

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**22 September 2008**

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**Notice** is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 22 September 2008.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 25 August 2008.  
Minutes of Special Council Meeting 1 September 2008.  
Minutes of Special Council Meeting 15 September 2008.
- 3. Declaration by Councillors or Officers of any Interest or Conflict of Interest**
- 4. Petitions**
- 5. Presentation of Awards**
  - ‘Highly Commended’ Award from the Inaugural National Privacy Awards.
  - Commendation - Coastal Catchment Initiative Kingston Industry Stormwater Project in partnership with Ainley Projects.
  - Commendation -Managing Sustainable Rain Gardens in partnership with Melbourne Water, GHD and Land and Water Constructions.
- 6. Reports from Village Committees**  
Recommendations from the September cycle of meetings are enclosed. Page 2
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Environmental Sustainability Reports**

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- 9. Community Sustainability Reports**

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- 10. Organisational Development and Governance Reports**

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- 11. Corporate Services Reports**

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- 12. Notices of Motion**
- 13. Question Time**
- 14. Urgent Business**
- 15. Items in Camera**

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**PRESENTATION OF VILLAGE COMMITTEE REPORTS**

**6(a) Cheltenham Village Committee**

**Chairperson-John Natoli**

*Report of Meeting held on 9 September 2008*

**CT Re-engineer the North West corner of Nepean Hwy and Park Road**

Committee Recommendation

The Committee resolved that the following recommendation be presented to Council by the Chair: "That Council in conjunction with Vic Roads re engineer the North West corner of Nepean Highway and Park Road opposite St Mathew's church to make it suitable for B Doubles to traverse".

Officers' Comment

Council will work with Vicroads to develop options for improving the operational efficiency of the left turn movement in question, to make it more attractive for east bound commercial vehicles, as an alternative to turning left into Charman Rd, from Park Rd.

**Highlight** The highlight of the evening was deemed the Committee's achievements over the preceding year. In particular the Chesterville Road traffic Island that required tenacity from the Committee and particularly John Stewart to resolve.

**6(b) Mordialloc Village Committee**

**Chairperson-Andrew Gustke**

*Report of Meeting held on 9 September 2008*

**Highlight:** The discussion on "Projects for 2009"

**6(c) Mentone/Parkdale Village Committee**

**Chairperson-Dorothy Booth**

*Report of Meeting held on 9 September 2008*

**Highlight:** There was no designated highlight.

**6(d) Dingley / Heatherton Village Committee**

**Chairperson-Bruce Reynolds**

*Report of Meeting held on 10 September 2008*

**Highlight:** The Committee's pleasure in Council's ongoing works at Bardoel Park.

**6(e) Chelsea/Chelsea Heights/Bonbeach Village Committee**

**Chairperson-Nigel McGillivray**  
*Report of Meeting held on 10 September 2008*

**Highlight:** **Victory Park and the Showers Ave Reserve by Steve Perumal**

**6(f) Patterson Lakes/Carrum Village Committee**  
**Chairperson-Glen Baker**  
*Report of Meeting held on 10 September 2008*

**Highlight:** **There was no designated highlight.**

**6(g) Moorabbin/Highett Village Committee**  
**Chairperson-Ian Shearer**  
*Report of Meeting held on 11 September 2008*

**Highlight:** The actions taken by the school and concerned parents in relation to speeding vehicles adjacent to the Moorabbin Primary School

**6(h) Aspendale/Edithvale/Aspendale Gardens Village Committee**  
**Chairperson- Kevin Griffiths**  
*Report of Meeting held on 11 September 2008*

**Highlight:** The Village Committee would like to commend Shirlene Yee Yet and her team for the work that they have undertaken in the preparation of the AGRA report and the work they had undertaken educating the residents on these issues.

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**K 139**

**Town Planning Application Decisions – August 2008**

**Approved By:**

Tony Rijs-General Manager, Environmental Sustainability

**Author:**

Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of August 2008.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	94	81
Notice of Decision	14	12
Refusal to Grant a Permit	4	3
Other - Withdrawn () - Prohibited () - Permit not required (2) - Lapsed (3)	5	4
<b>Total</b>	<b>117</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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<b>Planning Decisions August 2008</b>						
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECIS</b>
KP01/846-A	18 DUDLEY GR EDITHVALE, VIC 3196	22-Jul-08	21-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP1003/07	6 DAHMEN ST CARRUM, VIC 3197	19-Dec- 07	28-Aug-08	3 DWELLINGS	Notice of Decision	
KP1026/07	10-12 HOFFMAN ST, CHELTENHAM, VIC 3192	24-Dec- 07	7-Aug-08	4 DWELLINGS	Permit Issued	
KP107/07-A	JETTY 194, COCOS COURT PATTERSON LAKES, VIC 3197	12-Oct-07	11-Aug-08	JETTY	Notice of Decision	
KP173/07	810-834 SPRINGVALE RD BRAESIDE, VIC 3195	20-Mar- 07	13-Aug-08	VEHICLE STORE	Notice of Decision	
KP174/08	67 BONDI RD BONBEACH, VIC 3196	8-Feb-08	18-Aug-08	BUILDINGS & WORKS	Notice of Decision	
KP177/08	62 GOLDEN AVE BONBEACH, VIC 3196	12-Feb- 08	5-Aug-08	6 DWELLINGS	Permit Issued	
KP183/08	52 NURTEN PDE ASPENDALE GARDENS, VIC 3195	13-Feb- 08	26-Aug-08	2 DWELLINGS	Permit Refused	
KP187/08	45 CAVANAGH ST CHELTENHAM, VIC 3192	14-Feb- 08	15-Aug-08	2 DWELLINGS	Permit Issued	
KP189/08	76 EMBANKMENT GR CHELSEA, VIC 3196	15-Feb- 08	18-Aug-08	2 DWELLINGS	Permit Issued	
KP196/08	11 MALLAWA ST CLAYTON SOUTH, VIC 3169	18-Feb- 08	28-Aug-08	2 DWELLINGS	Permit Refused	
KP227/08	81 LATROBE ST CHELTENHAM, VIC 3192	27-Feb- 08	28-Aug-08	2 DWELLINGS	Permit Issued	
KP248/08	11 LOCHIEL AVE EDITHVALE, VIC 3196	5-Mar-08	7-Aug-08	2 DWELLINGS	Permit Issued	
KP253/08	190 NEPEAN HWY ASPENDALE, VIC 3195	5-Mar-08	19-Aug-08	3 DWELLINGS	Permit Issued	
KP254/08	1 DYER CT	5-Mar-08	28-Aug-08	3	Notice of	

