Edithvale Cinema) from Nepean Highway:



Looking west at site (specifically temporary buildings) from Nepean Highway:



Looking north-east to site (specifically temporary buildings and south side of heritage building) from The Esplanade:



Looking north along rear ROW with subject site to the right hand side:




Rear section of former Edithvale Cinema heritage building onto ROW:



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Size (m²)	1320m ² , 33.53m frontage and depth to The Esplanade and 39.32m frontage to Nepean Highway and rear ROW.
Topography	The land has a slight rise of approximately 0.5m from the western and south-western portion of the land to the east and north-east.
Fencing	Temporary hoarding and chain mesh wire fencing along the west, south and east property boundaries that enclose the portion of the site currently in use for LXRP.
Vegetation	There is no vegetation on the property or in close proximity to the property boundaries including street trees.
Easement(s)	None.
Footpath assets / access	<p>There are two access points to the site via the rear ROW and via a wide section along the western side of The Esplanade frontage.</p> <p>There are a number of footpath assets/infrastructure along the Nepean Highway due to the site's location within the Edithvale commercial/retail precinct. This includes bins, bike rails, parking and traffic signage, electricity pole and lines, raised garden beds, bench seating and community/place of interest directional signs (see images below).</p> <p><i>Nepean Highway frontage of site showing existing assets/infrastructure:</i></p> 



**Covenant(s) /
Restrictions**

There are no restrictions listed on the certificate of title for the subject land.

3.0 SURROUNDING ENVIRONS

3.1 The following image and aerial map illustrate the subject site in its surrounding context.



Aerial image of site and surrounds (source: Nearmaps, 8 November 2020)

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

North (side)

No. 253 Nepean Highway – single storey brick commercial building comprising of Edithvale Post Office (Commercial 1 Zone).



East (opposite)

Nepean highway comprising of four (4) lanes, two (2) in each direction. Edithvale Railway Station and Frankston Railway Line opposite.

South
(opposite)

The Esplanade and Beeson Reserve. Images below facing south onto The Esplanade and Beeson Reserve:





West (rear)

Directly west is the ROW connecting The Esplanade to the south with Sinclair Avenue to the north. Opposite the ROW contains two residential properties within a General Residential Zone – Schedule 2.

No. 1 The Esplanade – single storey brick dwelling with hip tile roofing. Access to the property is via the adjoining ROW to the rear of the dwelling. There is a small secluded private open space area directly to the rear of the dwelling enclosed by high fencing and a large private open space area further north which is open to the laneway. See images below:

The Esplanade frontage:



ROW frontage:



No. 2A Sinclair Avenue – double-storey mixed render, cladded and brick dwelling with skillion sheet roof. The dwelling forms one part of an original duplex/side by side development. Access to the dwelling is via the adjoining ROW to a garage at the rear of the dwelling. The dwelling is designed with reverse living with the primary living areas facing Sinclair Avenue on the upper level with attached balcony. The dwelling has its ground level SPOS to the rear (south side) and a rooftop terrace towards the front of the building. See images/street view below:

Sinclair Street view of property:



Side view along ROW (property to the right):



Rear view:



- 3.3 The land is located in the centre of the Edithvale commercial/retail precinct on the foreshore side of Nepean Highway. The surrounding area comprises a mix of land uses with commercial and retail uses to the north and south along Nepean Highway and residential to the west along the Edithvale foreshore. The railway station sits directly opposite the site on its eastern side, providing direct services to the city and Frankston.
- 3.4 Built form is reflective of the mixed land uses described above however buildings are no more than two storeys in height consistent with the height parameters of the foreshore environs (i.e. Design and Development Overlay – Schedule 1).
- 3.5 The materiality and architectural housing style in the area is also mixed however contemporary development as is common along foreshore areas in Kingston is prominent in the surrounds. Render, various cladding walls and flat and skillion roofing is commonplace for residential development. Further, the commercial/retail precinct along Nepean Highway is typical of a High Street comprising of generally post-war brick and render shop fronts and verandah/canopies over the adjacent footpath.

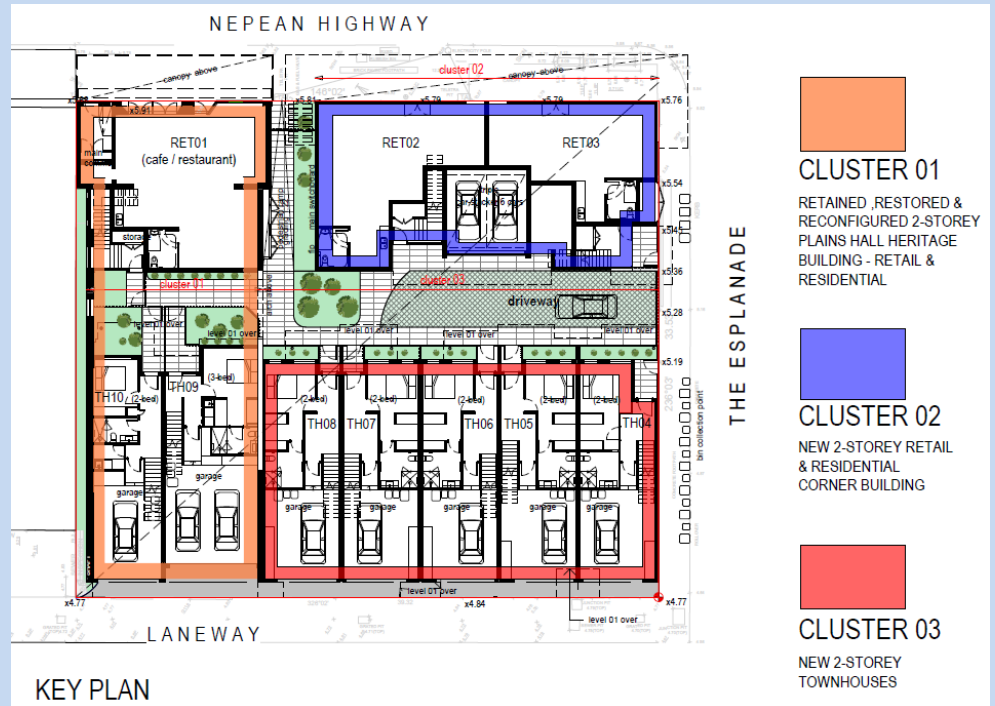
4.0 PROPOSAL

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

Description	Develop the land for a double-storey mixed use development comprising of ten (10) dwellings and three (3) retail premises including one (1) food and drink premises; use of the land for dwellings in the Commercial 1 Zone; buildings and works, partial demolition and construct/display a sign in a Heritage Overlay (Schedule 48); reduce the car parking requirements of clause 52.06; a display an above-verandah internally-illuminated sign pursuant to Clause 52.05.
Layout	The proposal is broken into three (3) clusters which include as follows: <ul style="list-style-type: none"> • Cluster 1 – The former Edithvale Cinema heritage building will be modified to incorporate a café/restaurant on the ground level facing Nepean Highway and a shop top dwelling above. To the rear of the

heritage building will be two (2) double-storey townhouses divided by an atrium void.

- Cluster 2 – A new building comprising of two (2) retail premises facing Nepean Highway and two (2) shop top dwellings above in the eastern portion of the site.
- Cluster 3 – A new building comprising of five (5) double-storey townhouses in the south-west portion of the site.



Storeys	Double storey
Maximum building height	9.92m (existing Edithvale Cinema building) 7.18m (proposed buildings)
Bedrooms (including study)	Townhouse 01 to TH08 and TH10 – Two (2) bedrooms TH09 – Three (3) bedrooms
Retail areas (m²)	Retail 1 (café/restaurant) – 103 m ² Retail 2 (general retail) – 85 m ² Retail 3 (general retail) – 67 m ² Total = 255 m ²
Car parking	Total of 14 car spaces to be provided.

	<p><u>TH01 to TH03 (Two bedrooms)</u> – One (1) car space each within car stacker</p> <p><u>Retail premises</u> – One (1) car space each within car stacker. Spaces to be allocated for staff only.</p> <p>Car stacker system to be a double platform independent triple car stacker, Klaus Multibase G63 or similar.</p> <p><u>TH04 to TH08 and TH10 (Two bedrooms)</u> – One (1) car space each within attached single garage</p> <p><u>TH09 (Three bedrooms)</u> – Two (2) car spaces within attached double garage</p>
Private Open Space	<p>Private open space (POS) to be provided via upper level balconies to each dwelling. A summary of the areas (m²) is provided below:</p> <p>TH01 – 16 m² with minimum 3.4m dimension</p> <p>TH02 – 15 m² with minimum 2.6m dimension</p> <p>TH03 – 10 m² with minimum 2.95m dimension</p> <p>TH04 – 8 m² with minimum 1.9m dimension and secondary utilities deck of 4 m²</p> <p>TH05 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 4 m²</p> <p>TH06 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 5 m²</p> <p>TH07 – 9 m² with minimum 2.4m dimension and secondary utilities deck of 5 m²</p> <p>TH08 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 5 m²</p> <p>TH09 – 25 m² with minimum 4m dimension</p> <p>TH10 – 10 m² with minimum 2.5m dimension</p>
Site Coverage	84%
Permeability	13%
Vehicle/pedestrian access	<p>Vehicle access is to be provided via the rear ROW for the garages associated with TH04 to TH10.</p> <p>Further, a common driveway will be provided between Cluster 2 and 3 in the centre of the site accessed off The Esplanade. The driveway will provide access to the triple car stacker within Cluster 2.</p>

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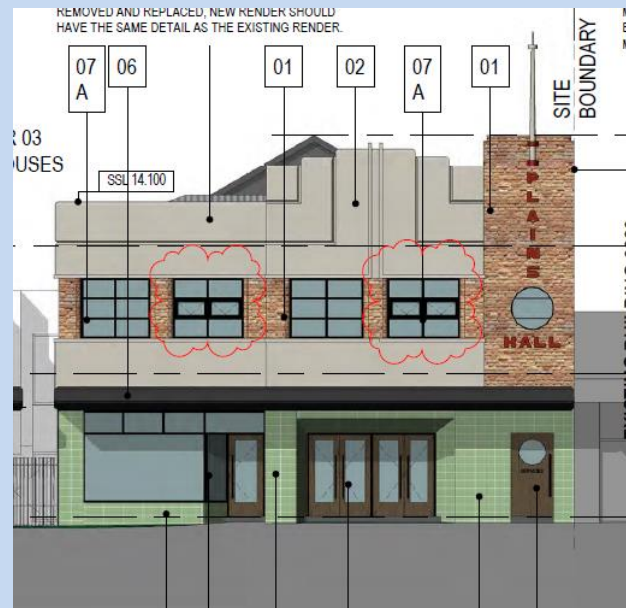
	Pedestrian access is proposed via the central common area with access points from both the Nepean Highway and The Esplanade frontages.
Vegetation removal/retention	No vegetation on the site.

Demolition/alterations to heritage building

The existing heritage building will be modified by demolishing a part of the existing roof and retaining the below roof structure and removing existing skylights replaced with roof to match existing. The elevations will also be modified with materiality and finishes as described as follows:

- Existing brick walls on building façade to be exposed as cream face brickwork after non-abrasive removal of outer paint render finish.
- Existing render to upper level façade to be retained and to be a light finish. Any necessary new render will match existing.
- Canopy over footpath to be solid aluminium cladding (charcoal colour). Ground floor faced to be green gloss feature wall tiles.
- Existing red brick side walls to be exposed by removing paint with a non-abrasive method.
- Existing roof to be maintained (metal galvanised).
- Rear upper level to incorporate sand cement render in white finish.

Façade



Side elevation (south)



Rear elevation



Building materials

In addition to the above, the proposed cluster 2 retail and townhouse building will incorporate similar architectural themes to the heritage building along the Nepean Highway frontage and a more contemporary residential response for The Esplanade frontage and cluster 3 townhouses.

Nepean Highway (cluster 2 building)

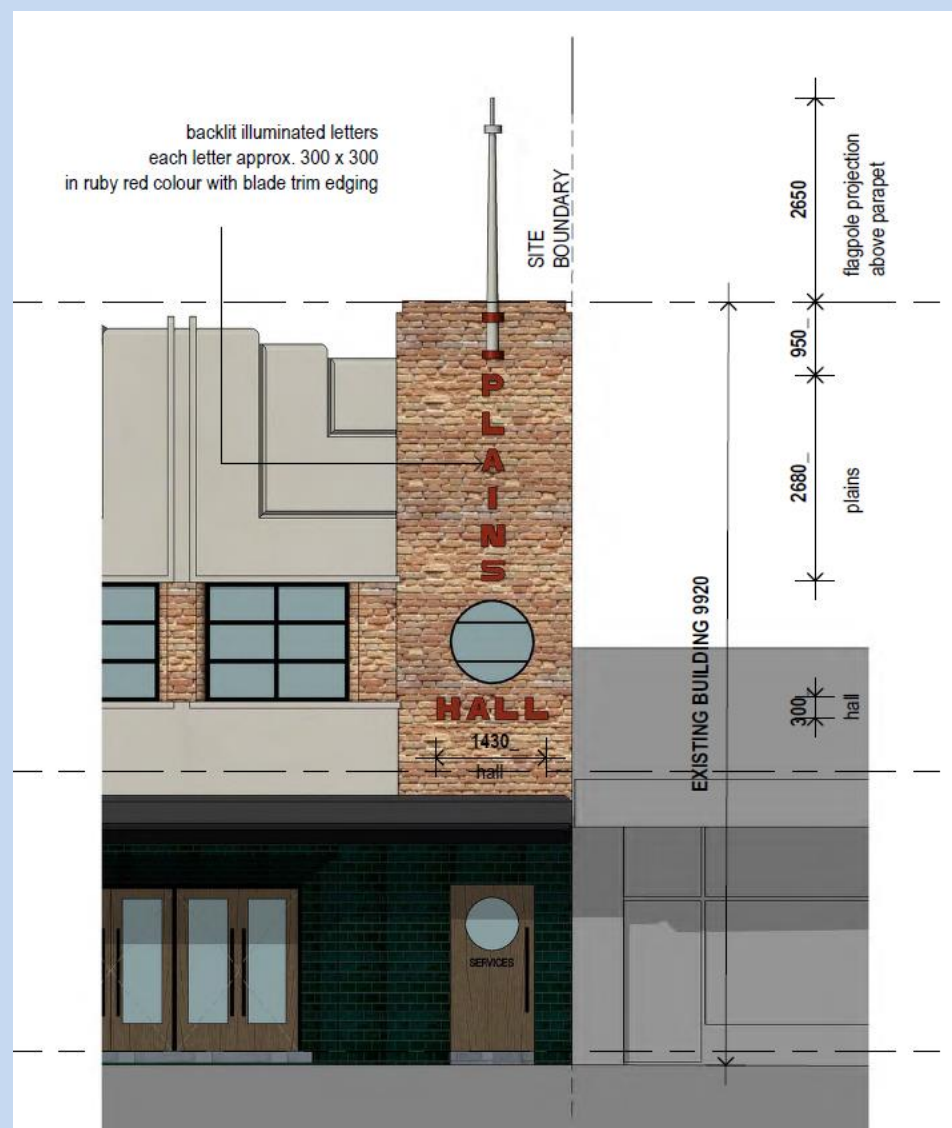


The Esplanade (cluster 2 and 3)



The full material/finish schedule is provided on TP-06.

Signage



The proposed 'Plains Hall' signage as depicted above will have a total display area of 0.9 m² and will be internally illuminated with each letter having dimensions of 300mm by 300mm. The lettering will be a red ruby with blade trim edging.

5.0 RELEVANT LAND HISTORY

5.1 Planning information request PE-2020/254 was submitted by Max Architects Pty Ltd on 29 April 2020 for the development described in section 4 of this report. The planning officer, completing the request, raised concerns with the streetscape integration and presentation, dwelling entry, private open space, public courtyard appearance and purpose, laneway design, and internal amenity.

6.0 AMENDMENTS UNDER SECTION 50 / 57A OF THE ACT

6.1 Whilst no amendments to the application were made formally under Section 50/57A of the Act, the applicant made changes to the plans during the advertising period in response to concerns raised by Council's ESD Officer. Changes to the plans were minor and did not require re-advertising. These changes involved as follows:

- Clothesline locations indicated on plans.
- Operable windows indicated on plans.
- Double glazing note added to external material/finish schedule.
- Twelve (12) bicycle parking spaces added to plans, specifically within garages for TH04 to TH10 and five (5) visitor spaces adjacent to internal pedestrian walkway.
- Electric vehicle charging points indicated on plans.
- Garden taps indicated on plans.

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

7.0 ADVERTISING

7.1 The proposal was advertised on two occasions by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. The application was advertised for a second time due to an error on the original notice with the description of the property address not covering the entirety of the subject site.

7.2 As a result of advertising, a total of 10 objections were received. The grounds of objection raised were as follows:

- Car parking.
- Internal amenity.
- Overshadowing.
- Safety and access.
- Heritage considerations.
- Waste management.
- Site coverage/lack of landscaping.

7.3 The following objections raised are not planning considerations:

- Commercial competition of new food and drink premises.

8.0 PLANNING CONSULTATION MEETING

8.1 A planning consultation meeting was held on 9 December 2020 with the relevant Planning Officer, the Permit Applicant and consultants and four (4) objector(s) in attendance. The relevant Ward Councillor was not in attendance.

8.2 The above-mentioned issues were discussed at length; however the concerns were unable to be resolved at the meeting, and all objections still stand.

9.0 REFERRALS

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

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	No objection, subject to an amended landscape plan as a condition on any permit issued. Refer to condition 1 r).

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Council's Development Engineer	No objection raised, subject to conditions included on any permit issued relating to stormwater management and WSUD requirements. Refer to conditions 6 and 7.
Roads and Drains	No objection raised, subject to conditions included on any permit issued relating to works within the Council road reserve. Refer to conditions 17 to 24.
Traffic Engineer	<p>No objection raised with respect to the car parking reduction.</p> <p>However, Council's Traffic and Transport Department initially raised concerns with the following issues:</p> <ul style="list-style-type: none"> • 4-point turning movements for vehicles associated with townhouse 9; • Provision of a passing area with dimensions of 6.1m by 7m at the intersection of the laneway and The Esplanade; • Visual splays at either side of the internal accessway with The Esplanade; and • No support for the collection of waste for the commercial tenancies on the adjoining public roads. <p>Discussions were held with the applicant, the applicant's Traffic Engineer and Council's Traffic Engineer which was followed by an updated Traffic Report and Waste Management Plan.</p> <p>Following review of these updated reports, the Engineer has accepted a variation to the requirement of the passing bay given the limited traffic movements along the laneway as well as connections to the road network at either end of the laneway giving a 50/50 split of traffic in each direction. In addition, a review of the swept paths associated with townhouse 9 was undertaken by the Engineer and considered acceptable as currently proposed.</p> <p>The remaining issues relating to the commercial waste collection and visual splays have been accepted by the applicant and conditioned appropriately on any permit issued. Refer to conditions 1 m), n) and o).</p>
Heritage Advisor	No objection and no conditions recommended following amendments to the plans in response to earlier comments/concerns raised by the heritage advisor.
Activity Centre (Place Manager)	No objection subject to conditions requiring streetscape works to be undertaken as part of the development and in accordance with the Activity Centre Streetscape Suite 2013 including kerb and channel and footpath reinstatements and installation of new street furniture. Refer to conditions 1 a), 4 and 5.
Strategic Planning	No objection or comments.
Major Transport Projects	No objection in relation to the proximity of the site to the LXRP works.
Council's ESD Advisor	No objection and confirmation that the plans and Sustainable Design Assessment meets Council's expectations for the development of this scale in accordance with Clause 22.13 (ESD policy). Refer to

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	condition 10 to require the report to be provided as part of endorsement conditions.
Urban Design Advisor (Hansen Partnership)	<p>The Urban Design Advisor initially raised a number of issues including as follows:</p> <ul style="list-style-type: none"> • Activating the pedestrian laneway through the site with increased glazing from retail premises or through feature materiality. • The canopy facing Nepean Highway within the laneway designed as an open pergola structure rather than solid structure. • Provide designated pedestrian entrances to the shop top dwellings separate from the adjoining common driveway. • Extend the TH10 entrance into the courtyard to enhance internal sightlines. • Curve the ground level corner of the Cluster 2 building and the pedestrian laneway to 'open up' the laneway to the street and provide an improved visual connection to the townhouses at the rear. • Increase the proposed lawn area heights within the Nepean Highway pedestrian entrance to provide seating opportunities. • Alternative treatment to the common driveway to emphasize its use as a shared way. • Enhance integration with The Esplanade by orientating dwelling entries to the street, relocating the waste room and integrated service cabinetry. • Provide a more open balcony for TH09. • Extend fenestration/brickwork of the upper level Cluster 2 façade to Nepean Highway to align with the geometry of doors at ground level. <p>The applicant made changes to the plans in response to the above issues. Council's Planning Officer consider these issues as being mostly addressed.</p>
Waste Management	No objection, however initial concerns were raised with residential bin collection along The Esplanade. Following further justification from the applicant and an updated Waste Management Plan, the Waste Management Department offered support for the street collection for the residential component only. Refer to conditions 1 o), p) and 8.
Construction Liaison Officer	No objection, subject to the inclusion of a Construction Management Plan condition on any permit issued. Refer to condition 13.

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Level Crossing Removal	52	N/A	No	No

Project/Southern Program Alliance				
Department of Transport	52	N/A	No	Requested conditions on any permit issued requiring amended plans to show the verandah set back 750mm from the kerb of both Nepean Highway and The Esplanade at the intersection. The conditions have been included in the Officer recommendation verbatim. Refer to conditions 1 l) and 3.
Melbourne Water	52	N/A	N/A	No response received.

10.0 PLANNING PERMIT PROVISIONS

Zoning provisions

- 10.1 The site is located in the Commercial 1 Zone (C1Z). The clause states that a planning permit is required to use the land for dwellings pursuant to clause 34.01-1 of the Planning Scheme as the frontage at ground level will exceed 2 metres. A planning permit is also required to construct a building or construct or carry out works pursuant to clause 34.01-4 of the Planning Scheme. The schedule does not make a variation to the leasable floor area for the nominated land uses described in section 4 of this report.
- 10.2 The Commercial 1 Zone is in Category 1 for the purpose of the sign requirements at Clause 52.05 (refer to section 10.13).
- 10.3 It is noted that a planning permit is not required for the proposed retail and food and drink premises as these uses are as-of-right in the C1Z.

Overlay provisions

Clause 43.01 - Heritage Overlay

- 10.4 The site is affected by schedule 48 of the Heritage Overlay. The clause states that a planning permit is required to construct a building or construct or carry out works, and construct or display a sign pursuant to clause 43.01-1 of the Planning Scheme.
- 10.5 The Overlay relates to the northern most parcel of the land which contains a double-storey building constructed during the 1920s and 1940s and was originally known as the Plain's Hall and later Edithvale Cinema. The architectural style of the building is Streamline Modern or Art Deco style. The building has historical and social significance due to its relationship with the surrounding Edithvale community.

Clause 43.02 - Design and Development Overlay

- 10.6 The site is affected by Schedule 1 and 7 of the Design and Development Overlay (DDO). The clause states that a planning permit is required to construct a building, or construct or

carry out works pursuant to clause 43.02-2 of the Kingston Planning Scheme unless the schedule specifically states that a permit is not required.

10.7 Schedule 1 (Urban Coastal Height Control Area) of the Overlay states under clause 2.0 that a planning permit is not required to construct or carry out the following works:

- *A building which has an internal storey height (measured from floor to ceiling) of 3.5 metres or less. The internal storey height requirement does not include stairwells and lightwells which comply with the overall height requirements.*
- *Works which do not exceed 6 metres in overall height.*

10.8 Further at clause 2.0, the following requirements must be met before a planning 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 metres in overall height.*
- *Works, which do not form part of a building, must not exceed 6 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).*

10.9 Schedule 7 (Urban Coastal Foreshore Setback Control Area) of the Overlay states under clause 2.0 that a planning permit is not required to construct or carry out the following works within 4.5 metres of the foreshore reserve boundary:

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

10.10 Further at clause 2.0, the following requirements must be met before a planning permit can be granted:

- *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.*

10.11 The proposal meets the requirements in schedule 1 (Urban Coastal Height Control Area) of the DDO as each proposed storey does not exceed a floor to ceiling height of 3.5 metres.

10.12 It is noted the proposal is located in excess of 4.5m of the foreshore and therefore does not trigger schedule 7 (Urban Coastal Foreshore Setback Control Area) of the DDO.

Particular provisions

Clause 52.05 - Signs

- 10.13 The policy in clause 52.05 (Signs) of the Planning Scheme states that a planning permit is required to display an internally illuminated, above verandah sign within a category 1 area pursuant to clause 52.05-11 of the Planning Scheme.

Clause 52.06 – Car Parking

- 10.14 Table 1 of Clause 52.06-5 (Car Parking) of the Planning Scheme states the following statutory car parking rate for a dwelling and shop/food and drink premises land use, noting that the subject land is within the Principal Public Transport Network (PPTN) requiring a lesser parking requirement.

Dwelling	1 space to each 1 or 2 bedroom dwelling 2 spaces to each 3 or more bedroom dwelling 0 visitor spaces required due to site being within PPTN
Shop	3.5 to each 100 square metres of leasable floor area
Food and drink premises	3.5 to each 100 square metres of leasable floor area

The proposal has a statutory requirement of 20 on site car parking spaces. As the required number of car parking spaces is not provided on site (14 provided), a planning permit is required to reduce or reduce the statutory requirement pursuant to clause 52.06-3 of the Planning Scheme.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road)

- 10.15 The policy in clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) of the Planning Scheme states that a planning permit is required to create or alter access to Nepean Highway as the road reserve is in a Road Zone, Category 1 pursuant to clause 52.29-2 of the Planning Scheme.
- 10.16 No changes are proposed to the Nepean Highway road reserve as part of the application and therefore a planning permit is not required under this provision.

Clause 53.18 – Stormwater Management in Urban Development

- 10.17 The policy in clause 53.18 (Stormwater Management in Urban Development) of the Kingston Planning Scheme states that any development and subdivision on the site is to maximise the retention and reuse of stormwater and protect drainage infrastructure and receiving waters from sedimentation and contamination.

Clause 55 – Two or more dwellings on a lot (ResCode)

- 10.18 Whilst a complete assessment against the standards and objectives of Clause 55 is not required for a development in the Commercial 1 Zone, the decision guidelines of the Zone require some consideration to these requirements. An assessment against the relevant standards and objectives has therefore been undertaken in this report.

General provisions

10.19 The decision guidelines in clause 65.01 (Approval of An Application or Plan) of the Planning Scheme require consideration to be given to a variety of matters including Planning Scheme policies, the purpose of the C1Z, orderly planning, and the impact on amenity.

11.0 RELEVANT POLICIES

11.1 Planning Policy Framework

Clause 11 Settlement
Clause 15 Built Environment and Heritage
Clause 16 Housing
Clause 17 Economic Development
Clause 18 Transport

11.2 Local Planning Policy Framework

Clause 21.06 Built Environment and Heritage
Clause 21.07 Housing
Clause 21.08 Economic Development
Clause 22.06 Residential Development Policy
Clause 22.07 Outdoor Advertising Policy
Clause 22.08 Heritage Policy
Clause 22.12 Stormwater Management
Clause 22.13 Environmentally Sustainable Development

12.0 PLANNING CONSIDERATIONS

Planning Policy Framework

12.1 The Planning Policy Framework sets out the relevant state wide policies for development at **clause 11 (Settlement), clause 15 (Built Environment and Heritage), clause 16 (Housing), clause 17 (Economic Development)** and **clause 18 (Transport)**. Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water, and Planning, 2017).

12.2 **Clause 11 (Settlement)** seeks to ensure that planning is to:

- Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, and open space, commercial and community facilities, and infrastructure.
- Prevent environmental and amenity problems created by siting incompatible land uses close together.
- Facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community, and commercial infrastructure and services.

12.3 **Clause 11.02-1S (Supply of Urban Land)** states that planning authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well as

consideration being had for environmental aspects, sustainable development, and the costs associated with providing infrastructure. The 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; and
- Service limitations and the costs of providing infrastructure.

- 12.4 **Clause 15 (Built Environment and Heritage)** requires that development respond appropriately to its surrounding landscape and character and minimise any impacts on the built and natural environment.
- 12.5 **Clause 15.01-1S (Urban Design)** promotes urban environments that are safe, healthy, functional and enjoyable, and that contribute to a sense of place and cultural identity. The clause emphasises that development provides landscaping to support the amenity and safety of the public realm.
- 12.6 **Clause 15.01-2S (Building Design)** encourages development to achieve high quality architectural and urban design outcomes that make a positive contribution to neighbourhood character, minimise detrimental amenity impacts, and create safety for future residents and the community.
- 12.7 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places with Aboriginal Cultural Heritage significance. The site is identified in an area of Aboriginal Cultural Heritage Sensitivity, specifically Dunes and Coastal – Non-Crown cultural heritage areas.

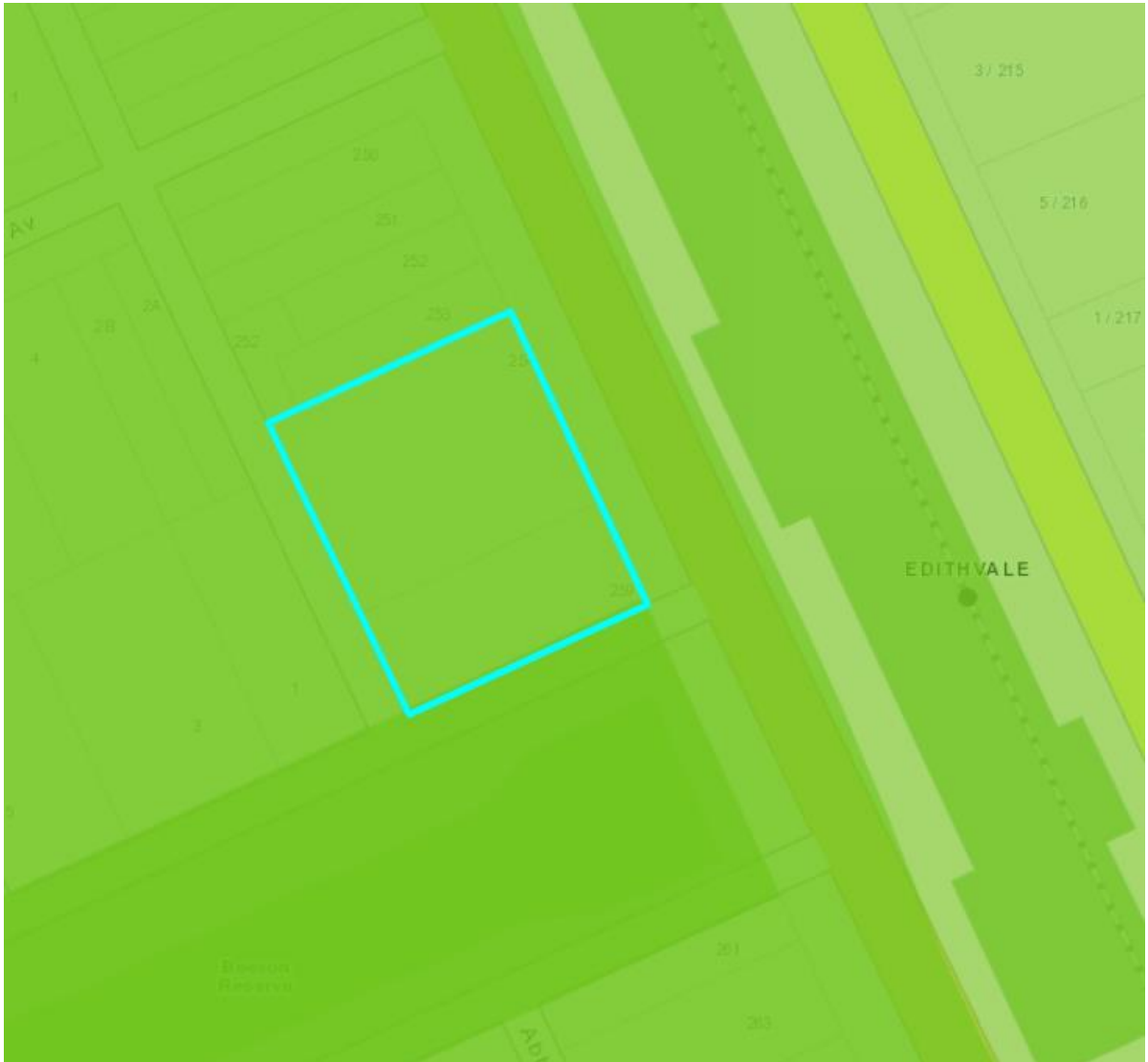


Image 3: Aboriginal Cultural Heritage Sensitivity map

The proposed use and development are considered to be a high impact activity under the *Aboriginal Heritage Regulations 2018*. However, it is determined that the land has undergone significant ground disturbance as is evident by the entirety of the land being covered by hard stand and buildings which would require machinery to establish, consequently disturbing the topsoil (see survey plan below). Further to this, the applicant has provided evidence of underground services on the land which would require further deep disturbances to the land.

Therefore, as the land has been significantly disturbed, a Cultural Heritage Management Plan is not required in accordance with regulation 25 (3) and 58 (4) of the *Aboriginal Heritage Regulations 2018* as extracted below.

25 Registered cultural heritage places

- (1) A registered cultural heritage place is an area of cultural heritage sensitivity.
- (2) Subject to subregulation (3), land within 50 metres of a registered cultural heritage place is an area of cultural heritage sensitivity.
- (3) If part of the land within 50 metres of a registered cultural heritage place has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

58 Use of land

- (1) The use of land for a purpose specified in regulation 46(1)(b) is a high impact activity if a statutory authorisation is required to change the use of the land for that purpose.
- (2) The use of land for an extractive industry is a high impact activity if a statutory authorisation is required to use the land for the extractive industry.
- (3) The use of a lot or allotment for 3 or more dwellings is a high impact activity if a statutory authorisation is required to use the lot or allotment for 3 or more dwellings.
- (4) Despite subregulations (1), (2) and (3), if the whole of the activity area for an activity referred to in subregulation (1), (2) or (3) has been subject to significant ground disturbance, that activity is not a high impact activity.

- 12.8 **Clause 16 (Housing)** promotes a housing market that meets the increasingly diverse needs of the community and is located in established residential areas which offer good access to jobs, services, and public transport.
- 12.9 **Clause 16.01-1S (Integrated housing)** identifies opportunities for increased residential densities to help consolidate urban areas. The policy also aims to provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
- 12.10 **Clause 16.01-3S (Housing diversity)** encourages the development of well-designed housing that respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure, and improves energy efficiency.
- 12.11 **Clause 17 (Economic Development)** aims for a strong and innovative economy by facilitating a range of sectors in existing and emerging employment areas.
- 12.12 **Clause 17.02-1S (Business)** encourages development that provides retail, entertainment, office, and other commercial services for the community. The clause promotes net community benefit in relation to viability, accessibility, and efficient use of infrastructure.
- 12.13 **Clause 18 (Transport)** aims for an integrated and sustainable transport system.

- 12.14 **Clause 18.02-2S (Public Transport)** states that development should facilitate greater use of public transport. The clause endeavours to support the Principal Public Transport Network (PPTN).
- 12.15 The proposal generally complies with the objectives and strategies in the PPF. The proposal is on a site that allows commercial and residential uses, and improvements to the public realm.

Local Planning Policy Framework

- 12.16 The Local Planning Policy Framework comprises the Municipal Strategic Statement (MSS) and Local Planning Policies.
- 12.17 **Clause 21.06 (Built Environment and Heritage)** seeks to provide guidance on the urban environment, neighbourhood character, and sustainable development. The key objectives for this application pursuant to clause 21.06-1 of the Planning Scheme are as follows:
- To project a positive image of the City through a high standard of urban design; and
 - To improve pedestrian safety, circulation and access.
- 12.18 **Clause 21.07 (Housing)** seeks to provide guidance to development in residential zoned land, mixed use zoned land, and activity centre zoned land. This clause essentially reinforces the Planning Policy Framework relevant to housing, which stresses the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston. The key objectives for this application pursuant to clause 21.07-1 of the Kingston Planning Scheme are as follows:
- To manage the interface between residential development and adjoining or nearby sensitive and strategic land uses;
 - To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality; and
 - To promote more environmentally sustainable forms of residential development.
- 12.19 **Clause 21.08 (Economic Development)** encourages the redevelopment of land without impacting on the amenity and safety of adjoining uses. The key objectives for this application pursuant to clause 21.08-1 of the Planning Scheme are as follows:
- To protect the retail role and function of activity centres.
- 12.20 **Clause 22.06 (Residential Development Policy)** extends upon the provision contained at clause 21.07, relating to incremental housing change areas, increased housing diversity areas, residential renewal areas, mixed used areas, and activity centre areas. This clause provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.
- 12.21 **Clause 22.07 (Outdoor Advertising Policy)** encourages advertising signs which enhance the streetscape appearance through their design, location, and scale. The clause seeks to avoid visual clutter by considering the type and number of signs to ensure that the proposal is reflective of the level and nature of activity in the area.

- 12.22 **Clause 22.08 (Heritage Policy)** applies to all land covered by the Heritage Overlay and where a permit is required, properties adjoining a heritage place affected by the Overlay. The clause seeks to ensure that development is to be undertaken in accordance with the accepted conservation standards.
- 12.23 **Clause 22.12 (Stormwater Management)** encourages Water Sensitive Urban Design to minimise stormwater runoff for medium scale residential development, including the construction of three (3) or more dwellings or the subdivision of land more than 1,000 square metres in area. The planning officer notes that a STORM modelling report is required to be submitted and reviewed by Council's Development Approvals Engineering department. Please refer to section 11 of this report.
- 12.24 **Clause 22.13 (Environmentally Sustainable Development)** requires a Sustainable Management Plan and Green Travel Plan to be prepared for a development of 10 or more dwellings on a lot to achieve outcomes regarding energy performance, water efficiency, indoor environment quality, stormwater management, transport, waste management, and urban ecology. The planning officer notes that a SMP is required to be submitted and reviewed by Council's Environmental Sustainable Design department. Please refer to section 11 of this report.
- 12.25 The proposal generally complies with the aforementioned policies in the LPPF. The proposal is appropriate for the site as the development scale reflects the level of activity in the surrounding area, and there are no significant impacts to adjoining tenants, and residential land owner(s) and occupier(s). The new works on the heritage building enhance the image of the Edithvale neighbourhood activity centre.

Zoning provisions

Commercial 1 Zone

- 12.26 The primary purpose of the C1Z is to create vibrant mixed-use commercial centres for retail, office, business, entertainment, and community uses.
- 12.27 The relevant decision guidelines in clause 34.01-8 of the Planning Scheme have been considered for the proposal, and include the following:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Use

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*

Buildings and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping, and paved areas.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.*

12.28 The planning officer is satisfied that the proposal is generally in accordance with the applicable decision guidelines. The proposal is in an established area with existing service infrastructure, and access to the major arterial road network on Nepean Highway and The Esplanade. The proposal is respectful to the surrounding area in terms of built form and design detail, and improves the appearance of the public realm particularly within the commercial environs. The proposal clearly delineates driveways and footpaths on the subject site for pedestrians, cyclists, and vehicles accessing the commercial tenancies and residential properties. The proposal does not detract the streetscape with waste facilities being integrated with the building, and being conveniently located for the collection and maintenance of garbage and recycling bins on the subject site, subject to permit conditions. The proposal does not unreasonably overlook or overshadow any habitable room windows and secluded private open space areas near the subject site (see Clause 55 assessment for further detail). The proposal does not impact on daylight and solar access to adjoining properties.

12.29 Overall, the proposal is consistent with the purpose and decision guidelines found in the zoning provisions of the Planning Scheme.

Overlay provisions

Heritage Overlay – Schedule 48

12.30 The primary purposes of the Heritage Overlay are:

- *To conserve and enhance heritage places of natural or cultural significance;*
- *To conserve and enhance those elements which contribute to the significance of heritage places; and*
- *To ensure that development does not adversely affect the significance of heritage places.*

12.31 The relevant decision guidelines in clause 43.01-8 of the Planning Scheme have been considered for the proposal, and include the following:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*

12.32 The permit applicant submitted a heritage impact statement prepared by Trethowan Architecture and dated 10 July 2020. The proposal seeks to retain the front of the heritage building, and restore the façade facing Nepean Highway with original building features, building materials, and signs.

12.33 Council's Heritage Advisor was referred to for the application and initially recommended changes to the development to further enhance the heritage outcomes of the site. Following amended plans in response to these comments, the Heritage Advisor offered support for the proposal.

12.34 The proposal is in accordance with the applicable decision guidelines and purpose of the Heritage Overlay. The partial demolition is at the rear of the heritage building, buildings and works and the new sign will revitalise the former Cinema building, overall providing a positive heritage outcome for the site and streetscape. The retention of the original faced of the building and addition of conservation works will reverse unsympathetic changes and reinstate the lost fabric of the building. This significant level of conservation works to the building will enhance the architectural and character of the hall to better appreciate its historical and social values than in its current state.

12.35 Overall, the proposal is consistent with the purpose and decision guidelines found in the overlay provisions of the Planning Scheme which intends to conserve and enhance heritage places and ensure new works does not adversely affect them.

General provisions

12.36 The application has been assessed against the relevant general provisions. The proposal meets the requirements contained within clause 65.01 of the Kingston Planning Scheme.

Particular provisions

12.37 The application has been assessed against the relevant particular provisions in Clause 52.05, 52.06, 53.18 and 55 of the Planning Scheme.

Clause 52.05 – Signs

12.38 The primary purposes of the signage provisions are:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

12.39 The relevant decision guidelines in clause 52.05-8 of the Planning Scheme have been considered for the proposal, and include the following:

- *The character of the area.*
- *Impacts on views and vistas.*
- *The relationship to the streetscape, setting or landscape.*
- *The relationship to the site and building.*
- *The impact of structures associated with the sign.*
- *The impact of any illumination.*
- *The impact of any logo box associated with the sign.*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The impact on road safety.*

12.40 The planning officer is satisfied that the proposal is in generally accordance with the applicable decision guidelines. The proposal provides an appropriate level of identification with one (1) internally illuminated sign on the heritage building. The proposal would not obscure views to surrounding properties and would not interfere with road safety on Nepean

Highway. The proposal is modest in size and is sympathetic to the streetscape character and heritage building with the colour scheme and design.

- 12.41 Overall, the proposal is consistent with the purpose and decision guidelines found in the signage provisions of the Planning Scheme.

Clause 52.06 – Car Parking

- 12.42 As discussed in section 10 of this report, the proposal has a statutory requirement of 20 on site car parking spaces. The planning officer notes that the proposal provides a total of 14 car parking spaces for the commercial tenancies and residential dwellings.
- 12.43 The permit applicant submitted a Traffic Engineering Assessment report prepared by TraffixGroup and dated 17 September 2020, to justify the reduction of required car parking spaces pursuant to clause 52.06-3 of the Planning Scheme.
- 12.44 The proposed car parking reduction of six (6) spaces is supported as the proposal meets the purpose and decision guidelines of Clause 52.06. The car parking reduction relates to the retail premises only as the required number of spaces have been provided to the proposed dwellings. There are no visitor car parking requirements due to the site being within the Principal Public Transport Network (PPTN).
- 12.45 The site is conveniently located within the centre of the Edithvale commercial and retail precinct and a focal point of the surrounding communities due to the nearby Edithvale foreshore and connecting Beeson Reserve. Whilst Council Officers accept that car parking in the area is limited particularly during summer months, the proposed development will not have a significant impact on the parking demand and supply due to the site's convenient connection with public transport including Edithvale Railway Station opposite the site and bus services (no. 706, 858 and 902 route). The proposed development will also offer alternative modes of transport to the site through the provision of twelve (12) bicycle spaces including five (5) for the retail component reducing some of the car parking demand to these premises. Bicycle parking facilities are also provided in the surrounding area including the footpath.
- 12.46 Patrons of the proposed retail premises will likely have short-term trips only and in some cases, multi-purpose trips due to the site's location in the Edithvale activity centre. Any additional demand for parking off-site can easily be accommodated in the surrounding street network as demonstrated in the parking survey undertaken by TraffixGroup which found sufficient short-term parking available. Long-term trips associated with the retail premises will be generally for staff only where staff parking is to be provided on-site (one space to each premises). As discussed above, alternative modes of transport are also available to the site, reducing demand for long-term staff parking and short-term customer parking.
- 12.47 The proposed reliance on surrounding street parking is not unlike other retail/commercial uses within the precinct. Other commercial tenancies in the surrounding area have no on-site car parking for customers with back of house staff parking only. This is considered typical for a centre-based commercial and retail uses.
- 12.48 Based on the existing conditions of the subject land, the land uses have a parking requirement of 32 spaces with only 7 spaces provided on-site. A shortfall of 25 spaces is therefore recorded. There will be a significant improvement to the shortfall of parking with the new development (25 spaces compared to 6 spaces).

- 12.49 Council's Traffic Engineer has provided support for the application including for the parking reduction. Conditions have been recommended relating to accessway design, loading/unloading and waste collection (see below assessment of design standards).
- 12.50 The relevant design standards in clause 52.06-9 of the Planning Scheme have been considered for the proposal, and include the following:

Design standard 1 – Accessways

The proposal seeks to construct a new vehicle crossing with a minimum width of 5 metres on The Esplanade and utilises the laneway at the rear of the subject site. The permit applicant provided swept path manoeuvre diagrams to demonstrate that all vehicles using the shared driveway can exit in a forward direction.

As discussed under section 9 of the report, Council's Traffic and Transport department initially raised concerns with aspects of the accessway design in accordance with this standard. However, following further justification and consideration, these concerns have largely been addressed and where not yet addressed, included as conditions on any permit issued (i.e. visual plays and commercial waste collection on-site only).

Design standard 2 – Car parking spaces

The proposal provides one (1) car parking space for each two (2) bedroom townhouse in a single garage, and two (2) car parking spaces for the three (3) bedroom townhouse in a double garage. The single and double garages meet the minimum internal length and width dimensions as required in design standard 2.

Design standard 4 – Mechanical parking

The proposal contains two (2) three level car stacker systems to service a total of six (6) car parking spaces for the food and drink premises and shops on the ground floor level, and the units above the commercial tenancies. The use of mechanical parking, including car stackers is allowable under this standard and Clause 52.06. Council Officers consider the use of this system as being appropriate for the development and will not have a significant impact on queuing and other consequential impacts. As a condition on any permit issued, further details and specifications on the design of the car stacker will be required.

Design standard 5 – Urban design

The proposal creates a positive urban design outcome with no car parking structures dominating the streetscape on Nepean Highway and The Esplanade. The shared driveway is designed to be an extension of public space on the subject site.

Design standard 6 – Safety

The proposal promotes safety with the shared driveway being visible from habitable room windows and balconies on all dwellings. The lighting and surface treatments on the subject site would aid in the clear identification of pedestrian footpaths.

Design standard 7 – Landscaping

The proposal maximises landscaping opportunities with large garden beds to plant canopy trees on public areas, and with grasscrete or similar on the shared driveway. The landscape setting on the subject site would soften the appearance of car parking structures on the ground floor level.

12.51 Overall, the proposal is consistent with the purpose and decision guidelines found in the car parking provisions of the Planning Scheme.

Clause 53.18 – Stormwater Management in Urban Development

12.52 The proposal is required to meet the stormwater management objectives pursuant to clause 53.18-5 of the Planning Scheme as the buildings and works exceed more than 50 square metres in total area. Please refer to section 11 of this report.

Clause 55 – Two or more dwellings on a lot (ResCode)

12.53 The proposal has been assessed against the relevant objectives and standards in Clause 55 of the Planning Scheme only, noting that not all objectives and standards of this provisions is applicable for a development in the Commercial 1 Zone. The decision guidelines of the Commercial 1 Zone require consideration of these provisions but do not hold the same weight as a residential development in a residential zone which strictly require all objectives of Clause 55 to be met. The table below provides an assessment against these relevant standards:

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> • Connection to reticulated services/sewerage, electricity, gas and drainage services • Capacity of infrastructure and utility services should not be exceeded unreasonably • Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	<p>Complies with standard & meets objective</p> <p>(subject to conditions on any permit issued)</p>
<p>Assessment:</p> <p>The site is in an established area that is well serviced by existing infrastructure. Additionally, it is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations. Refer to stormwater management, road reserve and street furniture conditions.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> • To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> • Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. • Development oriented to front existing/proposed streets • High fencing in front of dwellings should be avoided if practicable. • Development next to existing public open space should be laid out to complement the open space. 	<p>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p> <p>Complies with standard & meets objective</p>
<p>Assessment:</p>		

Concerns were initially raised by Council's Planning Officer and Urban Design Advisor with the lack of positive integrated design to The Esplanade particularly the high pedestrian movements between Edithvale foreshore and the commercial/retail precinct and opposite Beeson Reserve. Following changes to the plans, the development now provides a highlighted integrated and positive design to the street through the siting of dwelling entries onto the street frontage, transparent fencing and glazing to ground and upper levels.



Clause 55.03-1 Street setback objective	Street Standard B6	N/A
<ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 		

Assessment:
Whilst the proposal will not be setback from either street frontage, there are no street setback requirements for the Commercial 1 Zone. The siting of buildings on the front property boundary is typical for commercial areas.

Clause 55.03-2 Building height objective	Building Standard B7	Maximum: 2 storeys (DDO1), no maximum height within C1Z
<ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. 		
Complies with standard and meets objective.		

Assessment:
The Commercial 1 Zone does not have a required maximum height, however the Design and Development Overlay (Schedule 1) mandates a height of no more than two storeys. The proposal complies with these parameters.

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Clause 55.03-3 Site Coverage objective	Standard B8 Maximum: None	N/A
<p>Assessment:</p> <p>There are no site coverage requirements under the Commercial 1 Zone. A large site coverage is typical for commercial areas as is proposed.</p>		
Clause 55.03-4 Permeability & stormwater management objectives	Standard B9 Required: None	N/A.
<p>Assessment:</p> <p>There are no permeability requirements under the Commercial 1 Zone. However, it is noted that the proposed development will be appropriately designed for stormwater management and will incorporate landscaping and permeable surfaces to enhance drainage on-site. Council's Development Engineer has provided no objection to the application subject to stormwater management conditions. Refer to conditions 6 to 7.</p>		
Clause 55.03-5 Energy Efficiency objectives	Standard B10 Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.	Complies with standard and meets objective
<p>Assessment:</p> <p>Overall, the proposal achieves an acceptable energy efficiency design by incorporating SPOS and living areas with north-east orientations on balance with obtaining views to adjoining public open space and the Bay on the south-west side for TH03, TH04, TH05 and TH09. Retail premises will be oriented to the north. Solar tubes have been incorporated to Townhouse 9 and 10 to enhance daylight into living areas.</p>		

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As required by Council policy, a Sustainable Design Assessment was provided with the application which was referred to Council's ESD Advisor. Following updates to the SDA and plans, the Advisor provided support for the design.

There are no existing solar energy facilities on adjoining properties that will be impacted by the proposed development. The existing solar energy facility on the roof of no. 2A Sinclair Avenue will not be overshadowed for any time of the day between 9am and 3pm on the September equinox.

<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11 Public or communal open space should:</p> <ul style="list-style-type: none"> Be substantially fronted by dwellings Provide outlook for dwellings Be designed to protect natural features. Be accessible and useable. 	<p>Complies with standard & meets objective</p>
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Assessment:

The proposal has been appropriately designed with an outlook to internal common open space and externally to Edithvale foreshore and Beeson Reserve. This has been achieved through the orientations of living areas and balconies.

<p>Clause 55.03-7 Safety objectives</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways should be achieved. Private spaces should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies with standard & meets objective (subject to condition)</p>
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Assessment:

The proposed development has been designed with a high regard for safety through the use of secure 1.8m high fencing and gates at pedestrian/vehicle access points and siting of habitable room windows and balconies within the internal common area to provide passive surveillance. It is recommended that a condition be included on any permit issued to require the side setback adjacent to TH10 to be secured to ensure no access from the public. Refer to condition 1 j).

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<p>Clause 55.03-8 Landscaping objectives</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	<p>Standard B13 In summary, landscape layout & design should:</p> <ul style="list-style-type: none"> Protect predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. Provide a safe, attractive and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Complies with standard & meets objective (subject to conditions on any permit issued)</p>
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Assessment:

It is noted that due to the site being within a Commercial 1 Zone, landscaping expectations are less than residential areas due to greater building footprints. However, the proposal will offer positive landscaping outcomes within the common areas of the development. Council's Vegetation Officer has raised no objection to the proposal, subject to minor changes to the submitted landscape plan. Refer to condition 1 r).

<p>Clause 55.03-9 Access objective</p> <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	<p>Standard B14 The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	<p>Complies with standard & meets objective</p>
	<p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	<p>Complies with standard & meets objective</p>
	<p>The location of crossovers should maximise the retention of on-street car parking spaces.</p>	<p>Complies with standard & meets objective</p>
	<p>The number of access points to a road in a Road Zone should be minimised.</p>	<p>N/A</p>
	<p>Access for service, emergency and delivery vehicles must be provided.</p>	<p>Complies with standard & meets objective</p>

Assessment:

The proposed access width to The Esplanade complies with the numerical requirements of the standard, however the extent of access along the laneway exceeds the requirements. The proposed access to the laneway is acceptable and makes efficient use of the site by enhancing integration with the primary street frontages of Nepean Highway and The Esplanade. The extent of access to the laneway is also typical of laneways throughout Kingston where generally the streetscape character is made up of garaging, parking and access with buildings oriented to other street frontages. Therefore, the proposal is supported as the objective of the provision has been met.

The common driveway and laneway are designed to allow for service, emergency and delivery vehicles to access.

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<p>Clause 55.03-10 Parking location objectives</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments 	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Complies with standard & objective</p>
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Assessment:

Habitable room windows (i.e. bedroom windows) are proposed opposite the internal accessway for TH04 to TH07. The windows are setback approximately 1m from the edge of the shared accessway with the respective windowsill heights less than 1.5 m high.

The reduced setback and windowsill heights are considered acceptable with respect to vehicle noise impacts due to the low level of traffic that is anticipated for the internal driveway. Further, the 1m setback will incorporate a garden bed in addition to another 1+ metre pedestrian accessway, providing a buffer to vehicle noise.

All other requirements of this standard have been met with proposed car parking to be located conveniently to dwellings and be well secured and ventilated.