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	CLARINDA, VIC 3169			DWELLINGS	Decision	
KP261/08	21 HENRY ST HIGHETT, VIC 3190	7-Mar-08	15-Aug-08	2 DWELLINGS	Notice of Decision	
KP266/08	47 MAIN RD CLAYTON SOUTH, VIC 3169	11-Mar- 08	29-Aug-08	3 DWELLINGS	Permit Issued	
KP269/08	248-264 OSBORNE AVE CLAYTON SOUTH, VIC 3169	11-Mar- 08	5-Aug-08	WAREHOUS E	Permit Issued	
KP271/03-A	60 ARGYLE AVE CHELSEA, VIC 3196	11-Feb- 08	12-Aug-08	1 DWELLING	Notice of Decision	
KP276/08	2-3 EVERGREEN CIRCUIT CHELTENHAM, VIC 3192	13-Mar- 08	4-Aug-08	1 DWELLING	Permit Issued	
KP282/04-A	PT LOT 1,OLD DANDENONG RD DINGLEY VILLAGE, VIC 3172	23-Apr-08	6-Aug-08	REFUSE DISPOSAL FACILITY	Permit Issued	
KP291/08	22 COBHAM ST CHELTENHAM, VIC 3192	1-Apr-08	15-Aug-08	2 DWELLINGS	Permit Issued	
KP292/08	1 HENRY ST HIGHETT, VIC 3190	20-Mar- 08	29-Aug-08	3 DWELLINGS	Permit Issued	
KP298/08	2 MALLAWA ST CLAYTON SOUTH, VIC 3169	25-Mar- 08	26-Aug-08	2 DWELLINGS	Permit Issued	
KP314/08	67 ALBENCA ST MENTONE, VIC 3194	28-Mar- 08	29-Aug-08	3 DWELLINGS	Permit Refused	
KP326/08	2 CLARINDA ROAD CLARINDA, VIC 3169	3-Apr-08	27-Aug-08	5 LOT SUBDIVISIO N	Permit Issued	
KP331/08	11-17 HARTWOOD CT CHELSEA HEIGHTS, VIC 3196	2-Apr-08	4-Aug-08	BUILDINGS & WORKS	Permit Issued	
KP333/08	8 FIRST ST CLAYTON SOUTH, VIC 3169	3-Apr-08	26-Aug-08	2 DWELLINGS	Permit Issued	
KP370/08	6 ROYAL TCE HIGHETT, VIC 3190	16-Apr-08	15-Aug-08	3 DWELLINGS	Permit Issued	
KP381/07-B	4/7-9 NAPLES ROAD MENTONE, VIC 3194	16-Jun- 08	16-Aug-08	ALTERATION S & ADDITIONS	Notice of Decision	
KP390/08	2 MARGARET ST PARKDALE, VIC 3195	22-Apr-08	15-Aug-08	2 DWELLINGS	Permit Issued	
KP403/08	44 FRASER AVE EDITHVALE, VIC 3196	23-Apr-08	7-Aug-08	2 DWELLINGS	Permit Issued	

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KP408/08	14 DOUGLAS AVE CHELSEA, VIC 3196	28-Apr-08	18-Aug-08	2 DWELLINGS	Notice of Decision	
KP417/08	2/6 JOEL CT MOORABBIN, VIC 3189	24-Apr-08	14-Aug-08	BUILDINGS & WORKS	Permit Issued	
KP436/08	5/130-140 HERALD ST CHELTENHAM, VIC 3192	7-May-08	14-Aug-08	MOTOR VEHICLE SALES	Permit Issued	
KP439/08	1/7 LUCERNE ST MENTONE, VIC 3194	8-May-08	21-Aug-08	CHANGE OF USE	Permit Issued	
KP446/08	10 CONNORS STREET HIGHETT, VIC 3190	5-May-08	5-Aug-08	2 DWELLINGS	Permit Issued	
KP457/07	5 AVENZA ST MENTONE, VIC 3194	27-Jun- 07	18-Aug-08	3 DWELLINGS	Permit Issued	
KP473/08	970 NEPEAN HIGHWAY MOORABBIN, VIC 3189	22-May- 08	14-Aug-08	GYMNASIUM	Permit Issued	
KP475/08	5 JOHNSTON STREET MENTONE, VIC 3194	19-May- 08	28-Aug-08	2 DWELLINGS	Permit Issued	
KP476/08	CENTRE ROAD OAKLEIGH SOUTH, VIC 3167	23-May- 08	18-Aug-08	BUILDINGS & WORKS	Permit Issued	
KP480/08	31B MARCUS ROAD DINGLEY VILLAGE, VIC 3172	22-May- 08	14-Aug-08	BUILDING AND WORKS	Permit Issued	
KP495/08	517 MAIN STREET MORDIALLOC, VIC 3195	26-May- 08	4-Aug-08	BUILDING AND WORKS	Permit Issued	
KP496/07	120 COMO PDE WEST PARKDALE, VIC 3195	10-Jul-07	27-Aug-08	3 DWELLINGS	Permit Issued	
KP498/08	20 LEVANTO STREET MENTONE, VIC 3194	13-May- 08	27-Aug-08	56 LOT SUBDIVISIO N	Permit Issued	
KP500/08	1/3 MANIKATO AVENUE MORDIALLOC, VIC 3195	28-May- 08	6-Aug-08	BUILDING AND WORKS	Permit Issued	
KP501/08	3/3 MANIKATO AVENUE MORDIALLOC, VIC 3195	28-May- 08	4-Aug-08	BUILDING AND WORKS	Permit Issued	
KP508/06	15 DUDLEY GR EDITHVALE, VIC	31-Jul-06	28-Aug-08	2 LOT SUBDIVISIO	Permit Issued	

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	3196			N	
KP512/08	16 ILMA GROVE BONBEACH, VIC 3196	29-May-08	5-Aug-08	2 LOT SUBDIVISIO N	Permit Issued
KP524/08	126 BALCOMBE ROAD MENTONE, VIC 3194	2-Jun-08	19-Aug-08	BUILDINGS AND WORKS	Permit Lapsed
KP527/08	12 THE BOULEVARD PATTERSON LAKES, VIC 3197	2-Jun-08	13-Aug-08	ALTERATION S & ADDITIONS	Permit Issued
KP531/07	2 SINCLAIR AVE EDITHVALE, VIC 3196	20-Jul-07	21-Aug-08	2 DWELLINGS	Notice of Decision
KP532/08	103 KEARNEY DRIVE ASPENDALE GARDENS, VIC 3195	3-Jun-08	4-Aug-08	BUILDINGS AND WORKS	Permit Issued
KP533/08	20 SYCAMORE AVENUE MENTONE, VIC 3194	23-May-08	28-Aug-08	2 DWELLINGS	Notice of Decision
KP534/08	58-60 ALEX AVENUE MOORABBIN, VIC 3189	5-Jun-08	18-Aug-08	BUILDINGS AND WORKS	Permit Issued
KP538/08	1/4 LILLIPUT LANE EDITHVALE, VIC 3196	14-May-08	5-Aug-08	ALTERATION S & ADDITIONS	Permit Issued
KP542/08	12 ALEXANDER CIRCLE PATTERSON LAKES, VIC 3197	6-Jun-08	19-Aug-08	DWELLING	Permit Issued
KP557/08	18 BATH STREET CHELSEA, VIC 3196	5-Jun-08	1-Aug-08	3 LOT SUBDIVISIO N	Permit Issued
KP563/08	70-120 KINGSTON ROAD HEATHERTON, VIC 3202	13-Jun-08	26-Aug-08	BUILDINGS & WORKS	Permit Issued
KP570/08	6 RUSSELL COURT MENTONE, VIC 3194	6-Jun-08	19-Aug-08	3 LOT SUBDIVISIO N	Permit Issued
KP572/08	24 CRAWFORD ROAD CLARINDA, VIC 3169	16-Jun-08	8-Aug-08	2 LOT SUBDIVISIO N	Permit Issued
KP577/08	100 BROADWAY BONBEACH, VIC 3196	17-Jun-08	22-Aug-08	ADVERTISIN G SIGNAGE	Permit Issued
KP578/08	422-440 WARRIGAL ROAD	17-Jun-08	27-Aug-08	ADVERTISIN G SIGNAGE	Permit Lapsed



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	HEATHERTON, VIC 3202					
KP584/07-A	37 STATION RD CHELTENHAM, VIC 3192	5-Aug-08	8-Aug-08	MIXED USE DEVELOPME NT	Permit Issued	
KP584/08	46 ALEX AVENUE MOORABBIN, VIC 3189	18-Jun- 08	15-Aug-08	BUILDINGS AND WORKS	Permit Issued	
KP588/08	1101-03E/1239 NEPEAN HIGHWAY CHELTENHAM, VIC 3192	19-Jun- 08	14-Aug-08	BUILDINGS AND WORKS - FOOTPATH	Permit Issued	
KP592/08	40 WETLAND DRIVE PATTERSON LAKES, VIC 3197	19-Jun- 08	7-Aug-08	1 DWELLING	Permit Issued	
KP595/08	61 ISLAND POINT AVENUE WATERWAYS, VIC 3195	19-Jun- 08	13-Aug-08	1 DWELLING	Permit Issued	
KP598/08	36-38 COCHRANES ROAD MOORABBIN, VIC 3189	20-Jun- 08	8-Aug-08	PORTABLE OFFICE BUILDING	Permit Issued	
KP606/08	19 WETLAND DRIVE PATTERSON LAKES, VIC 3197	24-Jun- 08	14-Aug-08	1 DWELLING	Permit Issued	
KP607/08	10/150-156 CHESTERVILLE ROAD CHELTENHAM, VIC 3192	24-Jun- 08	5-Aug-08	BUILDINGS AND WORKS	Permit Issued	
KP608/08	1486-1550 CENTRE ROAD CLAYTON SOUTH, VIC 3169	16-Jun- 08	12-Aug-08	CREATE EASEMENT	Permit Issued	
KP609/08	36 BLANTYRE AVENUE CHELSEA, VIC 3196	17-Jun- 08	1-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP610/08	3 ASHLEIGH COURT CHELTENHAM, VIC 3192	17-Jun- 08	15-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP611/08	11 FRANKLIN STREET MOORABBIN, VIC 3189	18-Jun- 08	12-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP613/08	43 ELSIE GROVE EDITHVALE, VIC 3196	24-Jun- 08	1-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP614/08	9 FLETCHER	24-Jun-	1-Aug-08	2 LOT	Permit	

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	STREET MOORABBIN, VIC 3189	08		SUBDIVISIO N	Issued	
KP617/08	442 CLAYTON ROAD CLAYTON SOUTH, VIC 3169	26-Jun- 08	4-Aug-08	CHANGE OF USE	Permit Not Required	
KP620/08	17 LORIKEET LANE WATERWAYS, VIC 3195	27-Jun- 08	28-Aug-08	1 DWELLING	Permit Issued	
KP626/08	96-114 COMO PARADE WEST MENTONE, VIC 3194	1-Jul-08	20-Aug-08	BUILDINGS AND WORKS	Permit Issued	
KP628/08	32 HILLSTON ROAD MOORABBIN, VIC 3189	1-Jul-08	4-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP630/08	168 BEACH ROAD PARKDALE, VIC 3195	1-Jul-08	12-Aug-08	5 LOT SUBDIVISIO N	Permit Issued	
KP631/08	13 MILL STREET ASPENDALE, VIC 3195	1-Jul-08	1-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP637/08	34 FIDDES STREET MOORABBIN, VIC 3189	7-Jul-08	11-Aug-08	ALTERATION S AND ADDITIONS	Permit Issued	
KP639/08	30 MATILDA ROAD MOORABBIN, VIC 3189	7-Jul-08	7-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP640/08	13 CENTRAL AVENUE MOORABBIN, VIC 3189	8-Jul-08	14-Aug-08	OFFICE	Permit Issued	
KP641/08	26 ARGYLE AVENUE CHELSEA, VIC 3196	7-Jul-08	29-Aug-08	3 LOT SUBDIVISIO N	Permit Issued	
KP645/08	32 HEALEY STREET MOORABBIN, VIC 3189	9-Jul-08	28-Aug-08	2 LOT SUBDIVISIO N	Permit Lapsed	
KP651/08	19 PARSONS STREET MORDIALLOC, VIC 3195	11-Jul-08	27-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP663/08	1-4 NEPEAN HIGHWAY ASPENDALE, VIC 3195	16-Jul-08	14-Aug-08	ADVERTISIN G SIGNAGE	Permit Issued	
KP671/08	204-210 CHESTERVILLE ROAD	15-Jul-08	18-Aug-08	BUILDINGS AND WORKS	Permit Issued	

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	MOORABBIN, VIC 3189					
KP678/08	1B RODNEY STREET MOORABBIN, VIC 3189	21-Jul-08	28-Aug-08	ALTERATION S AND ADDITIONS	Permit Issued	
KP681/08	25 DEEPWATER DRIVE WATERWAYS, VIC 3195	21-Jul-08	14-Aug-08	1 DWELLING	Permit Issued	
KP682/08	52 COORONG CIRCLE WATERWAYS, VIC 3195	21-Jul-08	8-Aug-08	1 DWELLING	Permit Issued	
KP683/08	7 OBSERVATION COURT WATERWAYS, VIC 3195	21-Jul-08	18-Aug-08	1 DWELLING	Permit Issued	
KP687/08	CARPARK/1239- 1241 NEPEAN HIGHW HIGHETT, VIC 3190	22-Jul-08	20-Aug-08	BUILDINGS AND WORKS	Permit Issued	
KP690/08	1344-1346 CENTRE ROAD CLAYTON SOUTH, VIC 3169	23-Jul-08	15-Aug-08	LIQUOR LICENCE	Permit Issued	
KP696/08	12 CASCO PLACE DINGLEY VILLAGE, VIC 3172	23-Jul-08	19-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP697/08	5 CANBERRA STREET PATTERSON LAKES, VIC 3197	23-Jul-08	14-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP699/08	18 MERRI DRIVE WATERWAYS, VIC 3195	25-Jul-08	15-Aug-08	1 DWELLING	Permit Issued	
KP709/08	25 CHRISTINA TERRACE DINGLEY VILLAGE, VIC 3172	29-Jul-08	4-Aug-08	FRONT FENCE	Permit Not Required	
KP710/08	6 WALLUM ROAD EDITHVALE, VIC 3196	28-Jul-08	28-Aug-08	2 LOT SUBDIVISIO N	Permit Issued	
KP711/08	17 MCDONALD STREET MORDIALLOC, VIC 3195	29-Jul-08	19-Aug-08	4 LOT SUBDIVISIO N	Permit Issued	
KP712/08	36 WATERSIDE DRIVE WATERWAYS, VIC 3195	30-Jul-08	8-Aug-08	1 DWELLING	Permit Issued	
KP713/08	18 MCMILLAN STREET CLAYTON	31-Jul-08	15-Aug-08	2 LOT SUBDIVISIO	Permit Issued	