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<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	<p>N/A</p>
<p>Assessment:</p> <p>The proposal does not require consideration under this standard as the land is located within a Commercial 1 Zone. However, it is noted that due to the 3m wide laneway dividing the subject land and nearest residential property, the proposal is adequately setback, avoiding any unreasonable amenity impacts (i.e. daylight to windows, overshadowing).</p>		
<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>N/A</p>
<p>Assessment:</p> <p>No new walls on boundary proposed, including along shared boundaries with residential zones.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m² and minimum dimension of 1m clear to the sky.</p> <p>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies with standard and meets objective</p> <p>Complies with standard and meets objective</p>
<p>Assessment:</p> <p>The development is adequately setback from existing habitable room windows on adjoining properties including the windows setback 3.7m from the existing windows at no. 1 The Esplanade. Based on 50% of the proposed wall height of 7m, a setback of 3.5m is required from these windows.</p>		

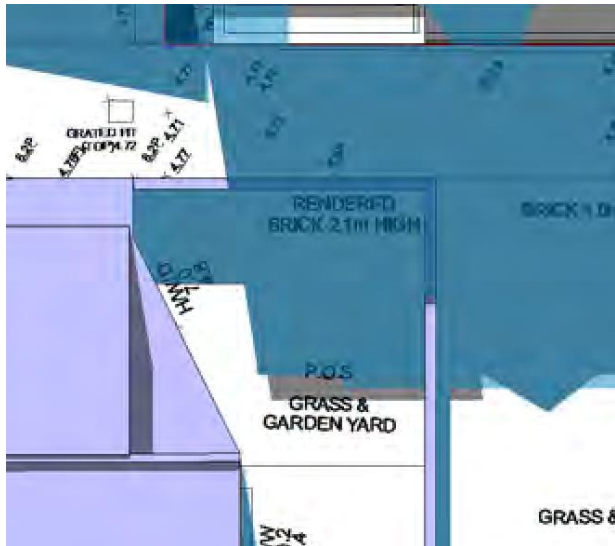
<p>Clause 55.04-4 North facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	<p>Standard B20 Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)</p>	<p>N/A</p>
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Assessment:
There are no north-facing windows adjacent to the site.

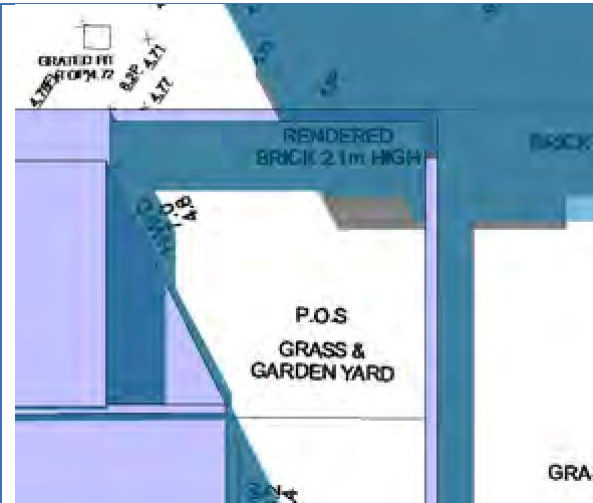
<p>Clause 55.04-5 Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	<p>Standard B21 Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September.</p> <p>If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies with standard and meets objective</p>
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Assessment:
The proposed development will create additional shadow onto adjoining residential SPOS areas at no. 2A Sinclair Avenue and no. 1 The Esplanade, mostly between 9am and 12pm.

With respect to no. 2A Sinclair Avenue, the additional shadows are minor with only a small amount of additional shadow affecting the area at 11am and 12pm (see diagrams below). Further, this part of the dwelling's SPOS is considered secondary to the dwelling due to its reverse living layout with balcony/living areas to the front of the dwelling on the upper level. Therefore, the shadowing is considered acceptable.



11am (additional shadow in grey)



12pm

With respect to no. 1 The Esplanade, the dwelling has its SPOS directly to the rear which is enclosed by high fencing. This SPOS area is small and has limited recreational and service space as depicted by the site photos below. This area is already mostly in shadow throughout the day due to existing boundary fence and dwelling shadows. The proposed development will shadow this area during the morning hours, however given the extent of existing shadow into this area and compromised useability of this area by the minimal dimensions, any additional shadows are not considered to have a significant impact on the amenity of residents.





It is noted that the balance of the POS for the dwelling continues to the rear but is open to the laneway by vehicle access and a low brick fence (see first image). Therefore, this area is not considered to be secluded POS in its current form. From 10am, this POS area will be provided in excess of 40m² of uninterrupted sunlight and therefore protecting the amenity of this area if it were to be enclosed for SPOS.

In summary, the proposed development does not result in an unreasonable shadowing outcome to adjoining residential properties due to existing shadow casts and current use of the respective SPOS areas. Therefore, the proposal is supported under this provision as the objective is considered to have been met.

Clause 55.04-6 Overlooking objective

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

Standard B22

A HRW, balcony, terrace, deck or patio should be located & designed to avoid direct views into the SPOS of an existing dwelling within 9m (refer to clause for exact specifications). Where within it should be either:

- Offset a minimum of 1.5m from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7m above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7m above floor level.
- Have permanently fixed external screens to at least 1.7m above floor level & be no more than 25% transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

Complies with standard & meets objective

Complies with standard & meets objective

Complies with standard & meets objective

- Perforated panels or trellis with a maximum of 25% openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

Assessment:

All upper level habitable room windows and balconies that have views into existing habitable room windows/private open space on adjoining properties (i.e. 1 The Esplanade and 2A Sinclair Avenue) have been designed in accordance with the standard. Compliance is achieved by providing external screening and obscured glazing to 1.7m above the finished floor level.



Clause 55.04-7 Internal views objective

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

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.

Complies with standard & meets objective (subject to condition)

Assessment:

No unreasonable internal overlooking will occur from upper level windows/balconies to lower level dwellings. However, there will be some internal overlooking from upper level HRW/balconies to other upper level HRW/balconies, as follows:

- Bedroom 2 window of TH09 to the opposing balcony of TH01.
- Bedroom 2 window of TH02 to the balcony of TH07 and to a lesser extent to the balcony of TH06.

Whilst minor, it is considered appropriate that the bedroom windows be treated with obscured glazing to a height of 1.7m above the finished floor level to protect direct views into each sensitive area. Obscured glazing has been selected to maintain reasonable solar access into the bedrooms. A condition has been included as part of the recommendation to reflect this. Refer to condition 1 c).

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<p>Clause 55.04-8 Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. 	<p>Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Complies with standard & meets objective (subject to condition)</p>
<p>Assessment:</p> <p>The subject site is located directly opposite an arterial road (Nepean Highway) and the Frankston Railway Line and therefore external noise impacts are likely to occur into shop top dwellings of TH01 to TH03 and potentially further to the western dwellings. The applicant has not provided any assessment or design response in relation to this matter and has agreed to the inclusion of a condition on any permit issued to address these impacts. As such, it is recommended that an Acoustic Report be provided as a condition on any permit issued with any recommendations resulting from the report to be incorporated to the development. Refer to conditions 1 q) and 12.</p>		
<p>Clause 55.05-1 Accessibility objective</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	<p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies with standard & meets objective</p>
<p>Assessment:</p> <p>It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. Site and building levels will not limit the ability of any persons accessing the dwellings.</p>		
<p>Clause 55.05-2 Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies with standard & meets objective</p>
<p>Assessment:</p> <p>The entries to each dwelling are designed and located to achieve high visibility from the street and common areas as well as providing a sense of address and shelter for residents and visitors.</p>		
<p>Clause 55.05-3 Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Standard B27 HRW should be located to face:</p> <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	<p>Complies with standard & meets objective (subject to condition)</p>
<p>Assessment:</p> <p>Majority of proposed windows allow for adequate solar access and natural daylight into primary and secondary living areas. However, it is noted that bedroom 1 of TH01 will have a window to a balcony that is mostly enclosed (less than 1/3 of its perimeter is open). Therefore, it is recommended that a highlight</p>		

window be provided on the bedroom's south-west wall to comply with the standard. Refer to condition 1 g).		
<p>Clause 55.05-4 Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard B28</p> <p>A dwelling or residential building should have POS consisting of:</p> <ul style="list-style-type: none"> An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>Complies with standard and meets objective</p>
<p>Assessment:</p> <p>Private open space (POS) to be provided via upper level balconies to each dwelling. A summary of the areas (m²) is provided below:</p> <p>TH01 – 16 m² with minimum 3.4m dimension</p> <p>TH02 – 15 m² with minimum 2.6m dimension</p> <p>TH03 – 10 m² with minimum 2.95m dimension</p> <p>TH04 – 8 m² with minimum 1.9m dimension and secondary utilities deck of 4 m²</p> <p>TH05 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 4 m²</p> <p>TH06 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 5 m²</p> <p>TH07 – 9 m² with minimum 2.4m dimension and secondary utilities deck of 5 m²</p> <p>TH08 – 8 m² with minimum 2.3m dimension and secondary utilities deck of 5 m²</p> <p>TH09 – 25 m² with minimum 4m dimension</p> <p>TH10 – 10 m² with minimum 2.5m dimension</p>		
<p>Clause 55.05-5 Solar Access to Open Space</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. 	<p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p>Complies with standard & meets objective (subject to conditions)</p> <p>Complies with standard & meets objective (subject to conditions)</p>
<p>Assessment:</p>		

The majority of the balconies associated with dwellings are oriented to the north-east, providing adequate solar access. However, balconies associated with TH03, TH04, TH05 and TH09 will be oriented to the south-west which is considered acceptable on balance with obtaining views to the Edithvale foreshore and providing passive surveillance within the internal common area. However, the balcony associated with TH01 will be mostly enclosed due to the existing wall associated with the heritage building. Only a small section of the balcony's perimeter will be open to the atrium above on the south-west side. Elevations do appear to show windows on this wall however it is unclear if these windows will be associated with the balcony as they are not nominated on floor plans. Therefore, it is recommended that conditions be included on any permit issued to require these windows to be clearly shown on floor plans and located along the balcony wall to enhance solar access into this area. Refer to condition 1 e).



<p>Clause 55.05-6 Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies with standard & meets objective (subject to condition)</p>
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Assessment:

External secure storage areas have been provided for each dwelling within garages and entry locations and is considered acceptable. However, it is recommended that further dimensions and details of these areas be provided via a condition on any permit issued to confirm minimum storage areas of 6 m³. Refer to condition 1 i).

<p>Clause 55.06-4 Site services objectives</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	<p>Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Complies with standard & meets objective (subject to condition)</p>
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Assessment:

All services and facilities have been provided appropriately including clotheslines, bin storage and metering. However, it is noted that mailbox locations have not been shown and therefore it is recommended that a condition be included on any permit issued showing their convenient location. Refer to condition 1 h).

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

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

Ground(s)	Response
Car parking/Traffic including safety and access	<p>Concerns were raised with the car parking reduction sought by the application and increase to traffic in the area. These issues have been discussed at length under section 12 of the report, where the reduction has been considered to be acceptable.</p> <p>Suggestions were also made by one objector on a revised car parking layout. However, these changes were not adopted by the applicant and Council Officers have undertaken an assessment on the application plans only. As discussed under section 12, the proposed car parking arrangements are considered acceptable and comply with the design standards of Clause 52.06-9.</p>
Internal amenity	<p>Concerns raised with internal amenity for the development, in particular solar access and private open space provision. As discussed in detail within the Clause 55 assessment, the proposal will provide a highly compliant design with respect to daylight access and private open space provision. Council's ESD Advisor has offered support for the proposal based on the recommendations of the Sustainable Design Assessment and implemented measures to the plans. Further, it has been recommended that daylight be improved to townhouses and balconies by incorporating additional skylights or similar and windows. The POS requirements of each townhouse is compliant with the Clause 55 POS standards (i.e. 8m² for balconies).</p>
Overshadowing	<p>Concerns were raised with the overshadowing from the proposed development to existing habitable room windows at no. 1 The Esplanade. As discussed under standard B19, the proposal is compliant with the setback requirements from windows.</p>
Heritage considerations	<p>Concerns were raised specifically with the changes to the roof of the existing heritage building and how it affects daylight into lower townhouses. As outlined above, the daylight provided to these townhouses is acceptable and the roof alteration does not have a significant impact to the heritage significance of the building.</p>
Waste management	<p>Concerns were raised with residential bin collections onto the footpath. Following referral comments from Council's Waste Management Department and Traffic Engineer, conditions are recommended on any permit issued to require on-site collection only and for bins to be stored conveniently on-site. An amended Waste Management Plan will be required to be provided as part of conditions to reflect these recommendations.</p>
Site coverage/lack of landscaping.	<p>As discussed within the Clause 55 assessment, the Commercial 1 Zone does not specify a maximum site coverage. However, it is considered that the proposed coverage of 84% is consistent with</p>

	building footprints typically found within commercial areas including along the Edithvale commercial/retail precinct on Nepean Highway. Further, the proposal provides a positive landscaping outcome within common areas and front courtyards of dwellings. Council's Vegetation Officer has offered support for the proposal submit to minor changes to the submitted landscape plan to a more suitable species selection for the coastal environment. Overall, the proposed landscaping will be an improvement to existing conditions on-site as well as surrounding commercial properties which do not currently contain any vegetation.
Commercial competition	Concerns were raised from an existing food and drink premises within the vicinity of the subject land and the trading impacts from any new retail premises within the proposed development. Commercial competition is not a valid planning consideration under the <i>Planning and Environment Act 1987</i> .

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 *Planning and Environment Act 1987* have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.
- 14.3 The proposed development is considered appropriate for the Site, subject to conditions, as evidenced by:
- The compatibility of the design and siting with the surrounding area.
 - The mitigation of off-site amenity impacts.
 - A suitable level of compliance with all relevant policies, including **Clause 55** of the Kingston Planning Scheme.
 - The positive heritage outcomes for the existing former Edithvale Cinema building.

15.0 RECOMMENDATION

- 15.1 That Council determine to support the proposal and issue a **Notice of Decision to Grant a Permit** be issued to **Develop the land for a double-storey mixed use development comprising of ten (10) dwellings and three (3) retail premises including one (1) food and drink premises; use of the land for dwellings in the Commercial 1 Zone; buildings and works, partial demolition and construct/display a sign in a Heritage Overlay (Schedule 48); reduce the car parking requirements of clause 52.06; a display an above-verandah internally-illuminated sign pursuant to Clause 52.05** at 254-260 Nepean Highway, Edithvale, 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 application plans prepared by 'Prepared by 'Max Architects Pty Ltd', project no. 2019/391, drawing no. TP-00 to TP-16, various revisions including revision A, dated 13/07/2020 (TP-10, TP-14 to TP-16), revision B, dated 13/07/2020 (TP-11), revision C, dated 13/07/2020 (TP-02, TP-12, TP-13), revision D, dated 02/09/2020 (TP-00, TP-01, TP-05), revision E, dated 15/10/2020 (TP-04), revision F, dated 15/10/2020 (TP-03, TP-06 to TP-09), submitted to Council on 16/10/2020, but modified to show:
 - a) a notation shown on TP-03 stating "the footpath and street furniture arrangements adjacent to the site's Nepean Highway and The Esplanade street frontages must be designed in accordance with the Activity Centre Streetscape Suite 2013 and in

consultation with the responsible authority and constructed at the full cost of the owner / developer”.

- b) A section diagram of the set down roof for services showing heights.
- c) The bedroom 2 windows of TH02 and TH09 designed with permanently fixed obscured glazing to a height of 1.7 metres above the finished floor level.
- d) Obscured window glazing under no. 24 of the external finishes legend nominated as being permanently fixed and to a height of 1.7 metres above the finished floor level.
- e) The windows as shown on the upper level of Cluster 1 on section 03 clearly shown on the floor plans and with window(s) located to be along the TH01 balcony wall to enhance solar access into this area.
- f) A skylight or similar incorporated above the stairwell of TH05 to TH10 inclusive.
- g) A highlight window incorporated to the south-west wall of bedroom 1 for TH01.
- h) Mailboxes nominated in a convenient location.
- i) Full dimensions of storage areas of each dwelling to demonstrate a minimum area of 6 m³.
- j) The side (north) setback adjacent to TH10 designed to be secure and not accessible from the adjoining laneway.
- k) The provision of a full colour palette, finishes and building materials schedule for all external elevations, fencing and driveways of the development with driveway surfaces along the laneway to be finished in an all-weather coloured concrete sealcoat, permeable paving or similar.
- l) The verandah set back 750mm from kerb of both Nepean Highway and The Esplanade at their intersection as required by condition 3.
- m) Visual splays provided on either side of the internal accessway and development side of the laneway at The Esplanade property boundary in accordance with the design standards of Clause 52.06-9.
- n) Details of loading/unloading that is to be carried out on-site only including size of vehicles to achieve on-site loading/unloading.
- o) A notation specifying that waste is to be collected on-site by a private contractor for commercial tenancies in accordance with the amended Waste Management Plan required under condition 8 of the permit.
- p) Uniformity with the commitments and any changes identified within the Waste Management Plan, required under condition 8 of this permit, shown on the plans.
- q) Uniformity with the commitments and any changes identified within the Acoustic Report, required under condition 12 of this permit, shown on the plans.
- r) The provision of a landscape plan substantially in accordance with the submitted landscape plan prepared by Keystone Alliance (09/07/2020; Rev. C), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and emended to show
 - a) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise of a minimum 80% coastal indigenous species by plant type and total quantities;
 - b) The replacement of the *Lagerstroemia indica x fauriei* 'Tuscarora' with the coastal indigenous species, *LeptospERMUM laevigatum*; and
 - c) Notes including cross-sectional diagram of proposed grasscrete pavers or similar and any specific maintenance requirements.

Endorsed Plans

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

Department of Transport

3. Prior to the commencement of the buildings and/or works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and be generally in accordance with the submitted plans but modified to show:
- a) To show the verandah set back 750mm from kerb of both Nepean Highway and The Esplanade at their intersection.

Streetscape works

4. Prior to the occupation of the development or commencement of use hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the kerb and channel and footpath must be reinstated to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013).
5. Prior to the occupation of the development or commencement of use hereby permitted, or by such later date as is approved by the Responsible Authority in writing, new street furniture must be installed to the satisfaction of the Responsible Authority and in accordance with the Activity Centre Streetscape Suite (June 2013).

Drainage and Water Sensitive Urban Design

6. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
- a) Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - b) The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - c) The water sensitive urban design treatments as per conditions 6 a), b) and c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d) Detailed Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved Stormwater Management (drainage) Strategy Report. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
7. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
- a) All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b) The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 12.1L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Waste Management Plan

8. Concurrent with the endorsement of plans, an amended Waste Management Plan (WMP) generally in accordance with the WMP prepared by 'Leigh Design' dated 8 May 2020 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit. The WMP must be amended as follows:
- a) The waste services for the development managed by a private contractor from within the site. No collection is to be permitted from adjoining public roads.
 - b) Collection vehicles to be limited in size so as to achieve on-site collection.
9. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.

Sustainable Design Assessment

10. Concurrent with the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) substantially in accordance with the SDA prepared by 'Keystone Alliance' dated 14 October 2020 (Revision A) 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.
11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

Acoustic Treatments

12. Concurrent with the endorsement of plans required under Condition 1 of this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Report must be prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority and show how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met. The report must, to the satisfaction of the Responsible Authority, prescribe:
- a) The form of acoustic treatment to dwellings to protect occupants from internal and external noise sources; and
 - b) the mechanical plant equipment installed or constructed as part of the development.

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

Construction Management

13. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The CMP must specify and deal with, but is not limited to, the following elements:
- a. Public Safety, Amenity and Site Security
 - b. Traffic Management
 - c. Stakeholder Management
 - d. Operating Hours, Noise and Vibration Controls

- e. Air Quality and Dust Management
- f. Stormwater and Sediment Control
- g. Waste and Materials Re-use

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Car parking and access

14. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i. Constructed to the satisfaction of the Responsible Authority.
 - ii. Properly formed to such levels that they can be used in accordance with the plans.
 - iii. Common vehicle access surfaced with a grasscrete paver or similar to the satisfaction of the Responsible Authority.
 - iv. Drained to the satisfaction of the Responsible Authority.
 - v. If necessary, line-marked to indicate each car space, all access lanes and the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi. In accordance with any Council adopted guidelines for the construction of car parks.

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

15. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
16. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

Infrastructure and Road Works

17. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on The Esplanade and all internal driveways must align with the existing/proposed vehicle crossing.
18. The proposed vehicle crossing must not be within the prohibited zone, which is 6 metres from the tangent of the corner.
19. The existing laneway and property boundary levels are not to be altered.
20. 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.
21. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
22. Any reinstatements and new/modified vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
23. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
24. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

25. 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.

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26. 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.
27. 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.
28. The loading and unloading of goods to and from vehicles must only be carried out on the land with associated vehicles to be limited in size to achieve on-site loading/unloading.
29. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

Signage

30. No other signs or other advertising or identification including banner signs may be erected or displayed on the site without written Council consent.
31. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
32. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
33. The sign(s) must not be located within or encroach onto the road reservation.
34. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
35. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
36. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
37. The sign(s) shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
38. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

Completion of Works

39. Prior to the occupation of development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
40. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Expiry

41. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
42. In accordance with Section 68 of the *Planning and Environment Act 1987* (The Act), this permit will expire if one of the following circumstances applies:
 - The development and use are not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use is discontinued for a period of two (2) years.

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

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- within six (6) months after the permit expiry date, where the use or 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.

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

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

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



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

OR

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

1. The proposal is not consistent with the purpose and decision guidelines of the Commercial 1 Zone at Clause 34.01 of the Kingston Planning Scheme.
2. The proposal results in poor internal amenity for future occupants.
3. The proposal fails to satisfy Clause 52.06 (Car Parking) as the reduction in car parking will adversely affect the amenity of the locality by virtue of the increased demand for on-street car parking.

Appendices

Appendix 1 - KP-2020/293 - 254-260 Nepean Highway Edithvale - CONSIDERED
PLANS (Ref 21/5057)  

Author/s: Beau McKenzie, Principal Planner
Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Alfred Carnovale, A/Manager City Development

4.2

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RECORD OF HAVING RE-ESTABLISHED A CADASTRAL BOUNDARY

SURVEYING (CADASTRAL SURVEYS) REGULATIONS 2015 - SCHEDULE 4, REGULATION 16

LOCATION OF LAND

Property Address: 254-259 NEPEAN HIGHWAY EDITHVALE, 3196

Lot Description: LOT 1 ON LP 5459
 LOT 1 ON TP 872796 Y
 LOT 1 ON TP 428136 A
 LOT 3 ON TP 474794 X

Title Description: VOL. 8636 FOL. 442
 VOL. 8490 FOL. 788
 VOL. 6387 FOL. 270
 VOL. 3962 FOL. 256

IMPORTANT NOTE:
 PLEASE NOTE FOR ANY FENCING OR BUILDINGS ENCRACHING ONTO THE SUBJECT SITE. THE ADJOINING LAND OWNER(S) MAY HAVE RIGHTS OF POSSESSION. AS THIS LAND MAY NOT BE RECOVERABLE IT IS RECOMMENDED THAT NO DESIGN BE MADE BEYOND THIS POINT UNTIL A RESOLUTION IS REACHED WITH THE ADJOINING OWNER.

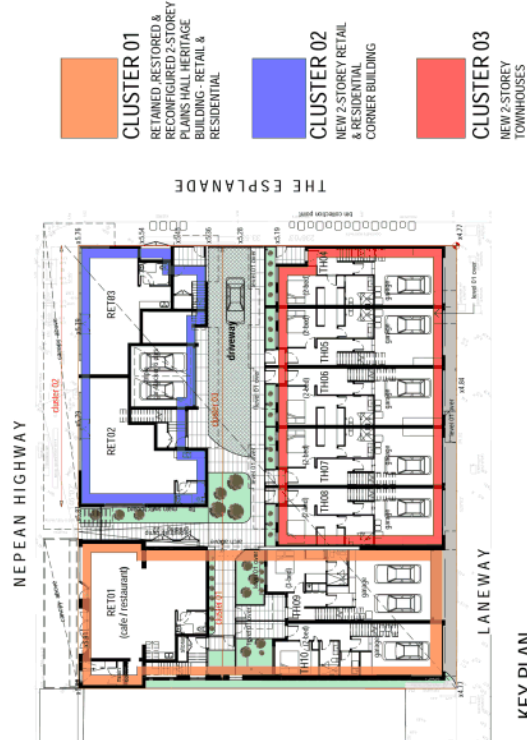


Connections to Reference marks and offsets to occupation are not shown to scale.

ORIGINAL SHEET SIZE: A3		CERTIFICATION BY SURVEYOR		SHEET 1 of 1
SCALE 1:250	<p>LENGTHS ARE IN METRES</p>	I, Anthony Peter Ralph, of 9/303 Maroondah Hwy Ringwood certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on 12/02/20, that this plan is accurate and correctly represents the adopted boundaries and that survey accuracy accords with that required for by regulation 7 (1) of the Surveying (Cadastral Surveys) Regulations 2015.		
REF. 2590811G1D	VERSION 01	C.M. 26/02/20		
<p>JCA Land Consultants THE SUBDIVISION SPECIALISTS Surveying Engineering Town Planning Suite 9, 303 Maroondah Highway Ringwood Vic, Australia 3134 Phone 03 9735 4888 Email jca@jcalc.com.au www.jcalc.com.au</p>		DIGITALLY SIGNED Licensed Surveyor, Surveying Act 2004.		

PROPOSED RETAIL & RESIDENTIAL DEVELOPMENT 254 - 260 NEPEAN HWY, EDITHVALE

TOWN PLANNING DRAWING LIST	
TP-00	COVER SHEET_DRAWING LIST_DEVELOPMENT SUMMARY & KEYPLAN
TP-01	SITE PLAN
TP-02	EXISTING CONDITIONS & DEMOLITION PLAN
TP-03	GROUND FLOOR PLAN
TP-04	LEVEL 01 PLAN
TP-05	ROOF PLAN
TP-06	ELEVATIONS_EAST & SOUTH
TP-07	ELEVATIONS_WEST & NORTH
TP-08	SECTIONAL ELEVATIONS_01 & 02
TP-09	SECTIONAL ELEVATIONS_03 & 04
TP-10	FAÇADE SIGNAGE DETAILS
TP-11	DESIGN RESPONSE
TP-12	OVERLOOKING DIAGRAMS
TP-13	SHADOW DIAGRAMS 22ND SEPTEMBER_9AM / 10AM
TP-14	SHADOW DIAGRAMS 22ND SEPTEMBER_11AM / 12PM
TP-15	SHADOW DIAGRAMS 22ND SEPTEMBER_1PM / 2PM
TP-16	SHADOW DIAGRAMS 22ND SEPTEMBER_3PM



KEY PLAN

DEVELOPMENT SUMMARY 254 - 260 - NEPEAN HWY, EDITHVALE									
SITE AREA = LOT 03 (440 M2) + LOT 01 TP428136A (268M2) + LOT 01 TP872786V (174M2) + LOT 1 LP5459 (440M2) = 1320M2									
SITE COVERAGE = 1113M2 = 84% SITE PERMEABILITY = 172M2 = 13%									
CLUSTER	LEVEL	RETAIL UNIT	RETAIL AREA (m2) L.F.A	RESIDENTIAL	RESI. AREA (m2)	RESI. BALCONY (m2)	RESI. STORAGE (m3)	CAR SPACES PROVIDED (no.)	
01	00	RET.01	103m2					1*	
	01			TH 01 / 2 - BED	144 m2	16 m2	6 m3 min.	1*	
	00+01			TH 02 / 2 - BED	109 m2	15 m2	6 m3 min.	1	
	00+01			TH 03 / 3 - BED	115 m2	10 m2	6 m3 min.	2	
02	00	RET.02	65m2					1*	
	01	RET.03	67m2					1*	
03	01			TH 04 / 2 - BED	161 m2	8 m2	6 m3 min.	1*	
	00+01			TH 05 / 2 - BED	160 m2	8 m2	6 m3 min.	1*	
	00+01			TH 06 / 2 - BED	157 m2	8 m2	6 m3 min.	1	
	00+01			TH 07 / 2 - BED	158 m2	9 m2	6 m3 min.	1	
	00+01			TH 08 / 2 - BED	157 m2	8 m2	6 m3 min.	1	
TOTAL	00+01			TH 09 / 2 - BED	183 m2	25 m2	6 m3 min.	1	
	00+01			TH 10 / 2 - BED	161 m2	10m2	6 m3 min.	1	
			3		255m2	117 m2	60 m3 min.	14	

*6- CAR DOUBLE PLATFORM INDEPENDENT TRIPLE CAR STACKER



COVER SHEET_DRAWING LIST DEVELOPMENT SUMMARY & KEYPLAN

<p>NOTES:</p> <p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.</p> <p>ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>SCALE DRAWINGS:</p> <p>THIS DRAWING SHALL BE USED IN CONJUNCTION WITH STRUCTURAL AND SERVICES DRAWINGS.</p>	<p>ED CONSULTANT:</p> <p>Keystone Alliance 713 Perry Rd, Rosevale, 3073</p> <p>MARK CONSULTANT:</p> <p>Leigh Design P.O. Box 115, Carnegie 3163</p> <p>TRAFFIC ADVISOR:</p> <p>Keystone Alliance 713 Perry Rd, Rosevale, 3073</p> <p>TRAFFIC ENGINEER:</p> <p>Keystone Alliance 713 Perry Rd, Rosevale, 3073</p> <p>TOWN PLANNER:</p> <p>PM Town Planning P.O. Box 661, Balwyn 3183</p> <p>LANDSCAPE ARCHITECT:</p> <p>Keystone Alliance 713 Perry Rd, Rosevale, 3073</p> <p>CLIENT:</p> <p>Lonchavo Nominees Pty Ltd. Proposed Retail & Residential Development 254 - 260 Nepean Highway, Edithvale</p>	<p>max architects</p> <p>max architects 10/100 St Albans Rd, St Albans 3015 www.maxarchitects.com.au</p>	<p>PLANNING ISSUE</p> <p>Issue No. 2019/001 Drawing Title: DEVELOPMENT SUMMARY & KEYPLAN Drawing No. P-00 Scale: As indicated @ A1 As indicated @ A1</p>
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PROPOSED DEVELOPMENT
254 - 260 NEPEAN HIGHWAY

SITE PLAN

NOTES:
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
SCALE AS SHOWN.
THIS DRAWING SHALL BE VALID FOR CONSTRUCTION WITH THIS STRUCTURAL OFFICE'S SIGNATURE AND SEAL.

NO. 1	DATE	DESCRIPTION
A	20/02/2020	ISSUED FOR PERMIT
B	20/02/2020	ISSUED FOR PERMIT
C	11/02/2020	ISSUED FOR PERMIT
D	11/02/2020	ISSUED FOR PERMIT

<p>E/C CONSULTANT Keystone Alliance 713 Perry Rd, Rosevale, 3073 Melb, Australia P.O. Box 112, Carnegie 3163</p>	<p>VEGETATION ARCHITECT Trotter 41 Glen Street, Concorde Victoria 3121 Melb, Australia P.O. Box 112, Carnegie 3163</p>	<p>TOWN PLANNING PM Town Planning P.O. Box 911, Inverkeithing 3802 Melb, Australia Level 24, 400 Collins St, Melbourne 3000</p>
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<p>CLIENT Lochcavo Nominees Pty Ltd. Proposed Retail & Residential Development 254 - 260 Nepean Highway, Edithvale</p>	<p>DATE 20/02/2020</p>
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<p>SCALE 1:200 @ A1</p>	<p>DATE 20/02/2020</p>
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<p>PROJECT NO. 2019/001</p>	<p>DATE 20/02/2020</p>
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PLANNING ISSUE

<p>ISSUED FOR SITE PLAN</p>	<p>DATE 20/02/2020</p>
--	-----------------------------------



PLANNING ISSUE

Existing Use: EXISTING CONDITIONS & DEMOLITION
 PLAN: 2019/001
 Issue Date: TP-02
 Date: 2019/001
 Revision: C
 Scale: 1:100 @ A1

max architects
 max architects
 1/100 @ A1

Client: Lonchavo Nominees Pty Ltd.
 Project: Proposed Retail & Residential Development
 254 - 260 Nepean Highway, Edithvale

Team Project: PM - Core Planning
 P.O. Box 971, Edithvale, VIC
 Traffic Group
 Level 24, 470 Collins St, Melbourne VIC

Design Architect: Trochovani
 47 Glen Street, Coopers Victoria 3101
 Landscape Architect: Kyrastone Alliance
 713 Ptery Rd, Edithvale, VIC

ECD Consultant: Kyrastone Alliance
 713 Ptery Rd, Edithvale, VIC
 Block Consultant: Leigh Design
 P.O. Box 115, Carnegie VIC

NO.	DATE	DESCRIPTION
A	10/02/2019	PRELIMINARY DESIGN
B	10/02/2019	PRELIMINARY DESIGN
C	10/02/2019	PRELIMINARY DESIGN

NO.	DATE	DESCRIPTION
A	10/02/2019	PRELIMINARY DESIGN
B	10/02/2019	PRELIMINARY DESIGN
C	10/02/2019	PRELIMINARY DESIGN

NOTES:
 CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
 SCALE DRAWING.
 THIS DRAWING SHALL BE USED IN CONSTRUCTION WITH STRUCTURAL AND SERVICE ENGINEER'S DRAWINGS.

EXISTING CONDITIONS & DEMOLITION PLAN

DEMOLISH EXISTING GARAGE WALLS & ROOF HATCHED IN RED

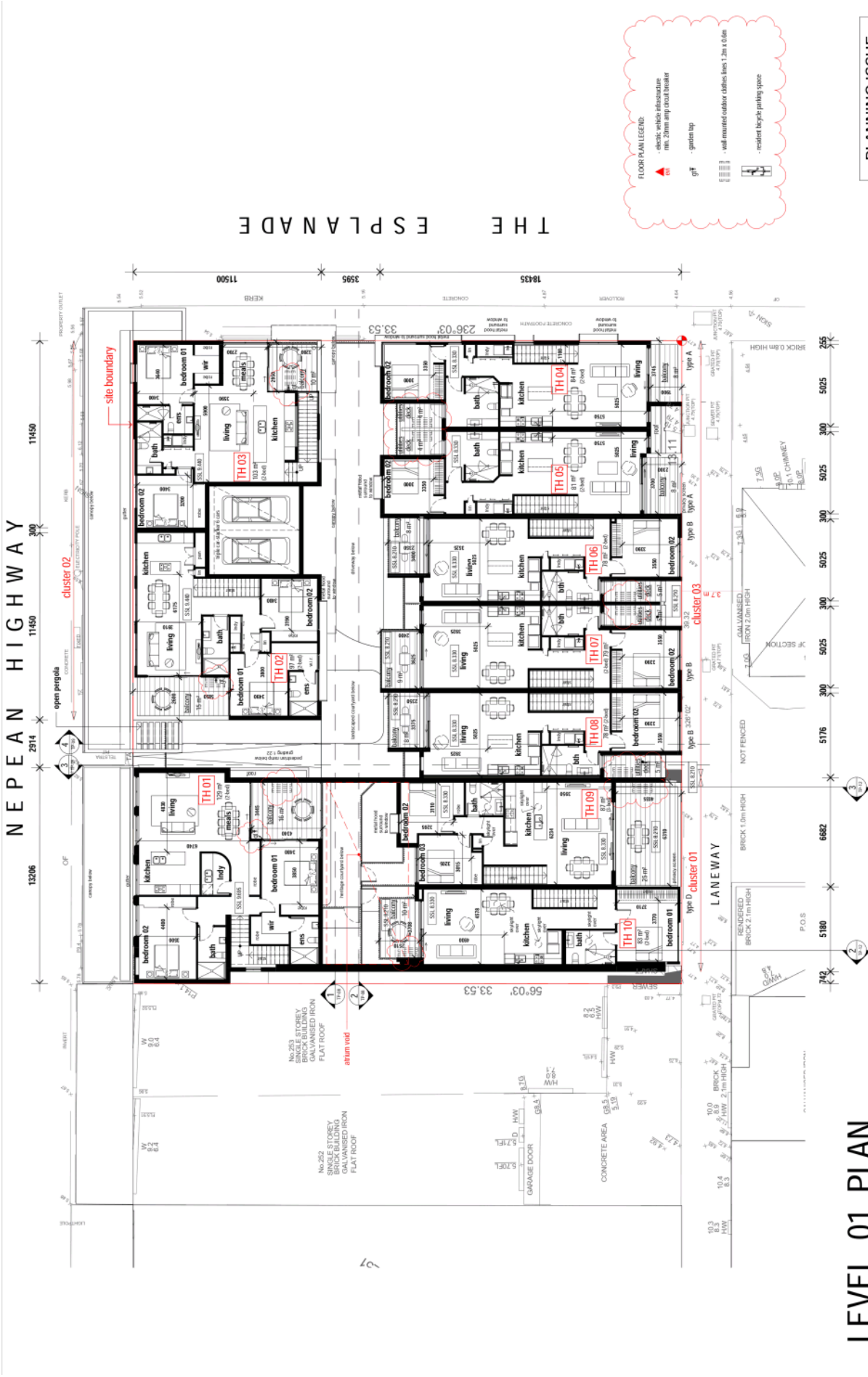
DEMOLISH EXISTING BUILDING HATCHED IN RED

DEMOLISH EXISTING BUILDING HATCHED IN RED

DEMOLISH EXISTING ROOF & RETAIN ROOF STRUCTURE

DEMOLISH EXISTING ROOF SKY LIGHTS & REPLACE ROOF TO MATCH EXISTING

RESTORE EXISTING FACADE TO ORIGINAL 1940S FACADE



THE ESPLANADE

FLOOR PLAN LEGEND:

- electric vehicle infrastructure
- ▲ 20mm amp outlet breaker
- g/f - garden tap
- wall mounted outdoor coffee lines 1.2m x 0.6m
- - resident bicycle parking space

LEVEL_01_PLAN

PLANNING ISSUE

Leveling No: LEVEL 01 PLAN
 Date: 2019/01
 Scale: 1:100 (B.A.)



max architects
 254 - 260 Nepean Highway, Edithvale
 Phone: 03 930 3400
 Email: info@maxarchitects.com.au

Client: Lochcavo Nominees Pty Ltd.
Project: Proposed Retail & Residential Development
 254 - 260 Nepean Highway, Edithvale

Team Project: PM - Tom Planning
 P.O. Box 971 Edithvale VIC
Design: Traffic Group
 Level 14, 402 Collins St, Melbourne VIC

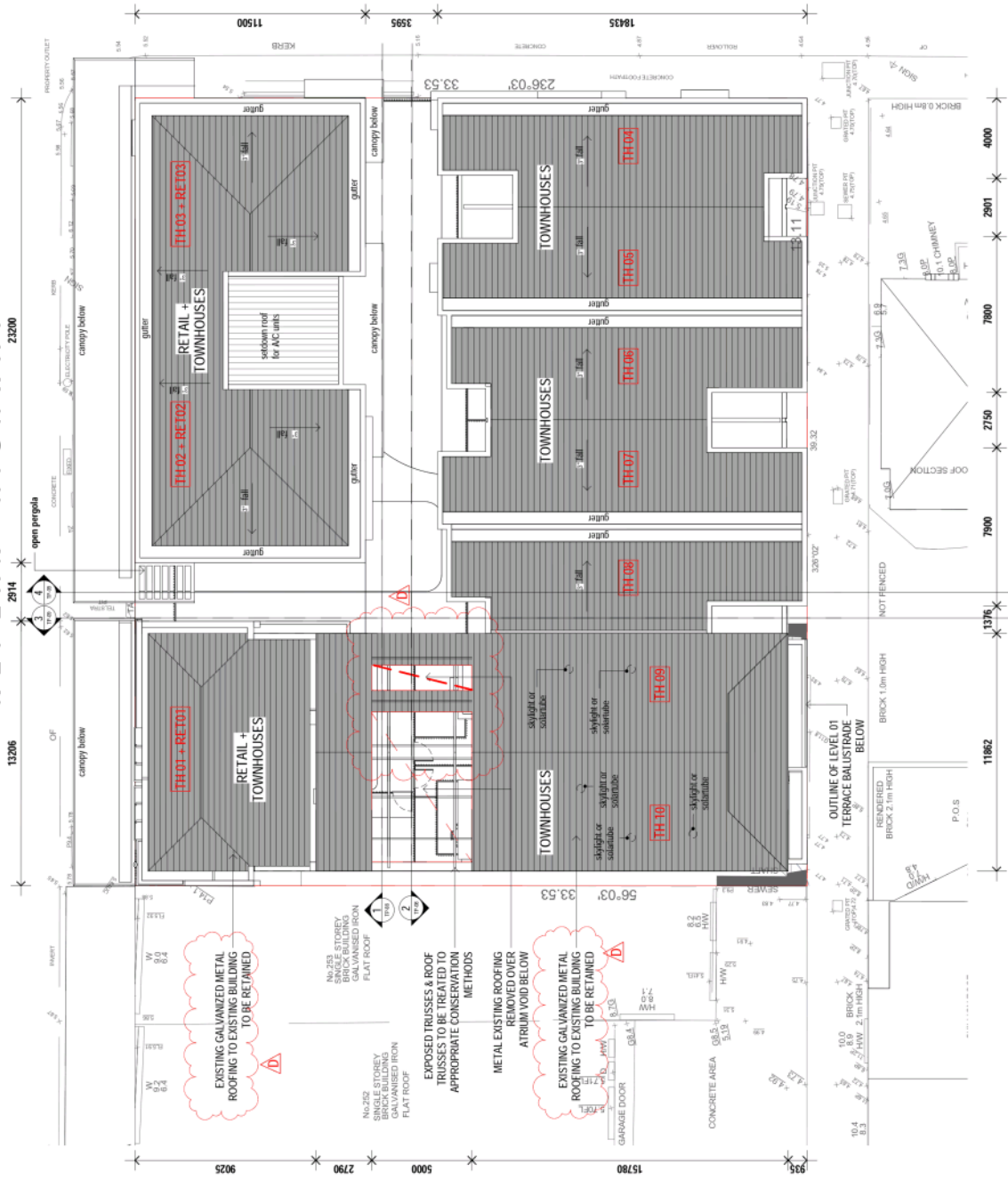
Design: Keystone Alliance
 713 Pinery Rd, Rosevale VIC 3073
Architect: Keystone Alliance
 713 Pinery Rd, Rosevale VIC 3073

REV	DATE	DESCRIPTION
A	2019/01/01	ISSUED FOR PERMIT
B	2019/01/01	ISSUED FOR PERMIT
C	2019/01/01	ISSUED FOR PERMIT
D	2019/01/01	ISSUED FOR PERMIT
E	2019/01/01	ISSUED FOR PERMIT

NOTES:
 CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. WORKING DIMENSIONS SHOWN IN THIS DRAWING ARE FOR INFORMATION ONLY.
 THE DRAWING SHALL BE VALID FOR CONSTRUCTION WITHIN THE STRUCTURAL LIFE OF THE BUILDING.

NEPEAN HIGHWAY 22200

THE ESPLANADE



ROOF PLAN

NOTES:
 CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 SCALE: AS SHOWN.
 THIS DRAWING SHALL BE USED IN CONJUNCTION WITH STRUCTURAL AND SERVICES DRAWINGS.

NO.	DATE	DESCRIPTION
A	20/02/2020	ISSUED FOR PERMIT
B	20/02/2020	ISSUED FOR PERMIT
C	13/03/2020	ISSUED FOR PERMIT
D	08/06/2020	ISSUED FOR PERMIT

LEAD ARCHITECT	Keystone Alliance
PROJECT MANAGER	713 Perry Rd, Rosebank, 2073
CLIENT	Keystone Alliance
PROJECT	254 - 260 Nepean Highway, Edithvale

TRAFFIC ENGINEER	Keystone Alliance
TRAFFIC GROUP	254 - 260 Nepean Highway, Edithvale
DATE	20/02/2020

CLIENT	Lochcavo Nominees Pty Ltd.
PROJECT	Proposed Retail & Residential Development
DATE	20/02/2020

DATE	20/02/2020
SCALE	1:100 @ A1

max architects

max architects
 max architects
 max architects

PLANNING ISSUE

ISSUED FOR PERMIT
 PROJECT NO. 2019/001
 SHEET NO. TP-05
 OF 0



legend_ external finishes

01	REACTIVE FINISHES: BRICKWORK - TO BE EXPOSED ON EXISTING BUILDING AFTER WORK. PAINT REFINISH TO ENDSURE BRICKWORK IS NOT DAMAGED.	02	SAND FINISH: REFINISH TO WHITE.	03	CEILING: COMPOSITE FACE BRICKWORK - TO BE EXPOSED ON EXISTING BUILDING AFTER WORK. PAINT REFINISH TO ENDSURE BRICKWORK IS NOT DAMAGED.	04	CERAMIC FACE: BRIGHT RECHROMIUM BLEND COLOUR.	05	METAL FINISHING TO BRICKWORK: BRICKWORK TO BE FINISHED.	06	FEATURE FACE: BRICKWORK - TO BE EXPOSED ON EXISTING BUILDING AFTER WORK. PAINT REFINISH TO ENDSURE BRICKWORK IS NOT DAMAGED.	07	STEEL FRAME: COMBINED METAL WALL TO BRICKWORK - TO BE FINISHED.	08	STEEL FRAME: COMBINED METAL WALL TO BRICKWORK - TO BE FINISHED.	09	ALUMINIUM FRAME: WINDOWS - EXISTING FRAME COLOUR.	10	FEATURE WALL: BEECH GREEN DOOR FINISH.	11	TIMBER GLAZED DOORS.	12	METAL ROLLER DOOR - CHROMIUM COLOUR.	13	METAL POCKET BALUSTRADE - CHROMIUM COLOUR.	14	METAL POCKET BALUSTRADE - CHROMIUM COLOUR.	15	METAL FINISHING TO BRICKWORK: BRICKWORK TO BE FINISHED.	16	METAL HOOD: BRICKWORK - TO BE FINISHED.	17	TIMBER MATTEN SCREEN: METAL WALL TO BRICKWORK - TO BE FINISHED.	18	COMBINED: METAL WALL TO BRICKWORK - TO BE FINISHED.	19	STEEL FRAME: EXISTING FRAME COLOUR.	20	STEEL FRAME: EXISTING FRAME COLOUR.	21	STEEL FRAME: COMBINED METAL WALL TO BRICKWORK - TO BE FINISHED.	22	STEEL FRAME: COMBINED METAL WALL TO BRICKWORK - TO BE FINISHED.	23	TIMBER DOORS.	24	METAL STANDING CLADDING - MATT CHROMIUM FINISH.	25	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	26	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	27	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	28	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	29	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	30	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	31	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	32	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	33	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	34	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	35	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	36	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	37	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	38	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	39	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	40	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	41	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	42	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	43	WIDOW GLAZING: ALUMINIUM 2% WINDOW 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GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	98	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	99	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).	100	WIDOW GLAZING: ALUMINIUM 2% WINDOW GLAZING (TINTED).
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SECTIONAL ELEVATIONS_01 & 02

NOTES:
 1. CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

PLANNING ISSUE

Planning No: SECTIONAL ELEVATIONS_01 & 02
 Project No: 2019/301
 Date: 2019/08
 Scale: 1:100 (B/A)



max architects
 max architects
 max architects
 max architects

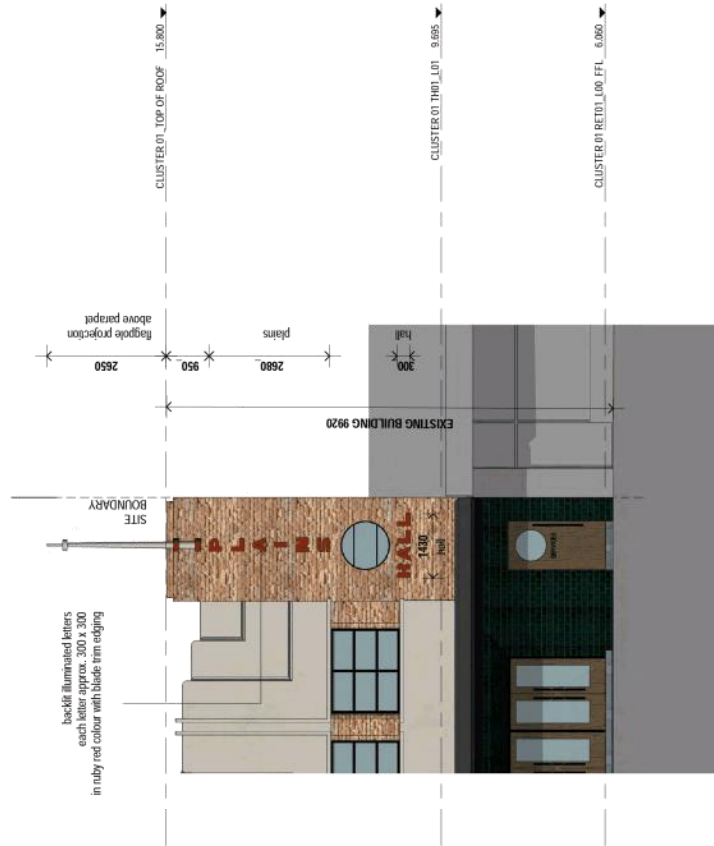
Client: Lonchavo Nominees Pty Ltd.
 Project: Proposed Retail & Residential Development
 254 - 260 Nepean Highway, Edithvale

Team Project: PM Team Planning
 P.O. Box 100 Edithvale VIC
 Title: Engineer
 Traffic Group
 Level 24, 410 Collins St Melbourne VIC

Design Architect: Keystone Alliance
 713 Pinery Rd Rosebank VIC 3073
 P.O. Box 103 Carnegie VIC 3173

Design Architect: Keystone Alliance
 713 Pinery Rd Rosebank VIC 3073
 P.O. Box 103 Carnegie VIC 3173

Design Architect: Keystone Alliance
 713 Pinery Rd Rosebank VIC 3073
 P.O. Box 103 Carnegie VIC 3173



FACADE SIGNAGE DETAILS

Notes:
 CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE WORKING.
 WORK ON PROTECTING ADJACENT BUILDINGS TO NOT SCALE DOWN.
 THIS DRAWING SHALL BE REVIEWED AND APPROVED BY STRUCTURAL AND ELECTRICAL ENGINEERS (AS APPLICABLE).

Rev: 1
 Date: 11/03/2020
 Prepared/Issued By: [Signature]
 Checked By: [Signature]

EG Consultant: Keystone Alliance
 713 Puntney Rd, Rosebank, 3073
 Lead Architect: Keystone Alliance
 P.O. Box 110, Carnegie 3103

Design Architect: Trochouan
 Lead Architect: Keystone Alliance

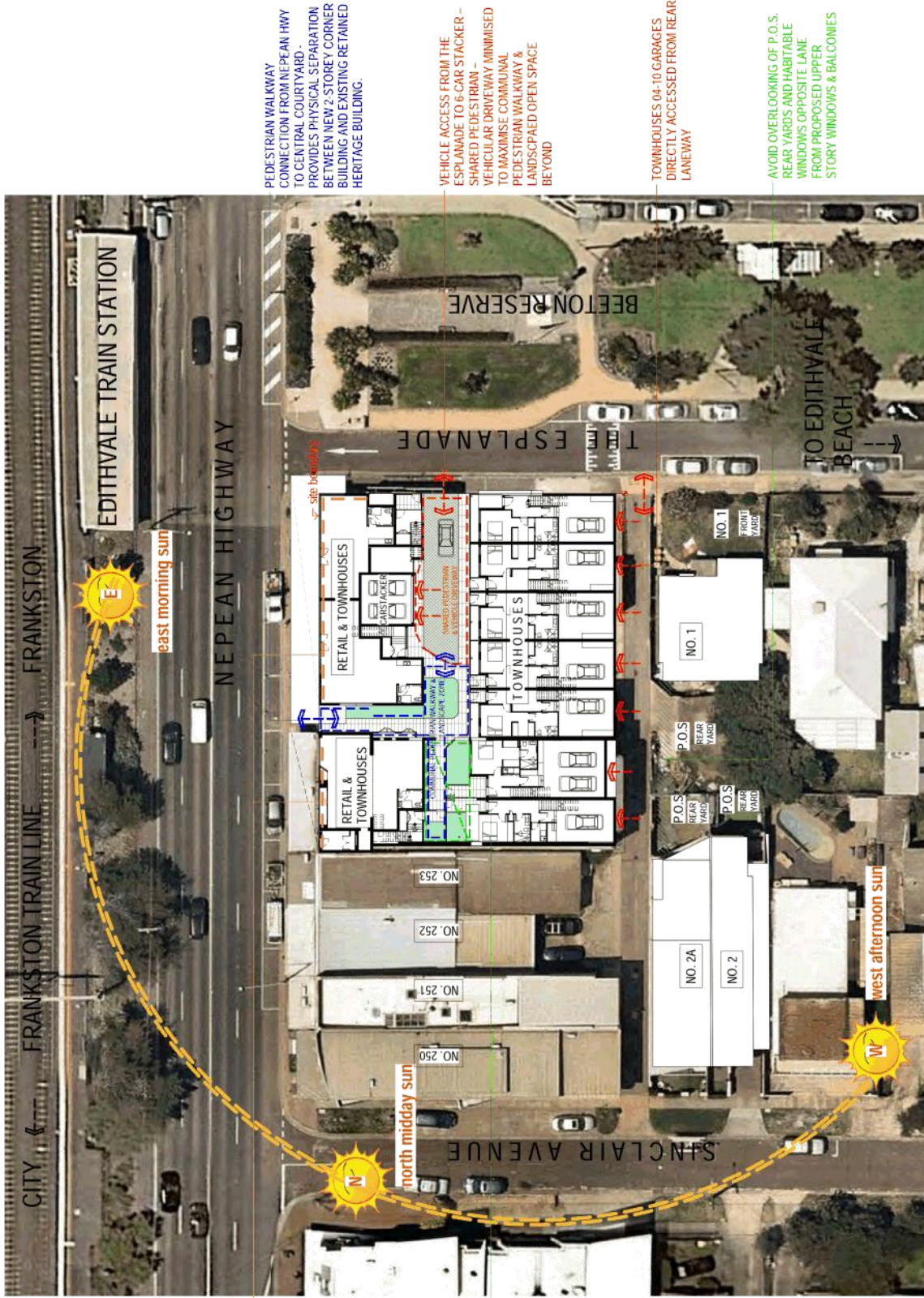
Client: Trochouan
 Project: 254 - 260 Nepean Highway, Edithvale

Scale: 1:50 @ A1



PLANNING ISSUE

Planning File: FACADE SIGNAGE DETAILS
 Application Number: 2019/091
 Issue Date: 17/10/19
 Planning Issue



DESIGN RESPONSE

NOTES:
 1. CONSULTATIONS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING CONSTRUCTION.
 2. ALL DIMENSIONS MUST BE VERIFIED USING SURVEYING DATA TO 1:100 SCALE DRAWING.
 3. THIS DRAWING SHALL BE VALID FOR CONSTRUCTION WITH STRUCTURAL AND SERVICES ENGINEERING APPROVALS.