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	SOUTH, VIC 3169			N	
KP716/07	83 CHUTE ST MORDIALLOC, VIC 3195	12-Sep- 07	4-Aug-08	2 DWELLINGS	Notice of Decision
KP731/08	22 ARUNTA CRESCENT CLARINDA, VIC 3169	4-Aug-08	25-Aug-08	2 LOT SUBDIVISIO N	Permit Issued
KP732/08	7 NORLAND STREET CHELTENHAM, VIC 3192	5-Aug-08	19-Aug-08	2 LOT SUBDIVISIO N	Permit Issued
KP76/08	CNR S'VALE RD & LWR DNONG RD DINGLEY, VIC 3172	18-Jan- 08	4-Aug-08	SIGNAGE	Permit Issued
KP772/08	80 ISLAND POINT AVENUE WATERWAYS, VIC 3195	14-Aug- 08	28-Aug-08	1 DWELLING	Permit Issued
KP776/08	9 SHOALWATER DRIVE WATERWAYS, VIC 3195	15-Aug- 08	28-Aug-08	1 DWELLING	Permit Issued
KP912/07	17 GAVIN ST MOORABBIN, VIC 3189	15-Nov- 07	4-Aug-08	2 DWELLINGS	Permit Issued
KP915/07	57 MCLEOD RD CARRUM, VIC 3197	15-Nov- 07	8-Aug-08	2 DWELLINGS	Permit Issued
KP922/07	22 BONDI RD BONBEACH, VIC 3196	20-Nov- 07	8-Aug-08	4 DWELLINGS	Permit Issued
KP950/07	98 GLADESVILLE BLVD PATTERSON LAKES, VIC 3197	30-Nov- 07	28-Aug-08	9 DWELLINGS	Permit Refused
KP955/07	50 BLANTYRE AVE CHELSEA, VIC 3196	30-Nov- 07	28-Aug-08	2 DWELLINGS	Notice of Decision
KP973/07	21 THE PARADE CLARINDA, VIC 3169	7-Dec-07	27-Aug-08	2 DWELLINGS	Permit Issued

**K 140**

**Planning Application KP422/08 – 3 Somme Parade,  
Edithvale**

<b>APPLICANT:</b>	Civil Design Consulting Engineers
<b>ADDRESS OF LAND:</b>	No. 3 (Lot 1 555303W) Somme Parade, Edithvale
<b>Melway Ref:</b>	93A10
<b>PROPOSAL</b>	Three (3) Dwellings
<b>CONTACT OFFICER:</b>	Anna Reddie
<b>FILE NO:</b>	KP422/08
<b>ZONING:</b>	Residential 1
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 12.00: Metropolitan Development Clause 14.01: Planning for Urban Settlement Clause 16.02: Housing – Medium Density Housing <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Increased Change Area
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 68
<b>DECISION BY:</b>	27 August, 2008
<b>NETT DAYS:</b>	56 days @ 27 August, 2008

*MAIN ISSUES RELATING TO THIS APPLICATION*

- Neighbourhood Character;
- Overdevelopment of the site;
- Car parking.

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**Development Assessment Table**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>	<b>Clause 22.11- Residential Policy Requirement</b>
<b>Private Open Space</b>	Increased Housing Change requirements –	Dwelling 1 – 50.8m <sup>2</sup> of private open space located to the front yard, rear deck and 1 <sup>st</sup> floor balcony.  Dwelling 2 53m <sup>2</sup> of secluded private open space  Dwelling 3 64.3m <sup>2</sup> of secluded private open space	As per Rescode requirements
<b>Car Parking</b>	One (1) space for a 2 bedroom dwelling, or two (2) spaces for every 3 bedroom dwelling.	Two (2) car spaces at basement level for all dwellings.	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	A 5.5 metre minimum front setback is proposed	As per ResCode
<b>Site Coverage</b>	Rescode requires 60% site coverage	Site coverage is 54.8%	As per Rescode

***EXISTING CONDITIONS:***

The subject site is located on the north-east side of Somme Parade, Edithvale. The subject site is regular in shape (i.e. rectangular) with a frontage width of 30.4 metres to Somme Parade, a maximum depth of 15.24 metres, resulting in an overall area of 464m<sup>2</sup>. The site is relatively flat with a 300-500mm fall from the front of the site to the rear. Vehicle access to the site is established from Somme Parade.

The site is currently occupied by a single dwelling and concrete veranda, and drive with 1/3 of the house being double storey. A detached garage is located to the south of the existing dwelling. A concrete driveway is located on the southern boundary and gives direct access to the existing residence on the site. The site contains no significant vegetation; however there are a number of trees and shrubs located to the front and rear of the site.

The surrounding area is developed and used for residential purposes. Existing development along Somme Parade comprises of a mixture of single and double storey dwellings. Additionally, other examples of medium density development can be found throughout the area. Front fencing and front landscaping within the area is considered to be varied.

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The subject site is not considered to be within convenient walking distance to public transport nodes (i.e. 600m to Edithvale Railway Station). The site is in close proximity to the local Edithvale shopping strip, reserves, the Wetlands, community facilities and public recreation facilities.

**PROPOSAL IN DETAIL:**

It is proposed to construct three (3) double storey dwellings all fronting Somme Parade on this site.

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (excluding garage verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms</b>	<b>Car Spaces Parking</b>
1	181.3m <sup>2</sup>	50.8m <sup>2</sup> located to the front yard, rear deck and 1 <sup>st</sup> floor balcony.	3	Two (2) car spaces at basement level
2	181.3m <sup>2</sup>	53m <sup>2</sup> located to the front yard, rear deck and 1 <sup>st</sup> floor balcony.	3	Two (2) car spaces at basement level
3	183.8m <sup>2</sup>	64.3m <sup>2</sup> located to the front yard, rear deck and 1 <sup>st</sup> floor balcony.	3	Two (2) car spaces at basement level

Building Materials and colours have been nominated as:

Roof:	Zincalume natural finish corrugated iron
Walls:	Face brickwork – Boral moss brick Render on polystyrene wall cladding – sand finish either dark grey or sand colour Grid pattern- metallic finish
Windows:	Aluminium – silver
Driveways:	Concrete drive- grey pavers.
Front fencing:	No front fence proposed
Garage:	Black or dark brown.

***The proposal would result in site coverage of 54.8%.***

**TITLE DETAILS**

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the title.

**AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION**

Amended plans were received by Council on 2<sup>nd</sup> July 2008. Changes and modifications made to the plans / application were predominately made in response to Council's further information letter dated 3<sup>rd</sup> June, 2008.

*ADVERTISING*

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Four (4) objections to the proposal were received. The main concern raised in these objections related to the following;

- Overdevelopment
- Traffic
- Over looking
- Visual bulk and mass
- Visitor car parking
- Rubbish removal
- Density
- Access to the site.

**Response to Grounds of Objection**

The following is a response to the grounds of objection. As there is overlapping in the grounds, particularly with the concept of neighbourhood character and residential amenity, it has been decided to address these matters all, predominately, in one section.

**1. The Overdevelopment of the site, Visual Bulk and mass and Denisty.**

The proposal has a site coverage total of 54.4%, which clearly meets both the objective and standard of Clause 55.03-3 of the Kingston Planning Scheme. The objective of this Clause requires site coverage to respect the existing or preferred neighbourhood character and respond to the features of the site. With regard to this, the proposed development is consistent with the existing and preferred neighbourhood character of the area and is responsive to the conditions of the site.

It is considered that the question of overdevelopment cannot be answered simply by looking at site coverage and building size alone. Overdevelopment is usually characterised by not meeting a majority of the assessment criteria of Clause 55 of the Kingston Planning Scheme (ResCode), which in this instance, is clearly not apparent. As demonstrated on the previous page under the heading 'Clause 55 – Rescode', the proposed development does not raise any major concerns or areas of non-compliance with the provisions (standards and objective) for medium density development.

It is therefore considered that the proposal evidently does not exhibit any of the usual indicators of overdevelopment, these including: unreasonable overshadowing, unreasonable overlooking, insufficient private open space or insufficient car parking.



It is acknowledged that the proposal is for three (3) dwellings on the site on a lot less than 500m<sup>2</sup> in area, however it is considered that the proposal has been designed to not dominate given its corner lot locating with each dwelling having a street frontage and height levels of articulation and varied building materials being utilised to reduce visual bulk.