NO. 1	NO. 2	NO. 2A	NO. 2B	NO. 2C	NO. 2D	NO. 2E	NO. 2F	NO. 2G	NO. 2H	NO. 2I	NO. 2J	NO. 2K	NO. 2L	NO. 2M	NO. 2N	NO. 2O	NO. 2P	NO. 2Q	NO. 2R	NO. 2S	NO. 2T	NO. 2U	NO. 2V	NO. 2W	NO. 2X	NO. 2Y	NO. 2Z
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EDD CONSULTANT Keystone Alliance 713 Plenty Rd, Rosebud, 3073 MARK CONSULTANT Leigh Design P.O. Box 117, Carnegie 3163	HERITAGE ADVISOR Trobriand 47 Glen Street, Geelong Victoria 3211 LANDSCAPE ARCHITECT Keystone Alliance 713 Plenty Rd, Rosebud, 3073	TRAFFIC ENGINEER PM Town Planning P.O. Box 971, Inveray 3201 TRAFFIC GROUP Level 24, 417 Collins St, Melbourne 3000	CLIENT Lonchiano Nominees Pty Ltd. PROJECT Proposed Retail & Residential Development 254 - 260 Nepean Highway, Edithvale
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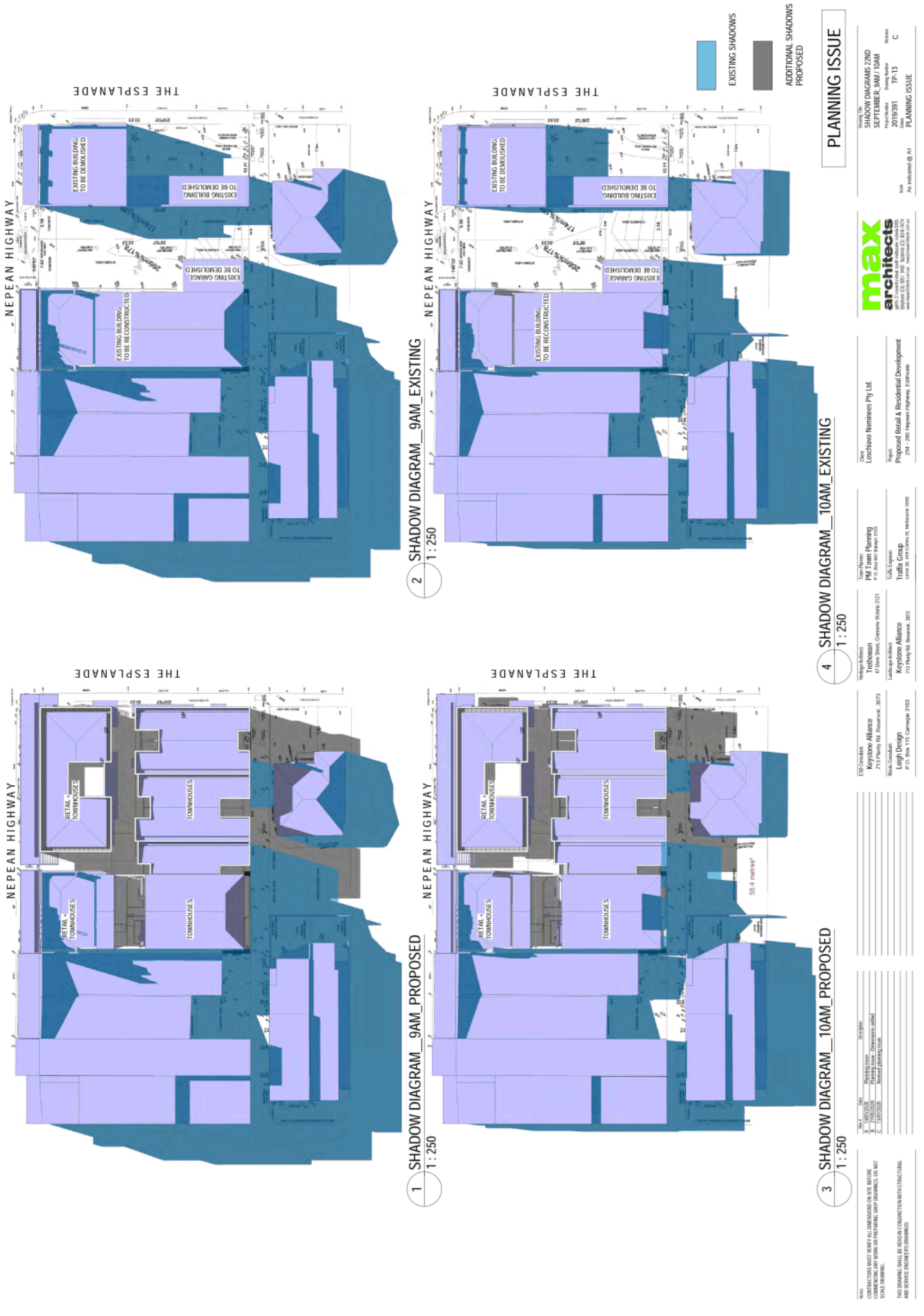
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DESIGN RESPONSE 2019/001	PROJECT NO. 2019/001	SHEET NO. TP 11	SHEET TOTAL B
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max architects 10/100 Collins St, Melbourne VIC 3000 03 9646 3000 max@maxarchitects.com.au	PLANNING ISSUE
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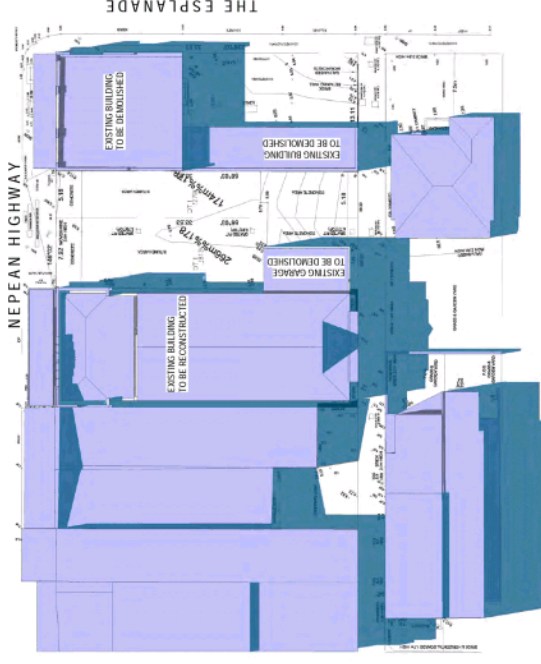
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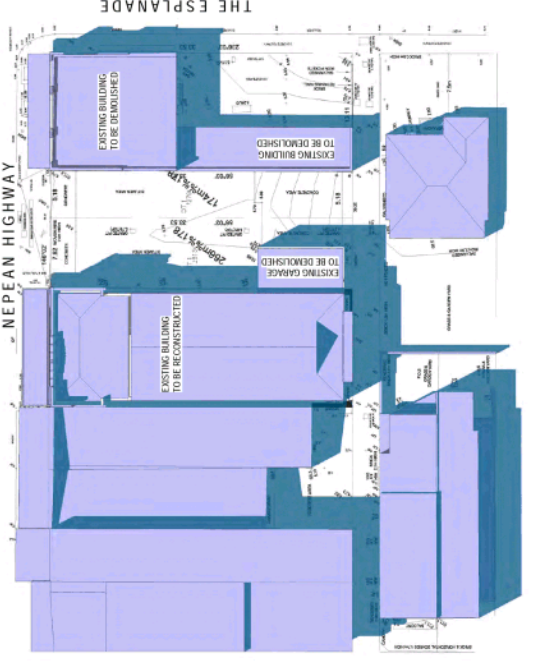
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3 SHADOW DIAGRAM_ 11AM_EXISTING
1 : 250



1 SHADOW DIAGRAM_ 12PM_PROPOSED
1 : 250



4 SHADOW DIAGRAM_ 12PM_EXISTING
1 : 250

NOTES:
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
THIS DRAWING SHALL BE REVIEWED AND APPROVED BY THE ARCHITECT AND ENGINEER BEFORE CONSTRUCTION.
SCALE: AS SHOWN

DATE: 11/03/2020
PROJECT: 254-260 Nepean Highway Edithvale

E/C DRAWN BY: KeyStone Alliance
713 Pinery Rd, Rosevale, 3073
DATE: 11/03/2020
PROJECT: 254-260 Nepean Highway Edithvale

TRAFFIC ENGINEER: KeyStone Alliance

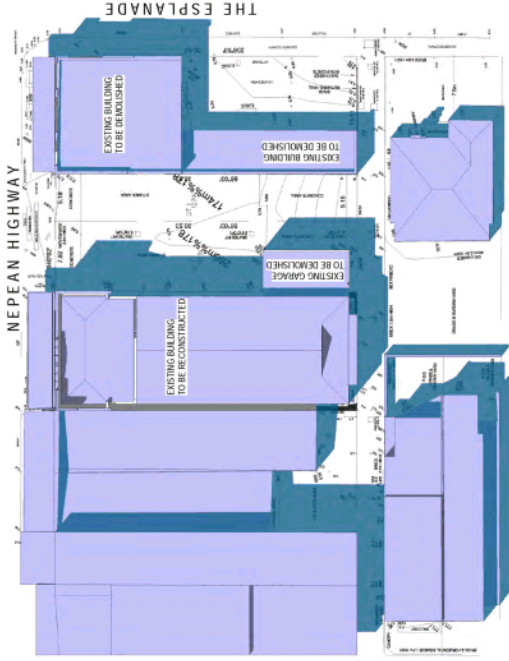
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PROJECT: 254-260 Nepean Highway Edithvale

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ARCHITECTS
11/03/2020

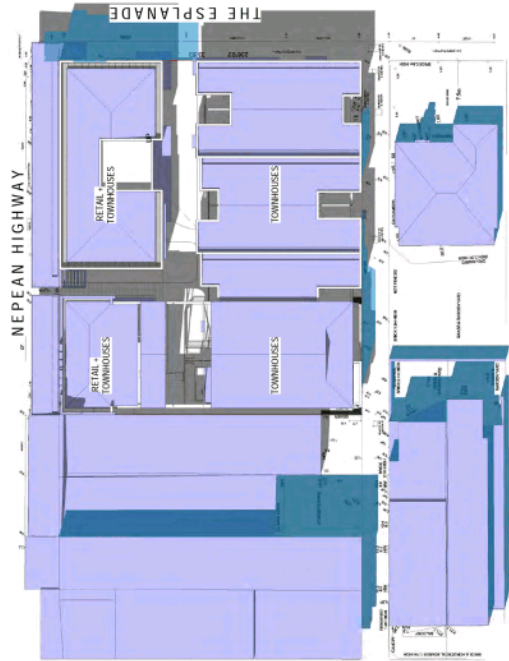
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DATE: 11/03/2020
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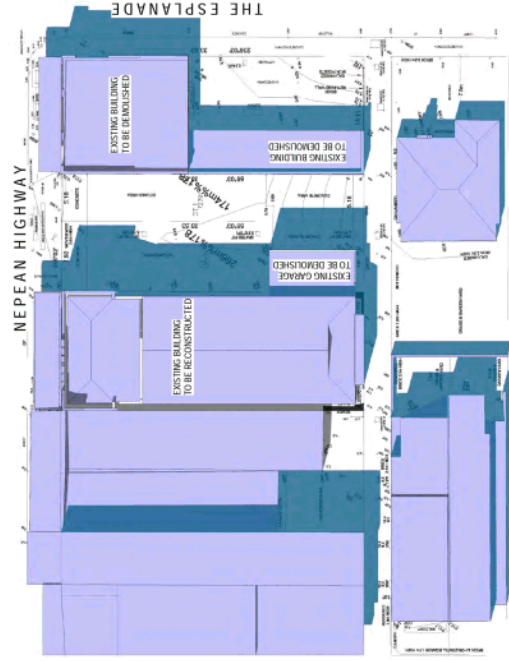
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4 SHADOW DIAGRAM_2PM_EXISTING
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NOTES:
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PROPOSING ANY DIMENSIONS TO NOT SCALE DRAWING.
THIS DRAWING SHALL BE VOID IF CONSTRUCTION WITH STRUCTURAL AND SERVICE ENGINEER'S DRAWINGS.

DATE: 11/09/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
REVISIONS: [Table]

EIO CONSULTANT
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Project: 254 - 260 Nepean Highway, Edithvale
Title: Engineer
Keystone Alliance

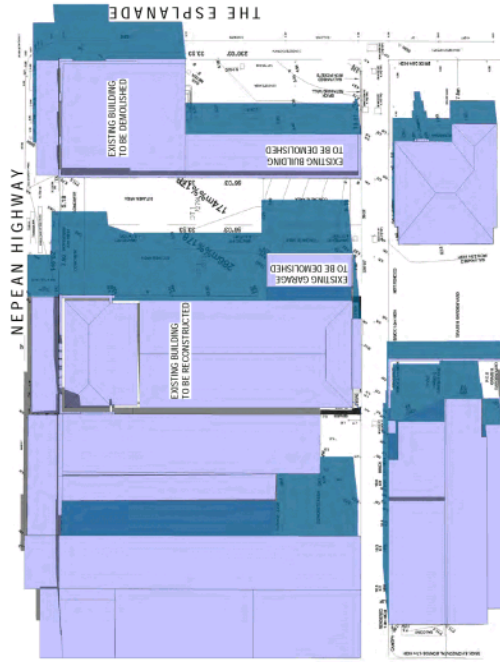
Client: [Name]
Project: 254 - 260 Nepean Highway, Edithvale

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Planning Issue
Drawing No: SHADOW DIAGRAMS 22RD
Date: SEPTEMBER 17PM / 2PM
Scale: 1:250
Sheet: TP 15
Revision: 4
Author: [Name]
Date: 2019/09/11
Project: [Name]



1 SHADOW DIAGRAM_3PM_PROPOSED
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2 SHADOW DIAGRAM_3PM_EXISTING
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NOTES
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. WORK ON PROPOSING SHIP CHANNELS TO 100% SCALE DRAWING.
THIS DRAWING SHALL BE USED IN CONNECTION WITH STRUCTURAL AND SERVICE ENGINEERING DRAWINGS.

REV. NO. DATE
A. 13/07/2020 Revised Planning Issue

DATE: 13/07/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:250

LEGEND
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Main Contact:
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DESIGNER
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DATE: 13/07/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:250

LEGEND
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DATE: 13/07/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:250

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DATE: 13/07/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:250

LEGEND
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P.O. Box 113 Carnegie 3103

DATE: 13/07/2020
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:250

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PLANNING ISSUE

Drawing No: SHADOW DIAGRAMS 22ND
DATE: SEPTEMBER_3PM
2019/01
Scale: 1:250 @ A1
Revision: TP 15
PLANNING ISSUE

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Planning Committee Meeting

17 March 2021

Agenda Item No: 4.3

KP-2020/199 - 9 FRANKLIN STREET, MOORABBIN

Contact Officer: Terence Dang, Statutory Planner

Purpose of Report

This report is for the Planning Committee to consider planning permit application KP-2020/199 - 9 Franklin Street, Moorabbin.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officer(s) and/or Contractor(s) who 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 allow the development of land for two (2) dwellings at no.9 Franklin Street, Moorabbin, subject to the conditions contained within this report.

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

EXECUTIVE SUMMARY			
Address	9 Franklin Street, MOORABBIN VIC 3189		
Legal Description	Lot 32 on LP022357		
Applicant	Thai Pham		
Planning Officer	Terence Dang		
PLANNING REQUIREMENTS			
Zone(s)	Clause 32.08 – General Residential Zone (Schedule 3)		
Overlay(s)	None		
Particular and General Provision(s)	Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development Clause 55 – Two or more Dwellings on a Lot and Residential Buildings Clause 65.01 – Approval of an Application or Plan		
Permit Trigger(s)	Clause 32.08 – 6 – Construct two or more dwellings on a lot		
Planning Scheme	Kingston		
APPLICATION / PROCESS			
Proposal	The development of land for two (2) dwellings		
Reference No.	KP-2020/199		
App. Received	20 April 2020	RFI Received	15 September 2020
Site Inspection	No	App. Amended	27 January 2021
S.52 Advertising Commenced	12 November 2020	S.52 Advertising Completed	30 November 2020
S.55 Referrals	No		
Internal referrals	Yes		
Objection(s)	2 (Checked on 18 February 2021)		
Mandatory Garden Area requirement	Complies	Mandatory Building Height requirement	Complies
Vegetation removal	Yes	Trees over 8 metres in height	No
LEGISLATIVE			
Covenant/other Restriction	No	Complies	Yes
Aboriginal Cultural Heritage Sensitivity	Yes		
CHMP Considered	Exempt		
Plan(s)	TQP Designs Pty Ltd, drawing nos.TP00 – TP07 inclusive, job no.19038, revisions D and E, dated 1 December 2020 and 19 January 2021 respectively		

1.0 KEY ISSUES

- 1.1. The main issues arising from this proposal relate to:
- Amenity impacts (E.g. Overlooking and overshadowing);
 - Built form and design detail; and
 - Car parking and vehicle access.

2.0 SITE PARTICULARS



Image 1: Frontage of subject site

2.1. The subject site (site) can be described as follows:

Built form	The site at no.9 Franklin Street, Moorabbin contains one (1) single storey dwelling with a complex hipped roof in brown concrete tiles, and brick walls in sand tones. The site contains a single brick garage with a flat roof in the secluded private open space (SPOS) area next to the north (side) title boundary. The property has a minimum front setback distance of 7.45 metres from the title boundary facing Franklin Street.
Size (m²)	The site is rectangular in lot shape and has a frontage width of 15.24 metres to Franklin Street, and a minimum side length of 39.62 metres. The site has a total area of 603.81 square metres.
Topography	The site slopes downward from the front to the rear of the lot along the north (side) and south (side) title boundary.
Fencing	The site contains a 0.6 metre high brick front fence on the title boundary facing Franklin Street. The site contains a 2 metre high timber paling fence on the north (side) and south (side) title boundary, and a 1.5 metre high paling fence on the west (rear) title boundary.

Vegetation	The site contains several small trees on the lot, and a small <i>Callistemon viminalis</i> (Weeping Bottlebrush) tree on the nature strip as identified by Council's Vegetation Management department.
Easement(s)	The site contains a 1.83 metre wide E-1 easement along the west (rear) title boundary.
Footpath asset(s) / access	The site contains one (1) single vehicle crossing to the driveway on Franklin Street.
Covenant(s) / Restrictions	The site contains no covenant(s) or section 173 agreement(s) listed on the Register Search Statement.

3.0 SURROUNDING ENVIRONS



Image 2: Aerial view of subject site


- 3.1. The site is in a predominantly residential area with a mix of one (1) dwelling, two (2) dwellings with a battle axe or side by side arrangement, and multiple dwellings connected to a shared driveway. The dwellings are generally single and double storey in scale. The lots adjoining the site can be described as follows:

North (side)	<p>The site shares the north (side) title boundary with the property on no.11 Franklin Street, Moorabbin which contains two (2) single storey dwellings with complex hipped roofs in white corrugated iron and black concrete tiles, and weatherboard and brick walls in different colours respectively.</p> <p>The front property at unit 1, no.11 Franklin Street, Moorabbin has a minimum front setback distance of 7.6 metres from the external wall to the title boundary facing Franklin Street. The property has a minimum side setback distance of 1.2 metres, excluding the wall on boundary, from the external wall of unit 1 to the site's north (side) title boundary.</p>
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East (front)	<p>The frontage is characterised by a medium timber picket front fence, a small street tree on the nature strip facing Franklin Street, and a single vehicle crossing to the shared driveway on Franklin Street.</p> <p>The site's east (front) title boundary faces the road reserve on Franklin Street, and other residential properties.</p>
South (side)	<p>The site shares the south (side) title boundary with the property at no.7 Franklin Street, Moorabbin which contains a combined gabled end and hipped roof in light terracotta concrete tiles, and brick walls in orange tones.</p> <p>The property has a minimum front setback distance of 6.6 metres from the external wall to the title boundary facing Franklin Street, and a minimum side setback distance of 1.35 metres from the external wall to the site's south (side) title boundary.</p> <p>The frontage is characterised by a medium metal picket front fence, a medium street tree on the nature strip facing Franklin Street, and a single width vehicle crossing to the driveway on Franklin Street.</p>
West (rear)	<p>The site shares the west (rear) title boundary with the properties on no.7 Cooma Street, Moorabbin, and no.8 Bemm Street, Moorabbin which contains one (1) single storey dwelling on each lot with complex hipped roofs in brown concrete tiles, and brick walls in orange and red tones respectively.</p> <p>The property at no.7 Cooma Street, Moorabbin has a minimum front setback distance of 7.3 metres from the external wall to the title boundary facing Franklin Street. The property at no.8 Bemm Street, Moorabbin has a minimum front setback distance of 6.85 metres from the external wall to the title boundary facing Bemm Street.</p> <p>The frontage is characterised by a low brick front fence for no.7 Cooma Street, Moorabbin, and a low brick pillar and metal picket front fence for no.8 Bemm Street, Moorabbin, a large street tree and power pole on the nature strips facing Cooma Street and Bemm Street respectively, and a single width vehicle crossing to each driveway on Cooma and Bemm Street.</p>

4.0 PROPOSAL

Development	<p>The proposal seeks to develop a total of two (2) double storey dwellings on the site in a side by side arrangement. The built form and internal layout is discussed in section 12 of this report.</p>
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	<p>Figure 1: Proposed streetscape elevation on Franklin Street</p>		
Maximum building height	7.51 metres (proposed)		
Bedrooms (including study)	Dwelling 1: 4 bedrooms (proposed) + study Dwelling 2: 4 bedrooms (proposed) + study		
Car parking	Dwelling 1: Two (2) car parking spaces in single garage and on the driveway in tandem (proposed) Dwelling 2: Two (2) car parking spaces in single garage and on the driveway in tandem (proposed)		
Front setback	6.6 metres (proposed)		
Private Open Space and Secluded Private Open Space	Dwelling 1 (proposed) <ul style="list-style-type: none"> • 81.7 square metres of SPOS at the rear with a minimum dimension of 5 metres • 21.75 square metres of additional POS at the front with a minimum dimension of 3 metres Dwelling 2 (proposed) <ul style="list-style-type: none"> • 80.9 square metres of SPOS at the rear with a minimum dimension of 5 metres • 21.95 square metres of additional POS at the front with a minimum dimension of 3 metres 		
Site coverage	49.03%	Site permeability	24.89%
Access	The proposal seeks to have a total of two (2) single width vehicle crossings on Franklin Street.		
Vegetation removal	The proposal seeks to remove all trees on the lot, and retain the <i>Callistemon viminalis</i> (Weeping Bottlebrush) tree on the nature strip.		

Building materials

External walls: Brick, render, and timber cladding
Roof: Concrete tiles
Window and doors: Colorbond

EXTERNAL FINISHES SCHEDULE



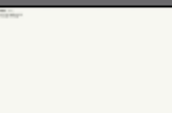



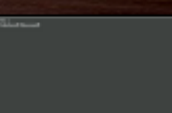
KEY	MATERIAL	LOCATION	PRODUCT/COLOUR	SAMPLE
B	FACE BRICK	GROUND FLOOR EXTERNAL WALLS	AUSTRAL BRICKS: ELAN - BARWON	
R1	RENDER	GROUND FLOOR WALLS	DULUX: MONK	
R2	RENDER	FIRST FLOOR WALLS	DULUX: VIVID WHITE	
P	HORIZONTAL TIMBER CLADDING	FIRST FLOOR WALLS	BORAL: TIMBER CLADDING SHADOWLINE RANGE SPOTTED GUM	
T	ROOF TILES	ROOF	BORAL ROOF TILES: MACQUARIE - GUNMETAL	
G	COLORBOND	GARAGE DOOR	COLORBOND: CAOBA	
F	COLORBOND	ALUMINIUM FRAMED WINDOWS & DOORS GUTTERS, FASCIAS, DOWNPIPES	COLORBOND: MONUMENT	

Figure 2: Proposed building finishes and materials schedule

5.0 RELEVANT LAND HISTORY

5.1. There are no previous planning decisions, or recent pre application information requests for the site relevant to the assessment of this application.

6.0 PLANNING PERMIT PROVISIONS

Zoning provisions

6.1. The site is located in Schedule 3 of the General Residential Zone (GRZ). The clause states that a planning permit is required to construct two (2) or more dwellings on a lot pursuant to clause 32.08-6 of the Planning Scheme. The proposal must also meet clause 55 of the Planning Scheme. The schedule (General Residential Areas B) for the site includes variations to the maximum site coverage percentage, the minimum private open space dimensions, the front fence height, and the maximum building height.

Overlay provisions

6.2. The site is not affected by any overlays.

Particular provisions

- 6.3. The policy in clause 52.06 (Car Parking) of the Planning Scheme states the following statutory car parking rate for a dwelling in clause 52.06-5 as follows:

Dwelling	1 space to each 1 or 2 bedroom dwelling 2 spaces to each 3 or more bedroom dwelling 1 visitor space for every 5 dwellings
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The proposal has a statutory requirement of four (4) on site car parking spaces. As the required number of car parking spaces is provided on the site, a planning permit is not required to reduce or waive the statutory requirement pursuant to clause 52.06-3 of the Planning Scheme.

- 6.4. The policy in clause 53.18 (Stormwater Management in Urban Development) of the Planning scheme states that any development and subdivision on the site is to maximise the retention and reuse of stormwater, and protect drainage infrastructure and receiving waters from sedimentation and contamination.
- 6.5. The policy in clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Planning Scheme requires that a development must meet all of the objectives and should meet all of the standards. The variations to the standards can be considered where it is determined that the overall objective is met.

General provisions

- 6.6. The decision guidelines in clause 65.01 (Approval of an Application or Plan) of the Planning Scheme require consideration to be given to a variety of matters including Planning Scheme policies, the purpose of the GRZ, orderly planning, and the impact on amenity.

7.0 RELEVANT POLICIES

- 7.1. Planning Policy Framework

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

- 7.2. Local Planning Policy Framework

Clause 21.07 Housing
Clause 22.06 Residential Development Policy

- 7.3. Neighbourhood Character Area guidelines (Incorporated document in clause 21.07 of the Kingston Planning Scheme): The site is located in neighbourhood character profile area no.1 of the Neighbourhood Character guidelines.

- 7.4. Design Contextual Housing guidelines (Reference document in clause 22.06 of the Kingston Planning Scheme): The Design Contextual Housing guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

8.0 ADVERTISING

8.1. The application was advertised by maintaining a notice sign on the site, and sending notices to affected property owners and occupiers in the area pursuant to section 52 of the *Planning and Environment Act 1987 (Act)*. The application received a total of two (2) objections to the proposal. The objections are summarised as follows:

- Overlooking

The objectors also raised concerns with the boundary fence material adjoining their property. However, this issue is beyond Planning Scheme merits.

9.0 PLANNING CONSULTATION MEEITNG

9.1. In accordance with Council’s Planning Consultation (PC) meeting policy, no meeting was required as a total of two (2) objections to the application was received. However, as required by the policy, the planning officer contacted the objector(s) followed by further discussions with the applicant to ascertain if the concerns raised by the objector(s) could be resolved. It is noted that no request for a PC meeting was received by the planning officer and the objections still stand.

10.0 AMENDMENTS UNDER SECTION 50 / 54 / 57A OF THE ACT

10.1. The planning officer requested the applicant to submit additional information, and raised concerns with boundary wall heights, overlooking from rear balconies, and vegetation removal on the lot and nature strip.

10.2. The permit applicant lodged revised development documents and plans in response to Council’s request for further information (RFI) letter, pursuant to section 54 of the Act, and concerns.

10.3. An section 57A Amendment was also received on 27 January 2021, in response to the objectors’ concerns after advertising. These include:

- Deleting the balcony at the rear of dwellings 1 and 2; and
- Modifying window treatments on the first floor level facing the site’s west (rear) title boundary.

10.4. The development plans, described in section 4 of this report, form the basis of this recommendation. A copy of these plans have also been made available to objectors.

11.0 REFERRALS

Department / Area	Comments
Development Approvals Engineering	Council’s Development Approvals Engineering department did not raise any concerns with the proposal subject to the provision of Stormwater drainage plans as conditions on any permit issued. Please refer to conditions 4-7.
Roads and Drains	Council’s Roads and Drains department did not raise any concerns with the proposal subject to the provision of standard infrastructure and road work conditions on any permit issued. They also requested alignment of the existing

	and proposed vehicle crossings to the driveways, a minimum setback distance of 500 millimetres between the driveways and side boundary along the frontage and between the stormwater discharge area and vehicle crossing, a pedestrian refuge no less than 1 metre wide, and a standard on street car parking space next to the nature strip facing Franklin Street as conditions on any permit issued. The planning officer is satisfied that the development plans for consideration are not required to nominate a standard on street car parking space. Please refer to conditions 1, and 8-11.
Vegetation Management	Council's Vegetation Management department did not raise any concerns with the proposal subject to the provision of a detailed Landscape plan as a condition on any permit issued. Please refer to conditions 1 and 3.

12.0 PLANNING CONSIDERATIONS

Planning Policy Framework

- 12.1. The Planning Policy Framework (PPF) sets out the relevant state wide policies for residential development at **clause 11** (Settlement), **clause 15** (Built Environment and Heritage) and **clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water, and Planning, 2017).
- 12.2. **Clause 11** (Settlement) seeks to ensure that planning is to:
- *Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, and open space, commercial and community facilities, and infrastructure;*
 - *Prevent environmental and amenity problems created by siting incompatible land uses close together; and*
 - *Facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community, and commercial infrastructure and services.*
- 12.3. **Clause 11.02-1S** (Supply of Urban Land) acknowledges that planning authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well as consideration being had for environmental aspects, sustainable development, and the costs associated with providing infrastructure. The clause states that 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; and*
 - *Service limitations and the costs of providing infrastructure.*

- 12.4. **Clause 15** (Built Environment and Heritage) requires that development responds appropriately to its surrounding landscape and character, and minimise any impacts on the built and natural environment.
- 12.5. **Clause 15.01-5S** (Neighbourhood Character) recognises the need to support and protect neighbourhood character, cultural identity, and sense of place. The clause emphasises that the proposal responds to the built form, landscape character, and pattern of subdivision in the neighbourhood.
- 12.6. **Clause 15.01-2S** (Building design) encourages development that contribute positively to the local context and enhance the public realm. The clause states that development should achieve building design outcomes that create safety for future occupants and the community.
- 12.7. **Clause 15.02-1S** (Energy and resource efficiency) promotes energy and resource efficiency through improved building design, urban consolidation, and sustainable transport.
- 12.8. **Clause 15.03-2S** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places with Aboriginal Cultural Heritage significance. The site is identified in an area of Aboriginal Cultural Heritage Sensitivity.



Image 3: Aboriginal Cultural Heritage Sensitivity map

- 12.9. Regulation 9 of the *Aboriginal Heritage Regulations 2018* states that the following is an exempt activity:
 - a. *Construction of one (1) or two (2) dwellings on a lot or allotment; and*

- b. *Extension to one (1) or two (2) dwellings on a lot or allotment.*

Accordingly, a Cultural Heritage Management plan is not required as the proposal is for the development of two (2) dwellings.

- 12.10. **Clause 16** (Housing) promotes a housing market that meets the increasingly diverse needs of the community, and is located in established residential areas which offer good access to jobs, services, and public transport.
- 12.11. **Clause 16.01-1S** (Integrated housing) identifies opportunities for increased residential densities to help consolidate urban areas. The clause aims to provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
- 12.12. **Clause 16.01-3S** (Housing diversity) plans for housing diversity by providing a range of housing types near jobs, community facilities, and public transport services. The clause encourages the development of well designed housing that respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure, and enhances energy efficiency.
- 12.13. The proposal generally satisfies the objectives and strategies in the PPF. The proposal is on a site earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions.

Local Planning Policy Framework

- 12.14. The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement (MSS) and Local Planning Policies.
- 12.15. **Clause 21.07** (Housing) provides guidance to development in residential zoned land, mixed use zoned land, and activity centre zoned land. The clause essentially reinforces the PPF for housing with several strategies to each objective. The Residential Land Use Framework Plan in table 1 of the clause indicates the preferred housing outcome for incremental housing change areas below:

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 (2) dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

- 12.16. The objectives in clause 21.07-1 of the Planning Scheme include:
- *To provide a range of housing types across the municipality taking account of the differential capacity of local areas to accommodate different types and rates of housing change;*
 - *To manage the interface between residential development and adjoining or nearby sensitive and strategic land uses;*
 - *To recognise and respond to special housing needs within the community;*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality;*

- *To promote more environmentally sustainable forms of residential development;*
- *To ensure residential development does not exceed known physical infrastructure capacities; and*
- *To ensure all residential neighbourhoods in Kingston are provided with supporting social infrastructure adequate to the population's needs.*

12.17. **Clause 22.06** (Residential Development Policy) extends upon the provisions in clause 21.07 relating to Minimal Housing Change areas, Incremental Housing Change areas, Increased Housing Diversity areas, Residential Renewal areas, Mixed Used areas, and Activity Centre areas. The site is nominated for incremental housing change, which is policy to:

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.

12.18. The relevant objectives in clause 22.06-2 of the Planning Scheme 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; and*
- *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*

12.19. The proposal generally satisfies the residential land use and development policies in the LPPF as the site is able to accommodate two (2) dwellings in a side by side arrangement.

Zoning provisions

12.20. The proposal is to meet the requirements in clause 32.08-4 of the Planning Scheme, which states that any application to construct or extend a dwelling must provide the minimum garden area percentage set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
500 - 650 square metres	30%

- 12.21. The proposal, in its current format, complies with the mandatory garden area requirement. A minimum garden area percentage of 43.1% is provided for the lot.

Particular provisions

Clause 52.06 – Car Parking

- 12.22. The proposal is to be assessed the relevant design standards in clause 52.06-9 of the Planning Scheme as follows:

Design standard 1 – Accessways

The proposal seeks to construct a new vehicle crossing with a minimum width of 3 metres on Franklin Street and retain the existing vehicle crossing. The planning officer notes that vehicles are not required to exit the driveway in a forward direction.

Design standard 2 – Car parking spaces

The proposal provides two (2) car parking spaces for each dwelling in the single garage and on the driveway. The development plans for consideration contain adequate clearance areas on all driveways and meet the minimum internal length and width dimensions for the single garages.

Design standard 3 – Ramp gradients

The proposal contains driveway lengths less than 20 metres. The development plans for consideration indicate that the car space on each driveway is to achieve a 1:20 maximum grade.

Design standard 4 – Ramp gradients

The proposal does not contain any mechanical car parking for the dwelling 1 and 2 single garage.

Design standard 5 – Urban design

The proposal creates a positive urban design outcome with no car parking structures dominating the streetscape on Franklin Street.

Design standard 6 – Safety

The proposal promotes safety with the driveways being visible from habitable room windows on the ground floor level and first floor level of each dwelling.

Design standard 7 – Landscaping

The proposal features large lawn areas to plant canopy trees that soften the appearance of car parking structures on the ground floor level.

12.23. Overall, the proposal is consistent with the design standards found in the car parking provisions.

Clause 53.18 – Stormwater Management in Urban Development

12.24. The proposal is required to meet the stormwater management objectives pursuant to clause 53.18-5 of the Planning Scheme as the buildings and works exceed more than 50 square metres in total area. Please refer to section 11 of this report.

Clause 55 – Two or more Dwellings on a Lot and Residential Buildings (ResCode)

12.25. The proposal has been assessed against the objectives and standards in clause 55 of the Planning Scheme. The table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, the proposal achieves a high level of compliance with the ResCode provisions.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.02-1 Neighbourhood character objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard B1 The design response must be appropriate to the neighbourhood and site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies with the standard and meets the objective.</p>

Assessment: The proposal is located in a residential area where the established neighbourhood character of dwellings on Franklin Street vary in architectural style and building scale. The proposal is required to meet the design guidelines in neighbourhood character profile area no.1 as referenced in clause 22.06 of the Kingston Planning Scheme. The neighbourhood is typically characterised by detached and modulated single storey dwellings with complex hipped roofs in concrete tiles of various colours, and brick walls in brown tones and weatherboard walls in white.

The proposal responds to the design guidelines of profile area no.1 with a semi detached built form, hipped roof on the first floor level, and porches to the dwelling 1 and 2 entry. The proposal also seeks to incorporate other elements that are not prevalent in the existing neighbourhood such as a flat roof behind a front parapet. However, the planning officer notes that the roof shape is not a major or critical characteristic of the profile area. Although side by side developments are not highly prevalent in the surrounding area, the planning officer recognises that an emerging neighbourhood character is evident from the replacement of old housing stock with new double storey attached dwellings. This can be illustrated with the constructed developments at no.4 and no.6 Cooma Street, Moorabbin.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
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Image 4: Frontage at no.6 Cooma Street, Moorabbin

The proposal provides a contemporary response to the existing residential context and respects the neighbourhood character on Franklin Street. Please refer to the assessment in clause 55.06-1 of this report for more information on the design detail.

**Clause 55.02-2
Residential policy
objectives**

To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Standard B2

An application must be accompanied by a written statement to the satisfaction of the Responsible Authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).

Complies with the standard, and meets the objective.

Assessment: The proposal is consistent with the policy for incremental housing change. The policy encourages residential development in the form of extensions to existing houses, and new one (1) or two (2) dwellings and residential buildings on average sized lots as referenced in clause 21.07 of the Kingston Planning Scheme. The proposal meets the built form objectives in clause 22.06 of the Kingston Planning Scheme with articulation on the ground floor level and first floor level.

Clause 55.02-3

Standard B3

Not applicable.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Dwelling diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	
<p>Assessment: The proposal is not required to meet this objective and standard as there is only a maximum of two (2) dwellings on the site.</p>		
<p>Clause 55.02-4 Infrastructure objectives To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Standard B4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, development should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>Complies with the standard, and meets the objective.</p>
<p>Assessment: The proposal contains the necessary utilities to ensure that the site does not rely on existing services and infrastructure. The site can be connected to surrounding utility services and infrastructure in line with Council requirements during the subdivision permit stage.</p>		
<p>Clause 55.02-5 Integration with the street objective To integrate the layout of development with the street.</p>	<p>Standard B5 Development should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies with the standard, and meets the objective.</p>
<p>Assessment: The proposal integrates with the street by orientating the dwelling 1 and 2 entry and vehicle crossing to be visible from the road reserve. The proposal also contains large horizontal and vertical windows on the ground floor level and first floor level facing Franklin Street.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>The proposal provides a 0.9 metre high timber paling fence on the proposed boundary line in dividing the front setback area, and maintaining views of the street.</p>		
<p>Clause 55.03-1 Street setback objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the Zone, or • If no distance is specified in a schedule to the Zone, the distance specified in Table B1. <p>Porches, pergolas, and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>Variation to the standard, but meets the objective.</p>
<p>Assessment: The proposal requires a minimum front setback distance of 7.1 metres based on the adjoining properties being setback 6.6 metres and 7.6 metres from Franklin Street. The proposal contains a minimum front setback distance of 6.6 metres from the dwelling 1 study room wall to the title boundary facing Franklin Street. Although the proposal does not comply with the requirement in standard B6, the planning officer considers the front setback variation of 500 millimetres to be acceptable, noting it aligns with the south adjoining dwelling. The proposal makes efficient use of the site as there is adequate room to park a vehicle in front of the dwelling 1 and 2 driveway, and plant a canopy tree in the front setback area. The planning officer is satisfied that the proposal achieves the aforementioned objective, and does not require any conditions to address the variation sought.</p>		
<p>Clause 55.03-2 Building height objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 The maximum building height should not exceed the maximum height specified in the Zone, schedule to the Zone or an Overlay that applies to the land.</p> <p>If no maximum height is specified in the Zone, schedule to the Zone or an Overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p> <p><i>Note:</i> Schedule 3 (General Residential Areas B) makes a variation to the standard.</p>	<p>Complies with the standard, and meets the objective.</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: The proposal contains a maximum building height of 7.51 metres above natural ground level. The proposal is less than the 9 metre stipulation in schedule 3 to the GRZ by 1.49 metres.</p>		
<p>Clause 55.03-3 Site coverage objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Standard B8 The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the Zone, or • If no maximum site coverage is specified in a schedule to the Zone, 60 per cent. <p><i>Note:</i> Schedule 3 (General Residential Areas B) makes a variation to the standard.</p>	<p>Complies with the standard, and meets the objective.</p>
<p>Assessment: The proposal contains a site coverage percentage of 49.03%, which is less than the 50% stipulation in schedule 3 to the GRZ by 0.97%.</p>		
<p>Clause 55.03-4 Permeability and stormwater objectives To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of stormwater.</p>	<p>Standard B9 The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the Zone, or • If no minimum is specified in a schedule to the Zone, 20 percent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	<p>Can comply subject to condition.</p>
<p>Assessment: The proposal contains a site permeability percentage of 24.89%, which is greater than the 20% stipulation in standard B9 by 4.89%. The development plans for consideration show a minimum 2,000 litre rainwater tank in the dwelling 1 and 2 service yard area, but should state that the rainwater tanks are collected to toilets for flushing. Please refer to condition 1i in the recommendations section of this report.</p>		
<p>Clause 55.03-5</p>	<p>Standard B10 Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. 	<p>Can comply subject to condition.</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Energy efficiency objectives To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<ul style="list-style-type: none"> • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	
<p>Assessment: The proposal contains habitable rooms on the ground floor level and first floor level facing the north (side), east (front), and west (rear) title boundary to maximise energy efficiency. The proposal does not have any impacts to solar panels or skylights on the roof of existing dwellings adjoining the site. The development plans for consideration should show adjustable sun shading devices or double glazing for habitable room windows on the ground floor level and first floor level facing the site's north (side) and west (rear) title boundary to improve thermal comfort. Please refer to condition 1c in the recommendations section of this report.</p>		
<p>Clause 55.03-6 Open space objective To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Standard B11 If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings. • Provide outlook for dwellings. • Be designed to protect natural features. • Be accessible and useable. 	<p>Not applicable.</p>
<p>Assessment: The proposal is not required to meet this objective and standard as there is no communal open space in or adjacent to the site.</p>		
<p>Clause 55.03-7 Safety objective To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard B12</p>	<p>Complies with the standard, and meets the objective.</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility, and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	
<p>Assessment: The proposal provides passive surveillance of Franklin Street with a habitable room window from the dwelling 1 and 2 study room on the ground floor level. The proposal also proposes vehicle corner splays on both sides of the dwelling 1 and 2 driveway.</p>		
<p>Clause 55.03-8 Landscaping objectives</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Standard B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive, and functional environment for residents. <p>In summary, development should:</p> <ul style="list-style-type: none"> • Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. • Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. • Specify landscape themes, vegetation (location and species), paving and lighting. • Meet any additional landscape requirements specified in a schedule to the zone. 	<p>Can comply subject to condition.</p>

Assessment: The proposal provides adequate space for the planting of various species, including canopy trees. The proposal seeks to remove all vegetation on the site and retain the existing *Callistemon viminalis* (Weeping Bottlebrush) tree on the nature strip. Council's Vegetation Management department raised no concerns with the removal subject to the provision of a

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
Landscape plan in accordance with the City of Kingston's Landscape Checklist. Please refer to condition 1a in the recommendations section of this report.		
<p>Clause 55.03-9 Access objective To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14 The width of accessways or car spaces should not exceed: 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</p> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency, and delivery vehicles.</p>	Complies with the standard, and meets the objective.
<p>Assessment: The proposal provides vehicle access to the dwelling 1 and 2 single garage from the existing and proposed vehicle crossing on Franklin Street. The vehicle crossings have a minimum width of 3 metres and designed to meet the requirements of standard B14.</p>		
<p>Clause 55.03-10 Parking location objectives To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Standard B15 Car parking facilities should be reasonably close and convenient to dwellings and residential buildings, be secure, and be well ventilated if enclosed.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	Complies with the standard, and meets the objective.
<p>Assessment: The proposal provides car parking spaces in the single garage, on the driveways, and next to the nature strip facing Franklin Street. There are no shared driveways on the site.</p>		
<p>Clause 55.04-1</p>	<p>Standard B17 A new building not on or within 200 millimetres of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the Zone, or 	Complies with the standard, and meets the objective.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<ul style="list-style-type: none"> • If no distance is specified in a schedule to the Zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>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.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	
<p>North (side): Dwelling 1 setback complies: <u>Ground floor level:</u> contains a wall on boundary. <u>First floor level:</u></p> <ul style="list-style-type: none"> • required 1.66 metres¹, 1.714 metres provided. • required 1.9 metres², 2.604 metres provided. <p>South (side): Dwelling 2 setback complies: <u>Ground floor level:</u> contains a wall on boundary. <u>First floor level:</u></p> <ul style="list-style-type: none"> • required 1.66 metres¹, 1.714 metres provided. • required 1.9 metres², 2.659 metres provided. <p>¹ wall height taken from natural ground level to bottom of eave ² wall height taken from natural ground level to top of parapet</p>		
<p>Assessment: The proposal provides the minimum side and rear setbacks in the table above. The minimum side and rear setback distance is 1 metre on the ground floor level with a maximum wall height under 3.6 metres¹, and 1.66 metres on the first floor level with a maximum wall height of 5.8 metres² and 1.9 metres on the first floor level with a maximum wall height of 6.6 metres².</p>		
<p>Clause 55.04-2 Walls on boundaries objective To ensure that the location, length, and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B18 A new wall constructed on or within 200 millimetres of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p>	<p>Complies with the standard, and meets the objective.</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	<ul style="list-style-type: none"> • 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or • Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200 millimetres from a boundary.</p> <p>The height of a new wall constructed on or within 200 millimetres of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	
<p>¹ the site's north (side) and south (side) title boundary has a lot length of 39.62 metres</p>		
<p>Assessment: The proposal contains a boundary wall with a maximum wall height of 3.2 metres and wall length of 6.98 metres within 200 millimetres of the site's north (side) and south (side) title boundary. The maximum wall length permitted is 17.41 metres¹ on the site's north (side) and south (side) title boundary. The proposal does not have any amenity impacts to the dwellings adjoining the site's north (side) and south (side) title boundary as the boundary wall adjoins a driveway and a service yard area.</p>		
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be setback from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung</p>	<p>Complies with the standard, and meets the objective.</p>

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	<p>to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	
<p>Assessment: The proposal is designed so that all habitable room windows on neighbouring properties face an open outdoor area, with a minimum dimension of 1 metre, greater than 3 square metres. The planning officer notes that there are no habitable room windows opposite the dwelling 1 and 2 garage boundary wall.</p>		
<p>Clause 55.04-4 North facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 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, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	Not applicable.
<p>Assessment: The proposal is not required to meet this objective and standard as there are no north facing habitable room windows within 3 metres from the site's south (side) title boundary.</p>		
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	Complies with the standard, and meets the objective.
<p>Assessment: The proposal does not cast any shadows to the SPOS areas at no.8 Bemm Street, Moorabbin, no.7 Cooma Street, Moorabbin, and no.11 Franklin Street, Moorabbin. The proposal demonstrates with shadow diagrams that more than 40 square metres, with a minimum dimension of 3 metres, of the SPOS areas at no.7 Franklin Street, Moorabbin would receive sunlight for a minimum of five (5) hours between 9:00am – 3:00pm on 22 September equinox.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. 	<p>Complies with the standard, and meets the objective.</p>
<p>Assessment: A 2 metre high timber paling fence on the site's north (side) and south (side) title boundary minimises overlooking from the ground floor level.</p>		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
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The proposal contains seven (7) habitable room windows on the first floor level of dwellings 1 and 2 within 9 metres of lots adjoining the site's north (side) and south (side) title boundary. Two west (rear) facing windows are also proposed.

The proposal provides windows at a minimum sill of 1.7 metres high for bathrooms, and windows with obscure glazing up to 1.7 metres high for bedrooms and rumpus rooms on the first floor level facing the site's north (side), south (side) and west (rear) title boundary. The planning officer notes that the bedroom 2 window on the first floor level of dwelling 1 does not require any overlooking treatments as there are no direct views of habitable room windows and SPOS areas at no.11 Franklin Street, Moorabbin.

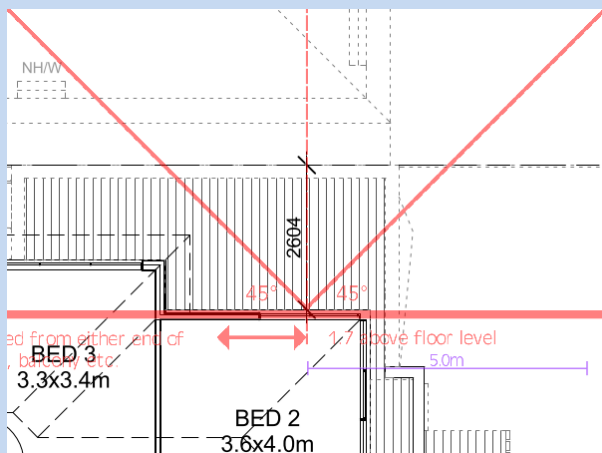


Figure 3: 9 metre overlooking cone from bedroom 2 window

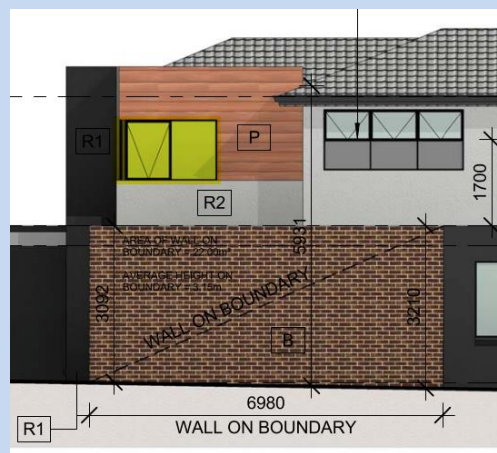


Figure 4: Proposed treatment for bedroom 2 window in yellow

<p>Clause 55.04-7 Internal views objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies with the standard, and meets the objective.</p>
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Assessment: The proposal contains a partywall and a new 1.8 metre high timber paling fence on the proposed boundary line between the dwelling 1 and 2 SPOS areas to reduce internal overlooking on the ground floor level. The bedroom windows on the first floor level facing the site's west (rear) title boundary are treated to limit views of dwellings on the site.

<p>Clause 55.04-8 Noise impacts objectives To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p>Standard B24 Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p>	<p>Complies with the standard, and meets the objective.</p>
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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	
<p>Assessment: The proposal can take into account of internal and external noise sources with a general amenity condition 13. The planning officer notes that the location of external cooling and heating units on the site are to be not visible from any adjoining properties and public areas.</p>		
<p>Clause 55.05-1 Accessibility objective To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	Can comply subject to condition.
<p>Assessment: The proposal provides convenient access to the dwelling 1 and 2 service yard and SPOS areas from the pedestrian garage doors. The proposal is also designed to include a bedroom and the main living areas on the ground floor level. The development plans for consideration should show finished floor levels of the dwelling 1 and 2 deck and porch. Please refer to condition 1d in the recommendations section of this report.</p>		
<p>Clause 55.05-2 Dwelling entry objective To provide each dwelling or residential building with its own sense of identity.</p>	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with the standard, and meets the objective.
<p>Assessment: The proposal contains entry doors that are identifiable from Franklin Street and the driveways. The porch of dwellings 1 and 2 designed to achieve a sense of personal address, create a transitional space, and provide shelter around the entry.</p>		
<p>Clause 55.05-3 Daylight to new windows objective To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> ▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ▪ A verandah provided it is open for at least one third of its perimeter, or ▪ A carport provided it has 2 or more open sides and is open for at least one third of its perimeter. 	Complies with the standard, and meets the objective.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Assessment: The proposal is designed so that all habitable room windows on the ground floor level and first floor level face an open outdoor area, with a minimum dimension of 1 metre, greater than 3 square metres.</p>		
<p>Clause 55.05-4 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Standard B28 A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the Zone. If no area or dimensions are specified in a schedule to the Zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres, and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p><i>Note:</i> Schedule 3 (General Residential Areas B) makes a variation to the standard.</p>	<p>Complies with the standard, and meets the objective.</p>
<p>Assessment: The proposal provides POS and SPOS for each dwelling in section 4 of this report. The proposal satisfies the requirements in schedule 3 to the GRZ as the POS and SPOS areas are greater than 80 square metres and 40 square metres respectively, exceed the minimum dimensions, and have convenient access from the living room on the ground floor level.</p>		
<p>Clause 55.05-5 Solar access to open space objective To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be setback from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p>Not applicable.</p>
<p>Assessment: The proposal locates all SPOS areas next to the site's north (side) and west (rear) title boundary. The planning officer notes that there are no walls on the site north of the SPOS areas.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Clause 55.05-6 Storage objective To provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	Complies with the standard, and meets the objective.
<p>Assessment: The proposal provides at least 6 cubic metres of storage in the dwelling 1 and 2 SPOS area.</p>		
<p>Clause 55.06-1 Design detail objective To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31 The design of buildings, including: facade articulation and detailing, window and door proportions, roof form, and verandahs, eaves and parapets should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	Complies with the standard, and meets the objective.
<p>Assessment: The proposal provides a colour schedule, complementary to the neighbourhood character, such as brick walls in brown tones, render walls in grey and white tones, and timber cladding in natural wood. The proposal shows an appropriate level of articulation with different building finishes and materials, and fenestration with varying door and window proportions on the external front and side walls. The proposal recesses the single garages behind the dwelling 1 and 2 porch.</p>		
<p>Clause 55.06-2 Front fences objective To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the Zone, or • If no maximum height is specified in a schedule to the Zone, the maximum height specified in Table B3. <p><i>Note:</i> Schedule 3 (General Residential Areas B) makes a variation to the standard.</p>	Not applicable.
<p>Assessment: The proposal is not required to meet this objective and standard as there is no front fence.</p>		
<p>Clause 55.06-3</p>	<p>Standard B33 Developments should clearly delineate public, communal, and private areas.</p>	Not applicable.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE
<p>Common property objectives To ensure that communal open space, car parking, access areas, and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Common property, where provided, should be functional and capable of efficient management.</p>	
<p>Assessment: The proposal is not required to meet this objective and standard as there are no areas of common property on the site.</p>		
<p>Clause 55.06-4 Site services objectives To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate, and attractive.</p>	<p>Standard B34 The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Can comply subject to condition.</p>
<p>Assessment: The proposal provides most site services and utilities on the ground floor level of dwellings 1 and 2. The development plans for consideration should show mailboxes in the front setback area. Please refer to condition 1j in the recommendations section of this report.</p>		
<p>Note: Clause 55.07 – Apartment Developments does not apply to this application.</p>		

General provisions

12.26. The application has been assessed against the relevant general provisions. The proposal meets the requirements contained within clause 65.01 of the Planning Scheme.

13.0 RESPONSE TO GROUNDS OF OBJECTION

13.1. The objector(s) concerns have been largely addressed in this report as follows:

Department / Area	Comments
Overlooking	The objector(s) are concerned that the proposal creates overlooking to their property from the first floor level habitable room windows and rear balconies of dwellings 1 and 2 facing the site's west (side) title boundary. As discussed in section 10 of this report, the planning officer acknowledges that the rear balconies were removed in substituting development plans for consideration under section 57A of the Act. As discussed in section 12 of this report, the proposal meets the objective and requirements in clause 55.04-6 of the Planning Scheme.

14.0 CONCLUSION

14.1. Overall, the proposal is considered to comply with 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 proposal is considered appropriate for the site 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 controls, policies, and provisions, including clause 55 of the Planning Scheme.