For all of the reasons outlined above, it is considered that the proposal is respectful of adjoining properties as it contains adequate setbacks from all common boundaries, is not excessively large in built form, bulk or total building height, and as such, complies with the objectives and standards of Clause 55 that relate to neighbourhood character. It is respectfully submitted that the proposed development should therefore, not hinder the character of the area.

**2. Vehicular parking/ traffic congestion/Visitor Carparking.**

The proposal is in accordance with Standard B9 of Clause 55 of the Kingston Planning Scheme (Car Parking Requirements). Each dwelling is provided with a minimum of two (2) car parking spaces and the internal dimensions comply with Standard B9 requirements.

It is acknowledged that the proposed development will result with additional dwellings being sited on the subject site. However, Council recognises the potential of the site being redeveloped to provide an improved quality of housing and residential living for the area and considers it unlikely, that Kingston Street will experience a significant increase in traffic that will have a detrimental impact on the immediate area. \

**3. Rubbish Removal**

It is considered that there is adequate amount of room on the nature strip for the removal of rubbish bins.

**4. Overlooking**

It is considered by Council that the proposal complies with the objectives and standards of Clause 55.04-6, Standard B22 for overlooking. ‘

**5. Access to site.**

This proposal has been discussed with Councils traffic engineers and the access arrangements were considered to be acceptable for this site.

**AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION**

No amendments made.

**Planning Scheme Provisions**

A planning permit is required to develop land for two (2) or more dwellings, pursuant to Clause 32.01-4 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 14 and 16) and the Local Planning

Policy Framework (LPPF), including the Municipal Strategic Statement (Clause 21.05) and Residential Development Policy (Clause 22.11) of the Scheme.

*Other*

The land is located in an 'Increased Change Area' 'as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

The land is affected by Design and Development Overlay Overlays 7 and 1 of Kingston Planning Scheme.

*REFERRAL*

No external referrals were required in respect of this application.

The application was referred to the following internal departments within Council:

- § Council's Vegetation Management Officer
- § Council's Traffic Engineer
- § Council's Development Approvals Engineer.

All internal referral authorities have no objection to the proposed application, subject to suitable conditions being included on any permit issued.

*Discussion*

*Kingston Planning Scheme Provisions:*

**Clause 12: Metropolitan Development**

This section of the scheme seeks to:

**Clause 12.01 A more compact city seeks to:**

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

**Clause 12.05 A great place to be** – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.
- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.

- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

**Clause 12.06 A fairer city** – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

**Clause 12.07 A greener city** – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of stormwater on bays and catchments.

**Clause 12.08 Better transport links seeks to:**

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application predominately meets these objectives. However, it is noted that the subject site is not considered to be located within convenient walking distance to public transport nodes.

**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

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

It is considered that this application clearly meets these objectives.

**Clause 21.05 MSS - Residential Land use**

In accordance with Council's MSS, The subject site is located within an area identified for "increased housing change".

*Increased Housing Diversity Area*

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

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.

- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal is considered a good opportunity to provide a range / variety of dwelling styles to cater for changing household types. Therefore, the proposed development assists in providing for housing diversity within the area, presenting an increase in housing density whilst being respectful to the existing area. The layout and design provides for the safety and security needs for future residents, takes into account energy efficiency objectives, provides adequate car parking and ensures that a suitable amount of open space is allocated to each dwelling. It is considered that the development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

It is considered that the design respects the amenity of adjoining properties as the proposal ensures that no unreasonable overlooking or overshadowing should occur. Furthermore, the double storey dwellings are not considered to have a detrimental impact on the streetscape and are considered to be well articulated, and has a maximum height of 9 metres and therefore meets ResCode. The dwellings are not considered to be overbearing structures in terms of their mass and size in the context of the requirements of the its surrounding area.

#### **Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy. It is considered that the proposal satisfactorily meets these requirements.

The location and configuration of the private open space areas being provided to all dwellings are of an adequate size, which clearly exceed the area requirements of the Schedule of the Residential 1 Zone, to be usable and allow for the provision of landscaping.

It is considered that the development should provide a high standard of amenity and quality of life for future occupants. Furthermore, the access and driveway layouts are considered practical, efficient and do not pose any safety issues when vehicles are entering and exiting the site.

As previously outlined, the proposed first floor at the front of the site includes raised first floor windows (i.e. 1.7 metres above the first floor finished floor level) to ensure that no unreasonable overlooking will occur. Additionally, the proposed development is considered consistent with the objectives of the Residential Development Policy through the provision of a well articulated, and a reduced upper storey component, the appropriate siting of windows and by the provision of substantial setbacks from side property boundaries. As outlined in Clause 22.11, Dwellings 1 has been designed in an attic style form, to ensure that the amenity of adjoining properties and their outlook are not detrimentally affected.

For these reasons, Council is satisfied that the proposed development has satisfactorily addressed the design objectives and strategic policy guidelines of Clause 22.11 of the Kingston Planning Scheme.

**Clause 32.01: Residential 1 Zone**

The purpose of the Residential 1 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

**Clause 43.02 – Design and Development Overlay**

The purpose is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To identify areas which are affected by specific requirements relating to the design and built form of new development.

**Design and Development Overlay (Schedule 1)**

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

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

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

**Design and Development Overlay (Schedule 7)**

To protect and enhance the visual and aesthetic appearance of the foreshore area.

To encourage new buildings and works which are sympathetic to the surrounding foreshore environment.

It is considered that the proposal meets the objectives of the schedules and the Overlay.

*Clause 55: Rescode*

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal satisfactorily meets the requirements of Rescode, however the following area of non-compliance has been identified:

**Clause 55.03-8: Standard B13 Landscaping**

Landscape plans were referred to Council's Vegetation Management Officer who recommended that amended plans be requested via Condition 1 of any permit granted..

*Clause 65: Decision Guidelines*

This clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

*Neighbourhood Character Area Guidelines (Incorporated Document):*

The land is located within Area 68 of the Neighbourhood Character Guidelines. The proposal is not considered to raise any issues of non-compliance with these guidelines.

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

*General Comment*

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy, Residential 1 zoning and the Schedule to the zone, Design and Development Overlay, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

It is considered that the objectors concerns have been addressed where appropriate and on balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

### **Recommendation**

That a Planning Permit for the development of this site for three (3) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 28 February, 2006, but modified to show:
  - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i) all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - ii) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - iii) the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iv) the removal of the senescent Acacia within the front setback;
    - v) a range of plant types from ground covers to large shrubs and trees;
    - vi) adequate planting densities (i.e.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vii) the provision of one (1) suitable spreading canopy tree located within the front setback area and one (1) suitable spreading canopy tree located within the private open space area of each dwelling where existing trees are not being retained;
    - viii) all trees provided at a minimum height of 2 metres at time of planting;
    - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;