15.0 RECOMMENDATION

15.1. That Planning Committee determine to support the proposal and issue a **Notice of Decision to Grant a Permit** to the development of land for two (2) dwellings at 9 Franklin Street, MOORABBIN, subject to the following conditions:

Condition 1 plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions, and must be substantially in accordance with the considered plans prepared by TQP Designs Pty Ltd and dated 19 January 2021, but modified to show:

- a. the provision of a Landscape plan in accordance with the submitted development plans, with such plan to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with the species chosen to be approved by the Responsible Authority;
 - ii. a survey, including botanical names, of all existing trees to be retained or removed on the site including tree protection zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. a survey, including botanical names, of all existing trees on neighbouring properties where the tree protection zones of such trees calculated in accordance with AS4970-2009 fall partially within the site;
 - iv. the delineation of all garden beds, paving, grassed areas, retaining walls, fences, and other landscape works;
 - v. a range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g. plants 1 metre wide at maturity planted 1 metre apart);
 - vi. the provision of two (2) canopy trees capable of growing to minimum mature dimensions of 10 metres high and 6 metres wide to be planted within the front setback of the site;
 - vii. the provision of one (1) canopy tree capable of growing to minimum mature dimensions of 10 metres high and 6 metres wide to be planted within the secluded private open space area of each dwelling;
 - viii. all trees provided at a minimum of 2 metres high at the time of planting, with medium to large shrubs provided at a minimum pot size of 200 millimetres;
 - ix. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation, and any specific maintenance requirements; and
 - x. the location of tree protection measures, including street trees, accurately drawn to scale and labelled.
- b. the location of tree protection measures, including street trees, accurately drawn to scale and labelled on the ground floor level plan.
- c. the provision of adjustable sun shading devices or double glazing for habitable room windows on the ground floor level and first floor level facing the site's north (side) and west (rear) title boundary.
- d. the finished floor levels of the dwelling 1 and 2 deck and porch.
- e. a notation stating that vehicle crossings must be constructed at a 90 degree alignment with the kerb on Franklin Street and all internal driveways must align with the existing and proposed vehicle crossing.

- f. the dwelling 1 and 2 driveways must be at least 500 millimetres from the side boundary along the frontage on Franklin Street.
- g. the proposed stormwater discharge must be located at least 500 millimetres from the vehicle crossing.
- h. the provision of a pedestrian refuge, no less than 1 metre wide, between all vehicle crossings to the lot and neighbouring properties.
- i. the provision of a minimum 2,000 litre rainwater tank to dwellings 1 and 2 with a notation stating that the rainwater tank must be collected to toilets for flushing.
- j. the provision of mailboxes to dwelling 1 and 2.

Endorsed plans

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

Street trees

- 3. Tree protection fencing is to be established around the street tree on the nature strip prior to demolition and maintained until all works on site are completed.
 - a. the fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b. the fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.
 - c. tree protection fencing is to be relocated to the edge of the proposed crossover when the construction of the driveway and vehicle crossing of dwelling 2 commences.

Drainage and Water Sensitive Urban Design

- 4. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a. stormwater management (drainage) plan(s) must be prepared as per Council's "Civil Design Requirements for Developers – Part A: Integrated Stormwater Management" with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may impact on the stormwater (drainage) works, including landscaping details.
- 5. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a. all stormwater (drainage) works must be provided on the site so as to prevent overland flows onto adjacent properties.
 - b. the implementation of stormwater (drainage) detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 5.5L/s.

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- c. all stormwater (drainage) works must be maintained to the satisfaction of the Responsible Authority.
- 6. Council's existing drain within the easement must be protected at all times during the construction.
- 7. Property connection of stormwater to the existing 150 millimetre diameter Council easement drain is not permitted.

Infrastructure and road works

- 8. Any relocation of drainage 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 permit holder/land owner.
- 9. Property boundary and footpath levels must not be altered without the prior written consent of the Responsible Authority.
- 10. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 11. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

General amenity conditions

- 12. 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.
- 13. All externally located cooling and heating 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.
- 14. All piping and ducting above the ground floor level (other than rainwater, guttering, and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of works

- 15. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this Permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
- 16. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority including that any dead, diseased, or damaged plants to be replaced.

Expiry

- 17. This Permit as it relates to development will expire if one of the following circumstances applies:
 - a. the development is not started within two (2) years from the date of this Permit.
 - b. the development is not completed within four (4) years from the date of this Permit.

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

Note: Prior to the commencement of works, the permit holder/land owner is required to obtain the necessary building permit.

Note: The permit holder/land owner must provide a copy of this Permit to any appointed building surveyor. It is the responsibility of the permit holder/land owner and building surveyor to ensure that all building development works approved by any building permit is consistent with this Permit.

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

Note: The proposal includes a fence to be built over the easement. Separate consent from Council and the relevant service authority is required to build over the easement, and will need to be obtained prior to the issue of a building permit.

Note: The permit holder/land owner must provide a copy of this 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 permit holder/land owner or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management department to verify if a local laws permit is required for the removal of such vegetation.

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

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing a dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the permit holder/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 proposal.

If the permit holder/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 refuse the application, it can do so on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement in clause 21.07 (Housing) of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements in clause 22.06 (Residential Development Policy) of the Kingston Planning Scheme.
3. The proposal represents an overdevelopment of the site, and provides an inappropriate response to local policy expectations and the character of the area having regard to incremental housing change expected.
4. The proposal fails to satisfy the requirements in clause 55 (Two or more Dwellings on a Lot and Residential Buildings) of the Kingston Planning Scheme, particularly clause 55.03-1 (Street setback).

Appendices

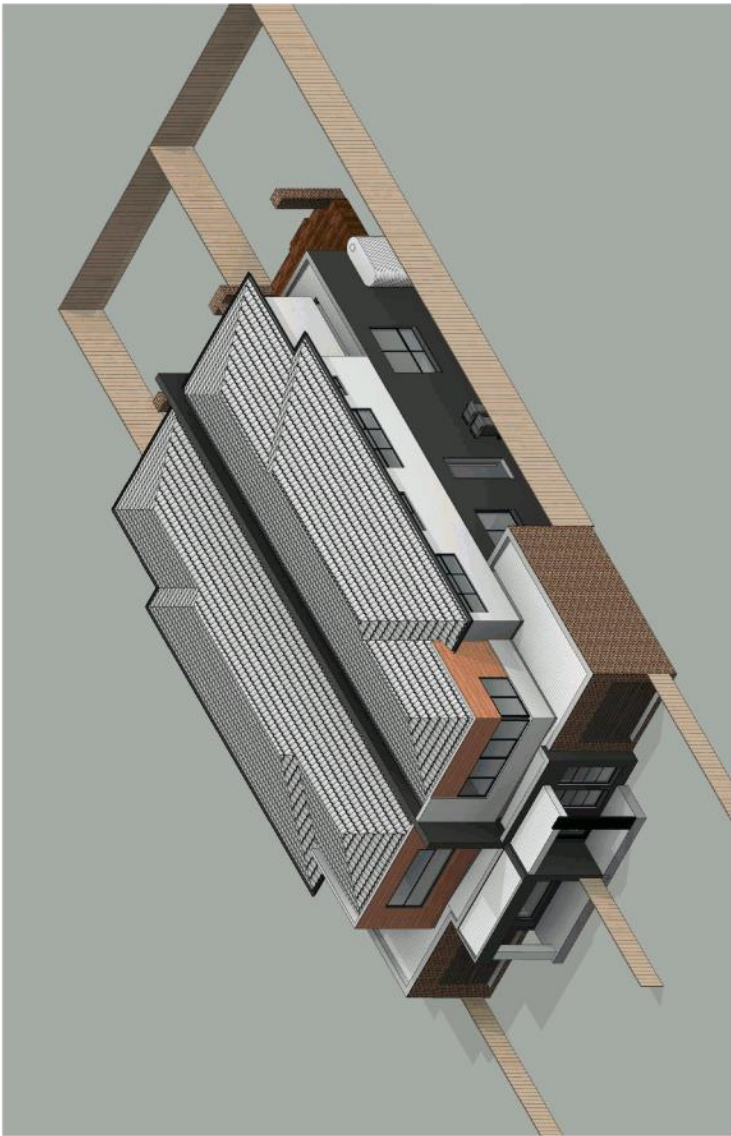
Appendix 1 - KP-2020/199 - 9 Franklin Street, Moorabbin - Planning Applications -
Development plans for consideration (Ref 21/37384)  

Author/s: Terence Dang, Statutory Planner
Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Alfred Carnovale, Acting Manager City Development

4.3

KP-2020/199 - 9 FRANKLIN STREET, MOORABBIN

- 1 KP-2020/199 - 9 Franklin Street, Moorabbin - Planning
Applications - Development plans for consideration..... 141



NO	DESCRIPTION	DATE
D	REVISED BALCONY SCREENING	04.12.2020
C	REVISED TO COUNCIL REF FINAL DATED	13.10.2020
B	REVISED TO COUNCIL REF LETTER DATED	17.08.2020
A	20/02/2020	

TQPdesigns
 The Firm (A/Arch, U/P)

PROJECT: PROPOSED DUAL OCC.
 ADDRESS: 9 FRANKLIN STREET,
 MOORABBIN 3189

CLIENT: [REDACTED]

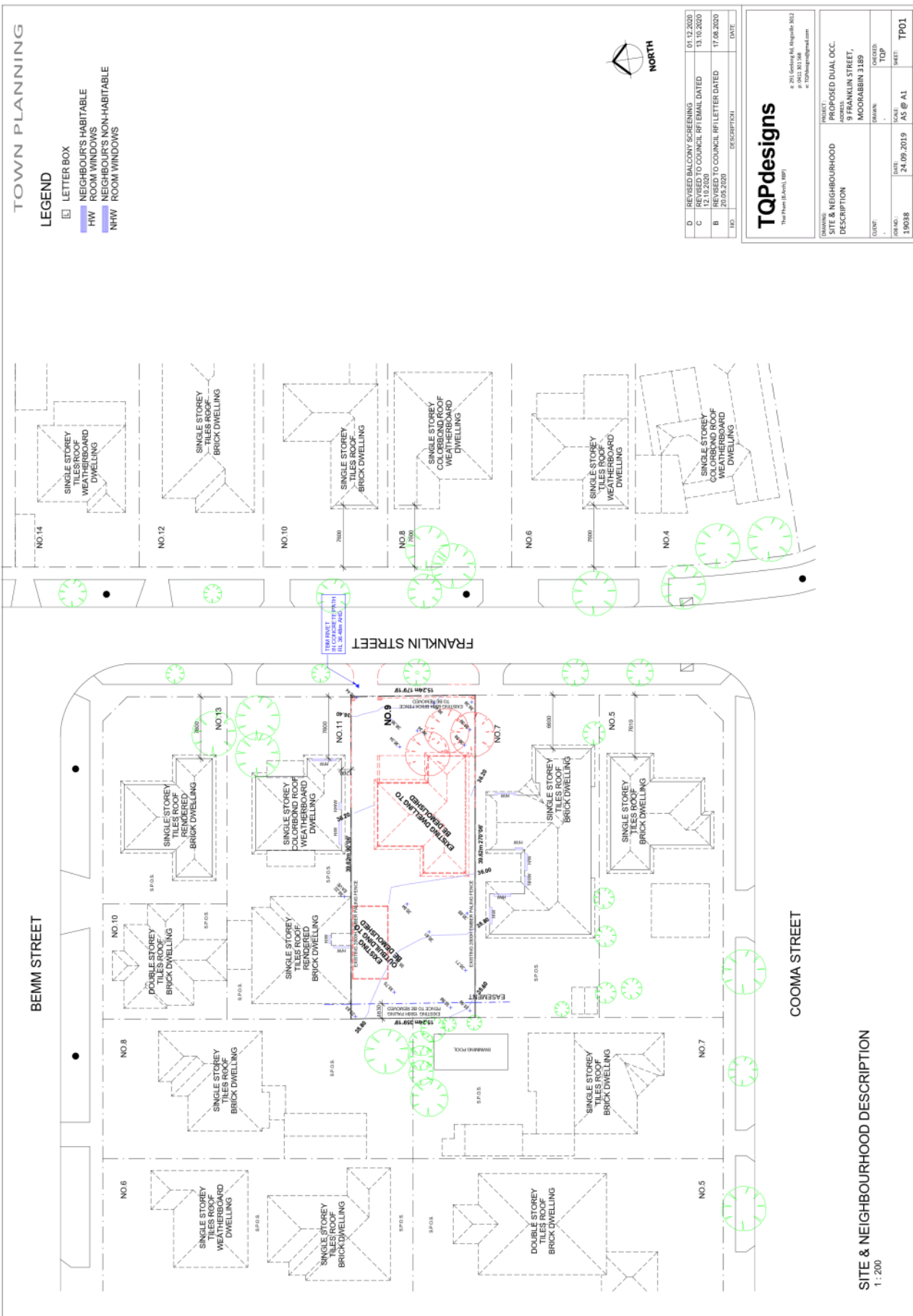
DATE: 24.09.2019

SCALE: AS @ A1

PROJECT NO: TP00

201 Seaboard Rd, Ringlands VIC 3182
 p 0311 951 568
 e tqpdesigns@gmail.com

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TOWN PLANNING

IMPORTANT: THE GRADE CHANGES AT THE PROPERTY BOUNDARY TO BE CONFIRMED AND ENSURED THE TRANSITION DOES NOT EXCEED A MAXIMUM 1:8

IMPORTANT: A MINIMUM GRADE OF 1:200 FOR INDOOR AND 1:100 FOR OUTDOOR PARKING AREAS, GRADED TOWARDS A DISCHARGE POINT FOR DRAINAGE

AREA SCHEDULE

Area Analysis	UNIT 1	UNIT 2	TOTAL
Lot Size	300.38sqm	693.76sqm	994.14sqm
Ground Floor	116.02sqm	116.50sqm	232.52sqm
Garage	25.61sqm	25.61sqm	51.22sqm
Porch	4.20sqm	8.60sqm	12.80sqm
Timber Deck	21.44sqm	21.44sqm	42.88sqm
First Floor	278.89sqm	278.89sqm	557.78sqm
TOTAL AREA	694.94sqm	694.94sqm	1389.88sqm
Building Footprint	141.30sqm	141.30sqm	282.60sqm
Site Coverage			43.92%
Division Area			289.07sqm
% Division Area			43.1%



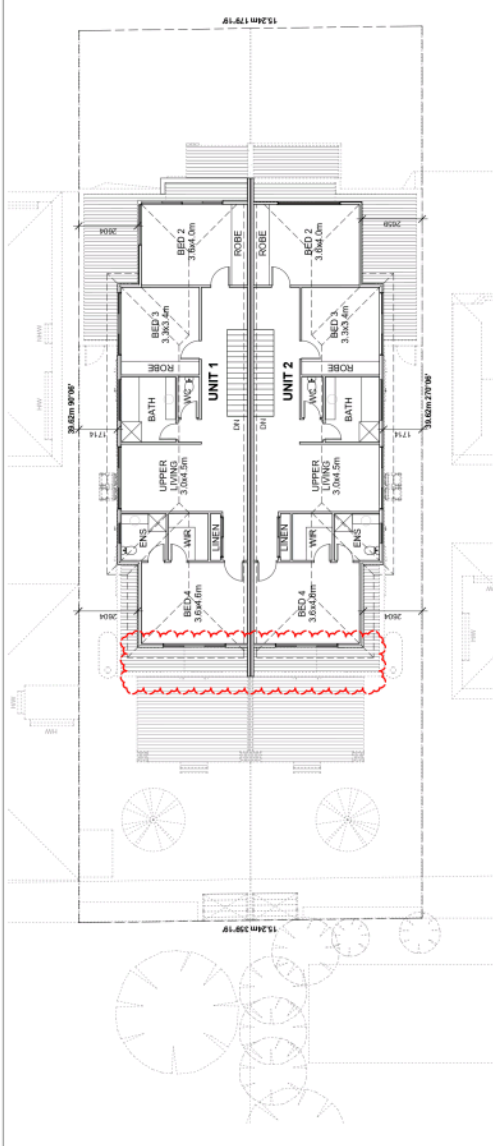
- LEGEND**
- HW HABITABLE ROOM WINDOWS
 - NW NON-HABITABLE ROOM WINDOWS
 - SW SOLAR HOT WATER SYSTEM - SOLAR PANELS TO ROOF FACING NORTH
 - REMOVED BALCONIES
 - REMOVED TERRACES
 - REMOVED TO COUNCIL RFI EMAIL DATED 12.10.2020
 - REMOVED TO COUNCIL RFI LETTER DATED 17.08.2020
 - REMOVED TO COUNCIL RFI LETTER DATED 20.05.2020

NO	DESCRIPTION	DATE
E	REMOVED BALCONIES	18.07.2021
C	REMOVED TERRACES	13.10.2020
B	REMOVED TO COUNCIL RFI EMAIL DATED 12.10.2020	13.10.2020
B	REMOVED TO COUNCIL RFI LETTER DATED 17.08.2020	17.08.2020
B	REMOVED TO COUNCIL RFI LETTER DATED 20.05.2020	20.05.2020

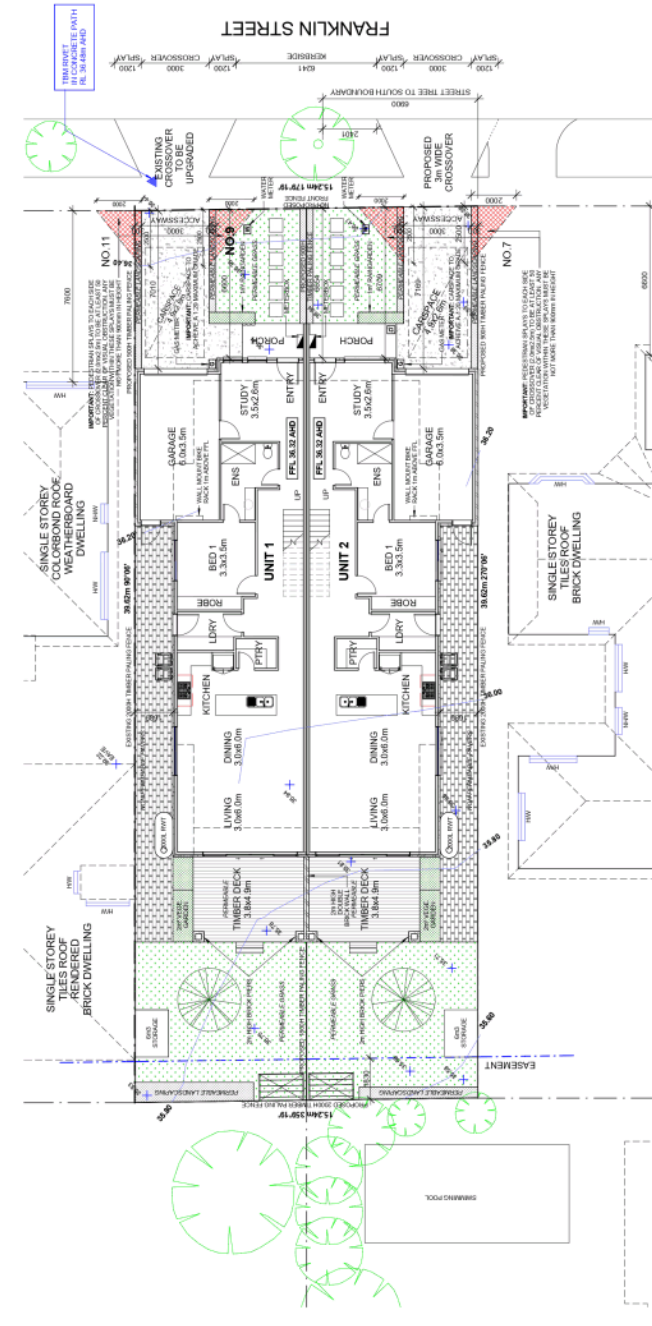
TQPdesigns

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P 0431 851 588
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NO	DATE	SCALE	PROJECT
19038	24.09.2019	AS @ A1	TP03



PROPOSED FIRST FLOOR PLAN
1 : 100



PROPOSED GROUND FLOOR PLAN
1 : 100

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TOWN PLANNING

STORM AREA ASSESSMENT

Site Area 600.76 m²

Unit 1 Total Roof to 2000L Tank (Dark Blue)	81.38 m ²
Unit 2 Total Roof to 2000L Tank (Dark Blue)	81.38 m ²
Unit 1 Total Roof to 1m ³ Front Rain Garden (Red)	84.46 m ²
Unit 2 Total Roof to 1m ³ Front Rain Garden (Red)	84.46 m ²
Unshaded Driveway (Orange)	45.03 m ²
Pavers (Yellow)	50.10 m ²
Total Permeable Area (Green)	148.31 m ²

SITE AREA 600.76 m²
 GARDEN AREA 259.07 m²
 % GARDEN AREA 43.1%

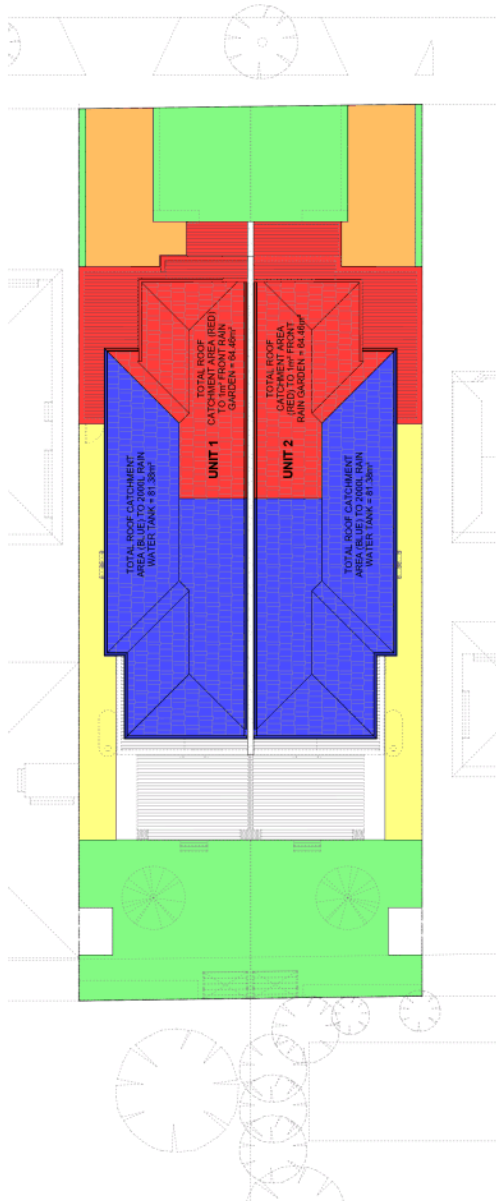


ID	DESCRIPTION	DATE
D	REVISED BALCONY SCREENING	04.12.2020
C	REVISED TO COUNCIL REFERRAL DATED	13.10.2020
B	REVISED TO COUNCIL REF LETTER DATED	17.08.2020
A	20/02/2020	

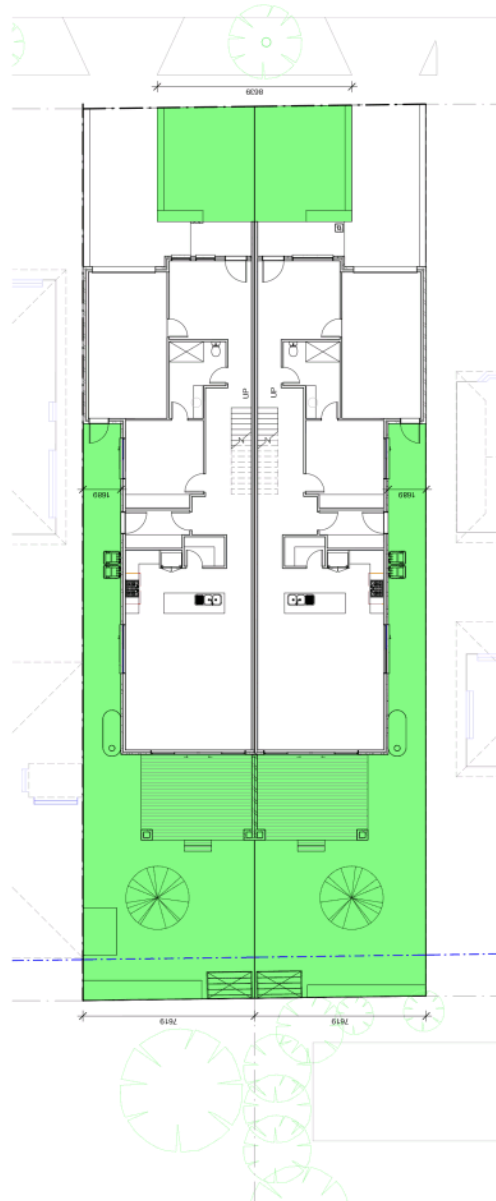
TQPdesigns

1/100
 201 Galloway Rd, Ringwood VIC 3113
 p 0311 951 568
 e tqpdesigns@gmail.com

DRAWING: PROPOSED DUAL OCC. STORM & GARDEN AREA PLANS		PROJECT: 9 FRANKLIN STREET, MOORABBIN 3189	
CLIENT: 190388	DATE: 24.09.2019	DRAWN: AS @ A1	SCALE: TP04



PROPOSED STORM PLAN
1:100



GARDEN AREA PLAN
1:100

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EAST ELEVATION
1:100



NORTH ELEVATION
1:100



WEST ELEVATION
1:100



SOUTH ELEVATION
1:100

EXTERNAL FINISHES SCHEDULE

KEY	MATERIAL	LOCATION	PRODUCT/COLOR	SAMPLE
B	FACE BRICK	GROUND FLOOR EXTERNAL WALLS	AUSTRIAN BRICKS: ELAN - SHARROW	[Sample]
R1	RENDER	GROUND FLOOR WALLS	DULUX: BARK	[Sample]
R2	RENDER	FIRST FLOOR WALLS	DULUX: WOOD WHITE	[Sample]
P	HORIZONTAL TIMBER CLADDING	FIRST FLOOR WALLS	BONAL: 150x30x6 SHIMONAL RANGE SPOILED GUM	[Sample]
T	ROOF TILES	ROOF	BONAL: ROOF TILES SHIMONAL RANGE SHIMONAL	[Sample]
G	COLORBOND	CHANGE DOOR	COLORBOND: GUNA	[Sample]
F	COLORBOND	ALUMINIUM FRAMED WINDOWS & DOORS	COLORBOND: ALUMINIUM FRAMED WINDOWS & DOORS	[Sample]

NO	DESCRIPTION	DATE
E	REMOVED BALCONIES	18.07.2021
F	REVISIONS	13.10.2020
C	REVISED TO COUNCIL REF LATTER DATED	13.10.2020
B	REVISED TO COUNCIL REF LATTER DATED	17.08.2020
A	20/05/2020	20/05/2020



FRANKLIN STREET STREETScape
1:200

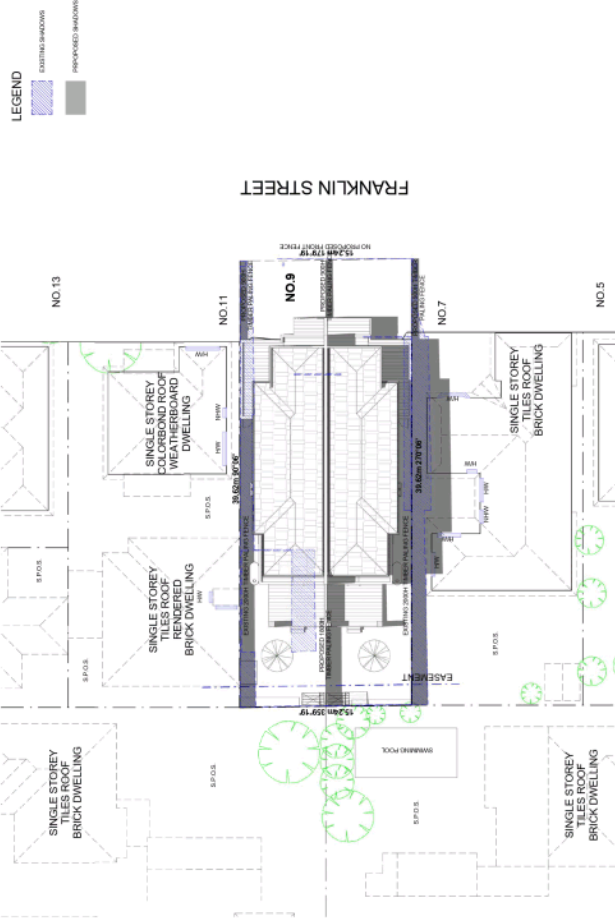
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PROJECT: PROPOSED DUAL OCC.
ADDRESS: 9 FRANKLIN STREET, MOORABBIN 3189

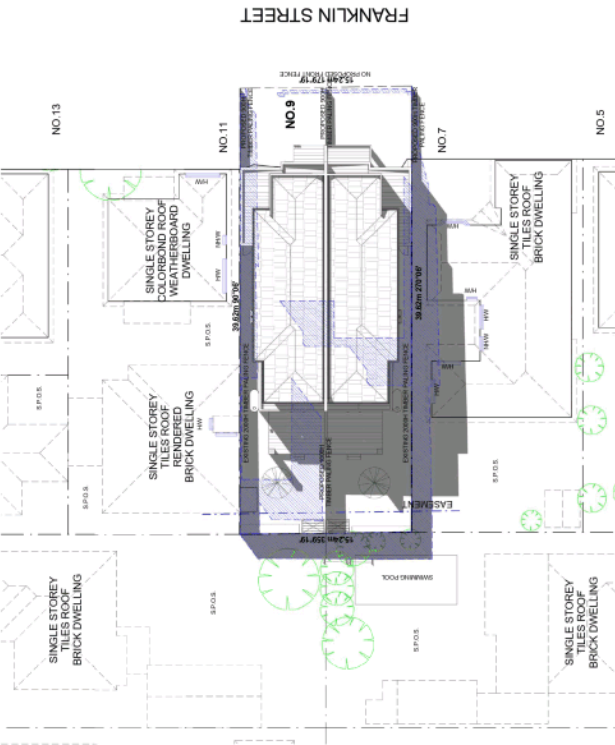
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DATE: 24.09.2019
SCALE: AS @ A1
SHEET: TP05

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TOWN PLANNING



22ND SEP 12PM SHADOW DIAGRAM
1 : 200



22ND SEP 9AM SHADOW DIAGRAM
1 : 200



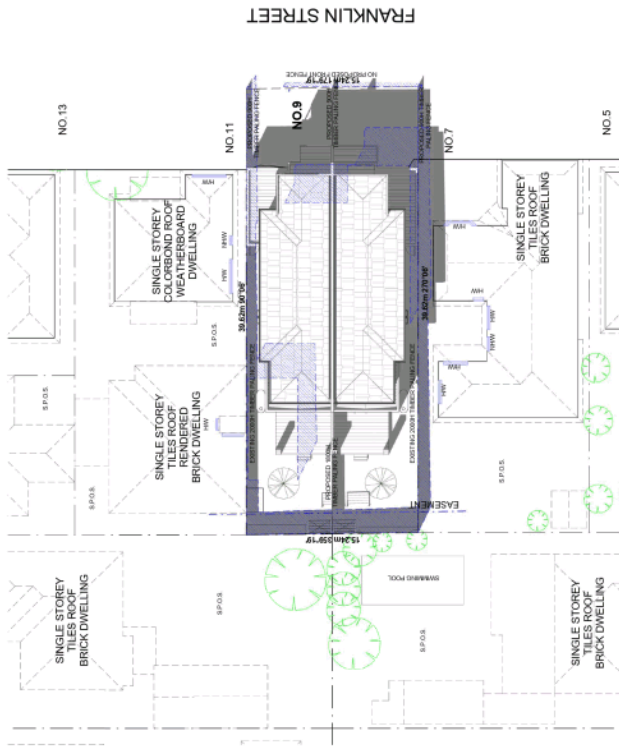
NO	DESCRIPTION	DATE
D	RE-USED BALCONY SCREENING	01.12.2020
C	REVISED TO COUNCIL REFERRAL DATED	13.10.2020
B	REVISED TO COUNCIL REF LETTER DATED	17.08.2020
A	20/09/2019	20/09/2019

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DRAWING: SHADOW DIAGRAMS	PROJECT: PROPOSED DUAL OCC. ADDRESS: 9 FRANKLIN STREET, MOORABBIN 3189
CLIENT: 19038	DATE: 24.09.2019
SCALE: AS @ A1	SHEET: TP06

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TOWN PLANNING



22ND SEP 3PM SHADOW DIAGRAM
1:200



NO	DESCRIPTION	DATE
D	REVISED BALCONY SCREENING	01.12.2020
C	REVISED TO COUNCIL REFERRAL DATED	11.10.2020
B	REVISED TO COUNCIL REF LETTER DATED	17.08.2020
A	20/09/2019	

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PROJECT: PROPOSED DUAL OCC.
 9 FRANKLIN STREET,
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CLIENT: [REDACTED]
DATE: 24.09.2019
SCALE: AS @ A1
STATUS: TOP
PROJECT: TP07

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Planning Committee Meeting

17 March 2021

Agenda Item No: 4.4

KP-2016/1078/B - 13-15 CHESTERVILLE ROAD, CHELTENHAM

Contact Officer: Nikolas Muhllechner, Planning Appeals Coordinator

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application No. KP-2016/1078/B - 13-15 Chesterville Road, 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 an amended planning permit for the construction of an eleven (11) storey mixed use building comprising 120 dwellings, five (5) offices and a reduction in the car parking requirement at 13-15 Chesterville Road, Cheltenham, subject to the conditions contained within this report.

This application requires a decision by Council as it was called in by Councillor Davey-Burns

**City of Kingston
Planning Committee Meeting**

Agenda

17 March 2021

EXECUTIVE SUMMARY	
Address	13-15 Chesterville Road, Cheltenham
Legal Description	Land in Plan of Consolidation 108757
Applicant	16 Dover Pty Ltd
Planning Officer	Nikolas Muhllechner
PLANNING REQUIREMENTS	
Planning Scheme	Kingston
Zoning	Clause 34.01 – Commercial 1 Zone
Overlays	None
Particular Provisions	Clause 52.06 – Car Parking Clause 52.34 – Bicycle Facilities Clause 58 – Apartment Developments
Permit Trigger/s	Clause 34.01-4 – To construct a building or construct or carry out works. Clause 52.06-3 – To reduce the number of car parking spaces required under Clause 52.06-5.
APPLICATION / PROCESS	
Permit Allows	The construction of a ten storey mixed use building comprising up to ninety-three (93) dwellings and five (5) offices.
Proposed Amendments	<ul style="list-style-type: none"> - The construction of an eleven (11) storey mixed use building comprising 120 dwellings, five (5) offices and a reduction in the car parking requirement. - Update Permit pre-amble (what the Permit allows) - Deletion/insertion of new conditions <p>Refer to Section 4 of this report for a detailed list of the proposed amendments.</p>
Reference No.	KP-2016/1078/B
App. Received	9 December 2020
Site Inspection	14 December 2020
S.52 Advertising	Commenced: 8 January 2021
S.55 Referrals	NA
Internal Referrals	Traffic engineer Construction management Roads and drains Waste management officer Development approvals engineer Activity centres officer Urban design advisor Sustainable design advisor
Objection(s)	Two (TRIM checked on 18 February 2021)
LEGISLATIVE	
Covenant/Other Restriction	No Complies: NA
Aboriginal Cultural Sensitivity Area	Yes
CHMP	No, significant ground disturbance demonstrated.
Considered Plans	TP01E, TP01F, TP02-TP21 and TP800-TP803, prepared by Pitard Group, dated November 2020, revision O.

1. SITE HISTORY

- 1.1 Planning permit KP-2016/1078 was considered at the Planning Committee meeting on 13 December 2017, where the committee determined to support the grant of the planning permit. Subsequently, the planning permit was issued on 25 January 2018 and allowed the construction of a ten storey mixed use building comprising up to ninety-three (93) dwellings, five (5) offices and a reduction in the car parking requirement.
- 1.2 The planning permit was corrected under Section 71 of the Planning and Environment Act 1987 on 24 May 2018, correcting the permit preamble and planning permit conditions relating to stormwater drainage.
- 1.3 A Section 72 amendment application was lodged with Council on 26 July 2018 and ultimately approved on 7 June 2019. The following changes were approved as part of this amendment application:
- The building setback 2.5 metres from the western and part of the southern boundary at the basement, ground, first and second floors.
 - Offices G.01 and G.02 consolidated into one tenancy.
 - A second fire stair incorporated into the design with consequential changes to the car parking layout, office layout and size of the communal gym. Apartment 4.13 on each level has been reduced from a two-bedroom apartment to a one-bedroom apartment.
 - The first floor setback from the southern boundary reduced from 4.5 metres to between 2.5 metres and zero.
 - The floor area of office 1.01 increased from 532 square metres to 767 square metres.
 - The floor area of office on the second floor reduced from 1,242 square metres to 1,165 square metres and split into two tenancies.
 - The second floor setback from the southern boundary for a length of 10.5 metres has been reduced in part to zero.
 - The overall height of the building increased by 480mm from 74.5 metres AHD to 74.98 metres AHD.
 - The basement redesigned to accommodate the western setback and the setback to Chesterville Road has been reduced to zero. The landscaping along this frontage is now proposed within a 2.1 metre wide by 1 metre deep planter box.
 - Services such as gas meters, fire hydrant and fire pump room and water pump have been detailed.
 - The bin store and bike store rooms amended.
 - Car parking rates have been amended in accordance with the current Clause 52.06 requirements.
 - Conditions 1(c) and (e) deleted.
 - Preamble amended to read 'develop the land for the construction of a ten storey mixed use building comprising up to ninety-three (93) dwellings and five (5) offices.'
- 1.4 A request for an extension of time to commence the development was submitted to Council on 9 December 2020. This request was approved and the development must now commence by 25 January 2022 and be completed by 25 January 2023.
- 1.5 The proposed changes sought under the current Section 72 amendment application do not undermine any agreement or offer put forward by the permit applicant during the consideration of the previous applications.

2. SUBJECT LAND

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



Image 1: View of the subject site from the eastern side of Chesterville Road (14 December 2020).

Built form	The subject site is currently vacant. A two storey commercial building surrounded by at-grade car parking previously occupied the site.		
Lot Size (m²)	2,332 square metres	Dimensions	Width: 40.23 metres Depth: 64.63 metres
Topography	The land is generally flat.		
Fencing	None relevant. Hoarding currently surrounds the two frontages of the site.		
Vegetation	Void of any significant vegetation.		
Easement(s)	None.		
Footpath assets / access	One (1) existing crossover providing vehicle access onto Chesterville Road and two (2) existing crossovers onto Jamieson Street. Power poles and service pits are located along both street frontages.		

3. SURROUNDING LAND

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

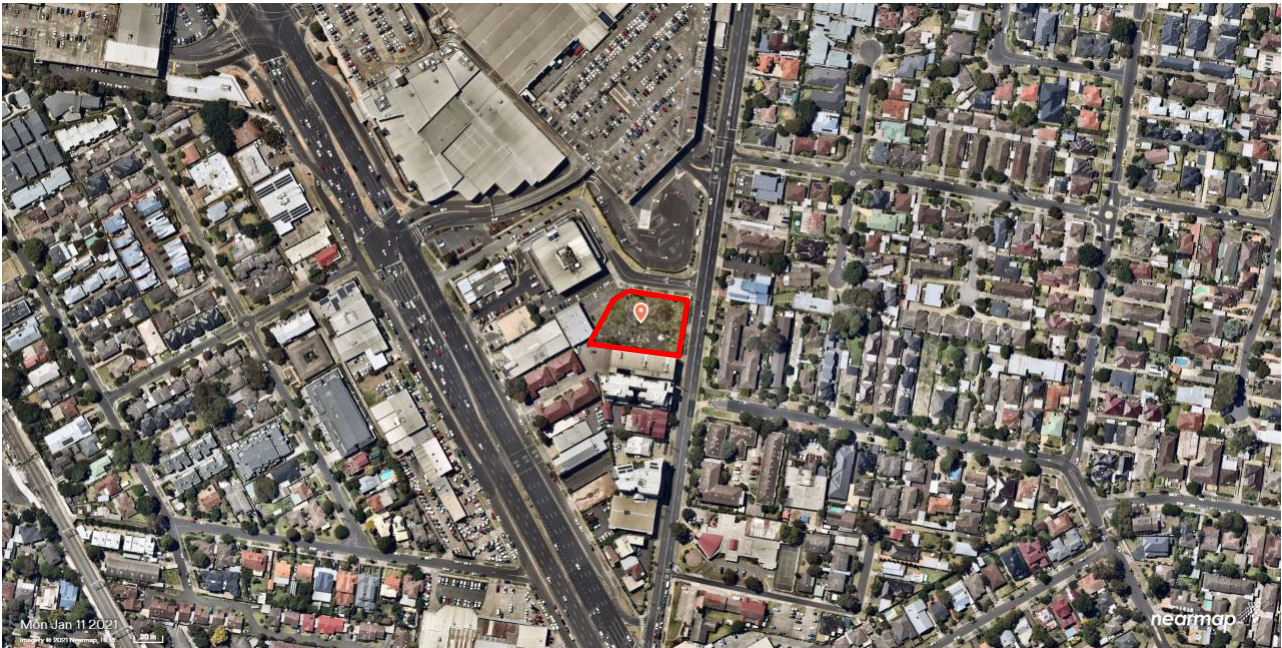


Image 2: Aerial view of the site and surrounds (11 January 2021, NearMap).

North	To the immediate north is Jamieson Street, a local east-west street that links between Chesterville Road and Nepean Highway. To the north of Jamieson Street is an at-grade car parking area associated with the Southland shopping Centre further north.
East	To the east of the subject site is Chesterville Road, a main north-south arterial road with two lanes of traffic in each direction. On the eastern side of Chesterville Road, opposite the subject site, is medical centre and a retirement village. The western envelope of the retirement village building is set back approximately 7 metres from the Chesterville Road boundary
South	Land to the immediate south of the subject site, at 11 Chesterville Road, contains a three storey office building, with at-grade car parking located to the rear. Further south at 9 Chesterville Road is a five storey mixed-use building with an office on the ground floor and apartments above. Further south, at 3 Chesterville Road, is a six storey mixed use building containing offices and dwellings. To the rear of the six storey building, at 1261 Nepean Highway, Cheltenham, a planning permit has been issued (KP-2015/462) allowing the development of the land for an eight (8) storey apartment building standing at maximum height of approximately 29 metres.
West	To the immediate west of the subject site, at 12 Jamieson Street, is a two storey office building, with at-grade car parking along the western boundary of the subject site. Further north-west of the subject site is a four storey office building on the south-western side of Jamieson Street.
Describe Neighbourhood Character	Located within the Southland major activity centre, the surrounding area encompasses a mix of land uses and development types. Primarily, surrounding land consists of commercial uses within the Commercial 1 Zone, with the exception of land on the eastern side of Chesterville Road which is located within the General Residential Zone. The site is within close proximity to both the Southland and Cheltenham railway stations, approximately 640 metres away to the north-west and 700 metres away to the south, respectively.

4. PROPOSAL

4.1 A summary of the proposed amendments sought in this Section 72 amendment application is provided below:

- Increase the height of the proposed building from ten (10) storeys and 36.204 metres to eleven storeys and 39.384 metres, an increase of 3.18 metres.
- Increase the number of apartments from ninety-three (93) originally approved, consisting of nineteen (19) one-bedroom apartments, seventy-two (72) two-bedroom apartments and two (2) three-bedroom apartments to 120, consisting of sixty-nine (69) one-bedroom apartments and fifty-one (51) two-bedroom apartments.
- Internal rearrangements to accommodate the change in dwelling types.
- Minor variations to the third floor setbacks, including:
 - A slight reduction in the southern setback of the resident lounge to 4.7 metres and increase in its envelope.
 - The western boundary setbacks of apartments 3.01 and 3.02 reduced slightly with the balcony setback of 2.5 metres remaining unchanged.
 - Changes to the building envelope on the northern and eastern sides of the building, however minimum setbacks are not reduced.
- The proposal adopts an identical floorplan and footprint across the fourth to ninth floors and the floorplate has been reconfigured to provide sixteen (16) apartments per floor. Changes to the building envelope at these levels can generally be described as:
 - Reduction in the western setback of apartments 4.01 to 9.01 and 4.02 to 9.02 by between 1 to 1.5 metres.
 - Repositioning of the north facing light court for saddleback windows.
 - Increase in the balcony setback from the southern boundary of apartments 4.11 to 9.11 and apartments 4.14 to 9.14 by 500mm.
 - Southern setback of apartments 4.15 to 9.15 is reduced by approximately 380mm.
- Reduce the total office floor area from 2,299 square metres to 2,216 square metres.
- Reduce the number of car parking spaces provided on site from 163 spaces to 162 spaces, resulting in a further reduction in the car parking requirement sought.
- A reduction in the communal space provided, with the internal communal space reduced from 220 square metres to 151 square metres and the external communal space reduced from 104 square metres to 82 square metres.
- An additional lift core added to service the office levels, with the two main lift cores to service the residential levels of the building.
- Various minor amendments to the car parking layout, common area layout and layout of services.
- Update the planning permit pre-amble (what the permit allows).
- Deletion/insertion of new planning permit conditions.

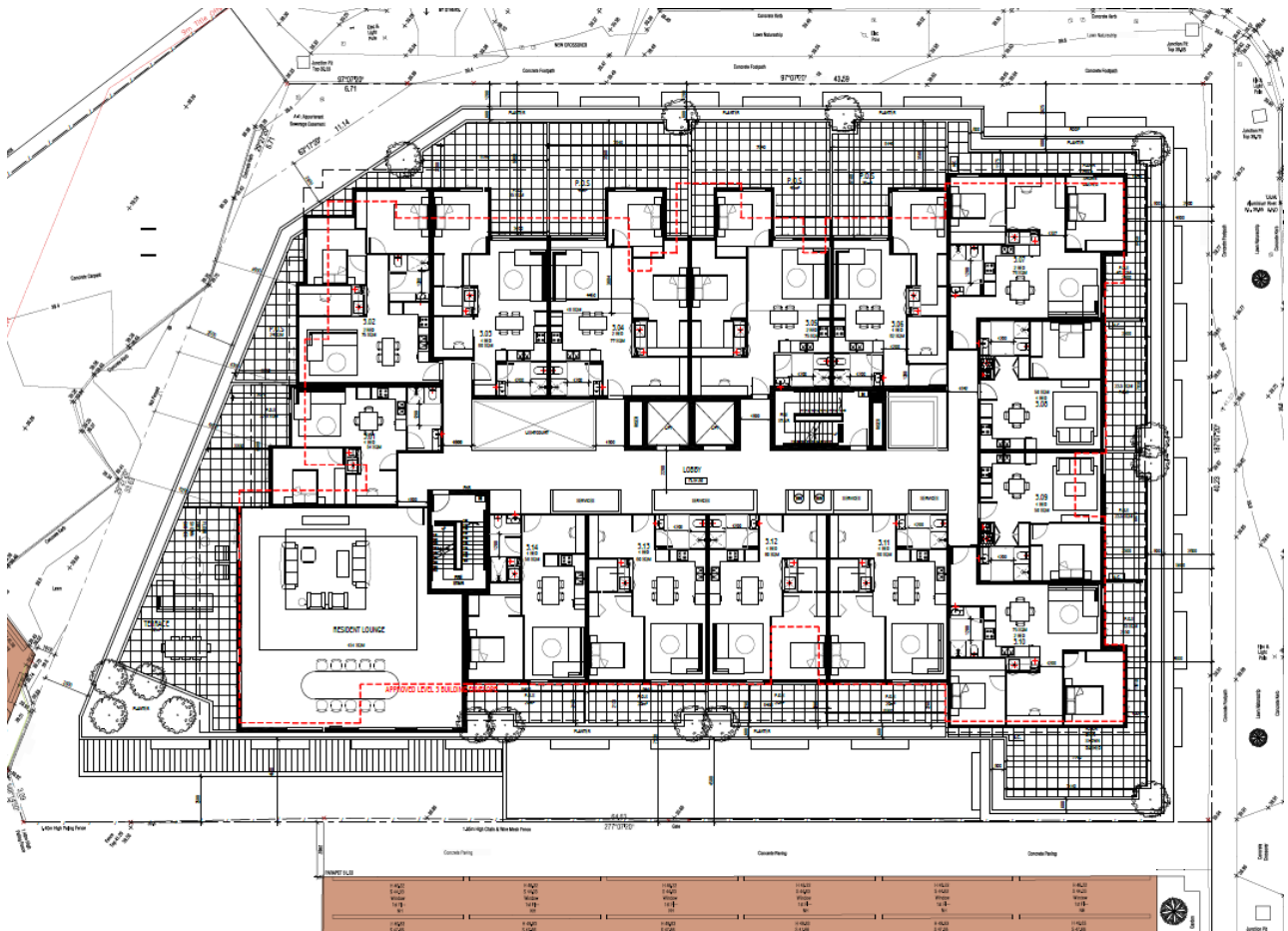


Image 3: Proposed third floor layout with the red dashed line showing the approved envelope.

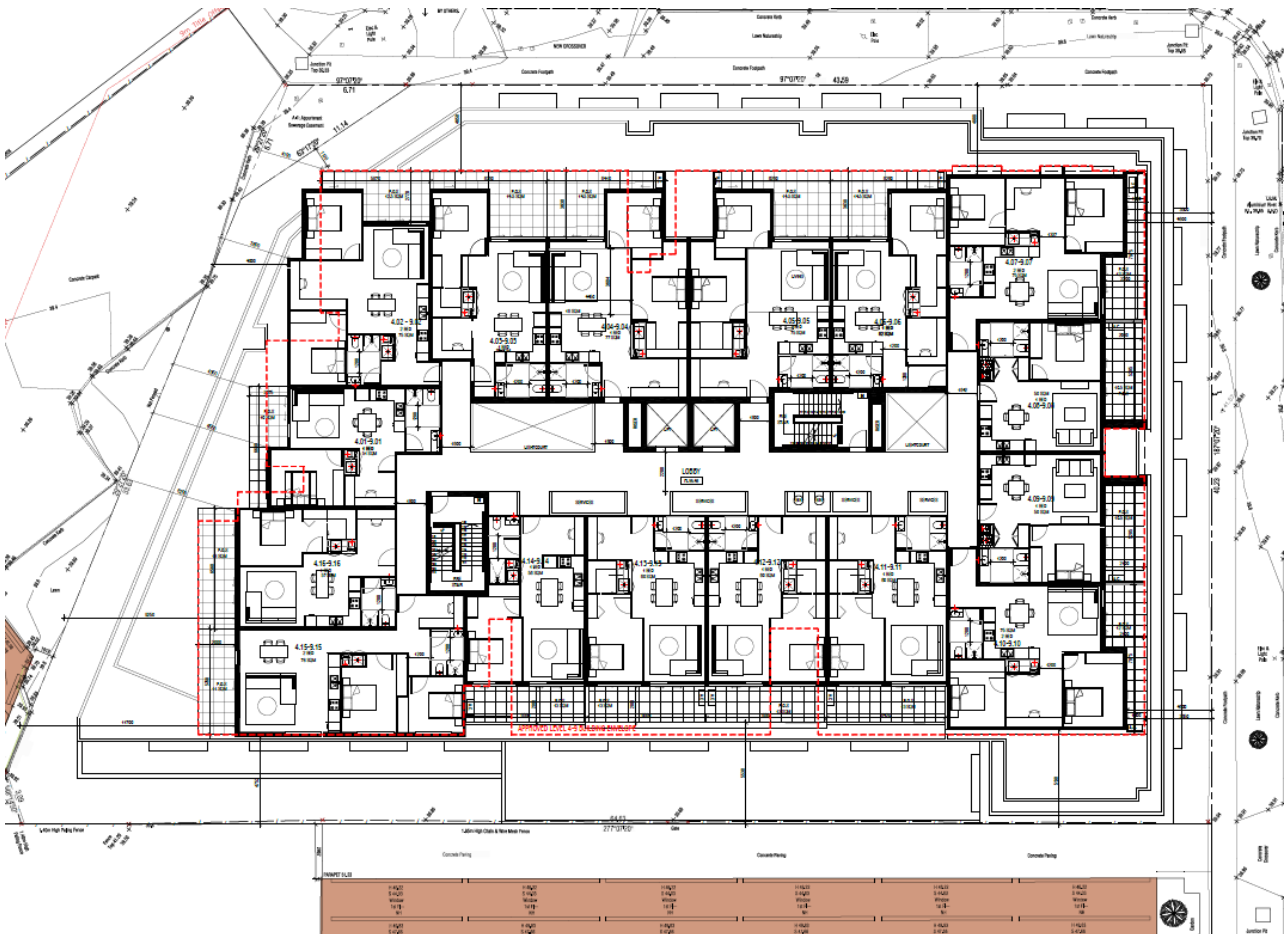


Image 4: Proposed fourth to ninth floors layout with the red dashed line showing the approved envelope.

5. PLANNING CONTROLS

Zone / Overlay / Particular Provisions	Rationale
Clause 34.01 – Commercial 1 Zone	The proposal accords with the purpose of the zone by providing a multi-level mixed use development that will provide residential uses at a density that is complementary to the role and scale of the Southland major activity centre.
Clause 52.06 – Car Parking	<p>The following car parking rates apply:</p> <ul style="list-style-type: none"> ▪ One (1) car parking space to each one or two-bedroom dwelling. ▪ Three (3) car parking spaces to each 100 square metres of leasable floor area for office. <p>This equates to a car parking requirement of 186 car parking spaces, comprising:</p> <ul style="list-style-type: none"> ▪ 120 car parking spaces for the apartments. ▪ Sixty-six (66) car parking spaces for the offices. <p>The car parking requirements for the two-bedroom apartments and the office space meets the requirements of Clause 52.06-5. However, the car parking spaces for the one-bedroom apartments falls twenty-four (24) spaces short of the requirement. Therefore, this amendment application seeks a reduction of twenty-four (24) car parking spaces.</p>

Zone / Overlay / Particular Provisions	Rationale
	As discussed in more detail in the assessment section of this report, the car parking and traffic impacts of the proposed development are considered acceptable.
52.34 Bicycle Facilities	The amendment application has a bicycle parking requirement of forty-five (45) bicycle parking spaces. As a total of seventy-nine bicycle parking spaces are proposed on-site, the bicycle parking requirement has been met.
Clause 58 – Apartment Developments	<p>Clause 58 applies to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if the apartment development is in the Commercial 1 Zone.</p> <p>However, pursuant to the transitional provisions found at Clause 34.01-4, Clause 58 does not apply to an application for an amendment of a planning permit under Section 72 of the Act, if the original planning permit application was lodged before the approval date of Planning Scheme Amendment VC136. VC136 was approved on 13 April 2017 and the original planning permit application was lodged in December 2016. Therefore, Clause 58 does not apply to this amendment application.</p> <p>Clause 58 has, however, been used as an assessment measure for this amendment application and has been found to be largely compliant with the relevant standards and objectives. A detailed assessment against the provisions of Clause 58 is provided within the assessment section of this report.</p>

**6. POLICY CONSIDERATIONS
Planning Policy Framework**

- 6.1 The Planning Policy Framework sets out the relevant state-wide policies for mixed-use developments at **Clause 11** (Settlement), **Clause 13** (Environmental Risks and Amenity), **Clause 15** (Built Environment and Heritage), **Clause 16** (Housing) and **Clause 17** (Economic Development). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by ‘Plan Melbourne 2017-2050: Metropolitan Planning Strategy’ (Department of Environment, Land, Water and Planning, 2017).
- 6.2 **Clause 11** seeks to ensure planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- 6.3 More broadly, planning is to prevent environmental and amenity problems created by siting incompatible land uses close together. Planning is also to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- 6.4 **Clause 11.01-1R** seeks to develop a network of activity centres linked by transport, consisting of metropolitan activity centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function, as well as create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.

- 6.5 **Clause 11.03-1S** encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies include to build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres.
- 6.6 **Clause 13** (Environmental Risks and Amenity) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.
- 6.7 Specifically, **Clause 13.05-1S** seeks to assist the control of noise on sensitive land uses and **Clause 13.07-1S** aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site amenity impacts.
- 6.8 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 6.9 **Clause 15.01-1S** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity, while **Clause 15.01-2S** aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- 6.10 **Clause 15.01-4S** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing and, more specifically, **Clause 15.01-4R** aims to create a city of twenty minute neighbourhoods, that give people the ability to meet most of their everyday needs within a twenty minute walk, cycle or local public transport trip from their home. **Clause 15.01-5S** seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- 6.11 The provisions of **Clause 15.02-1S** encourages land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. Strategies to achieve this include improving the energy, water and waste performance of buildings through environmentally sustainable development, promote consolidation of urban development and integration of land use and transport, support low energy forms of transport such as walking and cycling and reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- 6.12 **Clause 15.03-2S** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of aboriginal cultural heritage significance. Importantly, the subject site **is** identified in an area of aboriginal cultural heritage sensitivity. However, the permit applicant has sufficiently demonstrated that significant ground disturbance has already occurred on the land. Therefore, it has been established that the proposed activity is **exempt** from requiring a cultural heritage management plan.
- 6.13 Housing objectives are further advanced at **Clause 16** which seek to encourage increased diversity in housing. **Clause 16.01-1S** seeks to facilitate well-located, integrated and diverse housing that meets community needs. **Clause 16.01-1R** specifically requires consideration of population growth in locations that are considered major and neighbourhood activity centres, especially those with good public transport connections.

- 6.14 **Clause 16.01-2S** aims to deliver more affordable housing closer to jobs, transport and services. Strategies to achieve this include increasing the supply of well-located, affordable housing by facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- 6.15 **Clause 17** (Economic Development) strives to provide a strong and innovative economy with policy objectives focused on diversification, improving accessibility to employment opportunities and providing development that meets the community's needs for retail, entertainment, office and other commercial services.
- 6.16 **Clause 18** (Transport) expects that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe. **Clause 18.01-1S** furthers these expectations by aiming to create a safe and sustainable transport system by integrating land use and transport.
- 6.17 **Clause 18.02-1S** seeks to promote the use of sustainable transport, while **Clause 18.02-4S** aims to ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework

- 6.18 At **Clause 21.02-1** of Council's Municipal Strategic Statement, policy seeks to direct the location of new urban growth and development to deliver a sustainable urban form and to consolidate urban form. **Clause 21.02-3** aims to protect and strengthen the hierarchy of activity centres within Kingston and to reinforce the different built form character and function of activity centres consistent with their position in the activity centre hierarchy. Southland is identified as a major activity centre, where the strategic directions include:
- Reinforce the role of the centre in the activity centre hierarchy through:
 - Transport improvements including a public transport interchange.
 - Seeking opportunities to diversify the exiting land use mix.
 - Improving integration between the existing regional shopping centre and the adjacent substantial open space area, the Cheltenham major activity centre and the Bayside employment precinct.
- 6.19 **Clause 21.04-3** seeks to minimise the impacts of transport related noise on residential amenity, with strategies including appropriate noise attenuation measures in new dwellings and other noise sensitive buildings that are close to existing noise sources.
- 6.20 **Clause 21.06-1** (Urban Environment) aims to project a positive image of the city through a high standard of urban design, to improve pedestrian safety, circulation and access and to achieve high standards of amenity both within new development, and with adjoining development. **Clause 21.06-3** aims to promote environmentally sustainable development.
- 6.21 In relation to housing, **Clause 21.07-1** seeks to provide a range of housing types across the municipality taking account of the differential capacity of local areas to accommodate different types and rates of housing change, to manage the interface between residential development and adjoining or nearby sensitive and strategic land uses and to ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. The policy notes the increased role of activity centres in providing for housing at higher densities, particularly in the form of shop-top housing, apartments and mixed-use developments.
- 6.22 Further, **Clause 21.07-1** also seeks to recognise and respond to special housing needs within the community. Strategies to assist in achieving this include:

- *Support opportunities for the innovative provision of housing specific to housing needs not well catered for in the mainstream housing market such as aged accommodation and housing for low income groups.*
- *Integrate the provision of aged and low cost accommodation within residential neighbourhoods to ensure linkages with the general community and social networks and to avoid physically or socially isolating people.*
- *Support the provision of affordable housing, including low cost rental accommodation, particularly in areas designated for increased housing diversity.*

6.23 **Clause 21.08-1** (Commercial) calls for the protection of the retail role and function of activity centres. **Clause 21.09-2** seeks to support and promote sustainable personal transport, while **Clause 21.09-4** aims to encourage reduced reliance on car parking provision in Kingston.

6.24 **Clause 21.11-1** (Southland Activity Centre) details the implementation strategies that relate to the Southland activity centre. The policy notes that the Southland activity centre provides the major regional focus for retail and entertainment activity within the municipality. It is anticipated that in the future it will play a further diversified role. The relevant objectives include:

- *To provide clear direction for land use and development within each precinct forming part of the Southland activity centre.*
- *To recognise the regional role of the Southland activity centre as a focus for regional office and retailing activities within Kingston's commercial centre hierarchy.*
- *To promote the restructuring of the built environment of the centre, through improved linkages and pedestrian networks, clustering of like functions, improved management of car parking and traffic management, integrated tree planting and landscaping, and high quality urban design in the built form.*
- *To encourage the consolidation and renewal of the built form through the redevelopment of key sites within the centre for innovative medium density housing.*
- *To encourage medium density residential development in areas around the centre with a mixture of accommodation types and building scales.*
- *To encourage the aggregation of sites as a means of providing greater flexibility for the design of higher density housing.*

6.25 Further, relevant strategies to achieve the objectives of **Clause 21.11-1** include:

- *Develop precincts within the activity centre for a range of retail, office, commercial, restricted retail, community services, medical, entertainment, and medium to higher density residential purposes.*
- *Ensure that the visual and physical presentation particularly along the Nepean Highway reinforces the regional significance of the activity centre through contemporary urban design and landscaped themes.*
- *Require new buildings to reflect the scale, bulk and height of the local context and character of surrounding buildings.*
- *Incorporate landscape and urban design themes into new development to enhance the visual amenity of the centre.*
- *Provide adequate on-site car parking.*
- *Encourage medium density residential development within the surrounding precincts to the centre, so as to maximise the use of the available public transport in the area and promote the viability of local shopping facilities.*

6.26 More specifically, the subject site is located within the mixed use (office and medical) precinct of the activity centre. Specific strategies to achieve the objectives within this precinct include:

- *Provide office and medical functions that complement the regional retailing focus provided by the Southland shopping centre. Discourage traditional retailing including peripheral sales activity in this area.*

- Enhance the visual, landscape and pedestrian amenity of the area by encouraging consistency in building setbacks of at least 5 metres on land with frontage to Nepean Highway and at least 2 metres on land with frontage to Chesterville Road and Jamieson Street. Reductions in setbacks will be supported only where an exceptional design response can be demonstrated.

6.27 **Clause 22.13** (Environmentally Sustainable Development) applies throughout the City of Kingston to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

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

General Provisions

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

7. INTERNAL REFERRALS

7.1 The application was referred to the following Council departments for comment:

Department / Area	Comments / Rationale / Recommended Conditions
Traffic Engineer	Raised objection to the reduction in the car parking for the one-bedroom dwellings. A detailed assessment of the car parking provision is provided in the assessment section of this report.
Construction Management	No objection raised, subject to conditions included on any planning permit issued requiring the submission of a construction management plan. It is noted that a condition of the current planning permit already requires the submission of a construction management plan and this condition is not proposed to be deleted.
Roads and Drains	No objection raised, subject to conditions included on any planning permit issued. It is noted that the recommended conditions are already included on the current planning permit, where relevant, and are not proposed to be deleted.
Waste Management Officer	No objection raised, subject to conditions included on any permit issued relating to the submission of a waste management plan.
Development Advice Engineer	No objection raised, subject to correcting condition 3(d) to make it clear a stormwater quality in-lieu contribution is an alternative option. Condition 3(d) contained within the recommendation section of this report has been amended to reflect this correction.
Activity Centres Officer	No objection raised.
Urban Design Advisor	No significant concerns given the very minor change to the scheme for which the approval already exists. Indeed, the modifications to the rising form refine and simplify the façade to good effect and the setback top level aids in providing a better proportioned three dimensional form and overall improved presentation. Any reduction of communal space is very regrettable, especially as the number of apartments is increasing.

Sustainable Design Advisor	<p>No objection raised, subject to conditions included on any permit issued relating to thermal performance rating, heating and cooling systems, water efficiency, clothes drying, renewable energy systems, daylight access, electric vehicle infrastructure and balcony services. Conditions contained within the recommendation section of this report ensure these issues are addressed, where relevant.</p> <p>It is noted that concern was raised that the development does not achieve the minimum 50 per cent score in BESS for water efficiency. The applicant has paid the stormwater quality in-lieu contribution (\$34,661) which cannot be entered into the BESS assessment and therefore is not reflected in the BESS score for water efficiency.</p>
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8. EXTRERNAL REFERRALS

8.1 This amendment application was referred to the following external referral authority for comment:

Department	Section 52/55	Determining / Recommending	Objection	Comments
Moorabbin Airport Corporation	52	NA	NA	No comment received.

8.2 It is noted that the original application was referred to VicRoads and Public Transport Victoria (both now Transport for Victoria). As both authorities had no objection to the original application, subject to conditions, and those conditions remain on the planning permit, this amendment application was not referred back to Transport for Victoria for further comment.

8.3 It is also noted that whilst Moorabbin Airport Corporation did not provide comment on this amendment application, the condition required by Moorabbin Airport Corporation as part of the original application remains on the planning permit and is not proposed to be deleted.

9. OBJECTIONS

9.1 This amendment application was advertised pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* and two (2) objections were received. All objections remain outstanding at the time of writing this report. The following concerns were raised:

- Out of character and overall height.
- Overshadowing.
- Wind tunnel effects.
- Lack of car parking.

9.2 In accordance with Council’s Planning Consultation Meeting Policy, no meeting was required as only two (2) objections to the amendment application were received. The objector concerns were unable to be resolved, and the objections still stand.

**10. ASSESSMENT
Strategic Justification**

10.1 The subject site is located within the Commercial 1 Zone. Relevantly, the purpose of the zone includes to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

10.2 The subject site is also located within the Southland major activity centre. Policy objectives at Clause 21.07-1 seek to direct new medium density housing to activity centres with good

access to public transport routes and deliver increased housing densities and diversity of dwellings within activity centres.

- 10.3 The proposed amendment, including one (1) additional floor and twenty-seven (27) additional apartments across an eleven (11) storey building in the Southland major activity centre on land within the Commercial 1 Zone, is therefore supported by the broader policy objectives for urban consolidation. The subject site is well located to take advantage of a range of facilities, such as public transport and the range of services and facilities concentrated in the Southland major activity centre.
- 10.4 It is an important consideration in this amendment application that the driver behind the amendments sought is to use the residential component of the building as social and affordable housing. The permit applicant has partnered with the National Affordable Housing Consortium (NAHC) to develop and deliver this development. The NAHC is a registered housing provider and a not for profit organisation and will own and manage the completed residential apartments.
- 10.5 It is acknowledged that to a degree the appropriateness of the amendments is determined by the social and net community benefit created by the social and affordable housing and, as the permit applicant has suggested, there rightly needs to be safeguards implemented to ensure the end users of the development is consistent with what is proposed.
- 10.6 In that respect and as recommended by the permit applicant, a condition contained within the recommendation section of this report requires the applicant to enter into a Section 173 agreement that ties the use of the residential component of the land to a residential housing provider for use as social and/or affordable housing. All costs associated with the agreement are to be borne on the owner/applicant.

Built Form

- 10.7 The subject site is located within the Commercial 1 Zone and the primary considerations for the proposed amendment are the decision guidelines at Clause 34.01-8. In considering the design and built form of the proposed amendments, other relevant aspects of the Kingston Planning Scheme are found at Clause 15 (Built Environment and Heritage), Clause 21.06 (Built Environment and heritage) and Clause 21.11-1 (Southland Activity Centre).
- 10.8 Unlike other activity centres within the municipality, the policy at Clause 21.11-1 does not stipulate prescriptive requirements in relation to building height or setbacks, focussing instead on the achievement of qualitative outcomes relating to activation and surveillance, encouraging contemporary and interesting architectural form and providing a transition in scale to adjoining residential interfaces.
- 10.9 As note earlier in this report, the current planning permit sought to be amended allows the construction of a ten storey building with similar proportions to that proposed, with the exception of the additional floor proposed. In that regard, the built form assessment is limited to an extent to the additional floor sought as part of this amendment application and the appropriateness of the additional floor proposed.
- 10.10 The proposed additional floor (tenth floor) has a recessive, well setback footprint comprising ten (10) apartments. The proposed tenth floor has the following setbacks, as shown in the below diagram:
- 7.87 metres from the northern (Jamieson Street) boundary.
 - 6.4 metres from the east (Chesterville Road) boundary.
 - 7.62 metres from the south (side) boundary.
 - 9 metres to 11.6 metres from the west (rear) boundary.

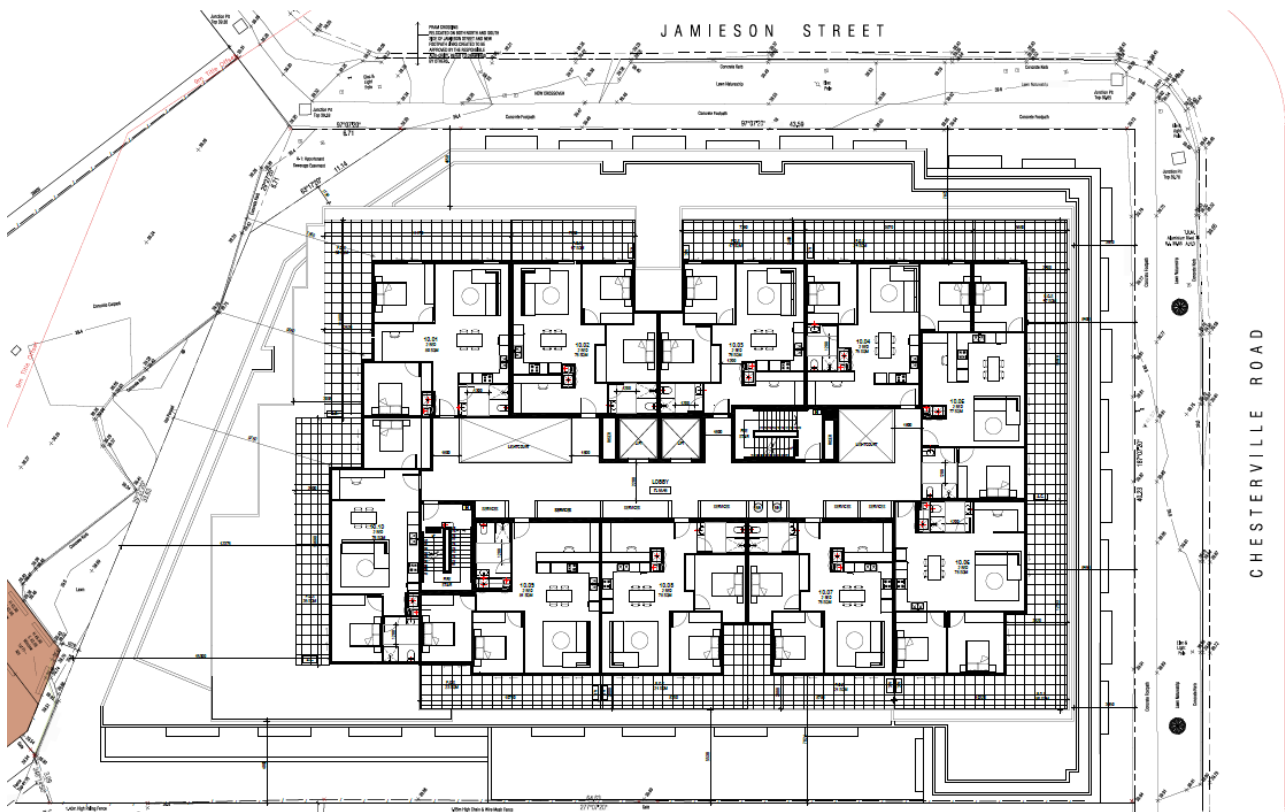


Image 5: Tenth floor layout of the proposed development.

10.11 The tenth floor is treated in a dark standing seam cladding with extensive glazing. In this respect, it will read as a subordinate element to the building and be seen as a recessive cap in longer range views to the site. The tenth floor is sufficiently recessed behind the canopies of the ninth floor balconies, generally setback 3 metres or greater.

10.12 This ensures that from vantage points close to the site, the proposed tenth floor will be largely concealed from the public realm. It is acknowledged that from more distant locations, views of the proposed tenth floor will be available. However, at a greater distance, the impact of the additional floor lessens and is considered acceptable in a major activity centre setting.

10.13 The proposal is therefore anticipated to sit comfortably within the evolving context of the activity centre, noting that similar multi storey developments have been either constructed or approved within the surrounding major activity centre context. Broadly speaking, the proposed eleven storey proposal, 3.18 metres higher than the previously approved ten storey development, is considered to provide a suitable evolution within this major activity centre. In doing so, it is considered that the proposal meets the expectations for development found at Clause 21.11-1 with regard to the scale of built form.

10.14 This amendment application also seeks changes to the envelope of the third floor, as well as the fourth to ninth floors, which have identical floor plates. In terms of the relationship of the proposed building to the adjoining property to the west, the reduced setbacks proposed are adjacent to an open concrete, at-grade car parking area on the two neighbouring sites. Therefore, there will be no detrimental amenity impacts.

10.15 Further, the reduced setbacks to the west will not compromise the development potential of the immediately adjoining property, as it narrows significantly at its frontage to Jamieson Street and therefore has limited ability to replicate similar setbacks. Any substantial redevelopment of that property is likely to be constrained to the rear of that property.

10.16 To the south, the subject site abuts an office building. The interface over the majority of the floor levels is unchanged. The small reduction in setback at the third floor matches the setback of the fourth floor and above. The reduction in setback of apartments 4.15 to 9.15 of 380mm is negligible in the context and unlikely to have an appreciable visual impact. The northern interface to Jamieson Street and the relationship with the Southland shopping centre car park further north is considered uncontroversial.

Off-site Amenity Impacts

10.17 The subject site is located within the Commercial 1 Zone. Sites to the north, west and south are also within the Commercial 1 Zone, while the land to the east on the opposite side of Chesterville Road is within the General Residential Zone. The policy framework for amenity considerations is contained within Clause 21.06 (Built Environment and Heritage) and Clause 22.06 (Residential Development Policy).

10.18 The proposed amendments also achieves a high level of compliance when assessed against the relevant objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. While the standards are not strictly applicable to a development in the Commercial 1 Zone, they are often used as a guide to assess the adequacy of a development in terms of its off-site amenity impacts.

10.19 The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site being located within a major activity centre where higher density residential development is encouraged. In addition, the local character shows a high level of site coverage and boundary-to-boundary development, both within the subject site and those surrounding it. There is an expectation within this area that buildings would include on boundary walls and limited setbacks.

10.20 Expectations of those residing in a Commercial 1 Zone must also be tempered with the purpose of the zone which is to provide for residential uses at densities complementary to the role and scale of the commercial centre. Residents in these zones should not expect wide setbacks particularly if the surrounding area is already characterised with minimal front and side setbacks, which is the case here. Clause 34.01-8 of the Scheme seeks to protect the amenity of residential properties in abuttal to commercial areas, although this should also be tempered with amenity expectations for residential properties at commercial interface locations.

Visual Bulk

10.21 The sensitive interface to the subject site is to the east, on the opposite side of Chesterville Road, where the land is located within the General Residential Zone and contains residential use in the form of a retirement village. While expectations of visual bulk should be tempered for those who live opposite commercial areas, the proposed design adequately minimises the visual bulk impact of the additional floor.

10.22 Specifically, the additional floor is recessed a minimum of 3 metres from the floor below facing Chesterville Road, minimising its visibility in short range views, including from opposite the site. Moreover, the residential uses to the east are adequately separated from the proposed building by the width of Chesterville Road, resulting in the additional floor being setback in excess of 26.4 metres from those properties. As such, no unreasonable visual bulk is anticipated from the proposed amendments.



Image 6: Proposed eastern (Chesterville Road) elevation with the approved ten storey building shown by the dashed red line.

Overshadowing

10.23 The decision guidelines of the Commercial 1 Zone include a requirement for buildings to provide for solar access. The amenity impacts associated with the proposal must be measured in the context of the future development of the land and that the zoning of the land seeks to provide for residential uses at densities complementary to the role and scale of the commercial centre.

10.24 It is also noted that the current planning permit allows the construction of a ten storey building and this amendment application seeks one additional floor. It should also be noted that the decision guidelines of the Commercial 1 Zone only requires consideration of overshadowing to land in the General Residential Zone, not in the Commercial 1 Zone.

10.25 The shadow diagrams submitted with the application show that the extent of additional overshadowing as a result of the proposed amendment is minimal. Specifically, the additional shadow cast as a result of the amendment application only impacts the retirement village within the General Residential Zone and only at 3:00pm, as demonstrated in the below diagram. The proposed development will therefore not unreasonably overshadow any adjoining property.

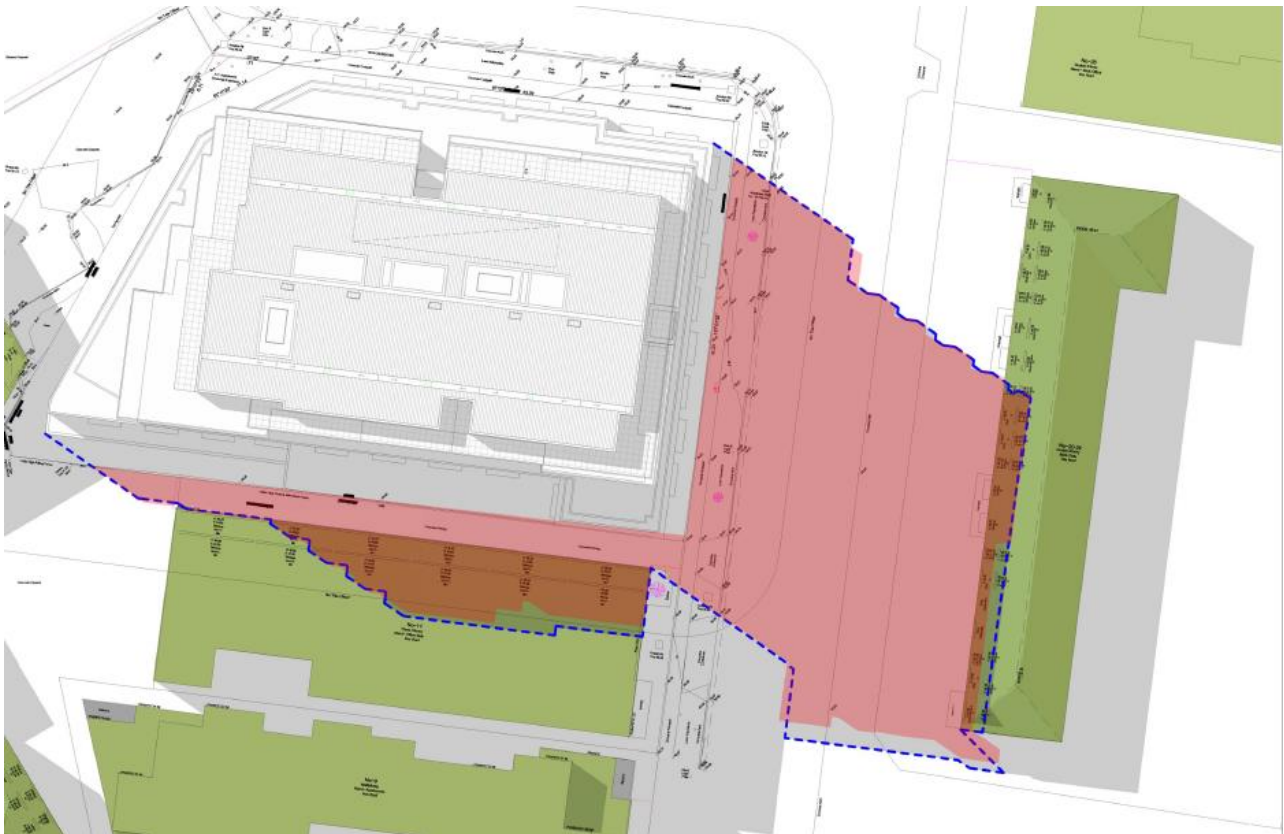


Image 7: 3:00pm shadow diagram, red shading indicates approved shadowing, dashed blue line indicates amendment application additional shadowing.

Overlooking

10.26 The decision guidelines of the Commercial 1 Zone suggest that existing dwellings should be protected against overlooking. While strictly not applicable, Standard B22 of Clause 55 prescribes that a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into existing habitable room windows or secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

10.27 The nearest residential properties are located to the south at 9 Chesterville Road in the five storey mixed-use building in the Commercial 1 Zone and to the east on the opposite side of Chesterville Road in the General Residential Zone, both approximately 20 metres away. Therefore, no overlooking measures are required in either instance.

Clause 58 – Apartment Developments

10.28 Clause 58 applies to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if the apartment development is in the Commercial 1 Zone.

10.29 However, pursuant to the transitional provisions found at Clause 34.01-4, Clause 58 does not apply to an application for an amendment of a planning permit under Section 72 of the Act, if the original planning permit application was lodged before the approval date of Planning Scheme Amendment VC136. VC136 was approved on 13 April 2017 and the original planning permit application was lodged in December 2016. Therefore, Clause 58 does not apply to this amendment application.

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10.30 Clause 58 has, however, been used as an assessment measure for this amendment application and has been found to be largely compliant with the relevant standards and objectives, as outlined in the below table.

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

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
Clause 58.02 – URBAN CONTEXT		
Clause 58.02-1 Urban context objectives <ul style="list-style-type: none"> • To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. • To ensure that development responds to the features of the site and the surrounding area. 	Standard D1 <ul style="list-style-type: none"> • The design response must be appropriate to the urban context and the site. • The proposed design must respect the existing or preferred urban context and respond to the features of the site. 	Complies with standard and meets the objective.
Assessment: Refer to the policy considerations and assessment sections of this report for further discussion.		
Clause 58.02-2 Residential policy objectives <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. • To support higher density residential development where development can take advantage of public and community infrastructure and services. 	Standard D2 <ul style="list-style-type: none"> • An application must be accompanied by a written statement to the satisfaction of the RA that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. 	Complies with standard and meets the objective.
Assessment: The development satisfies the objectives of the activity centre and other relevant policies. Refer to the policy considerations and assessment sections of this report for further discussion.		
Clause 58.02-3 Dwelling diversity objective <ul style="list-style-type: none"> • To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	Standard D3 <ul style="list-style-type: none"> • Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	Complies with standard and meets the objective.
Assessment: The proposed development consists of 120 apartments, comprising of sixty-nine (69) one-bedroom apartments and fifty-one (51) two-bedroom apartments. The proposed development therefore accommodates a range of dwelling sizes and types, including dwellings with a different number of bedrooms.		
Clause 58.02-4 Infrastructure objectives	Standard D4	Complies with standard and meets the objective.

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<ul style="list-style-type: none"> Connection to reticulated services/sewerage, electricity, gas and drainage services Capacity of infrastructure and utility services should not be exceeded unreasonably Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	
<p>Assessment: The site is located in an established area that is well serviced by existing infrastructure. Additionally, it is noted that suitable condition(s) are already included on the current planning permit issued that address infrastructure considerations and these are not proposed to be deleted.</p>		
<p>Clause 58.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. 	<p>Standard D5</p> <ul style="list-style-type: none"> Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development oriented to front existing/proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space. 	Complies with standard and meets the objective.
<p>Assessment: The proposal presents an active frontage with the development making provision for safe and functional connectivity. The ground floor level to Chesterville Road is appropriately activated with office space and a lobby for the office component of the development. The ground floor frontage to the secondary frontage of Jamieson Street consists of office space providing passive surveillance and the lobby for the residential component, as well as services and vehicle access to the on-site car parking.</p> <p>Upper levels have been designed with balconies and habitable room windows presenting to both streets, providing excellent passive surveillance opportunities to the public realm.</p>		
<p>Clause 58.03 – SITE LAYOUT</p>		
<p>Clause 58.03-1 Energy efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency. 	<p>Standard D6</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and POS should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.</p>	Complies with standard and meets the objective.
<p>Assessment: A sustainable management plan was provided and Council's sustainable design advisor determined that the application meets Council's expectations in relation to environmentally sustainable design for a development of this scale, subject to conditions which are included in the recommendation section of this report, where relevant.</p>		
<p>Clause 58.03-2 Communal open space objective</p>	<p>Standard D7</p> <p>Developments with 40 or more dwellings should provide a minimum area of communal open space</p>	Variation sought to the standard,

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. 	<p>of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. Communal open space should:</p> <ul style="list-style-type: none"> Be located to: <ul style="list-style-type: none"> Provide passive surveillance opportunities Provide outlook for as many dwellings as practicable Avoid overlooking into habitable rooms and POS of new dwellings. Minimise noise impacts to new & existing dwellings. Be designed to protect any natural features on the site. Maximise landscaping opportunities. <ul style="list-style-type: none"> Be accessible, useable and capable of efficient management. 	meets the objective.
<p>Assessment: The proposed development consists of 120 apartments. Therefore, 250 square metres of communal open space is required as part of the proposed development. The amended proposal incorporates 151 square metres of internal communal space and 82 square metres of external communal open space. Combined this is marginally less than the standard requires. While Council's urban design advisor noted that any reduction in communal open space is regrettable, especially as the number of apartments is increasing, the communal space is designed and located so that it provides acceptable passive surveillance opportunities, outlooks and minimised overlooking potential. This space also provides reasonable opportunities for landscaping that is accessible and allows for efficient management and care abilities.</p>		
<p>Clause 58.03-3 Solar access to communal outdoor open space objective</p> <ul style="list-style-type: none"> To allow solar access into communal outdoor open space. 	<p>Standard D8 The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50% or 125m², whichever is the lesser, of the primary communal outdoor open space should receive a minimum of 2 hrs of sunlight between 9am-3pm on 21 June.</p>	Complies with standard and meets the objective.
<p>Assessment: The communal open space areas are located to the south-west of the proposed building resulting in these areas receiving adequate levels of sunlight between the relevant times of day.</p>		
<p>Clause 58.03-4 Safety objective</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	<p>Standard D9 Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	Complies with standard and meets the objective.
<p>Assessment: The lobby for the residential component of the proposed development is clearly visible from the street and public domain and presents as a wide lobby at 3.4 metres, noting that this arrangement is not changing from the currently endorsed plans.</p>		
<p>Clause 58.03-5 Landscaping objectives</p>	<p>Standard D10 The landscape layout and design should:</p>	Variation sought to the standard, meets the objective.

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<ul style="list-style-type: none"> • To encourage development that respects the landscape character of the area. • To encourage development that maintains and enhances habitat for plants & animals in locations of habitat importance. • To provide appropriate landscaping. • To encourage the retention of mature vegetation on the site. • To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect. 	<ul style="list-style-type: none"> • Be responsive to the site context. • Protect any predominant landscape features of the area. • Take into account the soil type and drainage patterns of the site and integrate planting & water management. • Allow for intended vegetation growth & structural protection of buildings. • In locations of habitat importance, maintain existing habitat & provide for new habitat for plants & animals. • Provide a safe, attractive & functional environment for residents. • Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs & roof top gardens & improve on-site stormwater infiltration. • Maximise deep soil areas for planting of canopy trees. <p>Development should provide for the retention or planting of trees, where these are part of the urban context.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should provide the deep soil areas and canopy trees specified in Table D2.</p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green facades. 	
<p>Assessment: In this instance, while the proposed development does not meet the deep soil planting area required by the standard, the ground floor footprint remains as approved in the currently endorsed plans and the number and species of trees and shrubs approved on the endorsed landscape plan remains unchanged.</p>		
<p>Clause 58.03-6 Access objective</p> <ul style="list-style-type: none"> • To ensure the number and design of vehicle crossovers respects the urban context. 	<p>Standard D11</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p>	<p>Complies with standard and meets the objective.</p>

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	<p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	
<p>Assessment: The proposed vehicle access arrangements are not changing as a result of this amendment application.</p>		
<p>Clause 58.03-7 Parking location objectives</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicular noise within developments. 	<p>Standard D12</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Complies with standard and meets the objective.</p>
<p>Assessment: Car parking is located within the basement levels and across part of the ground, first and second floors. Car parking areas are secure and convenient to the apartments and office components, noting a separate lift run provides access to the office component of the development.</p>		
<p>Clause 58.03-8 Integrated water and stormwater management objective</p> <ul style="list-style-type: none"> • To encourage the use of alternative water sources such as rainwater, stormwater & recycled water. • To facilitate stormwater collection, utilisation and infiltration within the development. • To encourage development that reduces the impact of stormwater run-off on the drainage system & filters sediment & waste from stormwater prior to discharge from the site. 	<p>Standard D13</p> <p>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). <p>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>	<p>Complies with standard and meets the objective.</p>
<p>Assessment: The proposed development adequately addresses stormwater management issues.</p>		
Clause 58.04 – AMENITY IMPACTS		

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 58.04-1 Building setback objectives</p> <ul style="list-style-type: none"> • To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. • To allow adequate daylight into new dwellings. • To limit views into habitable room windows and private open space of new and existing dwellings. • To provide a reasonable outlook from new dwellings. • To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents. 	<p>Standard D14</p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <ul style="list-style-type: none"> ▪ Buildings should be set back from side and rear boundaries, and other buildings within the site to: <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. ▪ • Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. ▪ • Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. ▪ • Ensure the dwellings are designed to meet the objectives of Clause 58. 	<p>Complies with standard and meets the objective.</p>
<p>Assessment: The proposed building setbacks are considered appropriate for the site and adjoining properties, as discussed earlier in this report.</p>		
<p>Clause 58.04-2 Internal views objective</p> <ul style="list-style-type: none"> • To limit views into the private open space and habitable room windows of dwellings within a development. 	<p>Standard D15</p> <ul style="list-style-type: none"> • Windows & balconies should be designed to prevent overlooking of more than 50% of the POS of a lower-level dwelling directly below & within the same development. 	<p>Complies with standard and meets the objective.</p>
<p>Assessment: No unreasonable internal overlooking will occur as a result of the proposed development.</p>		
<p>Clause 58.04-3 Noise impacts objectives</p> <ul style="list-style-type: none"> • To contain noise sources in developments that may affect existing dwellings. • To protect residents from external and internal noise sources. 	<p>Standard D16</p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings & buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas & bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed & constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p>	<p>Complies with standard and meets the objective.</p>

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
	<p>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> • Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. • Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p>	
<p>Assessment: It is considered that the proposal has given adequate consideration to contain noise sources in the development as well as design measures to protect future residents from external and internal noise sources.</p>		
<p>Clause 58.05 – ON-SITE AMENITY AND FACILITIES</p>		
<p>Clause 58.05-1 Accessibility</p> <ul style="list-style-type: none"> • To ensure the design of dwellings meets the needs of people with limited mobility. 	<p>Standard D17</p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom & the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 	<p>Variation sought to the standard, meets the objective.</p>
<p>Assessment: The design layout demonstrates that at least 50 per cent of dwellings meet the standard, with the exception that some bathroom doors swing into the 1.2 metre circulation space. This is considered acceptable in this instance as the offending bathroom doors can open fully to clear the circulation space and the encroachment into the circulation space is only minor in each instance.</p>		

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 58.05-2 Building entry and circulation objectives</p> <ul style="list-style-type: none"> To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation. 	<p>Standard D18</p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable. Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> Clearly distinguish entrances to residential and non-residential areas. Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents. Provide common areas and corridors that: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	<p>Complies with standard and meets the objective.</p>
<p>Assessment: The proposal meets these provisions by incorporating a clearly visible and identifiable pedestrian entry to the dwelling component of the proposed development along Jamieson Street that provides a sheltered transitional space before entering the secure lobby area. The internal corridors have been provided with natural light through light courts.</p>		
<p>Clause 58.05-3 Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Standard D19</p> <p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> An area of 25m², with a minimum dimension of 3m at natural ground floor level & convenient access from a living room, or An area of 15m², with a minimum dimension of 3m at a podium or other similar base & convenient access from a living room, or A balcony with an area and dimensions specified in Table D5 & convenient access from a living room, or A roof-top area of 10m² with a minimum dimension of 2m and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5m².</p>	<p>Complies with standard and meets the objective.</p>
<p>Assessment: Each apartment is provided with private open space in the form of a balcony. The plans demonstrate that each proposed one-bedroom and two-bedroom apartment is provided with private open space in accordance with Standard D19.</p>		
<p>Clause 58.05-4 Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. 	<p>Standard D20</p> <p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p>	<p>Complies with standard and meets the objective.</p>

OBJECTIVE	STANDARD			LEVEL OF COMPLIANCE AGAINST STANDARD
	<i>Dwelling type</i>	<i>Total minimum storage volume</i>	<i>Minimum storage volume within the dwelling</i>	
	<i>Studio</i>	<i>8 cubic metres</i>	<i>5 cubic metres</i>	
	<i>1 bedroom dwelling</i>	<i>10 cubic metres</i>	<i>6 cubic metres</i>	
	<i>2 bedroom dwelling</i>	<i>14 cubic metres</i>	<i>9 cubic metres</i>	
	<i>3 or more bedroom dwelling</i>	<i>18 cubic metres</i>	<i>12 cubic metres</i>	
<p>Assessment: Each dwelling is provided with storage within the internal layout in the form of storage cupboards, wardrobes and pantries, as well as storage cages within the car parking areas that will meet the requirements of this standard.</p>				
58.06 DETAILED DESIGN				
<p>Clause 58.06-1 Common property objective</p> <ul style="list-style-type: none"> • To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. • To avoid future management difficulties in areas of common ownership. 	<p>Standard D21 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25% openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. 			<p>Complies with standard and meets the objective.</p>
<p>Assessment: The proposed development includes common areas that are clearly definable, practical, attractive and easily maintained. Common areas include the basement levels, entry foyer and lobby, lift and stairs and the communal lounge and outdoor open space area. The management of these communal areas will be provided by the Owners Corporation. Standard D21 and the common property objectives are therefore considered to be met.</p>				
<p>Clause 58.06-2 Site services objectives</p> <ul style="list-style-type: none"> • To ensure that site services can be installed and easily maintained. • To ensure that site facilities are accessible, adequate and attractive. 	<p>Standard D22 The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>			<p>Complies with standard and meets the objective.</p>
<p>Assessment: Site services, including mailboxes, electricity substation and fire booster, are appropriately designed and located where they are easily accessible and maintained, satisfying the provisions of Standard D22 and the site services objectives.</p>				

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD						
<p>Clause 58.06-3 Waste and recycling objectives</p> <ul style="list-style-type: none"> • To ensure dwellings are designed to encourage waste recycling. • To ensure that waste and recycling facilities are accessible, adequate and attractive. • To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. 	<p>Standard D23 Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> • Waste and recycling enclosures which are: <ul style="list-style-type: none"> – Adequate in size, durable, waterproof and blend in with the development. – Adequately ventilated. – Located and designed for convenient access by residents and made easily accessible to people with limited mobility. • Adequate facilities for bin washing. These areas should be adequately ventilated. • Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. • Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. • Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. • Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. • Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: <ul style="list-style-type: none"> • Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria. • Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	<p>Complies with standard and meets the objective.</p>						
<p>Assessment: Council’s waste management officer has reviewed the amendment application and noted that a waste management plan is required for the proposed development due to the mixed use and overall scale. A condition contained within the recommendation section of this report therefore requires the submission of a waste management plan to address this.</p>								
<p>Clause 58.07 – INTERNAL AMENITY</p>								
<p>Clause 58.07-01 Functional layout objective</p> <ul style="list-style-type: none"> • To ensure dwellings provide functional areas that meet the needs of residents. 	<p>Standard D24 Bedrooms should:</p> <ul style="list-style-type: none"> • Meet the minimum internal room dimensions specified in Table D7. • Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <p>Table D7 Bedroom dimensions</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #1a3d4d; color: white;">Bedroom type</th> <th style="background-color: #1a3d4d; color: white;">Minimum width</th> <th style="background-color: #1a3d4d; color: white;">Minimum depth</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Main bedroom</td> <td style="text-align: center;">3 metres</td> <td style="text-align: center;">3.4 metres</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	<p>Complies with standard and meets the objective.</p>
Bedroom type	Minimum width	Minimum depth						
Main bedroom	3 metres	3.4 metres						

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OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD												
	<table border="1" style="margin-left: 20px;"> <tr> <td style="background-color: #f2f2f2;"><i>All other bedrooms</i></td> <td style="background-color: #f2f2f2;"><i>3 metres</i></td> <td style="background-color: #f2f2f2;"><i>3 metres</i></td> </tr> </table> <ul style="list-style-type: none"> Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="background-color: #1a3d54; color: white;"><i>Dwelling type</i></th> <th style="background-color: #1a3d54; color: white;"><i>Minimum width</i></th> <th style="background-color: #1a3d54; color: white;"><i>Minimum area</i></th> </tr> </thead> <tbody> <tr> <td style="background-color: #f2f2f2;"><i>Studio and 1 bedroom dwelling</i></td> <td style="background-color: #f2f2f2;"><i>3.3 metres</i></td> <td style="background-color: #f2f2f2;"><i>10 sqm</i></td> </tr> <tr> <td style="background-color: #f2f2f2;"><i>2 or more bedroom dwelling</i></td> <td style="background-color: #f2f2f2;"><i>3.6 metres</i></td> <td style="background-color: #f2f2f2;"><i>12 sqm</i></td> </tr> </tbody> </table>	<i>All other bedrooms</i>	<i>3 metres</i>	<i>3 metres</i>	<i>Dwelling type</i>	<i>Minimum width</i>	<i>Minimum area</i>	<i>Studio and 1 bedroom dwelling</i>	<i>3.3 metres</i>	<i>10 sqm</i>	<i>2 or more bedroom dwelling</i>	<i>3.6 metres</i>	<i>12 sqm</i>	
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<i>2 or more bedroom dwelling</i>	<i>3.6 metres</i>	<i>12 sqm</i>												
<p>Assessment: All proposed bedrooms and living areas meet the minimum dimension requirements. As such, adequate space has been proposed for full kitchens and living/dining areas.</p>														
<p>Clause 58.07-2 Room depth objective</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. 	<p>Standard D25 Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	Complies with standard and meets the objective.												
<p>Assessment: Living room depths to single aspect dwellings are less than the maximum 9 metres with a floor to ceiling heights of at least 2.7 metres, thus providing adequate daylight access in accordance with the standard.</p>														
<p>Clause 58.07-3 Windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	<p>Standard D26 HRW should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:</p> <ul style="list-style-type: none"> A minimum width of 1.2 metres. A maximum depth of 1.5 times the width, measured from the external surface of the window. 	Complies with standard and meets the objective.												
<p>Assessment: All bedrooms have adequate access to daylight, exceeding the minimum standards for light penetration into habitable areas, including those bedrooms provided daylight from a smaller secondary area.</p>														

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
<p>Clause 58.07-4 Natural ventilation objectives</p> <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Standard D27</p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40% of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Variation sought to the standard, meets the objective.</p>
<p>Assessment: The floor plans demonstrate that appropriate natural ventilation has been achieved for at least 40 per cent of the dwellings, in accordance with Standard D27. This includes a total of thirty-one (31) dwellings designed with a dual aspect.</p>		

Car Parking and Traffic

Car Parking

- 10.31 In relation to the proposed offices, the table at Clause 52.06-5 requires car parking to be provided at a rate of three (3) car parking spaces per 100 square metres of leasable floor area. As a total of 2,216 square metres of floor area is proposed, sixty-six (66) car parking spaces should be provided for the office component. As sixty-six (66) car parking spaces are allocated to the offices, the proposed development meets the car parking requirement for the office component.
- 10.32 Pursuant to the car parking requirements in the table at Clause 52.06-5 of the Kingston Planning Scheme, a one or two-bedroom dwelling requires one car parking space. No residential visitor car parking is required as the land is within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018).
- 10.33 The proposed development includes a total of 120 apartments, comprising sixty-nine (69) one-bedroom apartments and fifty-one (51) two-bedroom apartments. Therefore, the residential component of the proposed development requires a total of 120 car parking spaces.
- 10.34 As fifty-one (51) car parking spaces are allocated to the two-bedroom apartments, the proposed development meets the car parking requirement for the two-bedroom apartments. However, as forty-five (45) car parking spaces are allocated to the one-bedroom apartments, the proposal seeks a reduction of twenty-four (24) car parking spaces for the one-bedroom apartments.
- 10.35 The proposed reduction in the car parking requirement is consistent with policy at Clause 21.09-4, which seeks to reduce the reliance on car parking provision in Kingston. Strategies to achieve this include supporting the provision of shared car parking in new development, particularly in activity centres like the Southland major activity centre in which the site is located, and supporting reduced car parking rates.
- 10.36 Whilst not technically applicable to this amendment application, Clause 53.20 relates to housing by or on behalf of the Director of Housing. The purpose of this provision includes to

facilitate the development of well-designed social housing and affordable housing to meet existing and future needs and to increase the social housing and affordable housing stock in Victoria.

10.37 Given the driver behind the amendments sought is to use the residential component of the proposed building as social and affordable housing, Clause 53.20 provides additional guidance for the consideration of car parking rates in social and affordable housing developments. Specifically, a minimum 0.6 car parking spaces should be provided to each dwelling, regardless of the number of bedrooms. Using the car parking rates provided at Clause 53.20-6.9, the proposed apartments would require a total of seventy-one (71) car parking spaces. As a total of ninety-six (96) car parking spaces are allocated to the apartments, the proposed development would have a surplus of twenty-five car parking spaces based using this car parking rate.

10.38 Nevertheless, Clause 52.06-7 of the Scheme requires that an application for a car parking reduction be accompanied by a car parking demand assessment. The car parking demand assessment must assess the car parking demand likely to be generated by the proposed development, having consideration to a number of factors.

10.39 The applicant's traffic report provides an assessment of the likely car parking demand for the one-bedroom apartments based on ABS 2016 Census data. Specifically, the traffic report reviews the car ownership levels for residents of one-bedroom apartments in Cheltenham and the Kingston municipality. A summary is provided for all dwellings and for dwellings where the landlord is the 'State housing authority'. The 'State housing authority' data provides the best representation of the likely tenants of a social and affordable housing development.

	No Car	One Car	Two or More Cars	Average Ownership
All Dwellings				
Cheltenham	25%	64%	11%	0.87
Kingston	24%	64%	12%	0.91
State Housing Authority				
Cheltenham	Insufficient sample size (six dwellings).			
Kingston	57%	37%	6%	0.56

Table 1: Car ownership for one-bedroom apartments.

10.40 The average ownership data for all one-bedroom apartments ranges between 0.87 to 0.91 car parking spaces, with 24 to 25 per cent of apartments owning no motor vehicle. However, the ownership data for apartments with the State housing authority as the landlord is significantly lower, with an average ownership rate of 0.56 and 57 per cent of dwellings owning no motor vehicle.

10.41 Given the likely tenants of the residential component of the proposed development (social and affordable housing) are likely to have similar characteristics to apartments with the State housing authority as the landlord, the proposed car parking rate of 0.65 spaces for the one-bedroom apartment is considered appropriate.

10.42 In assessing the appropriateness of providing fewer car parking spaces than the likely car parking demand, Clause 52.06-7 lists a number of considerations for deciding whether the required number of car parking spaces should be reduced. While it is considered the proposal

satisfies the likely car parking demand as outlined above, these considerations are nevertheless discussed in more detail below.

- 10.43 Residents and office staff of the proposed development will have excellent access to other land uses in the nearby area including Southland shopping centre and the Cheltenham shops, which provide convenient access to everyday needs such as supermarkets, retail shops, cafés and restaurants. On this basis, residents and staff can comfortably reside or work within the proposed development without the need to own a motor vehicle or alternatively undertake multipurpose trips within the locality if they choose to drive.
- 10.44 In terms of the variation of the car parking demand likely to be generated by the proposal over time, it is noted that resident and residential visitor car parking demands typically peak on weekday evenings and weekends. Conversely, office car parking demands typically peak during normal business hours on weekdays.
- 10.45 Furthermore, all long-term car parking demands associated with residents and office staff will be accommodated on-site. The short-term residential visitor car parking demands will be accommodated in the surrounding public parking resources, consistent with the Column B approach for sites located within the Principal Public Transport Network Area. While there is no on-street car parking immediately in front of the site on either Chesterville Road or Jamieson Street, on-street car parking is available further north-west on Jamieson Street, as well as on the opposite side of Chesterville Road, outside of the afternoon peak clearway period.
- 10.46 The applicant has also advised that the car parking spaces will be allocated to apartments on the plan of subdivision and it will most likely be the smaller apartments that are not allocated a car parking space. When residents apply for the social or affordable housing, car ownership will be taken into account when allocating an apartment. The car parking management plan required as a condition contained in the recommendation section of this report will ensure these matters are suitably addressed.
- 10.47 The site also has excellent access to public transport, with both the Southland and Cheltenham railway stations, approximately 640 metres away to the north-west and 700 metres away to the south, respectively, within walking distance from the subject site. Additionally, the adjacent public transport hub within Southland shopping centre is less than a 250 metre walk away. The Southland bus terminus is served by over thirteen (13) bus routes providing linkages in the local and broader area.
- 10.48 The site and surrounding area as a whole enjoys good cycling and walking infrastructure. In particular, residents and office staff are able to comfortably walk to Southland shopping centre (less than 250 metres away) and the Cheltenham shops (approximately 500 metres away). Additionally, the statutory bicycle parking requirement is exceeded to encourage this mode of transport. A shower and change room facility is provided for the office component, while residents can utilise the facilities within their individual apartments.
- 10.49 The proposed residential component of the development will specifically provide for social and affordable housing. As shown in the ABS Census data, residents of dwellings with the State housing authority as the landlord have significantly lower car ownership rates than typical residential dwellings (0.56 car parking spaces per one-bedroom dwelling in Kingston). The likely occupants of the proposed social and affordable housing development would be expected to have similar characteristics and car ownership rates to residents of apartments where the State housing authority is the landlord and therefore the reduced parking rate of 0.65 car parking spaces per one-bedroom apartment is considered appropriate.

10.50 Moreover, the proposed reduction in the car parking requirement associated with the one-bedroom apartments is consistent with policy that seeks development to respond to the impacts of climate change. This is particularly relevant given Council's recent declaration of a climate emergency. Clause 21.04-1 identifies that the community demand for effective action to reduce the severity of, and adapt to, climate change is high, and the City of Kingston is committed to meeting this demand through practical and measurable steps to 'act locally' on the reduction of greenhouse gas emissions.

10.51 The proposed reduction in the car parking requirement associated with the one-bedroom apartments is consistent with this approach, implementing a practical and measurable step to 'act locally' on the reduction of greenhouse gas emissions through a reduced reliance on motor vehicle travel and encouraging alternative forms of transport.

Access and Layout

10.52 The proposed development incorporates a total of 162 car parking spaces with vehicle access proposed via a 6.4 metre wide crossover to Jamieson Street, which in turn provides access to the 6.4 metre wide accessway leading to the basement levels and the car parking on the first and second floors. This is in accordance with Clause 52.06-9 (Design Standard 1) and AS2890.1-2004 for a two lane, two way accessway.

10.53 The access and car parking layout has remained relatively unchanged from the approved development, with the exception of minor alterations including relocating all bicycle parking to the ground floor and consequential changes the first and second floor car parking areas. As such, the access and arrangements and car parking layout remain appropriate and consistent with the relevant design standards of Clause 52.06-9.

Traffic

10.54 An assessment of the traffic impacts has been undertaken with a comparison against the approved traffic generation associated with the approved planning permit for the subject site. The approved development was anticipated to generate a traffic volume of 535 vehicle movements per day, while the amended development is anticipated to generate a traffic volume of 638 vehicle movements per day, a net increase of 103 vehicle movements.

10.55 The peak hour traffic volumes are anticipated to increase from seventy-one (71) vehicle movements from the approved development to eighty-one (81) vehicle movements in the proposed development, an increase of ten (10) vehicle movements in each peak hour.

10.56 In light of the above, the amended proposal results in a minor increase in daily and peak hour traffic generation. These increases are insignificant in the context of the overall development and the surrounding road network and are considered acceptable in the context.

11. RESPONSE TO GROUNDS OF OBJECTIONS

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

Ground of Objection	Response
Wind tunnel effect	Whilst wind tunnel impacts are a valid concern in multi-storey developments. This amendment application seeks one additional storey that presents as a recessive element above the approved ten storey built form. As such, the proposed amendment will not exacerbate any wind tunnel effect that the ten storey building was likely to generate.

12. CONCLUSION

- 12.1 On balance, the proposed amendment is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 As outlined above, it has been determined that prior to deciding on this application, all factors pursuant to Section 60(1) of the *Planning and Environment Act 1987* have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

13. RECOMMENDATION

- 13.1 That the Planning Committee determine to support the proposal and issue a **notice of decision to grant an amended planning permit** be issued for **the construction of an eleven (11) storey mixed use building comprising 120 dwellings, five (5) offices and a reduction in the car parking requirement at 13-15 Chesterville Road Cheltenham**, subject to the following conditions (amended/new conditions highlighted in **bold**/deleted conditions highlighted in *italics*):

Amended Plans

1. **Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Pitard Group, dated December 2020, revision O, but modified to show:**
- a) the provision of a landscape plan in accordance with the submitted landscape plan by Ewert Leaf, dated 13 April 2017, Revision K and amended to include:
 - i. The minimum depth of substrate for planter boxes to be 60 cm and the minimum substrate width to be 60 cm;
 - ii. An additional 15 plants in the 4th floor planter boxes capable of reaching 3 metres in height or the satisfaction of the Responsible Authority;
 - iii. The Genus and species of the 3 metre tall plants proposed for Floor 4 planter boxes;
 - iv. A survey, including, botanical names of all existing trees to be removed on the site;
 - v. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation; specifications for substrate and any specific maintenance requirements;
 - vi. An automated irrigation system for all garden areas including planter boxes; and
 - vii. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 - b) tree protection measures on adjoining properties and any landscaping proposed on site (including a planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site) with such plans to be prepared by a suitably qualified landscape professional;
 - c) Deleted.
 - d) *Deleted.*

- e) Deleted.
- f) linemarking car parking must be set out on a plan to be approved by the Responsible Authority and include 'Giveaway' marking at appropriate locations to define the passing locations and priorities;
- g) the relocated pram crossing and linking footpath to be detailed on a construction plan to be approved by the Responsible Authority;
- h) a notation on the plans allocating the provision of car parking for office and residents;
- i) a note to state that the vehicle crossings are to be constructed to the satisfaction of the Responsible Authority and for all internal driveways to align with vehicle crossing;
- j) the surface material associated with the building entry (pedestrian and driveways) to be clearly nominated;
- k) all ESD features to be shown on the application drawings with appropriate notations including operatable windows, PV system size, solar hot water system and solar fraction;
- l) an amended sustainable management plan in accordance with condition 19 of this planning permit;**
- m) along the western elevation (podium level) northern section a 10 metre wide x 11.7 metre high art mural commissioned by the City of Kingston at the full cost of the applicant and developer is to be provided. The remaining wall is to be provided with inscribed / pattered concrete; and
- n) no business identification or business signage is to be located along this western elevation / associated with the art mural.
- o) a car parking management plan as required by condition 18 of this planning permit.**
- p) a waste management plan as required by condition 32 of this planning permit.**

Endorsed Plans

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

Drainage and Water Sensitive Urban Design (WSUD)

3. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a. Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
 - b. Prior to submitting detailed plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within

Council's "*Civil Design requirements for Developers – Part A: Integrated Stormwater Management*".