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- x) the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b. the existing 3.05 metre wide easement annotated along the site's south-east (rear) property boundary;
  - c. the driveway width from the front of the site through to the rear of Dwelling 2 reduced to 2.6 metres in width, with the additional areas created provided as landscaping, with the provision of a meandering landscaping strip of at least 0.5 metres in width and continued along the site's south-west (side) property boundary until it meets the garage of Dwelling 3;
  - d. the provision of a maximum 1.5 metre wide landscape bed and tapering down either side, on the site's south-west (side) property boundary, opposite garage 2;
  - e. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - f. the door of each garage nominated as a panel lift door, or similar;
  - g. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings, and;
  - h. the provision of improved vehicle access to the garage of Dwelling 2 by increasing the landscape area around bedroom 1 of this dwelling and tapering it down to the opening of the garage; and
  - i. the garage of Dwelling 3 relocated in its entirety a minimum of 0.5 metres towards the south-east, resulting in the reconfiguration of the bathroom, bedroom 1, the ensuite and walk-in-robe of this dwelling, to allow for a fully functioning reversing area so that all vehicles can exit the site in a forwards direction.
2. Before 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.
  3. Before 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Before the development hereby approved commences, a drainage plan showing the stormwater discharge from the development to the nominated point must be submitted to the Responsible Authority for approval. The plan must be prepared by a qualified person and show all drainage works to the nominated point. The plan must also show all existing and proposed features that may have an impact on the drainage (eg trees to be retained, crossings, services, fences, abutting buildings etc.)
  5. Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be in accordance with the approved drainage plan.
  6. The development of the site must be provided with stormwater mitigation works which will entail the detention of stormwater on site and/or the use water sensitive urban design principles (including re-use) to reduce stormwater run-off quantity and

improve discharge quality. Discussion with Councils Development Approvals Engineer is advised prior to a design being submitted. The stormwater system must be constructed in accordance with the approved drainage plan and maintained to the satisfaction of the Responsible Authority.

7. Construction on the site must be restricted to the following times:
  - a. Monday to Friday 7:00am to 7:00pm; and
  - b. Saturday 9:00am to 6:00pm.Or otherwise as approved by the Responsible Authority in writing.
8. Before the occupation of the dwellings hereby permitted starts, 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.
9. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
10. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
11. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
12. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
13. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with *an all-weather coloured concrete sealcoat* to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

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14. 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.
15. 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.
16. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. External clothes drying facilities must be provided for each dwelling.
18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
19. **Expiry of permit:**

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

- The development and use are not started before "[insert date]" (date to be two (2) years from date of permit issue).
- The development is not completed before "[insert date]" (date to be two (2) years from date of permit issue).

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**Note:** It is noted that the development includes a storage shed to be built over an 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:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.

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

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

**K 141     Planning Application KP173/08 – 30 Clay Street,  
Moorabbin**

<b>APPLICANT:</b>	ADG PTY LTD
<b>ADDRESS OF LAND:</b>	No.30 (Lot 20 PS027610) Clay Street, Moorabbin
<b>Melway Ref:</b>	77F6, 77G6
<b>PROPOSAL</b>	Three (3) dwellings
<b>CONTACT OFFICER:</b>	Anna Reddie
<b>FILE NO:</b>	KP173/08
<b>ZONING:</b>	Residential 3 Zone
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing  <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Incremental Change
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 1
<b>DECISION BY:</b>	5 <sup>th</sup> September 2008
<b>NETT DAYS:</b>	69 days @ 5 <sup>th</sup> September

**MAIN ISSUES RELATIBNG TO THIS APPLICATION**

The key planning issues arising from this proposal relate to:

- Neighbourhood character
- Amenity impact (internal and external)
- Vegetation/landscaping considerations

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**Development Assessment Table**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>	<b>Clause 22.11- Residential Policy Requirement</b>
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m <sup>2</sup> , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m <sup>2</sup> is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 61m <sup>2</sup> provided at front yard of the site Though not private open space this are does provide the opportunity for recreation through gardening and similar activities. The court yard has a minimum width of 5.0 metres as per the schedule of the Residential 3 Zone  Dwelling 2 70m <sup>2</sup> of secluded private open space  Dwelling 3 92m <sup>2</sup> of secluded private open space	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
<b>Car Parking</b>	One (1) space for a 2 bedroom dwelling, or two (2) spaces for every 3 bedroom dwelling.	Dwelling 1 has (3) three car parking spaces  Dwelling 2 and 3 will have (2) two car parking spaces	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	A 9 metre minimum front setback is proposed	As per ResCode
<b>Site Coverage</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: Maximum 50%	Site coverage is 42%	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas

**EXISTING CONDITIONS**

The subject site is located on the eastern side of Clay Street, Moorabbin. It is rectangular in shape, and with a front and rear width of 15.24 metres and approximate side boundary length of 64 metres, and an overall site area of 986 square metres. There appear to be no restrictions listed on the Certificate of Title.

The site presently contains a single storey dwelling that is set back 10.7 metres from the site frontage. The dwelling is of block construction and presents a gabled roof form to Clay street. Vehicle access to the site is achieved via a single vehicle crossover and driveway on the site's southern boundary.

The surrounding area is varied featuring examples of single storey and double fronted houses, varying front and side setbacks, the use of hip and gabled roof forms and a variety of building materials that include weatherboard, brick and maisonette. Roofing material includes tiles and corrugated iron.

The site is approximately 250 metres from a bus stop, 150 metres from the Moorabbin Reserve and 1km from the Moorabbin Major Activity Centre.

### **PROPOSAL IN DETAIL**

It is proposed to demolish the existing dwelling and develop the site with three (3) dwellings, comprising of two (2) double storey dwellings and one (1) single dwelling. The site proposes one dwelling for every 329 metres of site area.

The dwellings are located down the length of the site and the development essentially presents as a single dwelling to Clay Street. Dwelling 1, which is located to the front of the site, is provided with a double garage and tandem car space in front, and is accessed via a new crossing and driveway located on the northern boundary of the site.

The existing vehicle driveway on the southern boundary is to provide vehicle access along the southern boundary of the site that will provide access to dwellings 2 and 3 located in the centre and rear of the site respectively.

Dwelling (1) one is to be set back 9,0 metres from the site frontage in response to the adjoining set backs of 12m and 12.3 metres ( north and south) .

Two car spaces will be provided for dwelling 2 and 3 and Dwelling 1 will have 3 car spaces.

### **RELEVANT HISTORY**

There is no relevant planning history relating to this site.

### **ADVERTISING**

Before advertising the applicant amended plans from four double storey dwellings to two double storey dwellings and a single storey to the rear.

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Eighteen (18) objections to the proposal were received. The valid grounds of objection raised refer to:

- Overshadowing
- Vegetation
- Streetscape
- Traffic
- Neighbourhood character
- Solar access
- Visual bulk

### **PRELIMINARY CONFERENCE**

A preliminary conference was held on 26<sup>th</sup> June 2008 with the relevant Planning Officer, the applicant and seven (7) objectors in attendance. The above concerns were discussed at the conference, and the following resolutions were reached:

- Removal of Tree on the boundary
- Materials
- Visual Bulk; and

The other issues raised by the objectors with regard to neighbourhood character were also discussed at the meeting, with no resolution reached and no resulting modifications to the development design. With regard to overshadowing, the shadow diagrams were explained to the objectors, and the amount of overshadowing likely to be generated by the development to the adjoining properties discussed.

The applicant offered softer materials to be used to reduce the visual bulk and to add articulation including the use of brick, render and timber.

The removal of the tree was discussed and the applicant contacted an arborist to ask for advice to make sure the tree would remain. This will form part of the conditions.

### **REFERRALS**

The following internal referral departments were notified:

- Council's Development Engineers
- Council's Vegetation Management Officer
- Council's Parks Department

The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any approval issued.

### **RELEVANT POLICIES**

*Kingston Planning Scheme Provisions:*

#### **Clause 12: Metropolitan Development**

This section of the scheme provides specific objectives and strategies for Metropolitan Melbourne, including the following:

**Clause 12.01 A more compact city seeks to:**

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

**Clause 12.05 A great place to be** – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.
- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.
- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

**Clause 12.06 A fairer city** – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

**Clause 12.07 A greener city** – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of stormwater on bays and catchments.