- c. The stormwater management (drainage) strategy must include a report with music modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d. The water sensitive urban design treatments as per conditions 3a, 3b, and 3c 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 and to the satisfaction of the Responsible Authority including the following:
- a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 21 L/s.
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.
5. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council.
- a. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.
6. The basement structure must be designed and constructed to the satisfaction of the responsible authority and must address the following:
- a. The basement design must address the findings of the GAR and GMP required under condition 5, and
 - b. The basement must be a fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressures in accordance with Council's '*Basements and Deep Building Construction Policy, 2014*' and '*Basements and Deep Building Construction Guidelines, 2014*', or
In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the local sewer authority.
7. In any case where the basement design and construction, required by condition 6 of this permit, does not accord with the plan(s) approved under this permit the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

Infrastructure and Road Works

8. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Jamieson Street and all internal driveways must align with the existing / proposed vehicle crossing.
9. The internal driveway must be at least 500mm from the side boundary at the front boundary.
10. The footpath must be reconstructed on Chesterville Road and Jamieson Street frontages to Council's commercial standards of 1.8 metres wide with 600mm x 600mm saw cuts to the satisfaction of the Responsible Authority.
11. Redundant vehicle crossings are to be removed and reinstated to kerb, channel and nature strip to the satisfaction of the responsible authority.
12. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
13. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
14. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
15. Vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
16. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
17. All front and side fences must be contained wholly within the title property boundaries of the subject land.

Car Parking

18. **Prior to the endorsement of plans pursuant to condition 1, a car parking management plan 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. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):**
 - a) **Allocating of car parking spaces to individual dwellings and the offices.**
 - b) **Signage of all car parking spaces.**
 - c) **Line marking of car parking spaces and detail of any proposed access controls such as roller doors/gates etc. securing access to the basement car park.**
 - d) **Servicing of the drainage and maintenance of the basement car parking areas.**

Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

Sustainable Development

19. **Prior to the endorsement of plans required by condition 1 of this planning permit, an amended sustainable management plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The sustainable management plan must be generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants and dated 7 December 2020, but amended to address the following:**

- a. **Ensure the BESS assessment achieves the minimum 50 per cent overall score and minimum required scores in Energy (50 per cent), IEQ (50 per cent) and Stormwater (100 per cent) categories.**
 - b. **Provide evidence that a pre-application meeting has taken place, including the date of the meeting, the officers present and the sustainable design outcomes discussed or amend the BESS assessment.**
 - c. **Indicate a clear commitment to achieving a 7.6-star average in the report or amend the BESS assessment.**
 - d. **Indicate a commitment to specifying heating and cooling systems to meet a 5-star minimum or equivalent in the report to reflect what has been entered into BESS assessment or amend the BESS assessment.**
 - e. **Indicate on plans the location of the outdoor clothes line/s that have protection from rain as indicated in BESS assessment or amend the BESS assessment.**
 - f. **Update report and BESS assessment to match the 60kW system indicated on the plans or amend the plans.**
 - g. **Provide evidence that 70 per cent of dwellings receive at least 3 hours of direct sunlight in all living areas between 9:00am and 3:00pm in mid-winter or amend the BESS assessment.**
 - h. **Provide the owners/tenants the option of installing their own electric vehicle charge points with electrical provisions at the main switchboard.**
 - i. **Provide additional notes on the plans which show that each dwelling's private open space area will be provided with an external tap and floor waste or amend the BESS assessment.**
- 20. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.**

Construction Management Plan

21. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of 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 Guidelines, October 2016 (and any superseding versions and / or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
- a) Element 1 - Public Safety, Amenity and Site Security.
 - b) Element 2 - Traffic Management
 - c) Element 3 - Stakeholder Management.
 - d) Element 4 - Operating Hours, Noise and Vibration Controls.
 - e) Element 5 - Air Quality and Dust Management.
 - f) Element 6 - Stormwater and Sediment Control.
 - g) Element 7 - 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.

22. The developer/owner must contact the Responsible Authority and VicRoads (if required) and arrange traffic management plans and WORKS ZONE for any works that may affect traffic (both vehicular and pedestrian) or parking on Chesterville Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the property. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.

Transport for Victoria

23. The permit holder must take all reasonable steps to ensure the disruption to bus operation along Chesterville Road are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Transport for Victoria fourteen (14) days prior.

VicRoads

24. Prior to the occupation of the development hereby approved, the redundant vehicle crossing on Chesterville Road should be removed and the footpath, nature strip, kerb and channel reinstated to the satisfaction of Council and at no cost to VicRoads.

Aviation

25. Prior to construction, evidence be provided to confirm that the proposal meets with the requirements of the Airports (Protection of Airspace) Regulations 1996 and be below the relevant Obstacle Limitation Surface (OLS), unless with the written consent of the relevant authority.

Lighting

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

Completion of Works

27. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
28. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
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 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.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Waste Management Plan

- 32. Concurrent with the endorsement of plans, a waste management plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the waste management plan will be endorsed and will then form part of the planning permit. The plan must include, but is not limited to, the following:**
- a. **The manner in which waste will be stored and collected including: type, size and number of containers.**
 - 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.**
 - e. **Demonstrate that the waste collection vehicles can enter and exit the site in a forward direction.**

- f. **Sufficient headroom within the basement to accommodate waste collection vehicles.**

- 33. The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.**

Section 173 Agreement

- 34. Prior to the commencement of the development hereby permitted, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:**
- a. **The owner is to enter into an agreement with a 'Registered Housing Agency' or a 'Registered Housing Provider' (as defined under the *Housing Act 1983*) for the provision of affordable housing.**
 - b. **Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987*, this agreement shall be registered with the Registrar of Titles and shall run with the land.**
 - c. **The owner of the land under the planning permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement.**

Permit Expiry

- 35. In accordance with Section 68 of the *Planning and Environment Act 1987* (Act), this permit will expire if one of the following circumstances applies:**
- The development is not started before within three (3) years from the date of this permit.
 - 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 use or 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: Council does not accept sub-surface water (groundwater) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.

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

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

Note: 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).

**City of Kingston
Planning Committee Meeting**

Agenda

17 March 2021

Note: The builder/developer must contact Council prior to the lodgement of the CMP/Traffic Management Plan documents to organise a site meeting to discuss site constraints and possible solutions to be included in the CMP/TMP.

Note: This Permit does not approve buildings and works within restricted airspace, and that separate approval from CASA, Airservices Australia and / or other regulatory bodies for works within restricted airspace may be required prior to the commencement of buildings and works.

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

Date of Correction	Brief Description of the Correction
24 May 2018	<p>Preamble to read 'develop the land for the construction of a ten storey mixed use building comprising up to 93 dwellings and 6 offices'.</p> <p>Correct drainage conditions as required.</p>

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

Amendment	Date of Amendment	Description of Amendment	Name of responsible authority that approved the amendment
A	07/06/2019	<ul style="list-style-type: none"> ▪ The building has been setback 2.5m from the western and part of the southern boundary at the basement, ground, first and second floors. ▪ Offices G.01 and G.02 have been consolidated into one tenancy. ▪ A second fire stair has been incorporated into the design with consequential changes to the car parking layout, office layout and size of the communal gym. Apartment 4.13 on each level has been reduced from a two bedroom apartment to a one bedroom apartment. ▪ The Level 1 setback from the southern boundary has been reduced from 4.5m to between 2.5m and zero. ▪ The floor area of Office 1.01 has been increased from 532m² to 767m². ▪ The floor area of Office on Level 2 has been reduced from 1242m² to 1165m² and split into two tenancies. 	City of Kingston

**City of Kingston
Planning Committee Meeting**

Agenda

17 March 2021

		<ul style="list-style-type: none"> ▪ The Level 2 setback from the southern boundary for a length of 10.5m has been reduced in part to zero ▪ The overall height of the building has increased by 480mm from 74.5m AHD to 74.98m AHD. ▪ The basement has been redesigned to accommodate the western setback and the setback to Chesterville Road has been reduced to zero. The landscaping along this frontage is now proposed within a 2.1m wide x 1m deep planter box. ▪ Services such as gas meters, fire hydrant and fire pump room and water pump have been detailed. ▪ The bin store and bike store rooms have been amended. ▪ Car parking rates have been amended in accordance with the current Clause 52.06 requirements. ▪ Condition 1 c and e deleted (refer to previous design). ▪ Preamble to read 'develop the land for the construction of a ten storey mixed use building comprising up to 93 dwellings and 5 offices'. 	
<p style="text-align: center;">B</p>		<p>Section 72 amendment including:</p> <ul style="list-style-type: none"> • An increase from ten (10) storeys to eleven (11) storeys, with the additional storey comprising a recessed cap atop the approved ten storey development. • An increase in overall height by 3.18 metres. • An increase from ninety-three (93) apartments to 120 apartments. • Various minor amendments to setbacks, the car parking layout, common areas and services. • A reduction in the car parking requirement. • Update Permit pre-amble • Deletion/insertion of new conditions 	<p style="text-align: center;">City of Kingston</p>

4.4

KP-2016/1078/B - 13-15 CHESTERVILLE ROAD, CHELTENHAM

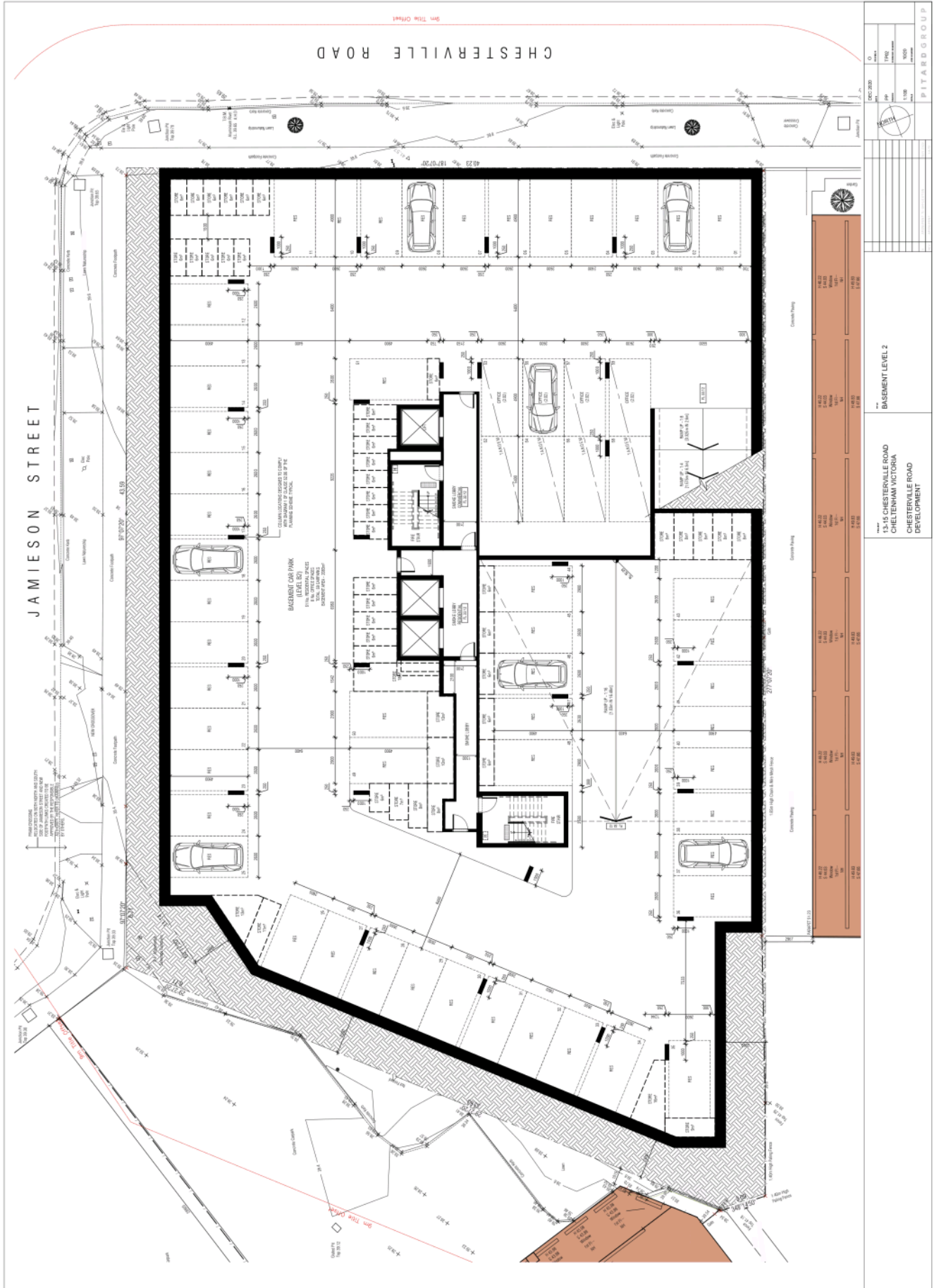
1 Considered plans 195

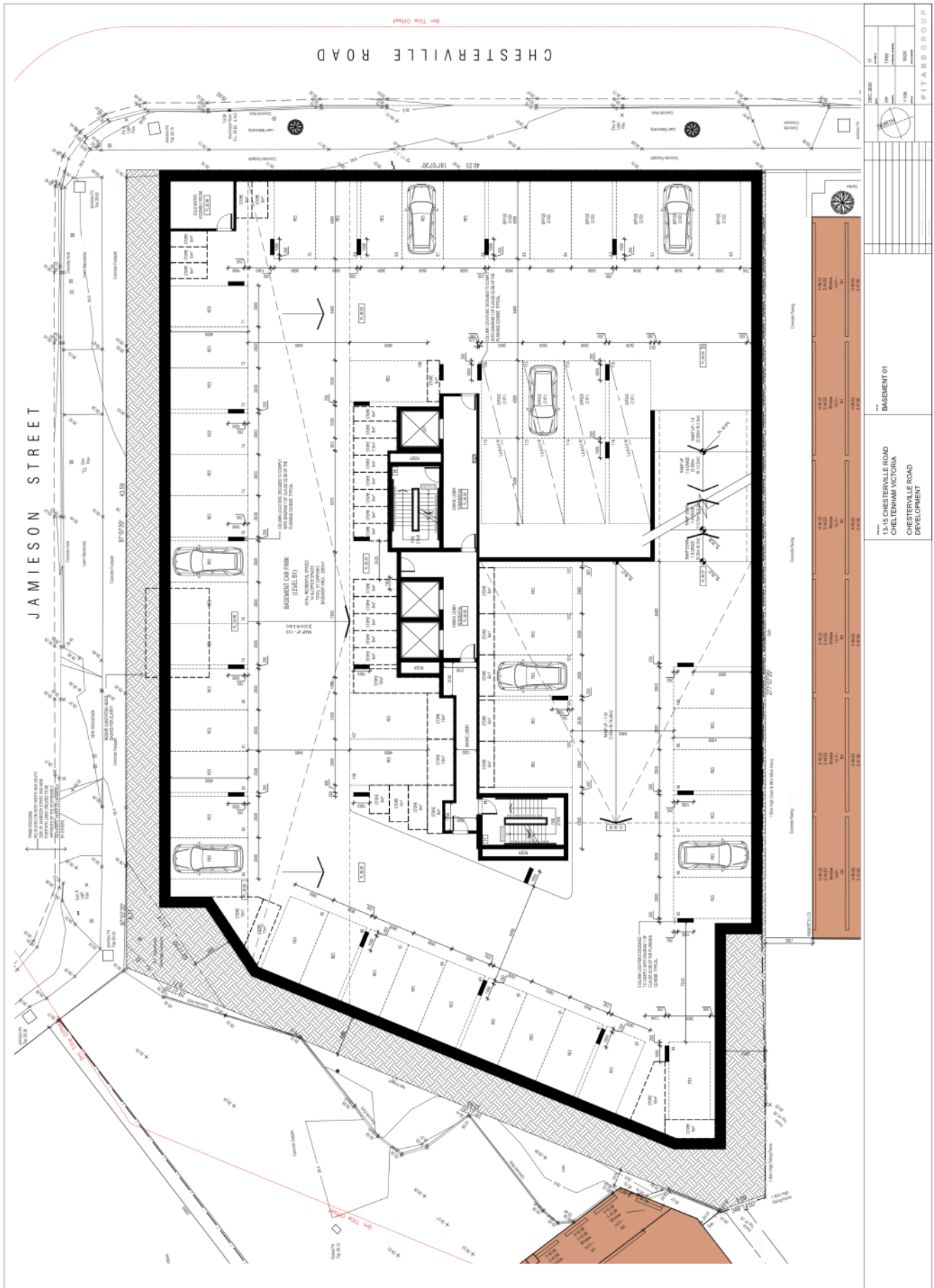
DRAWING SCHEDULE

TP01E	PERSPECTIVE
TP01F	MATERIAL SELECTION
TP02	BASEMENT 2 PLAN
TP03	BASEMENT 1 PLAN
TP04	GROUND FLOOR PLAN
TP05	1ST FLOOR PLAN
TP06	2ND FLOOR PLAN
TP07	3RD FLOOR PLAN
TP08	4TH - 9TH FLOOR PLAN
TP09	10TH FLOOR PLAN
TP10	ROOF PLAN
TP11	ELEVATIONS
TP12	ELEVATIONS
TP13	ELEVATIONS
TP14	ELEVATIONS
TP15	SHADOW STUDY 9AM
TP16	SHADOW STUDY 10AM
TP17	SHADOW STUDY 11AM
TP18	SHADOW STUDY 12PM
TP19	SHADOW STUDY 1PM
TP20	SHADOW STUDY 2PM
TP21	SHADOW STUDY 3PM
TP800	LANDSCAPE PLAN
TP801	EXISTING LANDSCAPE PLAN
TP802	INDIVIDUAL FLOOR PLANS
TP803	INDIVIDUAL FLOOR PLANS



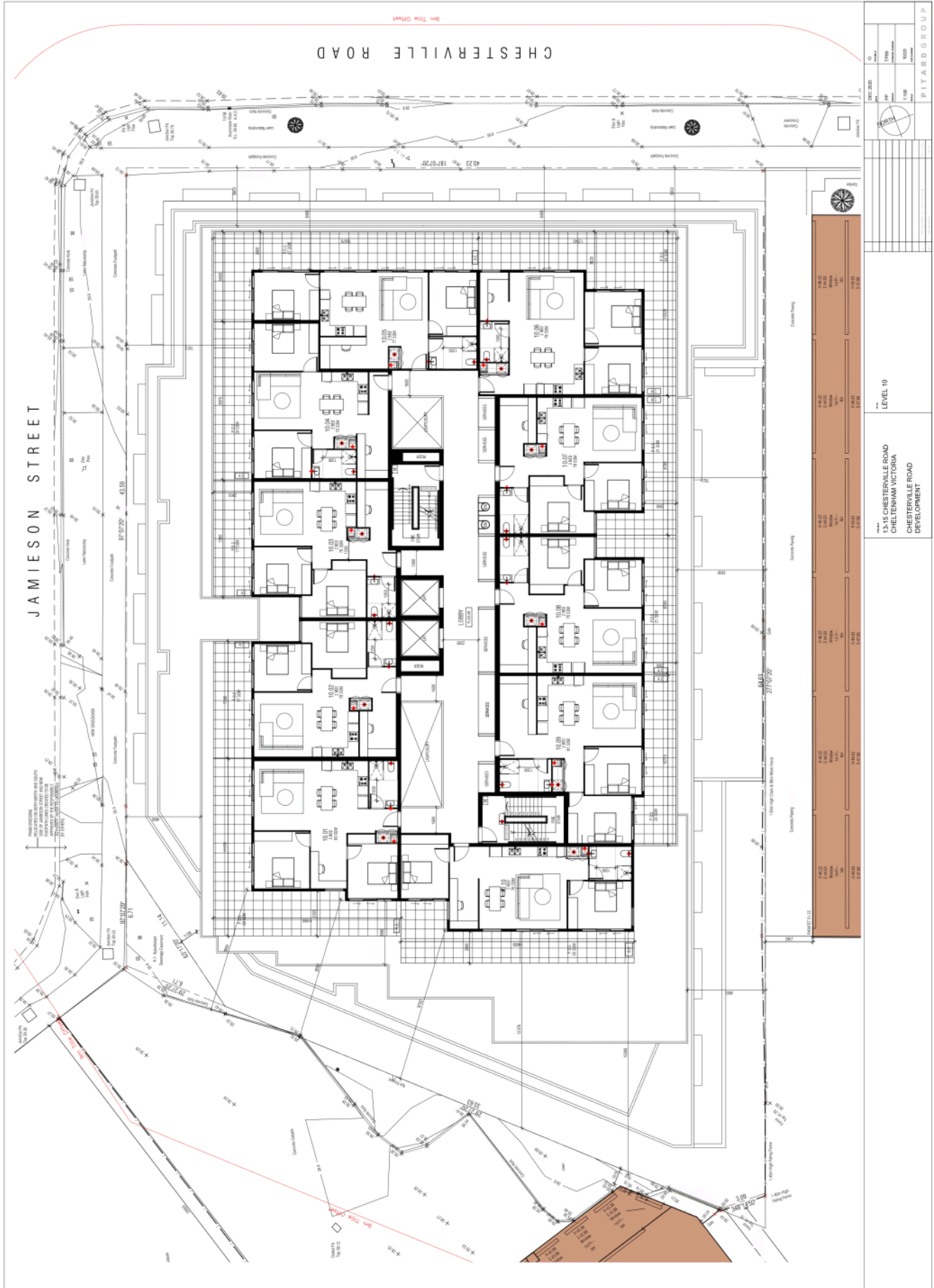
13 - 15 CHESTERVILLE ROAD CHELTENHAM, VICTORIA 3192 DEC 2020



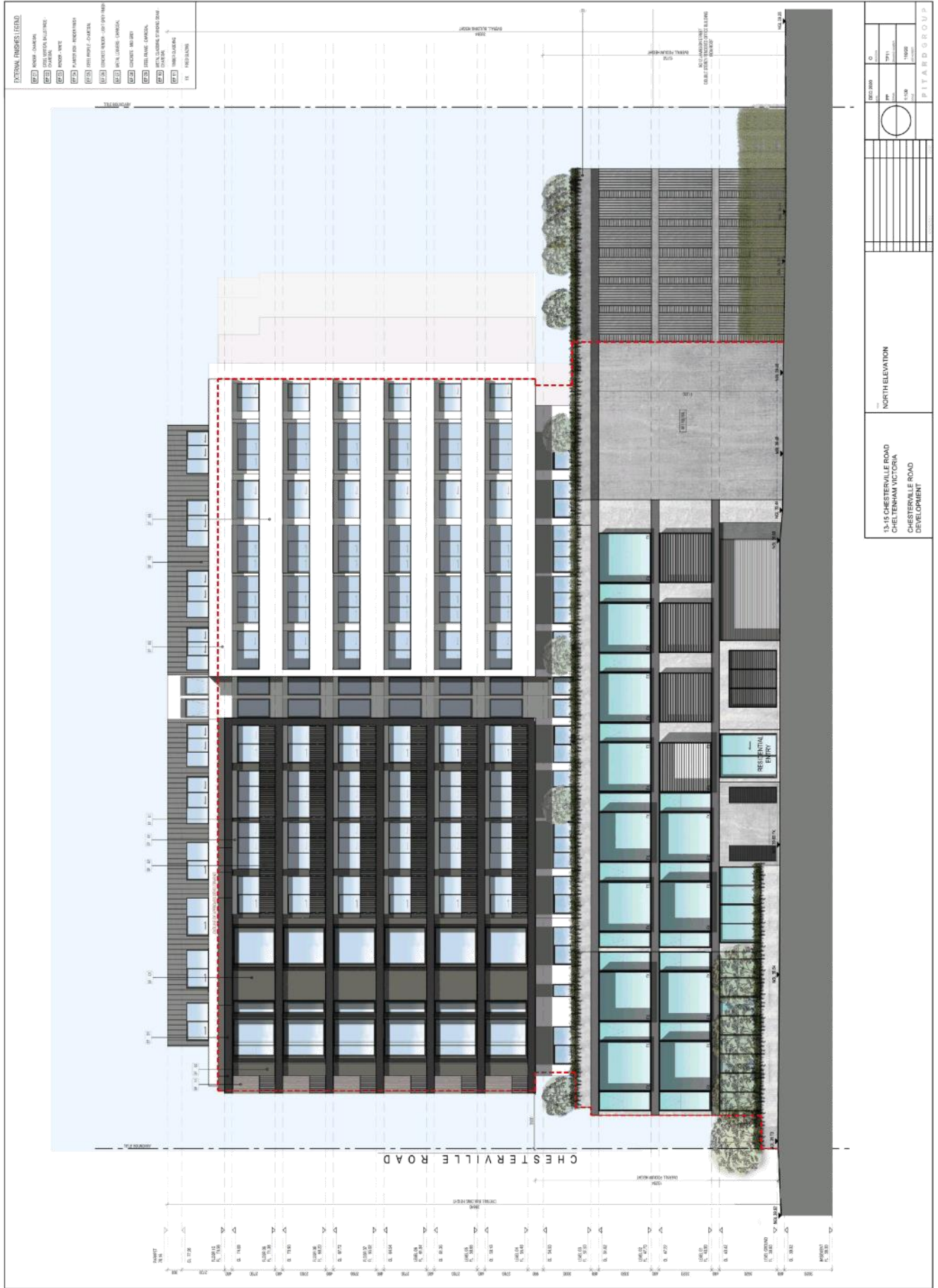


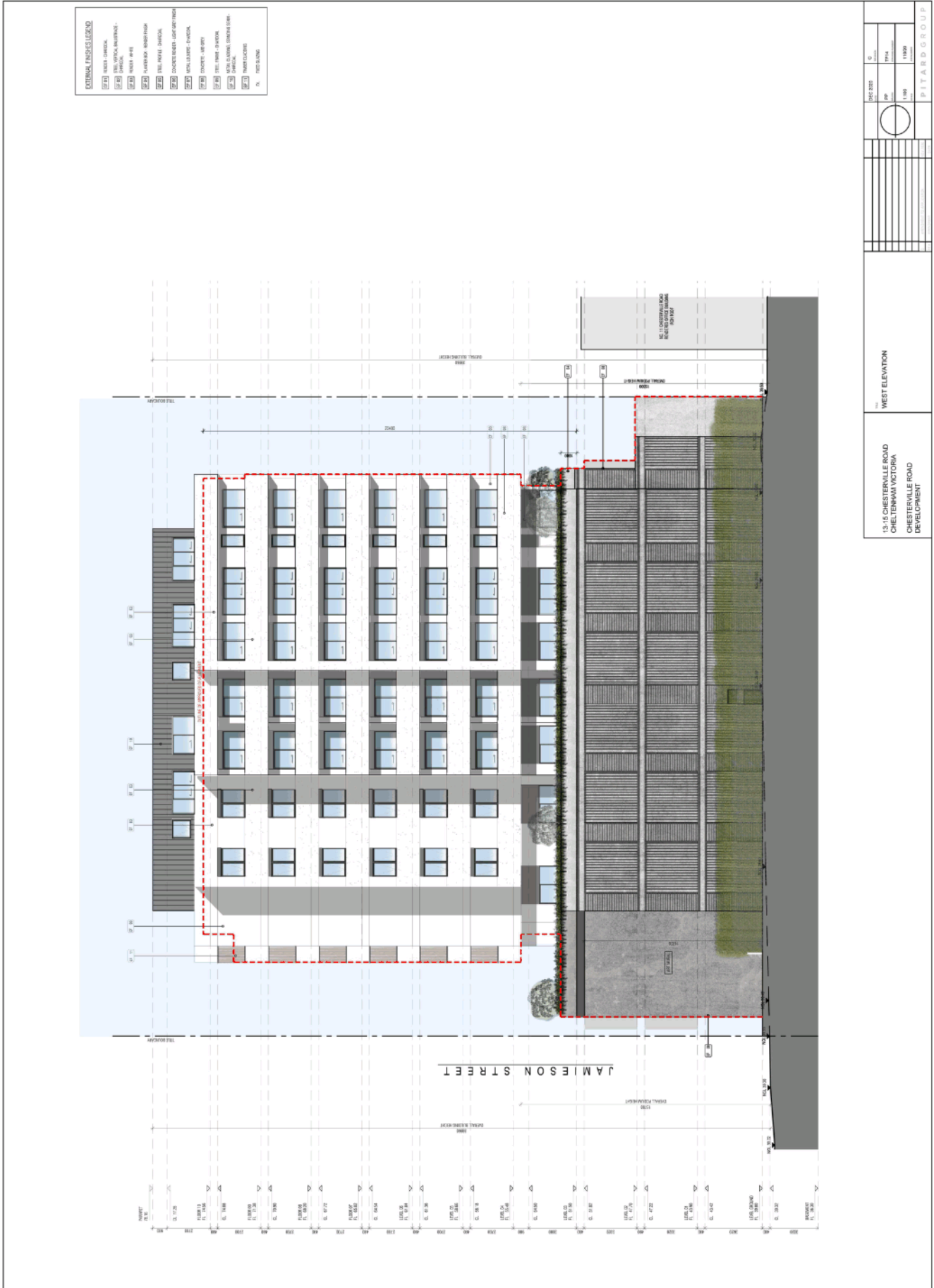


<p>LEVEL 4 TO LEVEL 9</p>	
<p>13-15 CHESTERVILLE ROAD CHELTENHAM VICTORIA CHESTERVILLE ROAD DEVELOPMENT</p>	
<p>PITARD GROUP</p>	
<p>DATE: 01/01/2016</p>	<p>SCALE: 1:100</p>
<p>PROJECT NO: 1078/B</p>	<p>CLIENT: PITARD GROUP</p>
<p>DESIGNER: PITARD GROUP</p>	<p>APPROVED BY: [Signature]</p>



<p>DATE: 10/11/15 DRAWN: [Name] CHECKED: [Name] PROJECT: 13-15 CHESTERVILLE ROAD CHELTEM VICTORIA CHESTERVILLE ROAD DEVELOPMENT</p>		<p>LEVEL 10</p>	<p>PITARD GROUP</p>
<p>10.01</p>	<p>10.02</p>	<p>10.03</p>	<p>10.04</p>
<p>10.05</p>	<p>10.06</p>	<p>10.07</p>	<p>10.08</p>
<p>10.09</p>	<p>10.10</p>	<p>10.11</p>	<p>10.12</p>
<p>10.13</p>	<p>10.14</p>	<p>10.15</p>	<p>10.16</p>
<p>10.17</p>	<p>10.18</p>	<p>10.19</p>	<p>10.20</p>
<p>10.21</p>	<p>10.22</p>	<p>10.23</p>	<p>10.24</p>
<p>10.25</p>	<p>10.26</p>	<p>10.27</p>	<p>10.28</p>
<p>10.29</p>	<p>10.30</p>	<p>10.31</p>	<p>10.32</p>
<p>10.33</p>	<p>10.34</p>	<p>10.35</p>	<p>10.36</p>
<p>10.37</p>	<p>10.38</p>	<p>10.39</p>	<p>10.40</p>
<p>10.41</p>	<p>10.42</p>	<p>10.43</p>	<p>10.44</p>
<p>10.45</p>	<p>10.46</p>	<p>10.47</p>	<p>10.48</p>
<p>10.49</p>	<p>10.50</p>	<p>10.51</p>	<p>10.52</p>
<p>10.53</p>	<p>10.54</p>	<p>10.55</p>	<p>10.56</p>
<p>10.57</p>	<p>10.58</p>	<p>10.59</p>	<p>10.60</p>
<p>10.61</p>	<p>10.62</p>	<p>10.63</p>	<p>10.64</p>
<p>10.65</p>	<p>10.66</p>	<p>10.67</p>	<p>10.68</p>
<p>10.69</p>	<p>10.70</p>	<p>10.71</p>	<p>10.72</p>
<p>10.73</p>	<p>10.74</p>	<p>10.75</p>	<p>10.76</p>
<p>10.77</p>	<p>10.78</p>	<p>10.79</p>	<p>10.80</p>
<p>10.81</p>	<p>10.82</p>	<p>10.83</p>	<p>10.84</p>
<p>10.85</p>	<p>10.86</p>	<p>10.87</p>	<p>10.88</p>
<p>10.89</p>	<p>10.90</p>	<p>10.91</p>	<p>10.92</p>
<p>10.93</p>	<p>10.94</p>	<p>10.95</p>	<p>10.96</p>
<p>10.97</p>	<p>10.98</p>	<p>10.99</p>	<p>11.00</p>
<p>11.01</p>	<p>11.02</p>	<p>11.03</p>	<p>11.04</p>
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<p>11.25</p>	<p>11.26</p>	<p>11.27</p>	<p>11.28</p>
<p>11.29</p>	<p>11.30</p>	<p>11.31</p>	<p>11.32</p>
<p>11.33</p>	<p>11.34</p>	<p>11.35</p>	<p>11.36</p>
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<p>11.45</p>	<p>11.46</p>	<p>11.47</p>	<p>11.48</p>
<p>11.49</p>	<p>11.50</p>	<p>11.51</p>	<p>11.52</p>
<p>11.53</p>	<p>11.54</p>	<p>11.55</p>	<p>11.56</p>
<p>11.57</p>	<p>11.58</p>	<p>11.59</p>	<p>11.60</p>
<p>11.61</p>	<p>11.62</p>	<p>11.63</p>	<p>11.64</p>
<p>11.65</p>	<p>11.66</p>	<p>11.67</p>	<p>11.68</p>
<p>11.69</p>	<p>11.70</p>	<p>11.71</p>	<p>11.72</p>
<p>11.73</p>	<p>11.74</p>	<p>11.75</p>	<p>11.76</p>
<p>11.77</p>	<p>11.78</p>	<p>11.79</p>	<p>11.80</p>
<p>11.81</p>	<p>11.82</p>	<p>11.83</p>	<p>11.84</p>
<p>11.85</p>	<p>11.86</p>	<p>11.87</p>	<p>11.88</p>
<p>11.89</p>	<p>11.90</p>	<p>11.91</p>	<p>11.92</p>
<p>11.93</p>	<p>11.94</p>	<p>11.95</p>	<p>11.96</p>
<p>11.97</p>	<p>11.98</p>	<p>11.99</p>	<p>12.00</p>

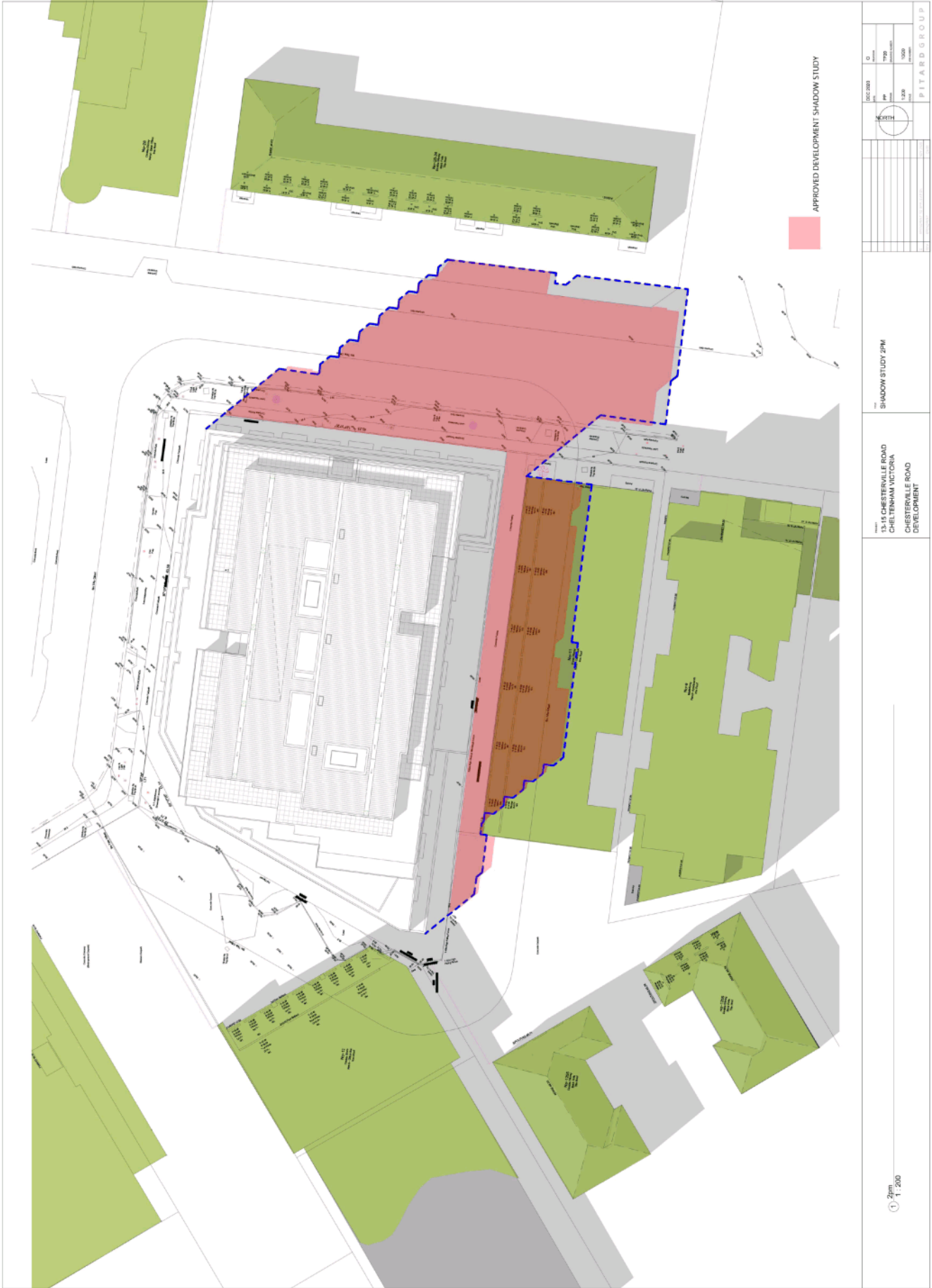


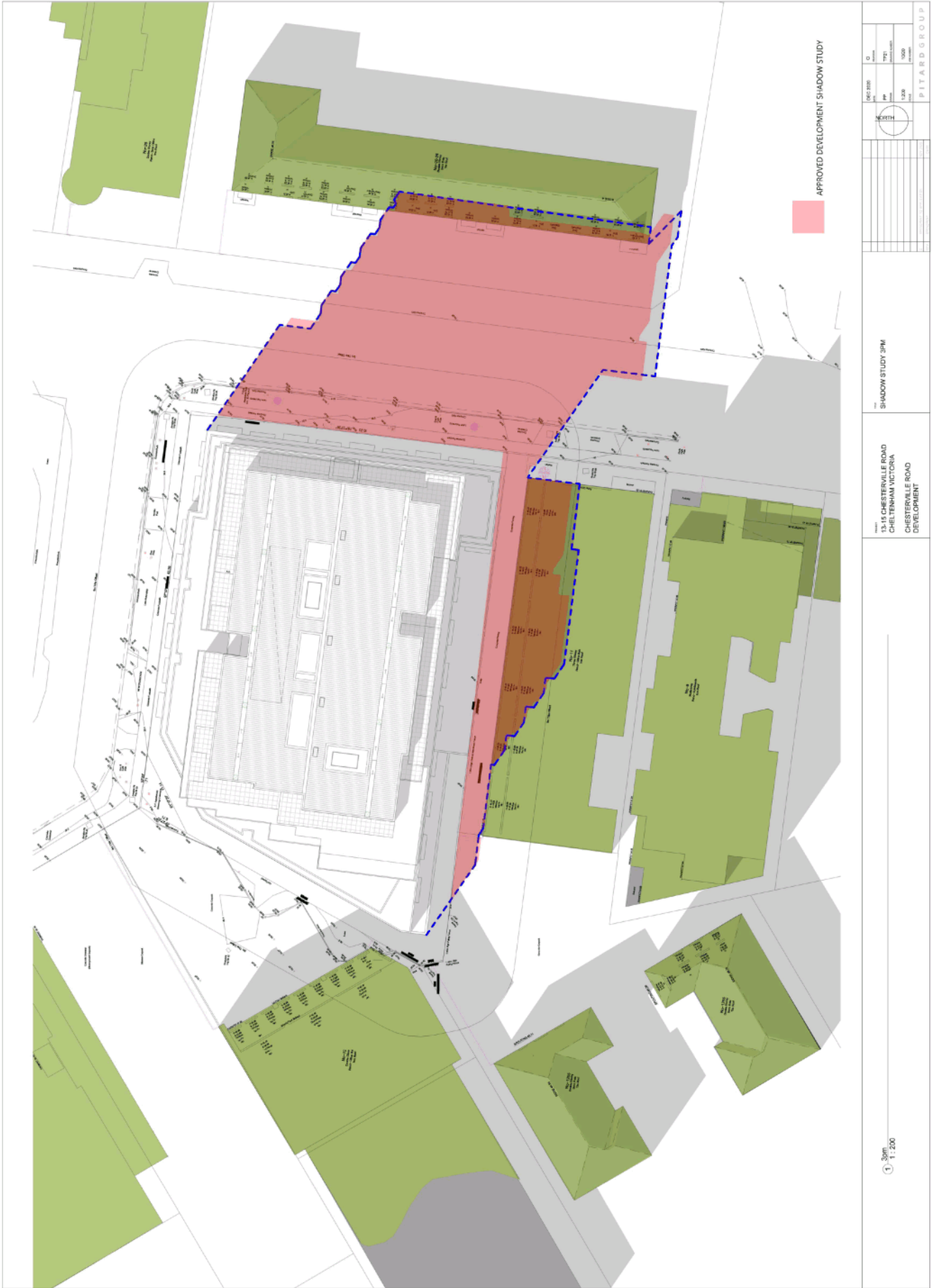




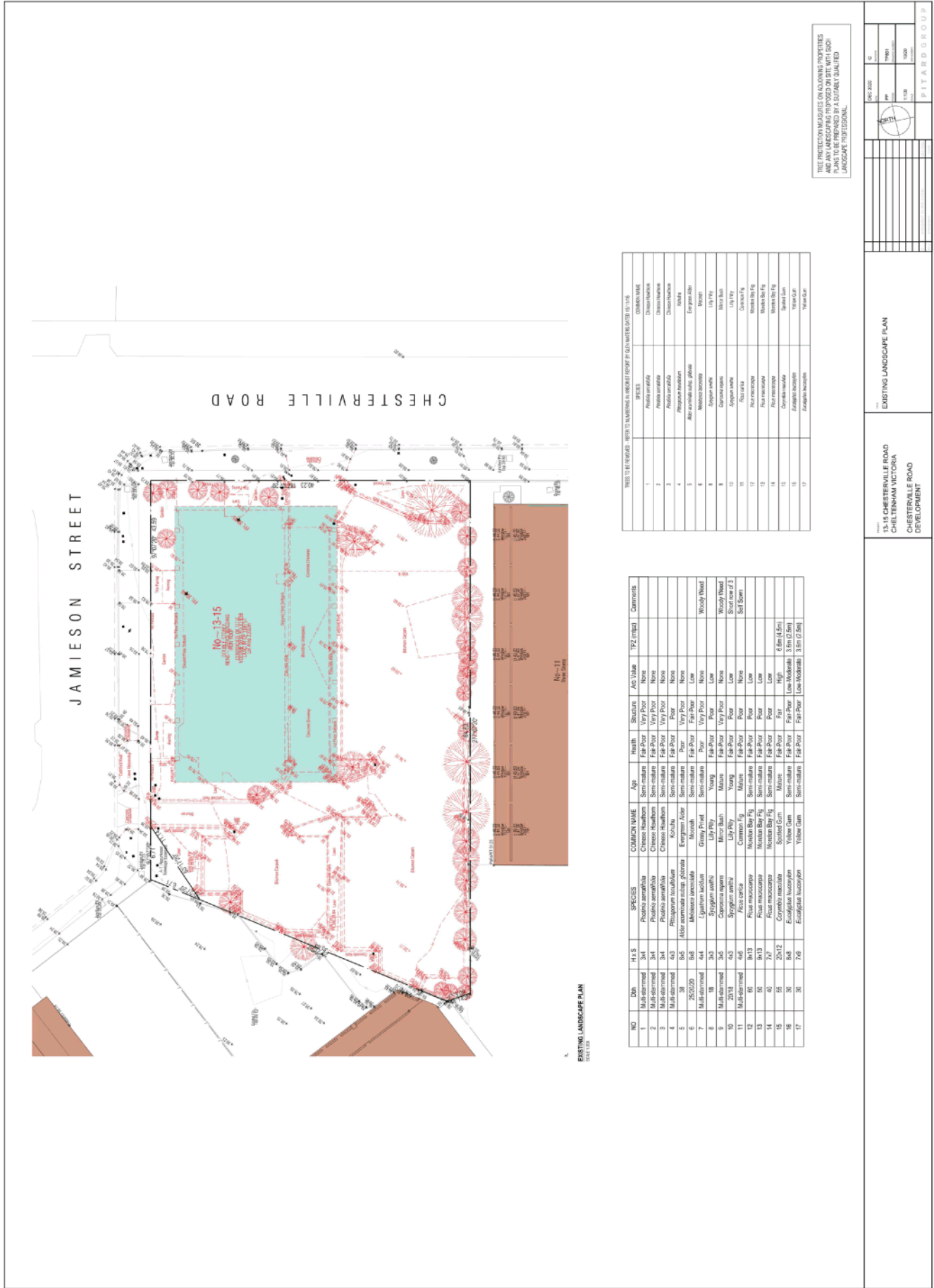








1:200		PITARD GROUP	
DATE	NO	REVISED	BY
12/01/2016	01		
SHADOW STUDY 3PM			
13-15 CHESTERVILLE ROAD CHELTENHAM VICTORIA CHESTERVILLE ROAD DEVELOPMENT			
PITARD GROUP			



EXISTING LANDSCAPE PLAN
SCALE 1:200

THESE 17 SPECIES ARE TO BE MAINTAINED IN THE EXISTING SCHEME. PLANTS TO BE REPLACED BY A SUITABLY QUALIFIED LANDSCAPE PROFESSIONAL.

NO	DBH	H x S	SPECIES	COMMON NAME	Age	Health	Structure	AVQ Value	TPZ (m)	Comments
1	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
2	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
3	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
4	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
5	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
6	250x200	8x6	Malva sylvestris	Malva	Semi-mature	Fair-Poor	Very Poor	Low	Woolly Wood	
7	Multi-stemmed	4x4	Ligustrum vulgare	Glossy Privet	Semi-mature	Poor	Very Poor	None	None	
8	18	3x3	Syringa vulgaris	Lily Privy	Young	Fair-Poor	Poor	Low	None	
9	Multi-stemmed	3x5	Conocarpus rostratus	Minor Bush	Mature	Fair-Poor	Very Poor	None	Woolly Wood	
10	20x18	4x3	Syringa vulgaris	Lily Privy	Young	Fair-Poor	Poor	Low	Street over 2.5m	
11	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	Self Shorn	
12	18	3x3	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	None	
13	18	3x3	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	None	
14	40	7x7	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	Low	None	
15	55	25x12	Corymbia maculata	Spotted Gum	Mature	Fair-Poor	Fair	High	6.0m (4.5m)	
16	30	8x8	Eucalyptus laevis	Yellow Gum	Semi-mature	Fair-Poor	Fair-Poor	Low-Moderate	3.0m (2.5m)	
17	30	7x6	Eucalyptus laevis	Yellow Gum	Semi-mature	Fair-Poor	Fair-Poor	Low-Moderate	3.0m (2.5m)	

THESE 17 SPECIES ARE TO BE MAINTAINED IN THE EXISTING SCHEME. PLANTS TO BE REPLACED BY A SUITABLY QUALIFIED LANDSCAPE PROFESSIONAL.

NO	DBH	H x S	SPECIES	COMMON NAME	Age	Health	Structure	AVQ Value	TPZ (m)	Comments
1	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
2	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
3	Multi-stemmed	3x4	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
4	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
5	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Very Poor	None	None	
6	250x200	8x6	Malva sylvestris	Malva	Semi-mature	Fair-Poor	Very Poor	Low	Woolly Wood	
7	Multi-stemmed	4x4	Ligustrum vulgare	Glossy Privet	Semi-mature	Poor	Very Poor	None	None	
8	18	3x3	Syringa vulgaris	Lily Privy	Young	Fair-Poor	Poor	Low	None	
9	Multi-stemmed	3x5	Conocarpus rostratus	Minor Bush	Mature	Fair-Poor	Very Poor	None	Woolly Wood	
10	20x18	4x3	Syringa vulgaris	Lily Privy	Young	Fair-Poor	Poor	Low	Street over 2.5m	
11	Multi-stemmed	4x5	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	Self Shorn	
12	18	3x3	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	None	
13	18	3x3	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	None	None	
14	40	7x7	Prunus serotina	Cherry	Semi-mature	Fair-Poor	Poor	Low	None	
15	55	25x12	Corymbia maculata	Spotted Gum	Mature	Fair-Poor	Fair	High	6.0m (4.5m)	
16	30	8x8	Eucalyptus laevis	Yellow Gum	Semi-mature	Fair-Poor	Fair-Poor	Low-Moderate	3.0m (2.5m)	
17	30	7x6	Eucalyptus laevis	Yellow Gum	Semi-mature	Fair-Poor	Fair-Poor	Low-Moderate	3.0m (2.5m)	

THESE 17 SPECIES ARE TO BE MAINTAINED IN THE EXISTING SCHEME. PLANTS TO BE REPLACED BY A SUITABLY QUALIFIED LANDSCAPE PROFESSIONAL.

13-15 CHESTERVILLE ROAD CHELTENHAM VICTORIA CHESTERVILLE ROAD DEVELOPMENT		EXISTING LANDSCAPE PLAN	
DATE: 10/10/2016	SCALE: 1:200	PROJECT NO: 1078/B	PITARD GROUP

The image displays 12 individual floor plans for apartment units, arranged in a grid. Each plan shows room layouts, furniture placement, and structural elements. The units are labeled as follows:

- Top row (left to right):
 - APARTMENTS-3.04-4.04 - 5.04-6.04-7.04-8.04-9.04
 - APARTMENTS-3.05-4.05 - 5.05-6.05-7.05-8.05-9.05
 - APARTMENTS-4.16-5.16-6.16-7.16-8.16-9.16
- Second row (left to right):
 - APARTMENTS-3.03-4.03-5.03-6.03-7.03-8.03-9.03
 - APARTMENTS-3.07-4.07-5.07-6.07-7.07-8.07-9.07
 - APARTMENTS-4.05-5.05-6.05-7.05-8.05-9.05
- Third row (left to right):
 - APARTMENTS-3.02
 - APARTMENTS-3.06-4.06-5.06-6.06-7.06-8.06-9.06
 - APARTMENTS-3.14-4.14-5.14-6.14-7.14-8.14-9.14
- Bottom row (left to right):
 - APARTMENTS-3.01-4.01-5.01-6.01-7.01-8.01-9.01
 - APARTMENTS-3.08-4.08-5.08-6.08-7.08-8.08-9.08
 - APARTMENTS-3.11-4.11-5.11-6.11-7.11-8.11-9.11

Each plan includes a north arrow and a scale bar. The units are distributed across three levels: Level 3 (top row), Level 4 (second row), and Level 5 (third row).

<p>13-15 CHESTERVILLE ROAD CHELtenham VICTORIA CHESTERVILLE ROAD DEVELOPMENT</p>		<p>INDIVIDUAL FLOOR PLANS</p>	
DATE	0	DATE	0
BY		BY	
APP'D		APP'D	
CHECKED		CHECKED	
SCALE		SCALE	
PITARD GROUP			

Planning Committee Meeting

17 March 2021

Agenda Item No: 4.5

AMENDMENT C197 TO THE KINGSTON PLANNING SCHEME - ANOMALIES AMENDMENT

Contact Officer: Mathieu Maugueret, Strategic Planner

Purpose of Report

This report recommends that the Planning Committee seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C197 to correct a number of errors and anomalies in the Kingston Planning Scheme.

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 Amendment C197 to the Kingston Planning Scheme.
2. Subject to authorisation being granted by the Minister for Planning to prepare Amendment C197 to the Kingston Planning Scheme, exhibit the amendment in accordance with the *Planning and Environment Act 1987*.

1. Executive Summary

Kingston City Council, in its capacity as the Planning Authority, is responsible for regularly reviewing the Kingston Planning Scheme as required by Section 12(B) of the *Planning and Environment Act 1987*.

Minor errors and anomalies were identified in the Kingston Planning Scheme Review 2012 that require correction via a planning scheme amendment. Amendment C149, which was approved by the Minister for Planning on 15 August 2019, provided for 253 corrections to errors and anomalies in the Kingston Planning Scheme generally applicable to Council owned land.

Proposed Planning Scheme Amendment C197 consists of corrections which includes rezoning of land that has been incorrectly zoned or is in dual zones, amendments to incorrect overlays and minor amendments to maps to correct errors. The proposed amendment will contribute to the more effective operation and administration of the Kingston Planning Scheme by ensuring that Council and landowners are not encumbered by unnecessary, redundant or irrelevant controls.

This report recommends that Council seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C197. Subject to authorisation being granted by the Minister, it is proposed that Council publicly exhibit the amendment in accordance with the *Planning and Environment Act 1987*.

2. Background

At its Ordinary Council Meeting on the 26 March 2012, Council passed a resolution to adopt the Planning Scheme Review. Amongst other things, the key findings of the review process included undertaking amendments to the Kingston Planning Scheme to resolve anomalies identified.

During the research phase of the Planning Scheme Review, City Strategy, in conjunction with the Property Services and Parks Departments, undertook a thorough audit of all the maps associated with the Planning Scheme to identify any anomalies and errors. It was established that there were a significant number of zoning and overlay inconsistencies requiring rectification. Since the adoption of the 2012 review other errors and anomalies have also been identified which are also proposed to be addressed as part of Amendment C197.

Proposed Amendment C197 follows Amendment C149 which was approved by the Minister for Planning on 15 August 2019. That amendment provided for 253 corrections to errors and anomalies in the Kingston Planning Scheme, primarily applicable to Council owned land.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.1 - Intergenerational land use planning for a sustainable community

1.1.3 Administer an effective planning scheme.

1.3.3 Effectively manage council's property portfolio and ensure strategic and financially responsible land and property acquisition and disposal.

The proposed amendment is consistent with the Council Plan as it corrects errors and anomalies in the planning scheme contributing to the more effective operation and administration of Scheme.

3.2 Consultation/Internal Review

Discussions have occurred between the City Strategy, Open Space and Property Services Departments to inform the content of proposed Amendment C197.

If the amendment proceeds, further consultation will occur with all landowners notified as per the formal notice requirements set out under the *Planning and Environment Act 1987*. This would involve placing the Planning Scheme Amendment on public exhibition for a period of at least four (4) weeks with the following consultation being undertaken:

- Direct notification to all landowners directly affected by the amendment.
- Notices placed in the Government Gazette and papers that circulate within the municipality.
- Amendment documentation being made available on Council's website.
- Direct notification to Ministers and relevant public authorities.

3.3 Operation and Strategic Issues

3.3.1 The Proposed Amendment

The proposed amendment seeks to:

- Rectify zoning of public land so that these areas are appropriately zoned Public Park and Recreation Zone (PPRZ), or Public Use Zone (PUZ) as appropriate.
- Rectify zoning of private land that is currently within a dual zone.
- Align zoning boundaries with parcel boundaries where there is more than one zone affecting the land (private and public).
- Improve the accuracy of the Heritage Overlay extent so that it covers only what is intended to be subject to heritage controls. This can include reducing or moving the mapped area.

A complete list of the proposed changes, including a more detailed explanation of each proposed change, is provided at Appendix 1.

The proposed amendment will contribute to the more effective operation of the Kingston Planning Scheme and will ensure that Council and landowners are not encumbered by incorrect planning controls that could hinder future development approval processes.

3.4 Options

3.4.1 Option 1

Request the Minister for Planning to authorise the preparation of Amendment C197 to correct the anomalies as identified in Appendix 1 and Appendix 2 which consists of corrections, including rezoning land that has been incorrectly zoned or has a dual zone.

This is the recommended option.

3.4.2 Option 2


Council has the option of not pursuing the proposed Amendment. This option is not supported by officers as it would prevent the statutory implementation of the Planning Scheme Review and effective operation of the Kingston Planning Scheme.


4. Conclusion

Proposed Planning Scheme Amendment C197 seeks to resolve anomalies which require rezoning of land that has been incorrectly zoned or is located in dual zones as well as minor amendments to overlay maps to correct errors.

This report recommends that a request be made to the Minister for Planning to authorise the preparation of Amendment C197 to the Kingston Planning Scheme and if authorisation is granted to proceed with public exhibition.

Appendices

Appendix 1 - Amendment C197king (Anomalies) (Ref 21/21490)  [↓](#)

Appendix 2 - Explanatory Report - Amendment C197king (Ref 21/21606)  [↓](#)

Author/s: Mathieu Maugeret, Strategic Planner
Reviewed and Approved By: Rita Astill, Team Leader Strategic Planning
Paul Marsden, Manager City Strategy
Jonathan Guttman, General Manager Planning and
Development

4.5

AMENDMENT C197 TO THE KINGSTON PLANNING SCHEME - ANOMALIES AMENDMENT

1	Amendment C197king (Anomalies)	229
2	Explanatory Report - Amendment C197king.....	277

Anomalies Amendment

Planning Committee Meeting – 17 March 2021



City of
KINGSTON

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Definitions

Zones	
GRZ2	General Residential Zone – Schedule 2
GRZ3	General Residential Zone – Schedule 3
IN1Z	Industrial 1 Zone
ACZ2	Activity Centre Zone – Schedule 2 (Mentone Activity Centre)
ACZ3	Activity Centre Zone – Schedule 3 (Moorabbin Activity Centre)
PPRZ	Public Park and Recreation Zone
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
Overlays	
DDO20	Design and Development Overlay (Thrift Park Neighbourhood Activity Centre)
HO85	Heritage Overlay (House - 1 Albert Street, Mordialloc)
HO104	Heritage Overlay (Braeside Park Precinct – remnant Melbourne and Metropolitan Board of Works equipment)
HO105	Heritage Overlay (Nylex Sign - 25-29 Nepean Hwy, Mentone)

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Banksia Ward

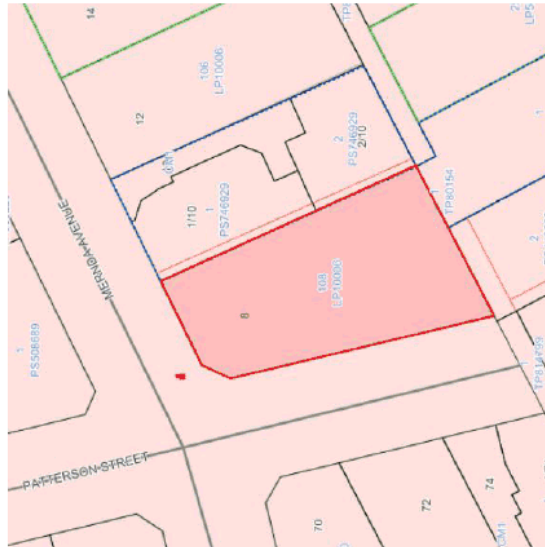
- 8 Mernda Avenue, Bonbeach
- 62 McLeod Road, Carrum
- 37 McLeod Road, Carrum
- 34-40 Launching Way, Carrum
- 52-70 Thompson Road, Patterson Lakes

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8 Mernda Avenue, Bonbeach

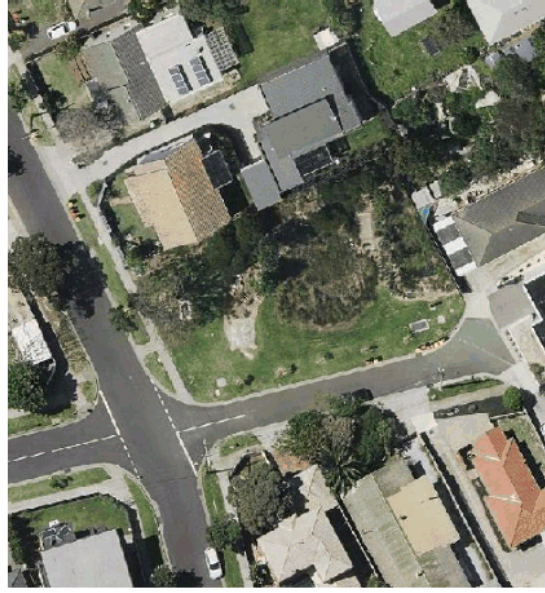
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

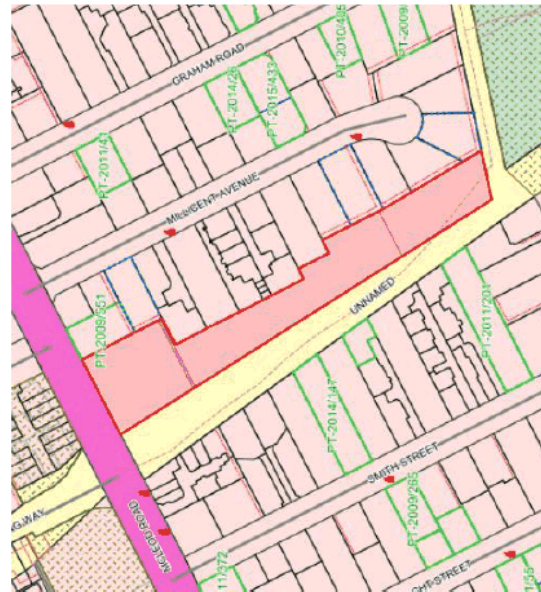
The site is known as the Mernda Avenue Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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62 McLeod Road, Carrum

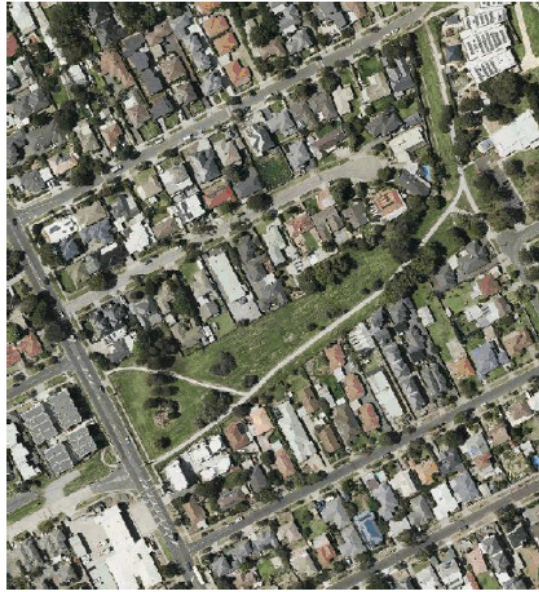
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

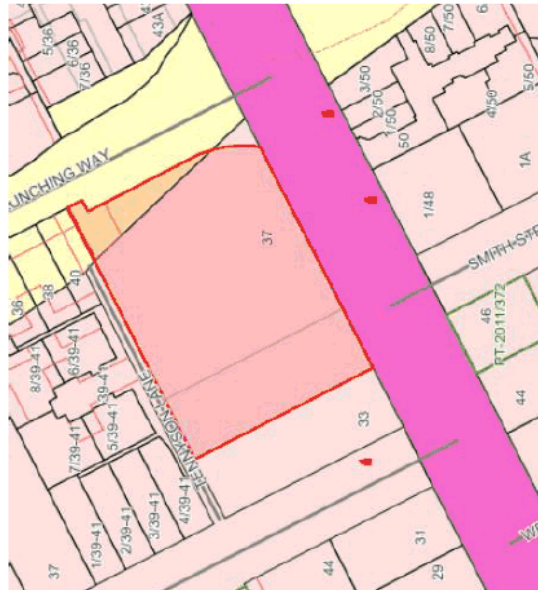
The site is known as McDougall Reserve. It is used as public open space and is owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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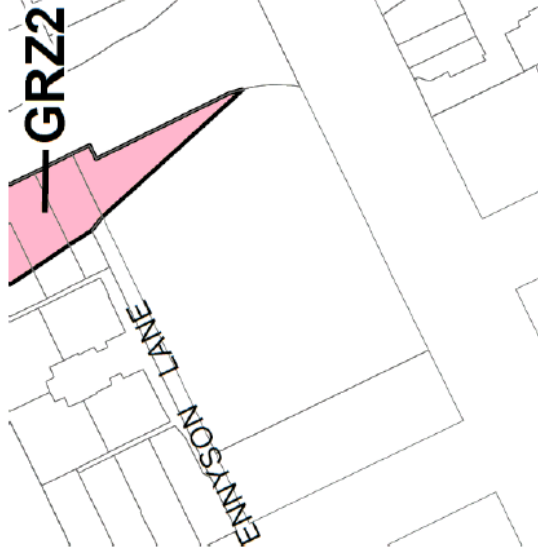


37 McLeod Road, Carrum

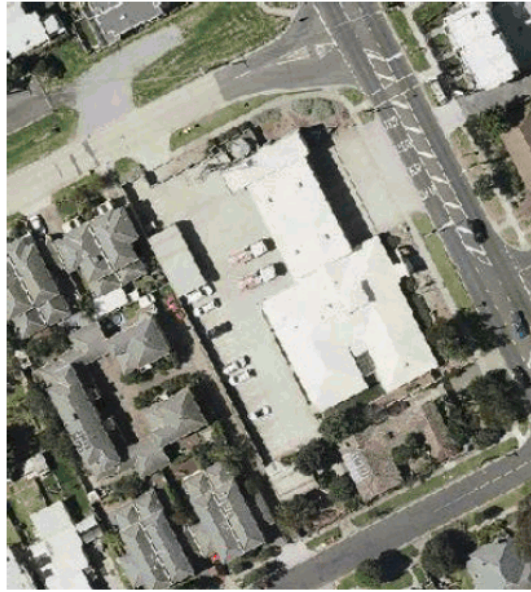
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
PUZ1	GRZ2	N/A	Fire Station	CFA



Existing Zone



Proposed Zone



Aerial Image

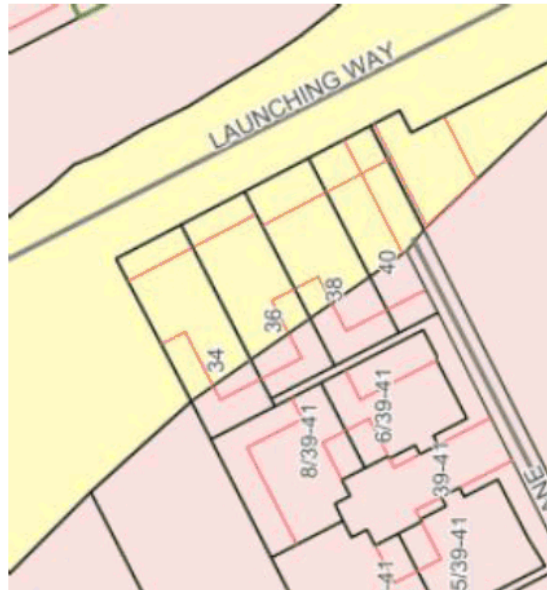
The site is occupied by a Fire Station. The site is encumbered by dual zones (GRZ2 and PUZ1). The site is predominantly zoned GRZ2 with only a small portion affected by the PUZ1 as such the site is proposed to be rezoned entirely to GRZ2 to reflect the zone which applied to the majority of the site and surrounding properties.

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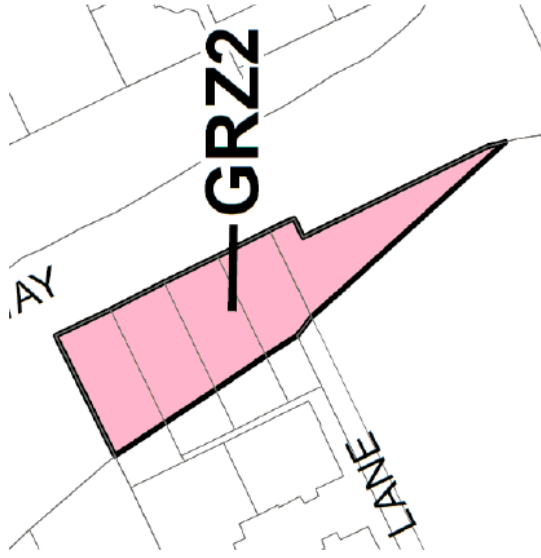


34-40 Launching Way, Carrum

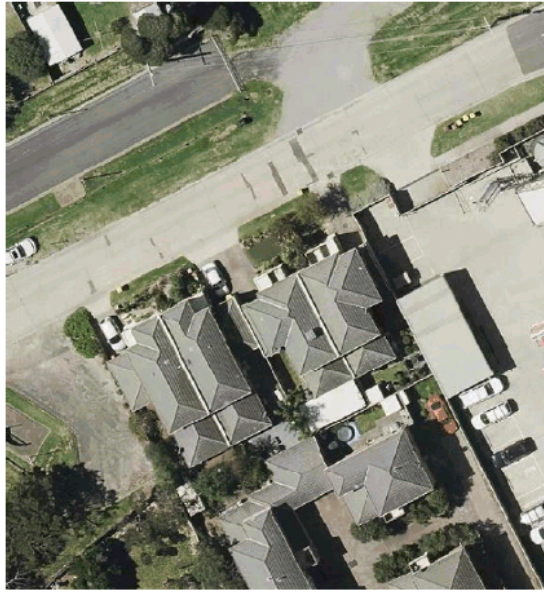
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
PUZ1	GRZ2	N/A	Residential	Private



Existing Zone



Proposed Zone



Aerial Image

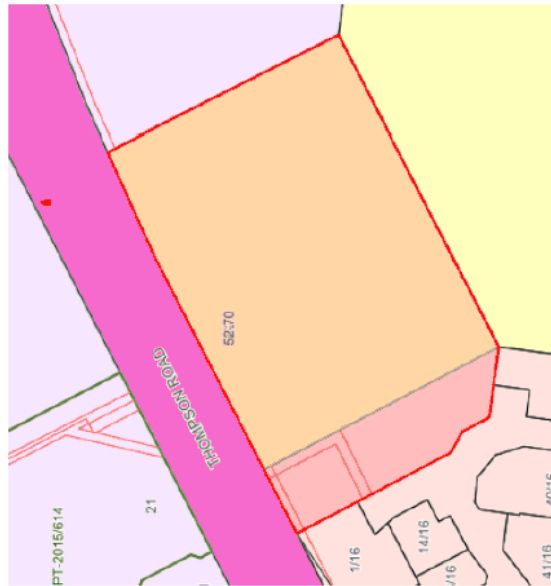
The sites are privately owned and each occupied by residential dwellings. The sites are incorrectly encumbered by dual zones (GRZ2 and PUZ1). As the sites are not public land it is recommended that it be rezoned to GRZ2 to reflect the residential use and the zone which applies to the remaining part of the sites and surrounding properties.

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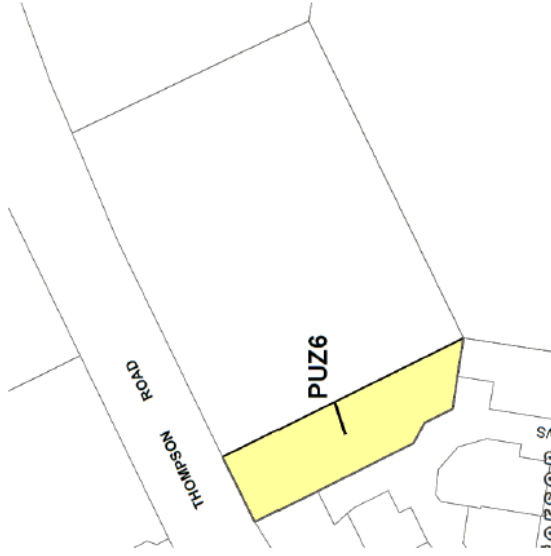


52-70 Thompson Road, Patterson Lakes

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PUZ6	N/A	Community Centre	Council



Existing Zone



Proposed Zone



Aerial Image

The site is owned by council and occupied by the Patterson Lakes Community Centre. It is encumbered by dual zones (GRZ3 and PUZ6). A purpose of the Public Use Zone (PUZ6) includes “to recognise public land use for public utility and community services and facilities”. The rezoning of the site is sought to reflect existing use and ownership.

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Banksia Ward

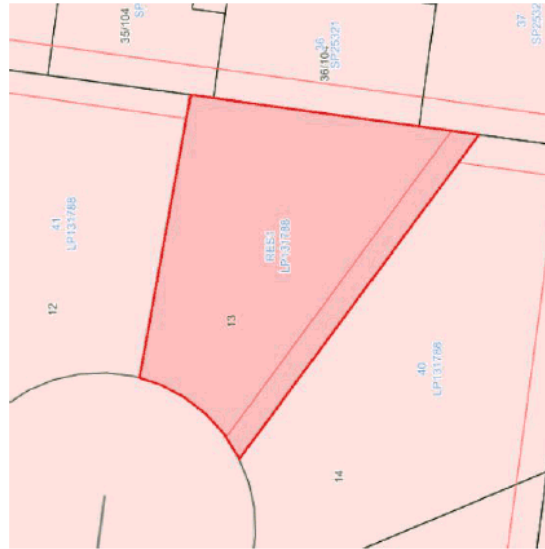
- 13 Broadchapel Place, Clarinda
- 33 Autumn Terrace, Clayton South
- 8-16A Clarevale Street, Clayton South
- 15-17 Luain Avenue, Oakleigh South

community inspired leadership



13 Broadchapel Place, Clarinda

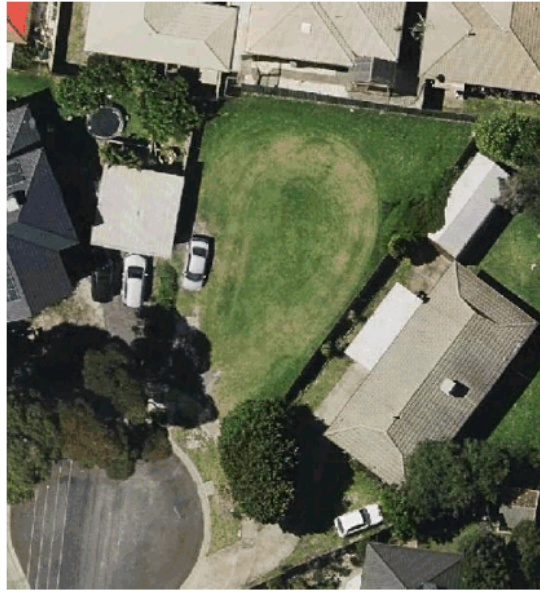
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

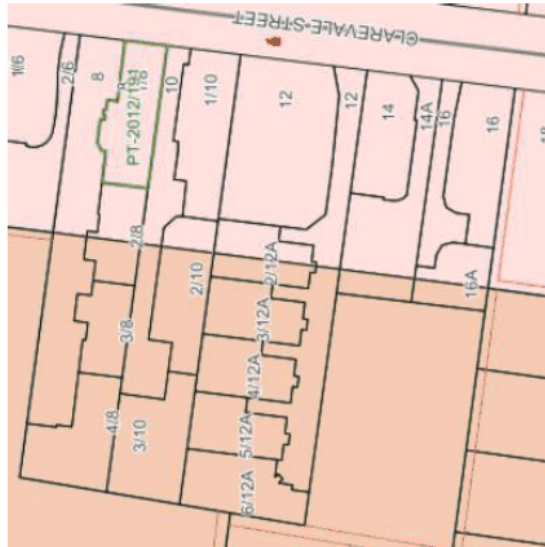
The site is known as the Broadchapel Place Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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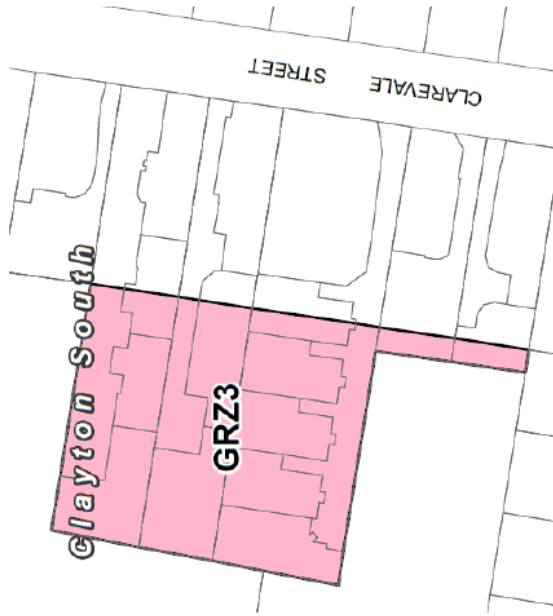


8-16A Clarevale Street, Clayton South

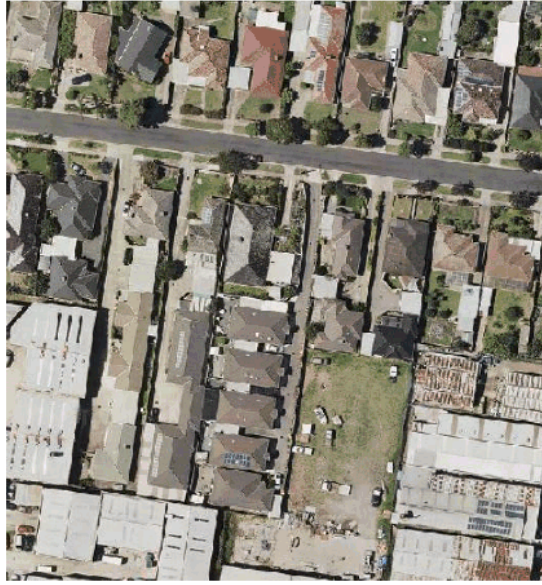
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
IN1Z	GRZ3	N/A	Residential	Private



Existing Zone



Proposed Zone



Aerial Image

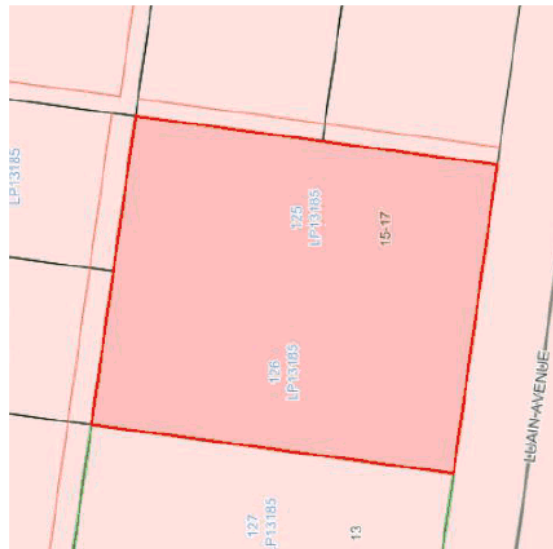
Properties at 8-16A Clarevale Street are privately owned and occupied by a number of multi-unit residential developments. The properties are encumbered by dual zones (GRZ3 and IN1Z). It is generally seen as best practise to align zones with cadastral or property boundaries. The purpose of the Industrial 1 Zone includes “to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities” Pursuant to this zone accommodation (other than Caretaker’s housing) is prohibited. It is recommended that the properties (including the multi-unit developments and common properties) be rezoned to GRZ3 to reflect its existing residential land use and development. The rezoning would also reflect the zone which applies to the remaining part of the land. Such an outcome would allow the realignment of zoning boundaries to support the existing residential subdivision pattern of properties with a frontage to Clarevale Street.

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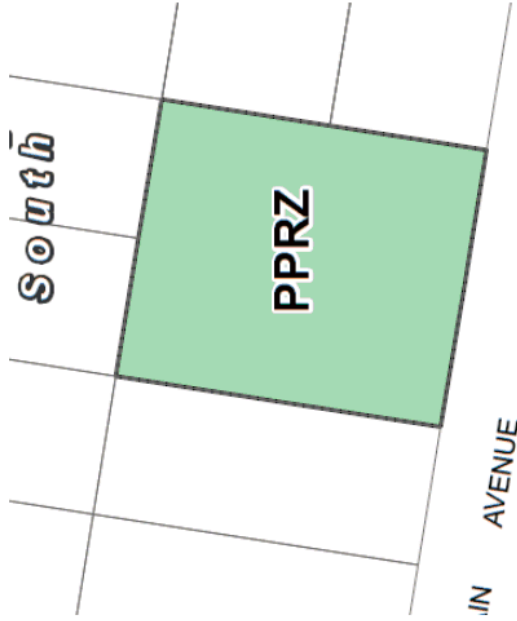


15-17 Luain Avenue, Oakleigh South

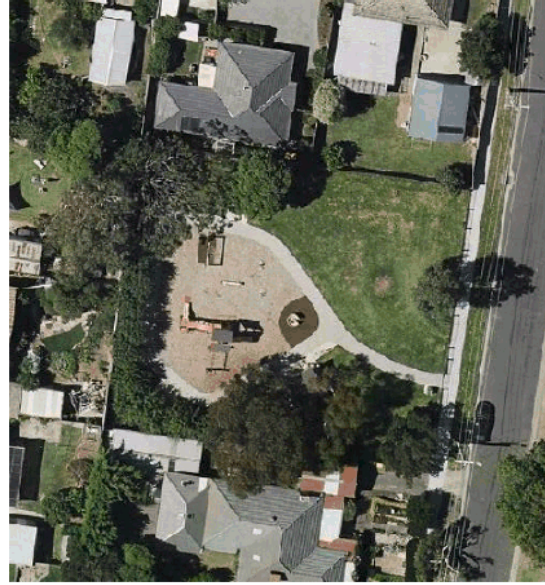
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the Luain Avenue Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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Caruana Ward

- 2 Mahala Court, Clayton South
- 136-176 Osborne Avenue (along Murchison Cr), Clayton South
- 100-116 Howard Road (along Twofold Close), Dingley Village

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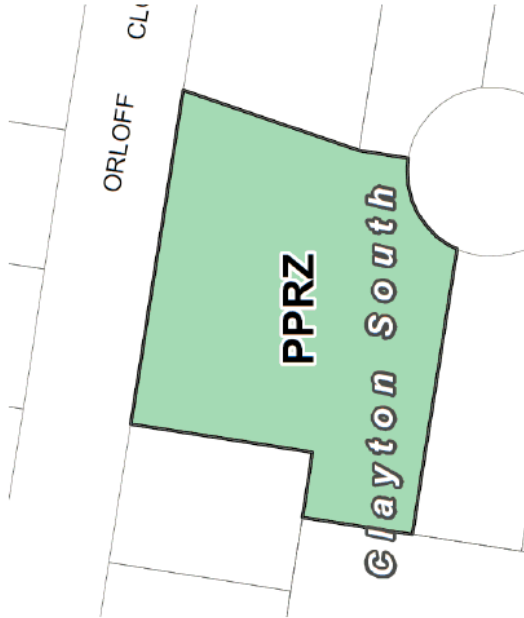


2 Mahala Court, Clayton South

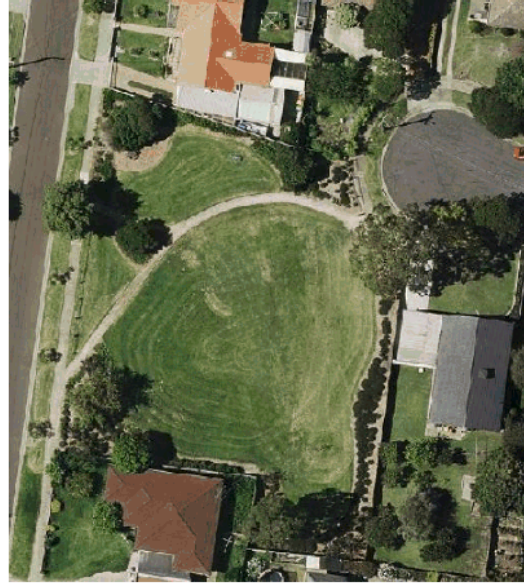
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the Mahala Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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136-176 Osborne Avenue, Clayton South

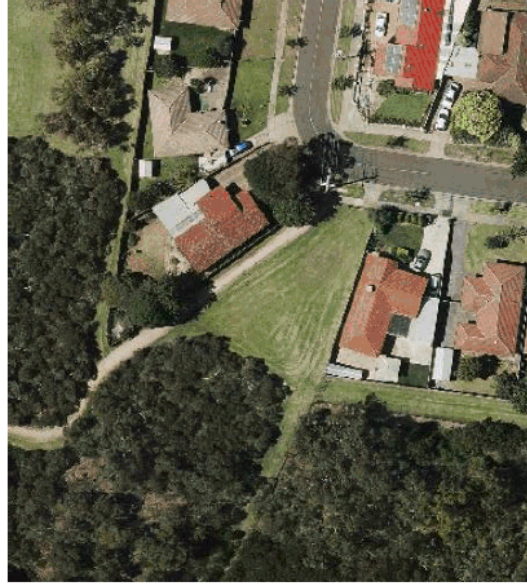
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

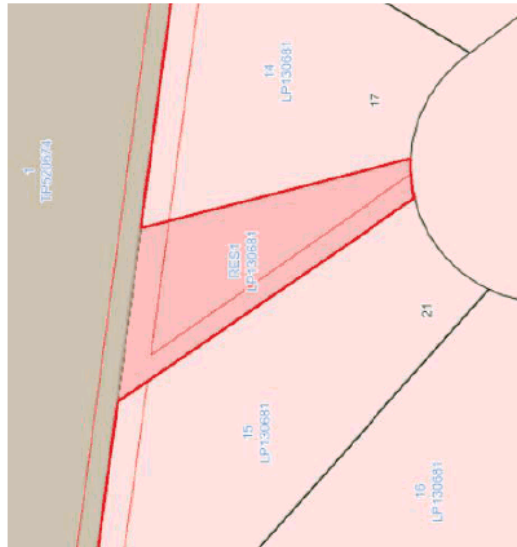
The site is known as The Grange Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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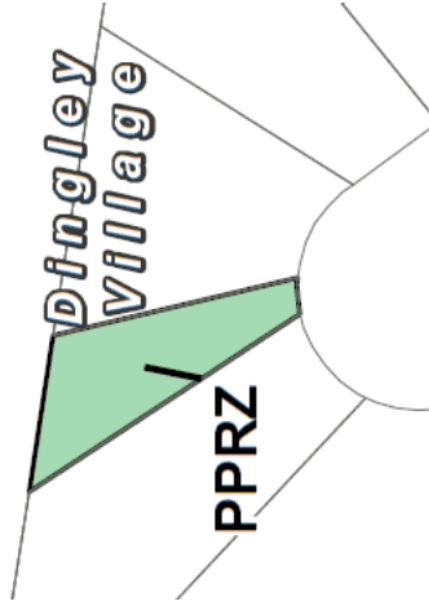


100-116 Howard Road, Dingley Village

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the Chadwick Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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Caruana Ward

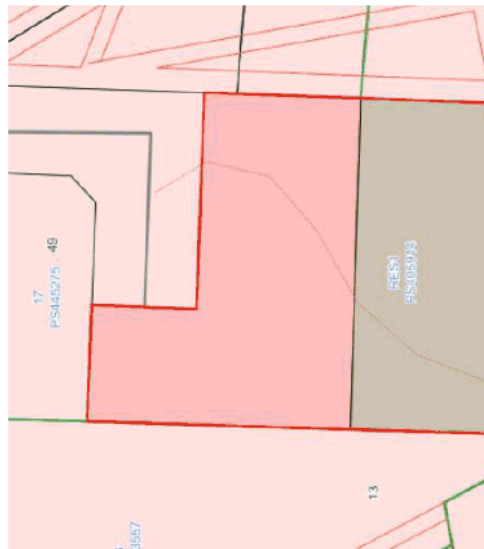
- 49A Derring Lane, Cheltenham
- 2 Long Street, Mentone
- 76-80 Marriott Street, Parkdale

community inspired leadership



49A Derring Lane, Cheltenham

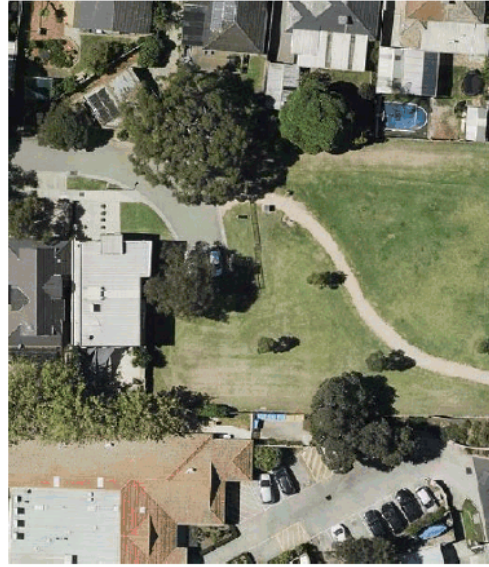
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

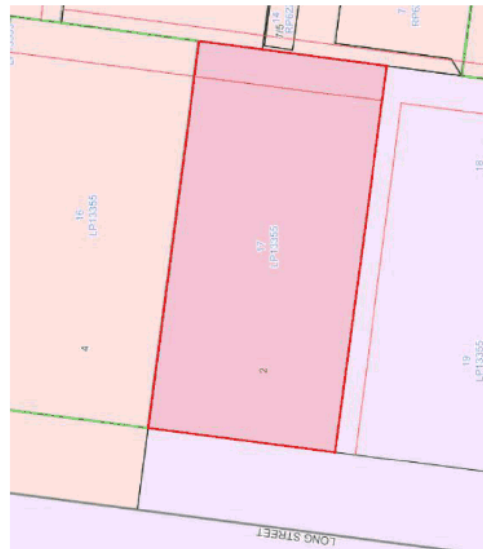
The site is known as the Derring Lane Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

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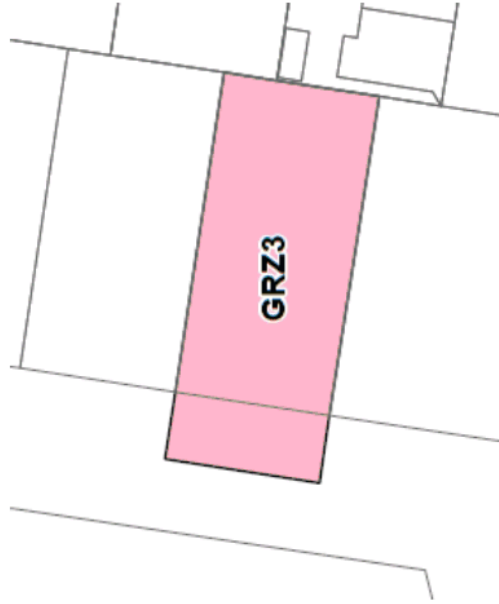


2 Long Street, Mentone

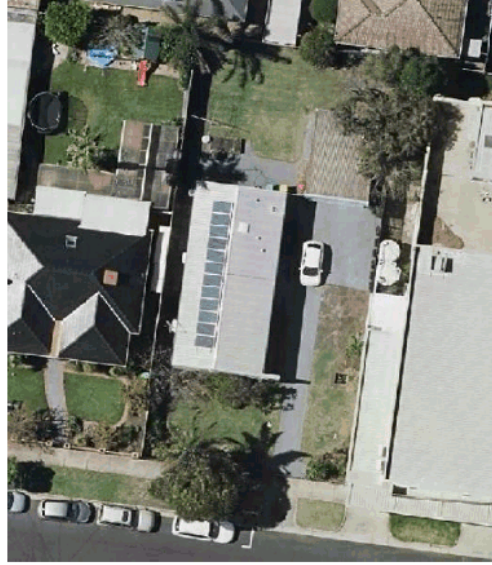
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
C1Z	GRZ3	DD012 - Removal	Residential	Private



Existing Zone



Proposed Zone



Aerial Image

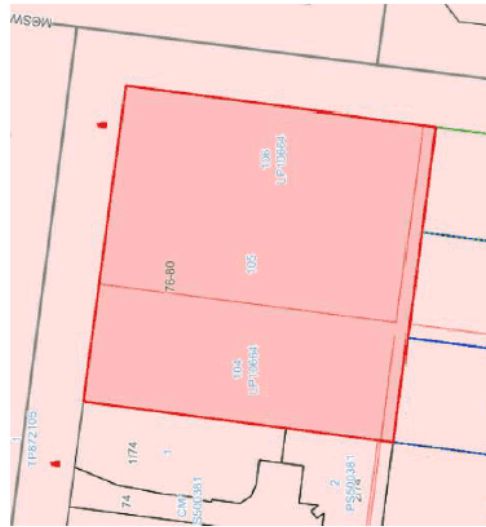
The site is occupied by a residential dwelling. It is recommended to rezone the site to a residential zone to reflect the existing and historic residential land use of the site, which has been occupied by a residential dwelling since the 1980s. DDO20 only applies to land zoned C1Z within the Thrift Park Neighbourhood Activity Centre. As the subject site is to be rezoned to GRZ3, DDO20 is no longer applicable and required. GRZ3 is the most appropriate zone considering the existing land use and surrounding zoning.

community inspired leadership



76-80 Marriott Street, Parkdale

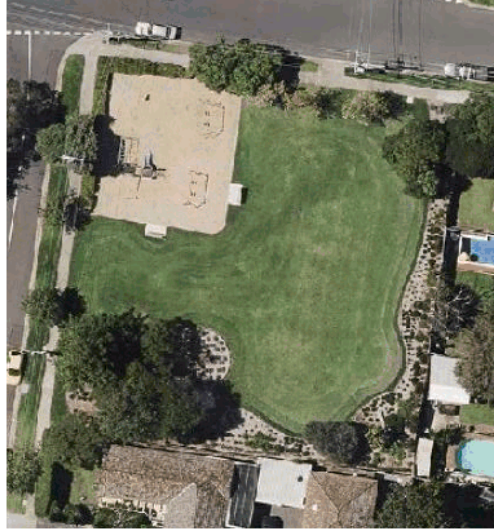
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the Marriott Street Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



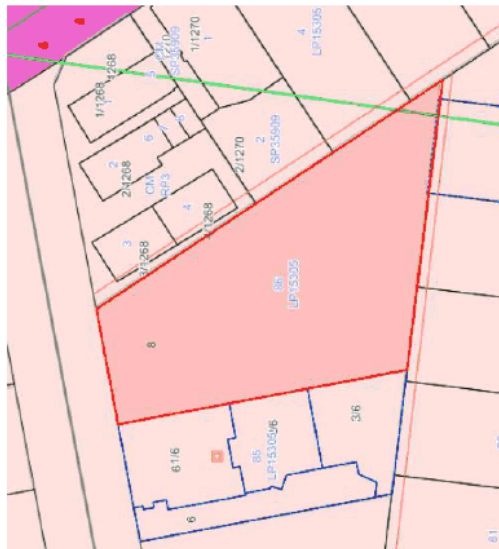
Como Ward

- 8 Page Street, Cheltenham
- 2-8 Balcombe Road, Mentone
- 9A Bourke Street, Mentone
- (Part of) Venice Street, Mentone
- (Part of) Remo Street, Mentone
- 158 Oak Avenue, Mentone
- 141 Warrigal Road, Mentone
- 133-135 Warrigal Road, Mentone
- 25-29 Nepean Highway, Mentone
- 9B The Corso, Parkdale

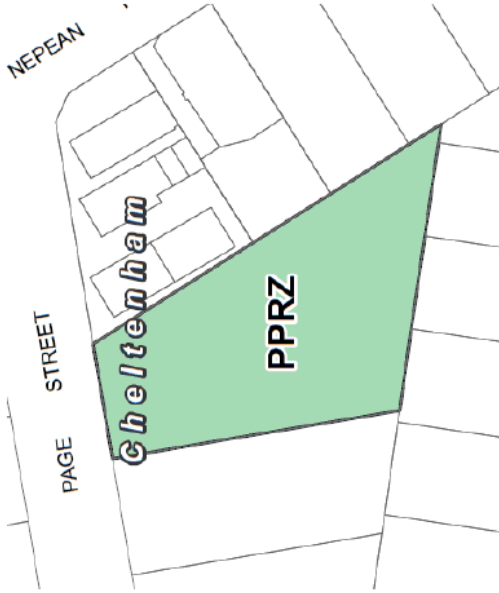


8 Page Street, Cheltenham

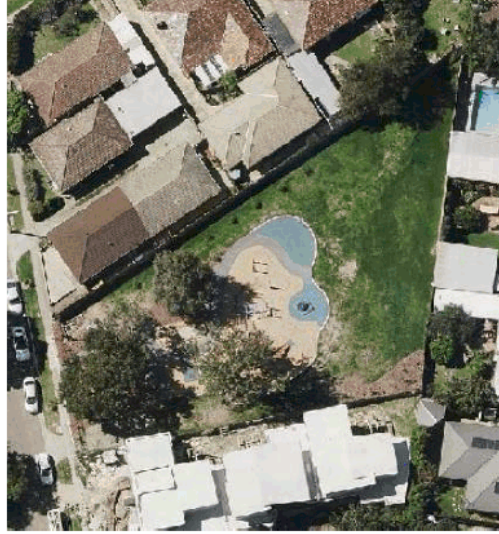
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

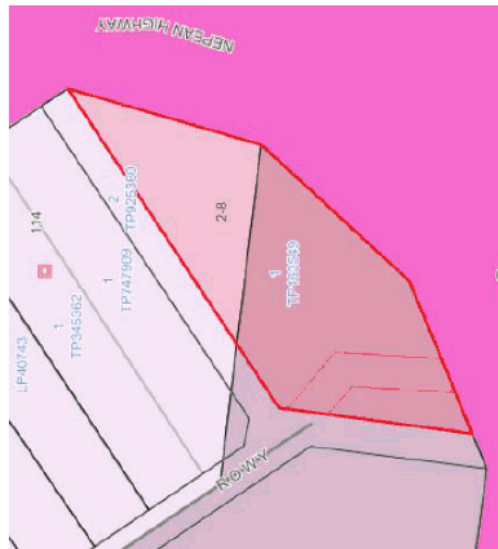
The site is known as the Page Street Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

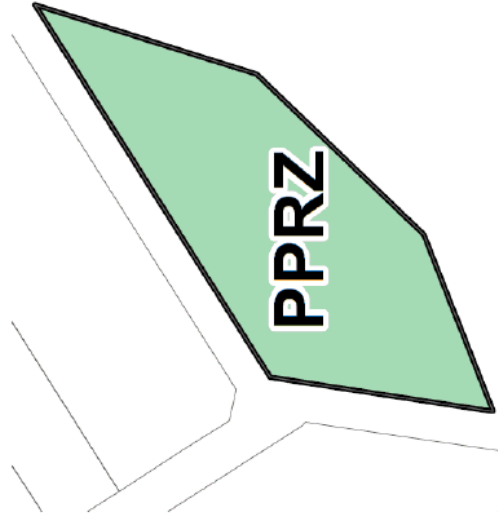


2-8 Balcombe Road, Mentone

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
C1Z, C2Z	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

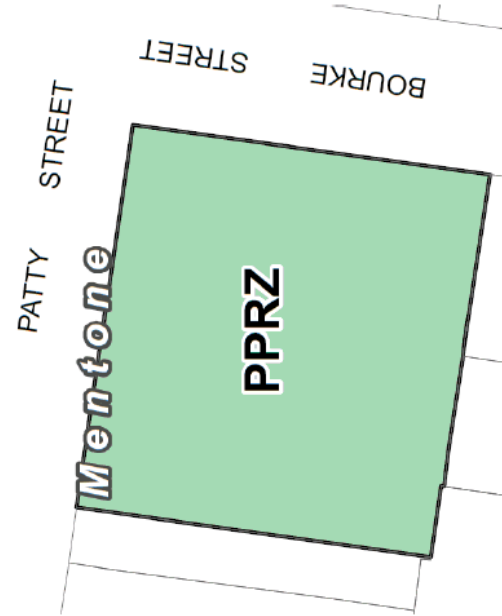


9A Bourke Street, Mentone

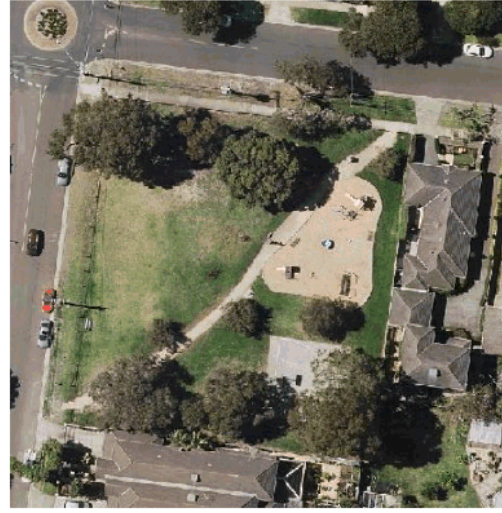
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
PUZ1	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

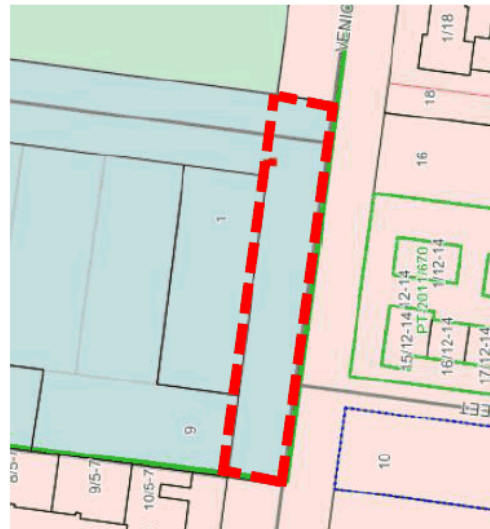
The site is known as the Bourke & Patty Street Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

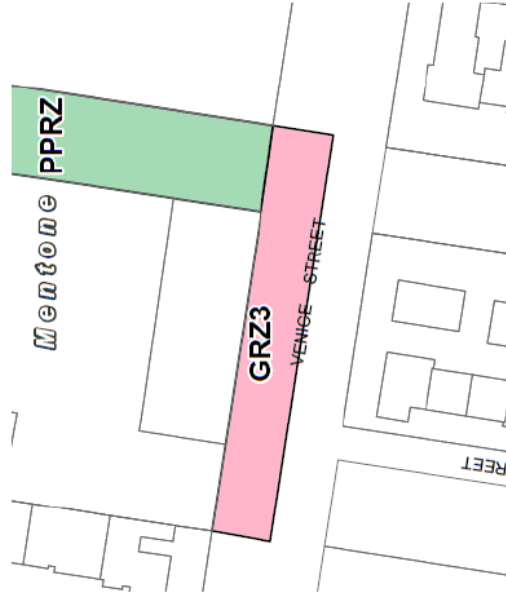


(Part of) Venice Street, Mentone

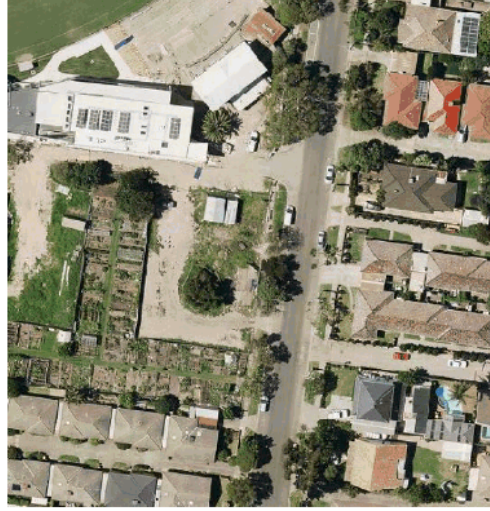
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
ACZ2	GRZ3	N/A	Road	Council



Existing Zone



Proposed Zone



Aerial Image

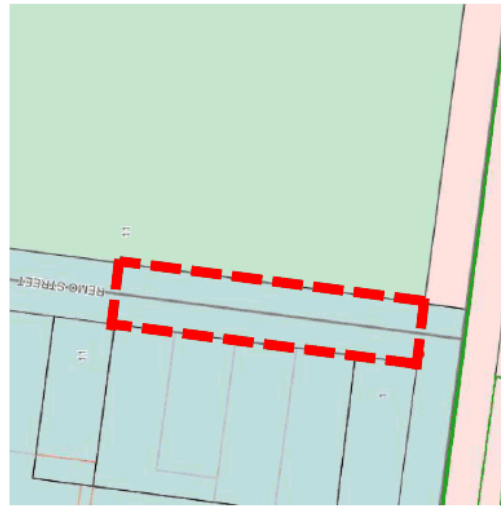
Part of Venice Street (between Remo Street and Milan Street) should be rezoned to reflect the surrounding residential zone to the south. As such it is appropriate to rezone this section of Venice Street to GRZ3.

community inspired leadership

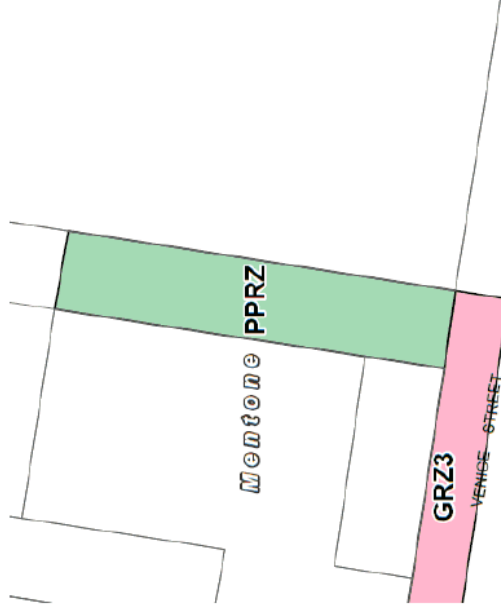


(Part of) Remo Street, Mentone

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
ACZ2	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

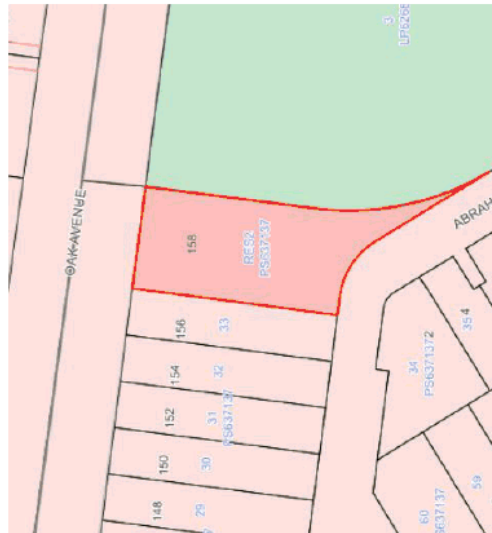
The southern part of Remo Street no longer serves as a road and is currently occupied by a sporting viewing stand structure which forms part of the Mentone & Keith Styles Reserve. As the site is currently occupied by a viewing stand it is recommended that it should be rezoned to reflect its use, development and broader context. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



158 Oak Avenue, Mentone

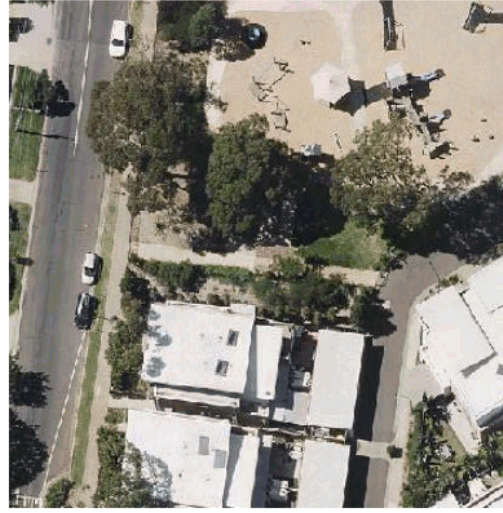
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ2	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

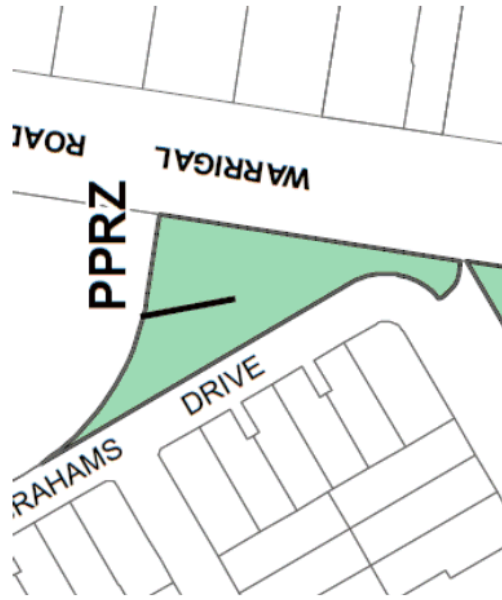


141 Warrigal Road, Mentone

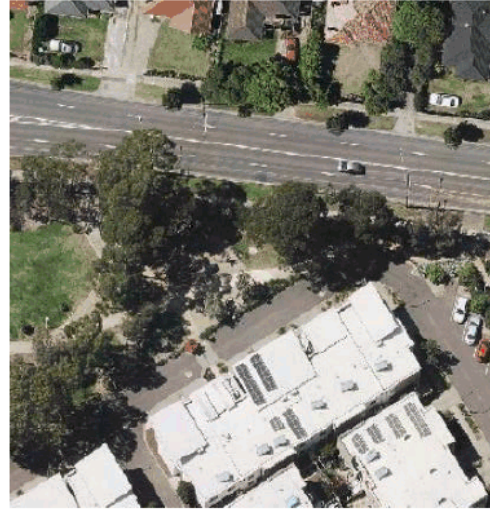
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ2	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

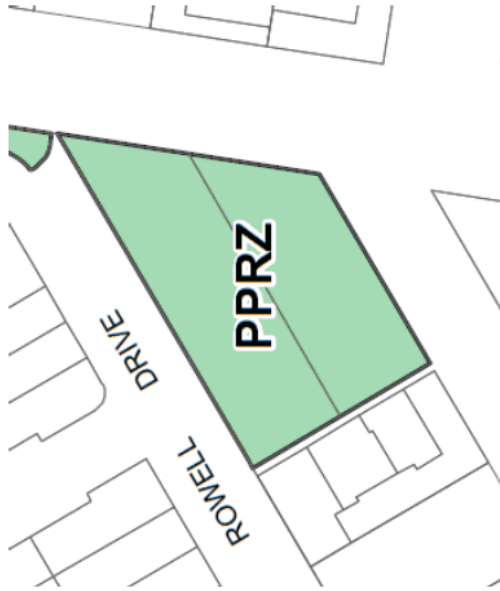


133-135 Warrigal Road, Mentone

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

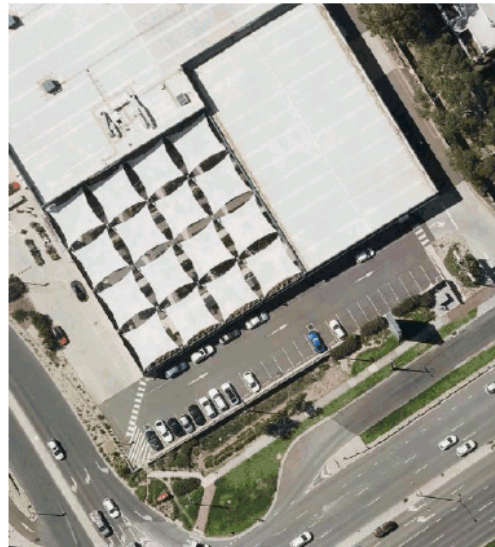
The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

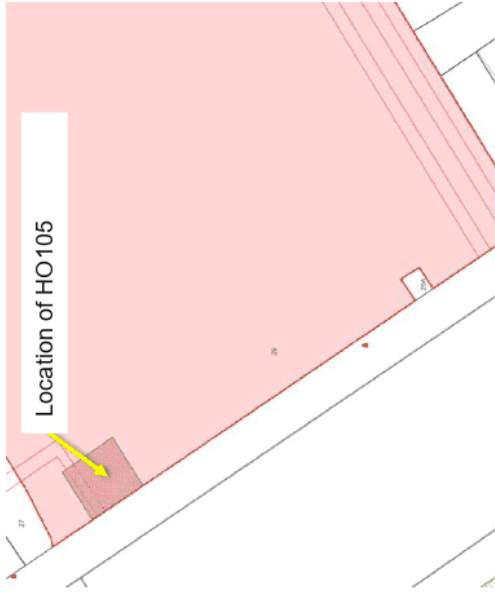


25-29 Nepean Highway, Mentone

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
N/A	N/A	Relocate HO105	Commercial	Private



Aerial Image



Existing Location of Overlay



Proposed Location of Overlay

Nylex has a long history in Mentone and more broadly with the City of Kingston, commencing its operation in the 1940's following WWII. Following the closure of the Nylex operations in Mentone in April 2006 the Nylex sign was moved south to the Nepean Highway frontage as part of Planning Permit KP73/06. The amendment will amend the mapping to the Heritage Overlay (HO105) to correctly apply to the Nylex sign.

community inspired leadership

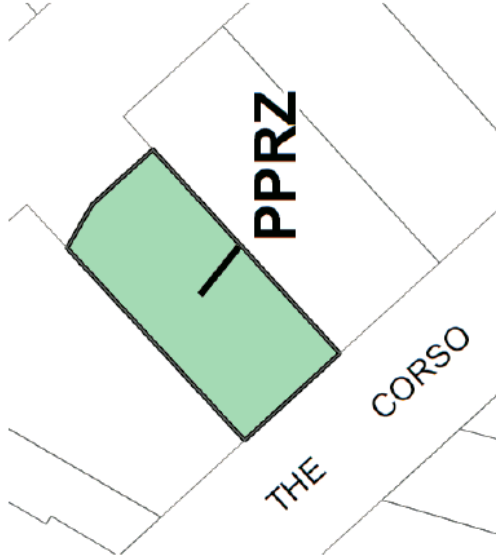


9B The Corso, Parkdale

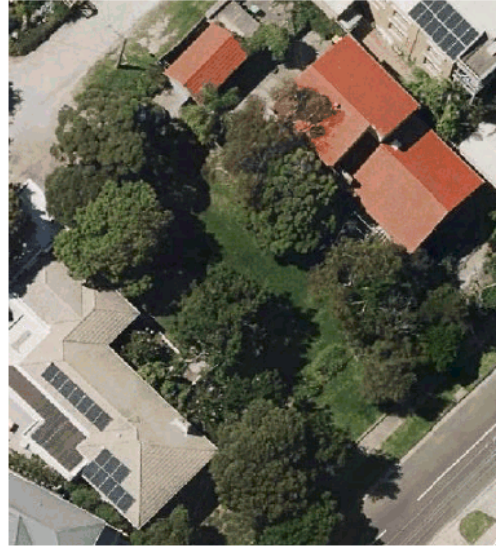
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ2	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



Karkarook Ward

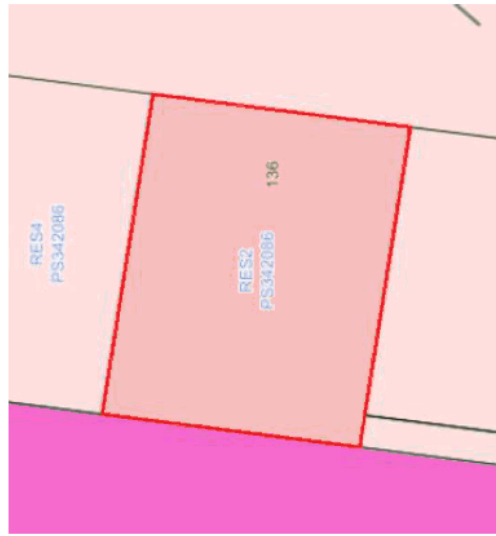
- 136 Chesterville Road, Cheltenham
- 9 Glyn Court, Cheltenham
- 2-8 Poulter Crescent, Clarinda
- 2 Horscroft Place, Moorabbin
- 20 Healey Street, Moorabbin
- 560 Warrigal Road, Oakleigh South

community inspired leadership

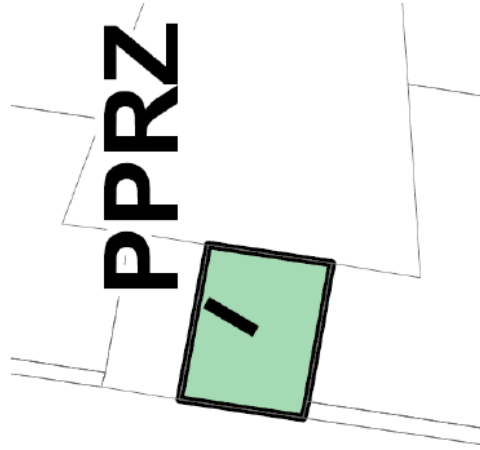


136 Chesterville Road, Cheltenham

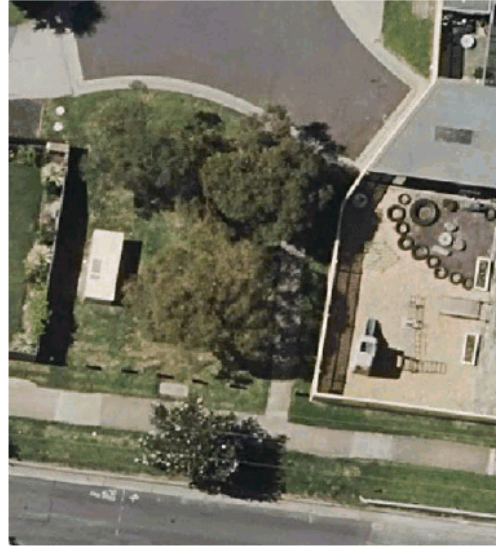
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

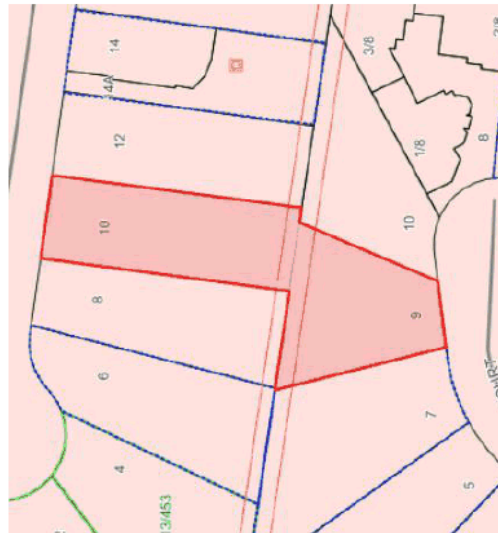
The site is known as the Clendon Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

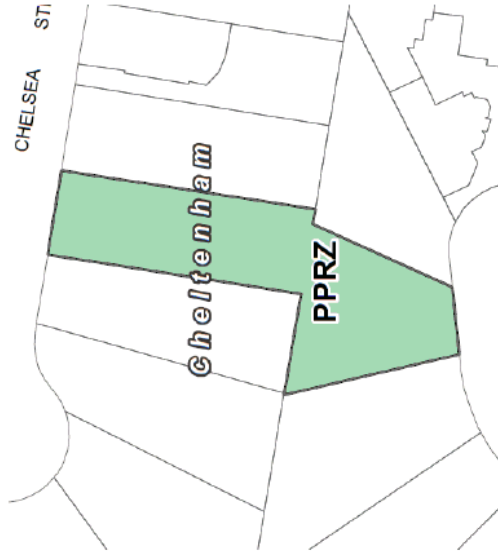


9 Glyn Court, Cheltenham

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

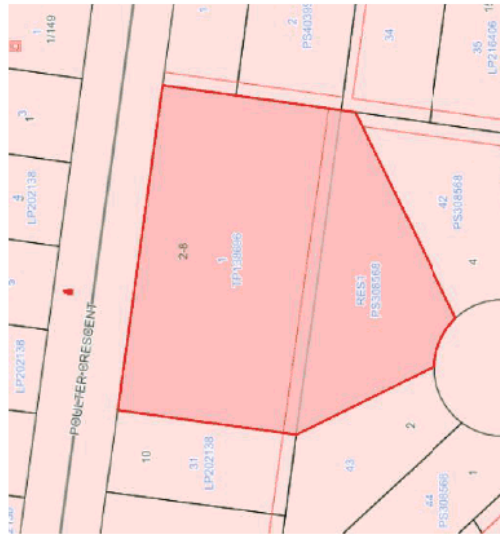
The site is known as the Glyn Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

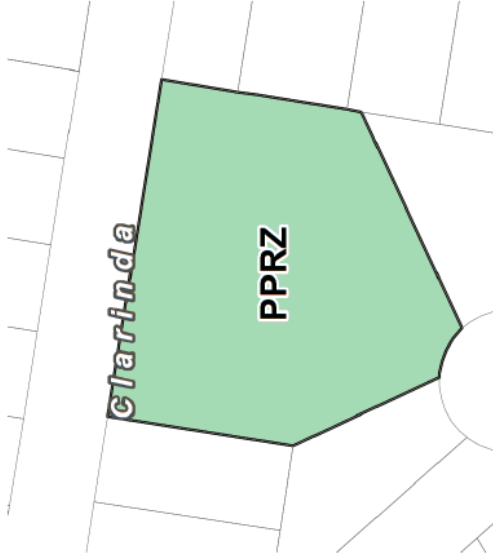


2-8 Poulter Crescent, Clarinda

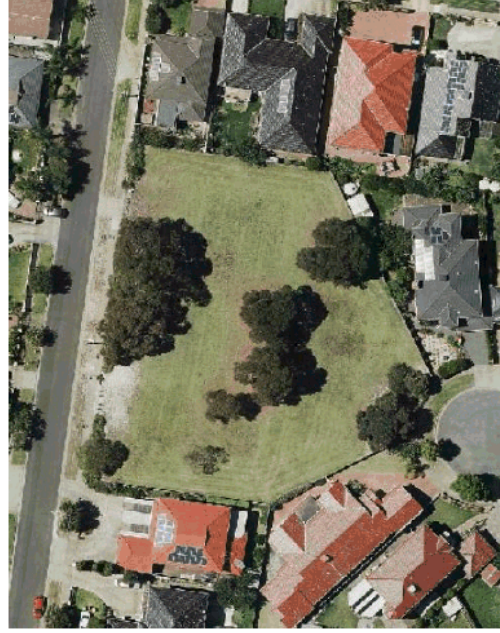
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

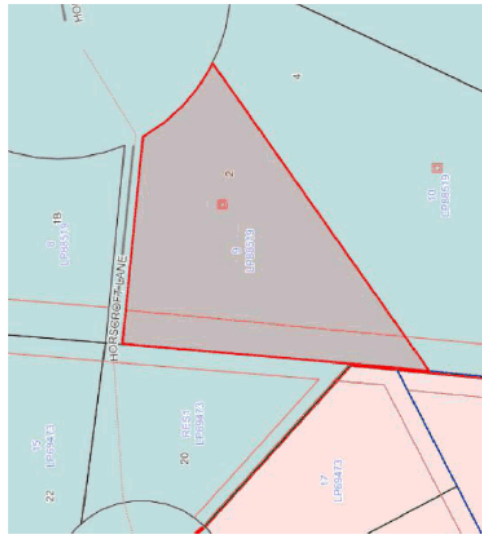
The site is known as the Poulter Crescent Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

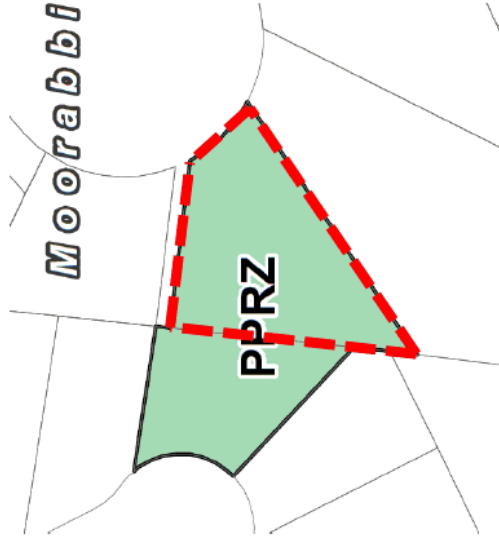


2 Horscroft Place, Moorabbin

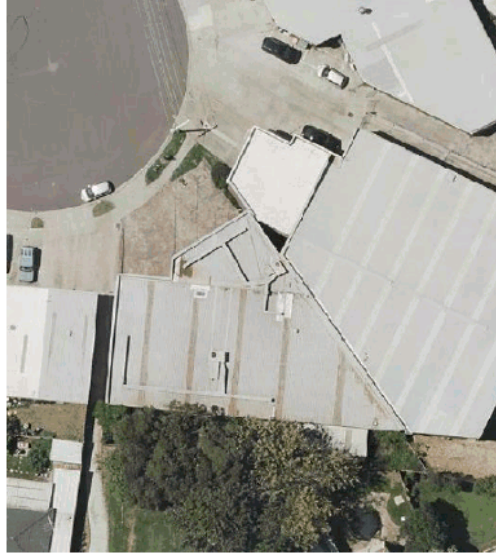
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
ACZ3	PPRZ	N/A	Industrial	Council



Existing Zone



Proposed Zone



Aerial Image

The site has recently been acquired by Council to become a part of the Healey Street Reserve and utilised as public open space. The purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

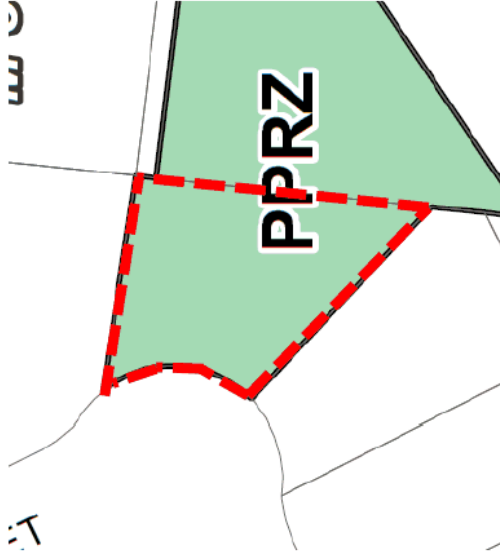


20 Healey Street, Moorabbin

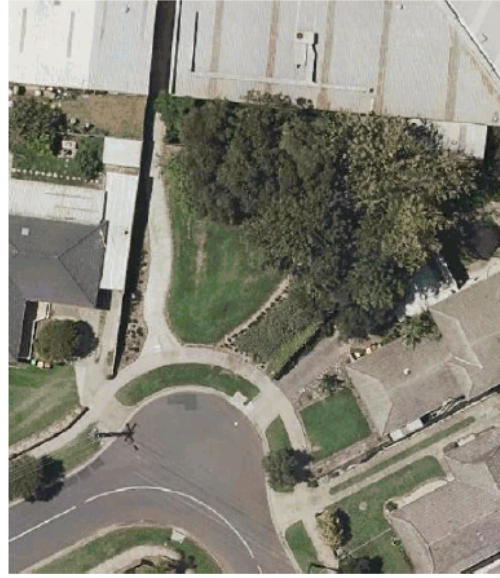
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
ACZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

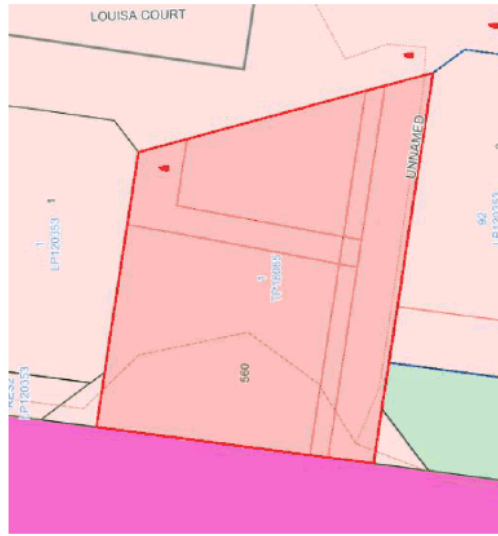
The site is known as Healey Street Reserve. It is used as a public open space and owned by council. The zoning should be amended to reflect existing use and ownership. The purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

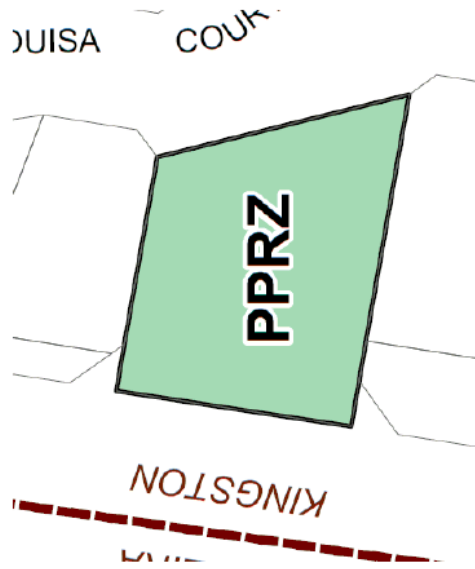


560 Warrigal Road, Oakleigh South

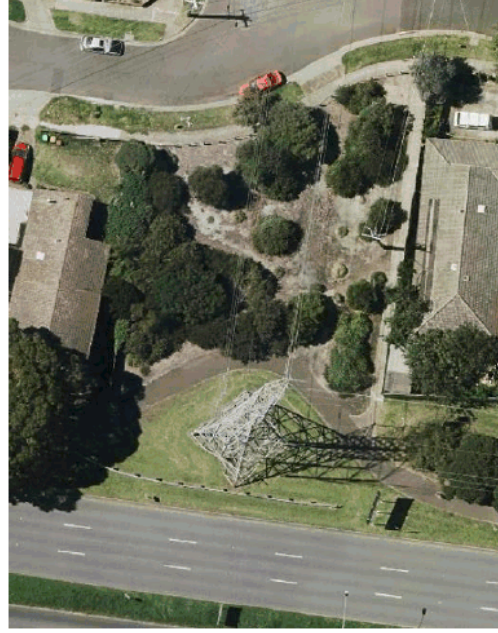
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



Melaleuca Ward

- 2A-2B Ashmore Avenue, Mordialloc
- 16-20 Birdwood Street, Parkdale

community inspired leadership

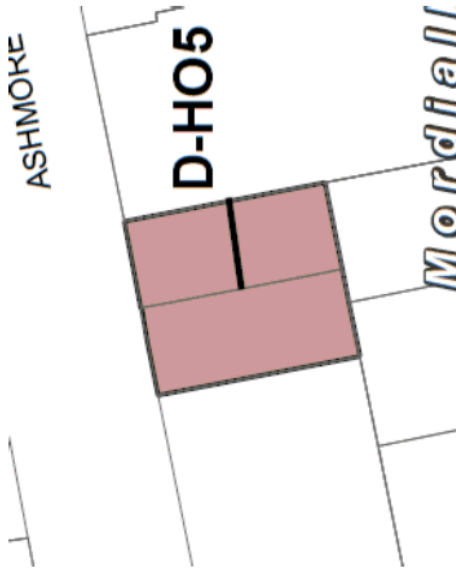


2A-2B Ashmore Avenue, Mordialloc

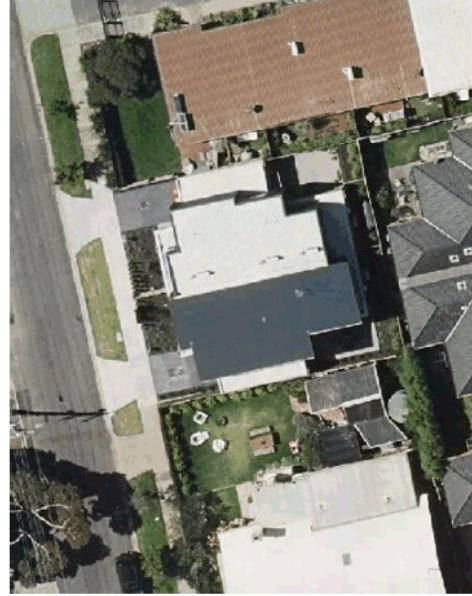
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
N/A	N/A	Remove HO85	Residential	Private



Existing Zone



Proposed Overlay Removal



Aerial Image

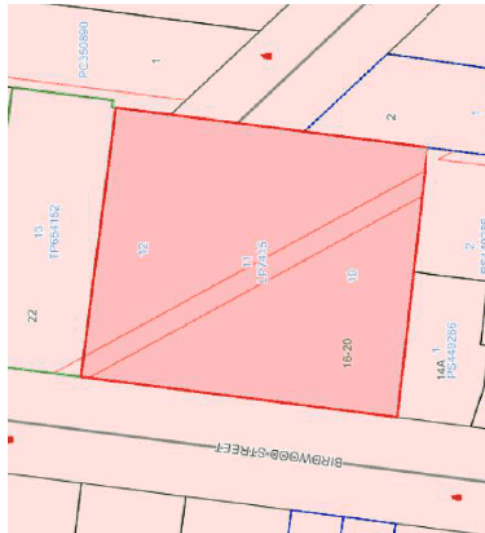
The sites (2A Ashmore and 2B Ashmore) formally formed part of 1 Albert Street. The sites were subdivided, and a new residential dwelling was constructed on each lot. The elements of heritage significances are confined to the property located at 1 Albert Street as identified by the Schedule to the Heritage Overlay. As such it is recommended that the Heritage Overlay be removed from land located at 2A and 2B Ashmore Avenue.

community inspired leadership

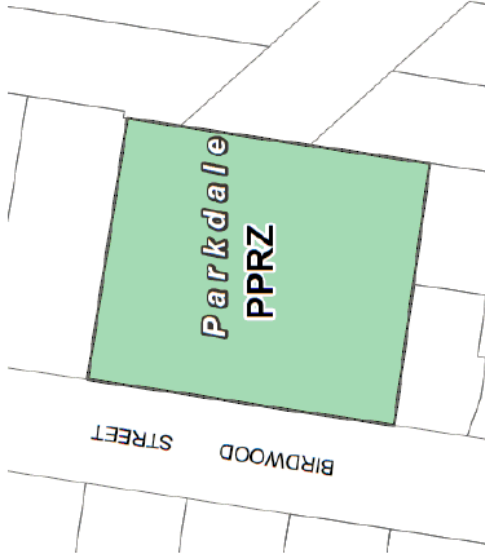


16-20 Birdwood Street, Parkdale

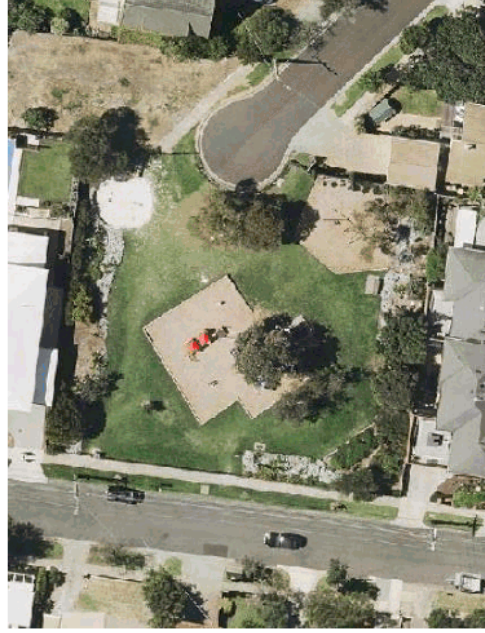
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZZ	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the McDonald-Healy Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



Yammerbook Ward

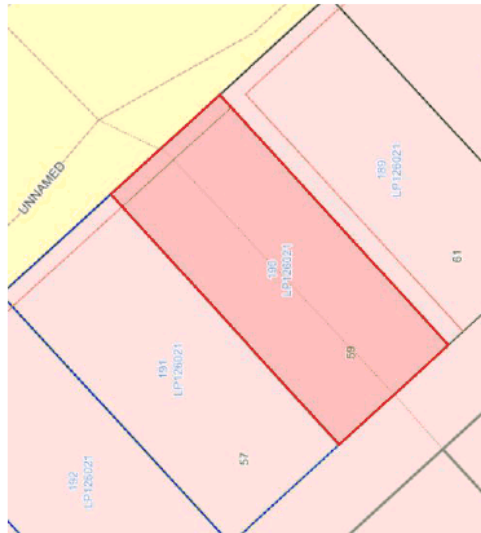
- 59 Tarongo Drive, Aspendale
- 10A Parkview Drive, Aspendale
- 10-20 Palm Grove Boulevard, Aspendale Gardens
- Lower Dandenong Road, Braeside (Braeside Park)

community inspired leadership

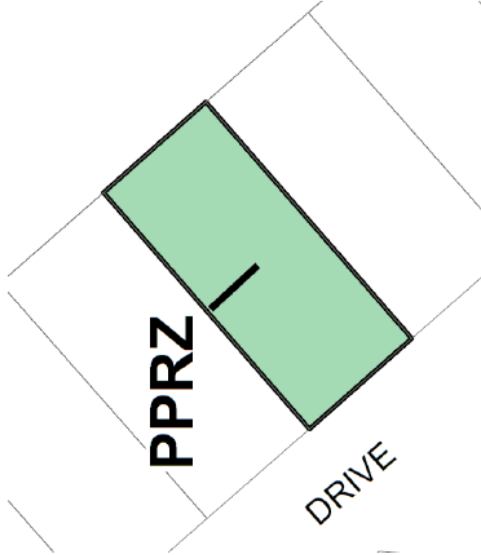


59 Tarongo Drive, Aspendale

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

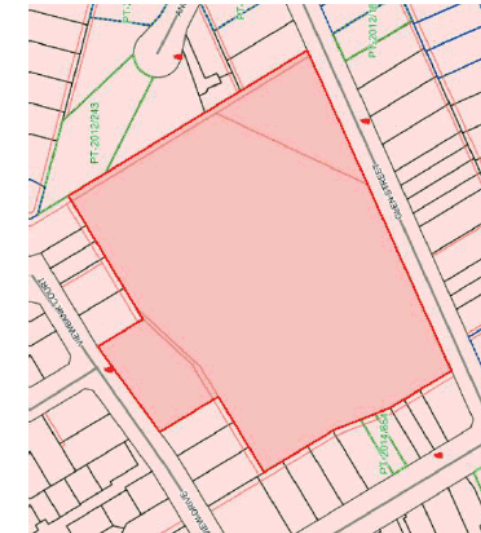
The site is known as the Tarongo Drive Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



10A Parkview Drive, Aspendale

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

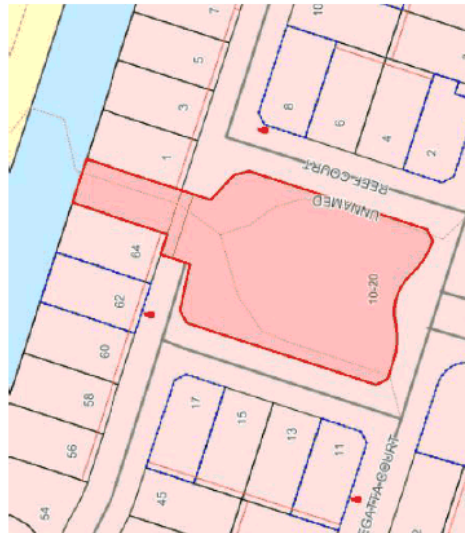
The site is known as the Glen Street Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership



10-20 Palm Grove Boulevard, Aspendale Gardens

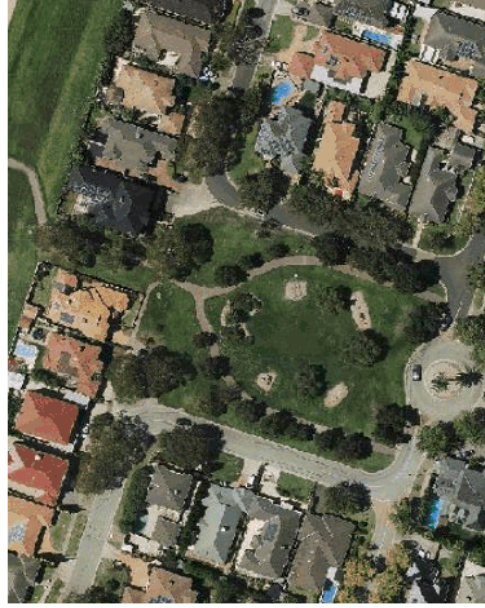
Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
GRZ3	PPRZ	N/A	Public Open Space	Council



Existing Zone



Proposed Zone



Aerial Image

The site is known as the Palm Grove Boulevard Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes “to recognise areas for public recreation and open space”. The application of the PPRZ will reflect existing use and ownership.

community inspired leadership

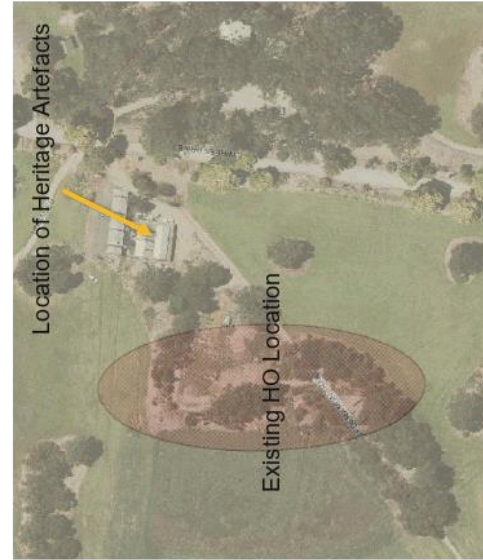


Lower Dandenong Road, Braeside (Braeside Park)

Current Zoning	Proposed Zoning	Change in Overlay	Current Use	Ownership
N/A	N/A	Relocate HO104	Public Open Space	Council



Existing Overlay Location and Aerial Image



Existing Overlay Location and Aerial Image

The site is a public open space known as Braeside Park and contains a number of heritage artefacts. The Heritage Overlay which aims to protect these heritage artefacts does not apply to the correct area as identified in the Schedule to the Heritage Overlay. The amendment will amend the mapping to the Heritage Overlay (HO104) located at Lower Dandenong Road, Braeside to correctly include all elements of heritage significance.

community inspired leadership

Planning and Environment Act 1987

KINGSTON PLANNING SCHEME

AMENDMENT C197king

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Kingston City Council, which is the planning authority for this amendment.

The amendment has been made at the request of the City of Kingston.

Land affected by the amendment

The amendment applies to 55 sites throughout the City of Kingston.

A mapping reference table is attached at Appendix A to this Explanatory Report.

Of these 55 sites, 51 have been identified as requiring rezoning. These sites are located at:

- 15-17 Luain Avenue Oakleigh South
- 13 Broadchapel Place, Clarinda
- 9A Bourke Street, Mentone
- 136 Chesterville Road, Cheltenham
- 2-8 Poulter Crescent, Clarinda
- 560 Warrigal Road, Oakleigh South
- 76-80 Marriott Street, Parkdale
- 16-20 Birdwood Street Parkdale VIC
- Southern Part of 100-116 Howard Road (along Twofold Close), Dingley Village
- 10-20 Palm Grove Boulevard, Aspendale Gardens
- 59 Tarongo Drive, Aspendale
- 8 Mernda Avenue Bonbeach
- 10A Parkview Drive, Aspendale
- 62 McLeod Road, Carrum
- 33 Autumn Terrace, Clayton South
- Venice Street, Mentone
- Remo Street, Mentone
- 9 Glyn Court, Cheltenham
- 8 Page Street Follett Road, Cheltenham
- 2 Mahala Court, Clayton South
- 158 Oak Avenue, Mentone
- 141 Warrigal Road, Mentone
- 133- 135 Warrigal Road, Mentone
- 2-8 Balcombe Road, Mentone
- 9B The Corso, Parkdale

- 2 Horscroft Place, Moorabbin
- 20 Healey Street, Moorabbin
- 52-70 Thompson Road Patterson Lakes
- Northern part of 49A Derring Lane Cheltenham
- South-eastern part of 136-176 Osborne Avenue, (along Murchison Cr) Clayton South
- 37 McLeod Road Carrum
- 34 Launching Way, Carrum
- 36 Launching Way, Carrum
- 38 Launching Way, Carrum
- 40 Launching Way, Carrum
- 1/8 Clarevale Street, Clayton South
- 2/8 Clarevale Street, Clayton South
- 3/8 Clarevale Street, Clayton South
- 4/8 Clarevale Street, Clayton South
- 1/10 Clarevale Street, Clayton South
- 2/10 Clarevale Street, Clayton South
- 3/10 Clarevale Street, Clayton South
- 12 Clarevale Street, Clayton South
- 2/12A Clarevale Street, Clayton South
- 3/12A Clarevale Street, Clayton South
- 4/12A Clarevale Street, Clayton South
- 5/12A Clarevale Street, Clayton South
- 6/12A Clarevale Street, Clayton South
- 14A Clarevale Street, Clayton South
- 16A Clarevale Street, Clayton South
- 2 Long Street, Mentone

The remaining 3 sites require changes to an Overlay. These sites are located at:

- 2A Ashmore Avenue, Mordialloc
- 2B Ashmore Avenue, Mordialloc
- Lower Dandenong Road, Braeside (Braeside Park)
- 25-29 Nepean Highway, Mentone

What the amendment does

The amendment proposes to implement various corrections to the mapping of zones and overlays, in order to resolve anomalies and errors in the Kingston Planning Scheme.

The anomalies include mapping errors, redundant overlay provisions, land affected by multiple zones and land where the zone is inconsistent with its use.

The amendment proposes to implement the following corrections:

Aspendale

- Rezone land located at 59 Tarongo Drive, Aspendale from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Tarongo Drive Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 10A Parkview Drive, Aspendale from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Glen Street Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Aspendale Garden

- Rezone land located at 10-20 Palm Grove Boulevard, Aspendale Gardens from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Palm Grove Boulevard Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Bonbeach

- Rezone land located at 8 Mernda Avenue, Bonbeach from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Mernda Avenue Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Braeside

- Amend the mapping to the Heritage Overlay (HO104) located at Lower Dandenong Road, Braeside to include all elements of heritage significance.

The site is a public open space known as Braeside Park and contains a number of heritage artefacts. The Heritage Overlay which aims to protect these heritage artefacts does not apply to the correct area as identified in the Schedule to the Heritage Overlay. The amendment will amend the mapping to the Heritage Overlay (HO104) located at Lower Dandenong Road, Braeside to correctly include all elements of heritage significance.

Carrum

- Rezone land located at 62 McLeod Road, Carrum from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as McDougall Reserve. It is used as public open space and is owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

- Rezone part of land located at 37 McLeod Road, Carrum from Public Use Zone (PUZ1) to General Residential Zone - Schedule 2 (GRZ2).

The site is occupied by a Fire Station. The site is encumbered by dual zones (GRZ2 and PUZ1). The site is predominantly zoned GRZ2 with only a small portion affected by the PUZ1 as such the site is proposed to be rezoned entirely to GRZ2 to reflect the zone which applied to the majority of the site and surrounding properties.

- Rezone part of land located at 34 Launching Way, Carrum from Public Use Zone (PUZ1) to General Residential Zone - Schedule 2 (GRZ2).

The site is privately owned and occupied by a residential dwelling. It is encumbered by dual zones (GRZ2 and PUZ1).

As the site is not public land it is recommended that it be rezoned to GRZ2 to reflect the residential use and the zone which applies to the remaining part of the site and surrounding properties.

- Rezone part of land located at 36 Launching Way, Carrum from Public Use Zone (PUZ1) to General Residential Zone - Schedule 2 (GRZ2).
The site is privately owned and occupied by a residential dwelling. It is incorrectly encumbered by dual zones (GRZ2 and PUZ1).
As the site is not public land it is recommended that it be rezoned to GRZ2 to reflect the residential use and the zone which applies to the remaining part of the site and surrounding properties.
- Rezone part of land located at 38 Launching Way, Carrum from Public Use Zone (PUZ1) to General Residential Zone - Schedule 2 (GRZ2).
The site is privately owned and occupied by a residential dwelling. It is incorrectly encumbered by dual zones (GRZ2 and PUZ1).
As the site is not public land it is recommended that it be rezoned to GRZ2 to reflect the residential use and the zone which applies to the remaining part of the site and surrounding properties.
- Rezone part of land located at 40 Launching Way, Carrum from Public Use Zone (PUZ1) to General Residential Zone - Schedule 2 (GRZ2).
The site is privately owned and occupied by a residential dwelling. It is incorrectly encumbered by dual zones (GRZ2 and PUZ1).
As the site is not public land it is recommended that it be rezoned to GRZ2 to reflect the residential use and the zone which applies to the remaining part of the site and surrounding properties.

Cheltenham

- Rezone land located at 136 Chesterville Road, Cheltenham from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).
The site is known as the Clendon Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.
- Rezone land located at 9 Glyn Court, Cheltenham from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).
The site is known as the Glyn Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.
- Rezone land located at 8 Page Street, Cheltenham from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).
The site is known as the Page Street Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.
- Rezone the northern part of land located at 49A Derring Lane, Cheltenham from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).
The site is known as the Derring Lane Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Clarinda

- Rezone land located at 13 Broadchapel Place, Clarinda from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).
The site is known as the Broadchapel Place Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to*

recognise areas for public recreation and open space". The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 2-8 Poulter Crescent, Clarinda from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Poulter Crescent Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes "*to recognise areas for public recreation and open space*". The application of the PPRZ will reflect existing use and ownership.

Clayton South

- Rezone land located at 33 Autumn Terrace, Clayton South from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Autumn Terrace Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes "*to recognise areas for public recreation and open space*". The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 2 Mahala Court, Clayton South from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Mahala Court Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes "*to recognise areas for public recreation and open space*". The application of the PPRZ will reflect existing use and ownership.

- Rezone the south-eastern part of land located at 136-176 Osborne Avenue, Clayton South from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as The Grange Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes "*to recognise areas for public recreation and open space*". The application of the PPRZ will reflect existing use and ownership.

- Rezone part of land located at 2/8 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 3/8 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 4/8 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 8 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 2/10 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 3/10 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 10 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 12 Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 2/12A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 3/12A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 4/12A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 5/12A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).

- Rezone part of land located at 6/12A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 14A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).
- Rezone part of land located at 16A Clarevale Street, Clayton South from Industrial 1 Zone (IN1Z) to General Residential Zone - Schedule 3 (GRZ3).

Properties at 8-16A Clarevale Street are privately owned and occupied by a number of multi-unit residential developments. The properties are encumbered by dual zones (GRZ3 and IN1Z). It is generally seen as best practise to align zones with cadastral or property boundaries.

The purpose of the Industrial 1 Zone includes *“to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities”* Pursuant to this zone accommodation (other than Caretaker’s housing) is prohibited.

It is recommended that the properties (including the multi-unit developments and common properties) be rezoned to GRZ3 to reflect its existing residential land use and development. The rezoning would also reflect the zone which applies to the remaining part of the land. Such an outcome would allow the realignment of zoning boundaries to support the existing residential subdivision pattern of properties with a frontage to Clarevale Street.

Dingley Village

- Rezone the southern part of land located at 100-116 Howard Road, Dingley Village from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Chadwick Reserve. It is used as a public open space and owned by council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

Mentone

- Rezone land located at 9A Bourke Street, Mentone from Public Use Zone (PUZ1) to Public Park and Recreation Zone (PPRZ).

The site is known as the Bourke & Patty Street Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 2-8 Balcombe Road, Mentone from Commercial 1 Zone (C1Z) and Commercial 2 Zone (C2Z) to Public Park Recreation Zone (PPRZ).

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone part of Remo Street, Mentone from Activity Centre Zone - Schedule 2 (ACZ2) to Public Park and Recreation Zone (PPRZ).

The southern part of Remo Street no longer serves as a road and is currently occupied by a sporting viewing stand structure which forms part of the Mentone & Keith Styles Reserve. As the site is currently occupied by a viewing stand it is recommended that it should be rezoned to reflect its use, development and broader context. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone part of Venice Street, Mentone from Activity Centre Zone - Schedule 2 (ACZ2) to General Residential Zone - Schedule 3 (GRZ3).

Part of Venice Street (between Remo Street and Milan Street) should be rezoned to reflect the surrounding residential zone to the south.

- Rezone land located at 158 Oak Avenue, Mentone from General Residential Zone - Schedule 2 (GRZ2) to Public Park and Recreation Zone (PPRZ).

The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 141 Warrigal Road, Mentone from General Residential Zone - Schedule 2 (GRZ2) to Public Park and Recreation Zone (PPRZ).

The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 133-135 Warrigal Road, Mentone from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is part of Reg Marlow Park. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 2 Long Street, Mentone from Commercial 1 Zone (C1Z) to General Residential Zone – Schedule 3 (GRZ3) and remove Design and Development Overlay – Schedule 20 (DDO20).

The site is occupied by a residential dwelling. It is recommended to rezone the site to a residential zone to reflect the existing and historic residential land use of the site, which has been occupied by a residential dwelling since the 1980s. DDO20 only applies to land zoned C1Z within the Thrift Park Neighbourhood Activity Centre. As the subject site is to be rezoned to GRZ3, DDO20 is no longer applicable and required. GRZ3 is the most appropriate zone considering the existing land use and surrounding zoning.

- Amend the mapping to the Heritage Overlay (HO105) located at 25-29 Nepean Highway, Mentone to correctly apply to the Nylex Sign.

Nylex has a long history in Mentone and more broadly with the City of Kingston, commencing its operation in the 1940's following WWII. Following the closure of the Nylex operations in Mentone in April 2006 the Nylex sign was moved south to the Nepean Highway frontage as part of Planning Permit KP73/06. The amendment will amend the mapping to the Heritage Overlay (HO105) to correctly apply to the Nylex sign.

Moorabbin

- Rezone land located at 20 Healey Street, Moorabbin from Activity Centre Zone - Schedule 3 (ACZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as Healey Street Reserve. It is used as a public open space and owned by council. The zoning should be amended to reflect existing use and ownership. The purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 2 Horscroft Place, Moorabbin from Activity Centre Zone - Schedule 3 (ACZ3) to Public Park and Recreation Zone (PPRZ).

The site has recently been acquired by Council to become a part of the Healey Street Reserve and utilised as public open space. The purpose of the Public Park and Recreation Zone (PPRZ) includes *“to recognise areas for public recreation and open space”*. The application of the PPRZ will reflect existing use and ownership.

Mordialloc

- Remove the Heritage Overlay (HO85) from land located at 2A Ashmore Avenue, Mordialloc.
- Remove the Heritage Overlay (HO85) from land located at 2B Ashmore Avenue, Mordialloc.

The sites (2A Ashmore and 2B Ashmore) formally formed part of 1 Albert Street. The sites were subdivided, and a new residential dwelling was constructed on each lot. The elements of heritage significances are confined to the property located at 1 Albert Street as identified by the Schedule to the Heritage Overlay. As such it is recommended that the Heritage Overlay be removed from land located at 2A and 2B Ashmore Avenue.

Oakleigh South

- Rezone land located at 15-17 Luain Avenue, Oakleigh South from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Luain Avenue Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 560 Warrigal Road, Oakleigh South from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Parkdale

- Rezone land located at 76-80 Marriott Street, Parkdale from General Residential Zone - Schedule 3 (GRZ3) to Public Park and Recreation Zone (PPRZ).

The site is known as the Marriott Street Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 16-20 Birdwood Street, Parkdale from General Residential Zone - Schedule 2 (GRZ2) to Public Park and Recreation Zone (PPRZ).

The site is known as the McDonald-Healy Reserve. It is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

- Rezone land located at 9B The Corso, Parkdale from General Residential Zone - Schedule 2 (GRZ2) to Public Park and Recreation Zone (PPRZ).

The site is used as a public open space and owned by Council. A purpose of the Public Park and Recreation Zone (PPRZ) includes *"to recognise areas for public recreation and open space"*. The application of the PPRZ will reflect existing use and ownership.

Patterson Lakes

- Rezone part of land located at 52-70 Thompson Road, Patterson Lakes from General Residential Zone - Schedule 3 (GRZ3) to Public Use Zone (PUZ6).

The site is owned by council and occupied by the Patterson Lakes Community Centre. It is encumbered by dual zones (GRZ3 and PUZ6). A purpose of the Public Use Zone (PUZ6) includes *"to recognise public land use for public utility and community services and facilities"*. The rezoning of the site is sought to reflect existing use and ownership.

Amendment to Local Policy Mapping

- Amends the map 'City of Kingston Strategic Land Use Framework Plan' at Clause 21.01 – Vision and Strategic Framework to remove some of the affected properties from the area identified for Incremental Housing Change.
- Amends the map 'Strategic Land Use Framework Plan' at Clause 21.01 – Vision and Strategic Framework to include some of the affected properties in the area for promotion of Incremental Housing Change.
- Amends the map 'City of Kingston Open Space Framework Plan' at Clause 21.02 – Settlement to include the affected properties in open space area.
- Amends the map 'Residential Land Use Framework Plan' at Clause 21.07 – Vision and Strategic Framework to remove some of the affected properties from the area identified for Incremental Housing Change.
- Amends the map 'Strategic Land Use Framework Plan' at Clause 21.07 – Housing to include some of the affected properties in areas for the promotion of Incremental Housing Change.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to correct zoning and overlay anomalies and errors that currently exist within the maps of the Kingston Planning Scheme.

In order to provide continuous improvement to the Kingston Planning Scheme, practical resolutions of the identified zoning and overlay inconsistencies is necessary.

All of the identified anomalies and errors do not affect the intent of policy or controls.

How does the amendment implement the objectives of planning in Victoria?

The amendment gives effect to the following objectives of planning in Victoria identified in Section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To protect public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the above objectives;
- To balance the present and future interests of all Victorians

The amendment implements the objectives of planning in Victoria by improving the effectiveness and efficiency of the Kingston Planning Scheme. The amendment implements the objectives of providing 'for the fair, orderly, economic and sustainable use, and development of land' in accordance with Section 4 of the *Planning and Environment Act 1987*, by ensuring the consistency and accuracy of the Planning Scheme.

How does the amendment address any environmental, social and economic effects?

The amendment will have a positive net community impact by enhancing the effectiveness and efficiency of the Kingston Planning Scheme by appropriately zoning sites and ensure consistency. The amendment will also provide certainty for land owners.

Does the amendment address relevant bushfire risk?

The subject land is not subject to a Bushfire Management Overlay (BMO) and is not located on land designated as a 'Bushfire Prone Area' under the Victorian Planning Provisions.

As such, there is no bushfire risk identified for the subject land.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

The amendment is consistent with Ministerial Direction No. 9 Metropolitan Strategy which requires amendments to have regard to Plan Melbourne: Metropolitan Planning Strategy.

The amendment also meets the requirements of Ministerial Direction No. 11 Strategic Assessments of Amendments and Ministerial Direction No.15 – The Planning Scheme Amendment Process.

The amendment will ensure that the Kingston Planning Scheme remains consistent with the State Planning Policy Framework, which seeks to support the objectives of planning in Victoria.

Specifically, the amendment will assist in the implementation of the objectives of Plan Melbourne: Metropolitan Planning Strategy and ensure that the Kingston Planning Scheme remains consistent with

the State Planning Policy Framework, which seeks to support the objectives of planning in Victoria, as it will resolve anomalies and errors in the Kingston Planning Scheme.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The purpose of the Planning Policy Framework (PPF) is to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The amendment supports the Planning Policy Framework (PPF) and in particular:

- Clause 12 Environmental and Landscape Values “*Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.*”
- Clause 12.01-1S Protection of Biodiversity objective is to “*assist the protection and conservation of Victoria’s biodiversity.*”
- Clause 15 Built Environment and Heritage which states that “*Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*”
- Clause 19.02-6S Open Space objective is to “*Create opportunities to enhance open space networks within and between settlements.*”

The amendment is consistent with these objectives as it ensures that the planning controls which apply to land within the municipality are accurate, appropriate and consistent with the PPF.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) of the Kingston Planning Scheme. The amendment ensures that the planning controls which apply to the identified sites are consistent with the LPPF.

The amendment will ensure that the Kingston Planning Scheme can operate as intended and that the planning controls are consistent with the objectives of the MSS.

The amendment is consistent with the strategic directions of the Local Policy Planning Framework (LPPF) particularly in relation to:

- Clause 21.07 Housing strategy includes to “*prevent any loss of existing residential land through unnecessary or inappropriate rezoning.*”
- Clause 21.08-2 Industry objectives include to “*protect Kingston’s supply of industrial land from encroachment from non-compatible uses.*”
- Clause 21.03-3 objectives includes to “*protect and enhance environmental values including wetlands, flora and fauna habitats, and drainage functions*” and to “*protect and enhance identified significant vegetation.*”
- Clause 22.08-2 objective includes to “*recognise, conserve and enhance places and elements in the City identified as having scientific, aesthetic, architectural or historical interest or other special cultural values.*”

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment seeks to resolve anomalies and errors in the Kingston Planning Scheme. All proposed changes to the Kingston Planning Scheme are consistent with the Victorian Planning Provisions.

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought during the exhibition of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*.

Resource and administrative costs

• **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have a positive impact on the resource and administrative costs for Council by improving the operation and administration of the Kingston Planning Scheme.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Kingston website www.kingston.vic.gov.au
- Kingston City Council, Ground Floor, 1230 Nepean Highway, Cheltenham

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to: City of Kingston, PO Box 1000, Mentone 3194

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Aspendale	59 Tarongo Drive	Kingston C197king 004znMap08 Exhibition
	10A Parkview Drive	Kingston C197king 005znMap07 Exhibition
Aspendale Gardens	10-20 Palm Grove Boulevard	Kingston C197king 006znMap08 Exhibition
Bonbeach	8 Mernda Avenue	Kingston C197king 002znMap09 Exhibition
Braeside	Lower Dandenong Road (Braeside Park)	Kingston C197king 029d-ho Map06 Exhibition, Kingston C197king 32ho Map06 Exhibition and Kingston C197king xxho Map06 Exhibition
Carrum	62 McLeod Road	Kingston C197king 001znMap09 Exhibition
	37 McLeod Road	Kingston C197king 001znMap09 Exhibition
	34 Launching Way	Kingston C197king 001znMap09 Exhibition
	36 Launching Way	Kingston C197king 001znMap09 Exhibition
	38 Launching Way	Kingston C197king 001znMap09 Exhibition
	40 Launching Way	Kingston C197king 001znMap09 Exhibition
Cheltenham	136 Chesterville Road	Kingston C197king 019znMap01 Exhibition
	9 Glyn Court	Kingston C197king 018znMap01 Exhibition
	8 Page Street	Kingston C197king 016znMap04 Exhibition
	49A Derring Lane	Kingston C197king 015znMap05 Exhibition
Clarinda	13 Broadchapel Place	Kingston C197king 024znMap02 Exhibition
	2-8 Poulter Crescent	Kingston C197king 020znMap02 Exhibition
Clayton South	33 Autumn Terrace	Kingston C197king 025znMap03 Exhibition
	2 Mahala Court	Kingston C197king 017znMap03 Exhibition
	136-176 Osborne Avenue	Kingston C197king 021znMap03 Exhibition
	8 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	2/8 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	3/8 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	4/8 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	10 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	2/10 Clarevale Street	Kingston C197king 026znMap03 Exhibition
3/10 Clarevale Street	Kingston C197king 026znMap03 Exhibition	

	12 Clarevale Street	Kingston C197king 026znMap03 Exhibition
	2/12A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	3/12A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	4/12A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	5/12A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	6/12A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	14A Clarevale Street	Kingston C197king 026znMap03 Exhibition
	16A Clarevale Street	Kingston C197king 026znMap03 Exhibition
Dingley Village	100-116 Howard Road	Kingston C197king 011znMap06 Exhibition
Mentone	2 Long Street	Kingston C197king 028znMap05 Exhibition and Kingston C197king 031d-ddoMap05 Exhibition
	9A Bourke Street	Kingston C197king 013znMap04 Exhibition
	2-8 Balcombe Road	Kingston C197king 012znMap05 Exhibition
	part of Remo Street	Kingston C197king 010znMap04 Exhibition
	part of Venice Street	Kingston C197king 010znMap04 Exhibition
	158 Oak Avenue	Kingston C197king 014znMap05 Exhibition
	141 Warrigal Road	Kingston C197king 014znMap05 Exhibition
	133- 135 Warrigal Road	Kingston C197king 014znMap05 Exhibition
	25-29 Nepean Highway	Kingston C197king ??znMap05 Exhibition
Moorabbin	20 Healey Street	Kingston C197king 022znMap01 Exhibition
	2 Horscroft Place	Kingston C197king 022znMap01 Exhibition
Mordialloc	2A Ashmore Avenue	Kingston C197king 030d-hoMap05 Exhibition
	2B Ashmore Avenue	Kingston C197king 030d-hoMap05 Exhibition
Oakleigh South	15-17 Luain Avenue	Kingston C197king 027znMap02 Exhibition
	560 Warrigal Road	Kingston C197king 023znMap02 Exhibition
Parkdale	76-80 Marriott Street	Kingston C197king 009zn Map05 Exhibition
	16-20 Birdwood Street	Kingston C197king 007zn Map05 Exhibition
	9B The Corso	Kingston C197king 008zn Map05 Exhibition
Patterson Lakes	52-70 Thompson Road	Kingston C197king 003znMap10 Exhibition