**Clause 12.08 Better transport links seeks to:**

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application meets these objectives.



**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

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

It is considered that this application clearly meets these objectives.

**Clause 21.05 MSS - Residential Land use**

*Incremental Housing Change Area*

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

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.

- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council’s Municipal Strategic Statement as outlined above. The proposal is considered a good opportunity to provide a range / variety of dwelling styles to cater for the changing household types. Therefore, the proposed development assists in providing for housing

diversity within the area, presenting an increase in housing density whilst, in Council opinion, being respectful to the existing area and surrounding built form.

The layout and design provides for safety and security needs for future residents, takes into account energy efficiency objectives where appropriate, provides adequate on-site car parking and ensures that a suitable amount of open space is allocated to each dwelling.

It is considered that the upper storey components of all dwellings located to the front (i.e. Dwellings 1 and 2) have been adequately set back from all common property boundaries and the applicant has provided suitable and responsive setbacks to where the subject site abuts sensitive interfaces such as secluded private open space areas of neighbouring dwellings. In addition, a reasonable level of articulation, which alleviates visual bulk concerns associated with the proposed two (2) storey elements of the dwellings, has been incorporated into the design. It is also considered that the rear dwelling being a single storey dwelling further reduces amenity impact to the adjoining sites.

Council acknowledges that although Kingston Street predominately contains single storey detached dwellings, there are other examples of two (2) storey dwellings in the area. As further elaborated later within this report, it is considered that the development will not hinder the existing neighbourhood character and will be consistent with the broader local neighbourhood character and evolving character of the area.

The subject site meets the average lot size within this area. The subject site has an overall site area of 986m<sup>2</sup> and the average lot size within this area has been calculated to be 306.55m<sup>2</sup>. Hence the proposed lot size minimum for a development of this nature is 919.65m<sup>2</sup>. It is considered that the proposed development clearly meets the Schedule requirements of the Residential 3 Zone, predominately complies with the requirements of Clause 55 of the Kingston Planning Scheme, creates a high standard of amenity for the future occupants of each dwelling, it is submitted that the proposed development is appropriate in this instance

#### **Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy. It is considered that the proposal satisfactorily meets these requirements.

The location and configuration of the private open space areas being provided to all dwellings are of an adequate size, which clearly exceed the area requirements of the Schedule of the Residential 1 Zone, to be usable and allow for the provision of landscaping.

It is considered that the development should provide a high standard of amenity and quality of life for future occupants. Furthermore, the access and driveway layouts are considered practical, efficient and do not pose any safety issues when vehicles are entering and exiting the site.

As previously outlined, the proposed first floor at the front of the site includes raised first floor windows (i.e. 1.7 metres above the first floor finished floor level) to ensure that no unreasonable overlooking will occur. Additionally, the proposed development is considered consistent with the objectives of the Residential Development Policy through the provision of a well articulated, and a reduced upper storey component, the appropriate siting of windows and by the provision of substantial setbacks from side property boundaries. As outlined in Clause 22.11, Dwellings 3 will be a single storey dwelling, to ensure that the amenity of adjoining properties and their outlook are not detrimentally affected.

For these reasons, Council is satisfied that the proposed development has satisfactorily addressed the design objectives and strategic policy guidelines of Clause 22.11 of the Kingston Planning Scheme.

**Clause 32.06: Residential 3 Zone**

The purpose of the Residential 3 Zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

**PLANNING CONSIDERATIONS:**

Land-use Issues

It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. Clause 22.11 of the Kingston Planning Scheme encourages increased residential densities and a wider diversity in housing types and sizes in areas designated for Incremental Housing Diversity. These areas are within convenient walking distance of public transport and activity centres.

It is considered that the proposed development satisfies the purpose of the zone.

Neighbourhood Character and Design Issues

The site is located within Area 1 of Council's Neighbourhood Character Guidelines. Within this Area, the following characteristics are considered to make major contributions to the neighbourhood character:

- Building placement: 1-3 metre narrower side setback, 7-10 metre front setback and 3-5 metre wider side setback; and
- Low front wall and landscaped front gardens.

With regard to building placement, the front setback proposed for dwelling 1 is consistent with the setback of the dwellings on abutting land. The setbacks proposed are considered to be consistent with the streetscape, and are therefore appropriate.

The development has been articulated with design features and a variety of building materials to ensure that the dwellings are visually interesting and that they should be less obtrusive in

the context of surrounding development. Double storey dwellings are not the predominate form in the street, however there are examples along the streetscape and the first floor is well articulated and stepped in, therefore, the dwellings do not present as a 'box like' design to the street. The design also presents as a single dwelling on the lot as the two other dwellings are directly behind Dwelling 1. The upper level has been adequately recessed in from the lower level, and adequate front, side and rear boundary setbacks proposed. Adequate site area is available to provide landscaping to soften the appearance of the dwellings when viewed from the street and abutting properties.

The proposed development draws on the key elements found on housing in the area. Though double storey forms are not a key element of Clay Street, the proposed double storey forms are able to be accommodated within this streetscape. The concrete slab construction and floor to ceiling heights, coupled with the lower roof pitched adopted results in dwelling 11 having an overall height of 7.1 metres. Dwelling 1 sits 2.8 metres higher than the adjoining dwelling north and 3.0 metres higher than the ridge of the adjoining dwelling to the south of the site.

The height proposed is not considered excessive and should blend in can be reasonably with the surrounding dwellings.

The proposed design is considered not to be "box like" and the use of render horizontal panelling to the first floor results in dwelling 1 presenting in an acceptable scale and form.

There is a good separation between the first floor areas , and the amending of the design layout in the rear portion of the site having a single storey form.

#### Traffic Issues

There are no apparent traffic concerns associated with the proposal. Each dwelling would have a minimum of two (2) on-site car parking spaces. Whilst additional vehicle movements to and front the site are envisaged given the increase in the number of dwellings on the land from one to three the surrounding road network should be able to accommodate any additional traffic generated by the proposal.

#### Amenity Issues

The proposal should not generate excessive overshadowing of abutting properties, with any overshadowing meeting the requirements of ResCode. Side and rear boundary setbacks are all considered reasonable, and the development should not generate any unreasonable overlooking of abutting properties.

As outlined the applicant reduced the proposed design from four double storeys to two double storeys and a single storey dwelling. In the Preliminary conference section of this report, the objectors and applicant have agreed to some modifications to the design to improve the objector's amenity and work. As previously discussed, these modifications will be required by way of a Condition on any approval issued.

#### Other

Councils Vegetation Officer had issues with the proposed development will effect the adjoining tree on the neighbouring property as the rear unit garage is on the boundary line.

Suitable conditions have will be placed to ensure the tree is not damaged or removed in the construction phase. .

**CONCLUSION:**

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 1 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

It is considered that the objector's concerns have been addressed where appropriate and on balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support. It is also noted that the proposal was reduced from four dwellings to 3 dwellings which creates a suitable development for this area.

**RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 17 April 2008, but modified to show:
  - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - I. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - II. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - III. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and

- labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- IV. a range of plant types from ground covers to large shrubs and trees;
  - V. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - VI. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each unit, with species chosen to be approved by the Responsible Authority.
  - VII. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - VIII. all trees provided at a minimum of two (2) metres in height at time of planting;
  - IX. medium to large shrubs to be provided at a minimum pot size of 200mm;
  - X. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - XI. The provision of a note stating that there are no strip footings for the dwelling 3 with the concrete slab to be laid at existing grade and there be no excavation for the footings with an edge beam or similar to be used and the installation of the slab and footings shall be overseen by a suitably qualified Arborist.
    - a. each driveway reduced to 2.6 metres in width with the additional area created provided as landscaping along the verandah side of each driveway;
    - b. the surface material of all driveways/accessways and car parking spaces nominated in an all-weather coloured concrete seal-coat;
    - c. the proposed crossover constructed in line with the boundary fence to allow enough clearance from the nature strip tree, approximately 3 metres; and
    - d. The front fence for dwelling 1 returned at the site frontage and continued to meet the front of dwelling 1, provided with a gate(s), so as to endorse this area of front open space.
- 2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  - 3. Before 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  - 4. Before 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.
  - 5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the

Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.

6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
8. Construction on the site must be restricted to the following times:
  - a. Monday to Friday                      7:00am to 7:00pm; and
  - b. Saturday                                      9:00am to 6:00pm.
9. Or otherwise as approved by the Responsible Authority in writing.
10. Before the occupation of the dwellings hereby permitted starts, 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.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
12. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
13. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
14. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
15. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.



16. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with coloured concrete to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
17. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
19. All 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.
20. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
21. External clothes drying facilities must be provided for each dwelling.
22. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
23. **Expiry of permit:**

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

- The development and use are not started before two years of the date of this permit.\*
- The development is not completed before four years of the date of this permit.\*

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

*\*Should a planning permit issue a specified starting and completion date will be inserted.*

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

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

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

**K 142            Amendment C94 to the Kingston Planning Scheme – Heatherton  
Christian College**

**Author:**    Luke Connell – Strategic Planning

**Approved by:**                                    Tony Rijs – General Manager Environmental Sustainability

**1.     Purpose of Report**

The purpose of this report is to provide Council with the findings of the Independent Panel that considered Planning Scheme Amendment C94 to the Kingston Planning Scheme. The report recommends that Council adopt the Planning Scheme Amendment and submit Planning Scheme Amendment C94 to the Minister for Planning for approval.

**2.     Background**

At its Ordinary Council meeting on 27 August 2007, Council resolved to place Amendment C94 on public exhibition, pursuant to the requirements of the Planning and Environment Act 1987.

Amendment C94 seeks to make the following changes to the Kingston Planning Scheme:

- Rezone the subject site from a Green Wedge Zone 4 (GWZ4) to a Special Use Zone 5 (SUZ5) – Heatherton Christian College;
- Introduces a new Schedule 5 Heatherton Christian College, to Clause 37.01 Special Use Zone (SUZ);
- Amend the schedule to Clause 57 Metropolitan Green Wedge Land to exempt ‘Special Use Zone 5 Heatherton Christian College, 316-322 Kingston Road, Clarinda, from the Core Planning Provisions;
- Delete the site specific control relating to the Heatherton Christian College at Clause 52.03; and
- Add a new incorporated document ‘Heatherton Christian College Master Plan June 2007’ and delete the current incorporated document ‘Heatherton Christian College Proposed New buildings, July 2006’ to the schedule to Clause 81.

**2.1   Public exhibition**

Amendment C94 was placed on public exhibition for a period of one (1) month between 8<sup>th</sup> November – 7<sup>th</sup> December 2007. Notice was given as follows:

- Notice of the amendment was published in the Victorian Government Gazette on 8<sup>th</sup> November 2007.
- Notice of amendment was published in the Moorabbin Leader on 7<sup>th</sup> November 2007.
- Direct notification was sent to surrounding landowners and occupiers, referral authorities and prescribed ministers.

- Amendment documentation was also available on the City of Kingston's Strategic Planning website and the Planning Counter at Kingston's Cheltenham offices from the 8<sup>th</sup> November 2007.

## **2.2 Submissions**

During exhibition of the amendment a total of four (4) submissions were received. One (1) submission received was from a referral authority (Department of Sustainability & Environment), which raised no objection to the amendment.

## **3. Panel Hearing and Recommendations**

The Minister for Planning appointed a Panel to consider Amendment C94. A Panel hearing was held on 15 July 2008 and was heard by Mr Nick Wimbush. Over the course of the Panel Hearing Council was represented by Maddocks Lawyers and three other submitters made submissions to the Panel.

A copy of the report of the Panel has been previously circulated to Councillors.

### **3.1 Panel Recommendations on Amendment C94**

Having considered all the submissions referred to it and all the material presented at the hearing, and the conclusions set out in the Panel report, the Panel made the recommendations that subject to the suggested changes that Kingston Planning Scheme Amendment C94 should be adopted.

The Panel made the following statement:

To the Panel, the major issue for considering the amendment in principle is the historical set of circumstances leading to this point. Of particular relevance are:

- § The school's existence and apparently successful operation on site for 10 years;
- § The fact that it was established in a supportive planning framework with a long term expansion and development horizon;
- § The change to that planning framework in recent times to recognise broader (and worthy) planning objectives for green wedges; and
- § The recognition by Government in correspondence and by authorising the amendment that there may be a case via amendment to allow for school expansion and proposing a pathway for just that.

The Panel does not also consider this amendment sets any sort of precedent for further alienation of green wedge land, except perhaps for other existing schools in similar circumstances. The amendment addresses a very specific set of circumstances and thus does not in the Panel's mind 'open the floodgates'.

In considering such amendments there may be occasions when the weight of evidence and submissions against the intensification of use warrant refusal. However, this is not one of those occasions.

The Panel considers the key issues of traffic and parking; landscape impact; and environmental impacts on the site from surrounding uses are either not substantively different from that already occurring, or can be effectively managed through the implementation of the Masterplan through the planning scheme framework.

Through the consideration of the Panel Report for Planning Scheme Amendment C94, the strategic justification provided reinforces the importance and successful operation of the college over the last 10 years and that the existing planning framework was supportive of long term development. Based on the panel report it would be an important step to allow the college to continue to expand as it provides an important social and economic benefit to the community.

#### **4. Options**

Section 27 of the *Planning and Environment Act 1987* directs that the planning authority must consider the Panel's report before deciding whether or not to adopt the amendment. Having considered the report Council may:

- Abandon the Amendment pursuant to Section 28 of the *Planning and Environment Act 1987*.
- Adopt the Amendment without changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.
- Adopt the Amendment with changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.

Overall, Council received a Panel report on Amendment C94 that made recommendations that went against the submission made by Council to the Panel. The Panel has recommended changes be made to the amendment, which are discussed in detail below. It is considered appropriate that Council adopt the Planning Scheme Amendment subject to the recommended changes, which are discussed below.

#### **5. Panel Recommendations Discussed**

##### *5.1 Proposed schedule 5 to the special use zone*

*The Panel recommends the following changes to the purpose of the proposed schedule:*

**Insert** as first new purpose statement to:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Reword the existing second purpose statement as follows:

To provide for the use and development of the land generally in accordance with the Heatherton Christian College Masterplan.

Using the term 'Generally' in accordance is a commonly used planning term and allows for minor alteration of the proposal to achieve better outcomes in project implementation.

**Delete** the existing third purpose statement related to ‘green wedge land’ as the proposed amendment to the schedule to Clause 57.01 will exempt the site from the core planning provisions of the Metropolitan Green Wedge.

The fourth, fifth and six purpose statements should remain.

#### **Support Recommendation**

The purpose statement should be kept consistent with similar developments across Victoria. Also the use of the word ‘generally’ does allow more flexibility at application phase in the case that if anything was to change within the surrounding area and adaptive measures may need to be taken.

Supporting the change will reinforce the place of this schedule within the broader planning framework, this is consistent with the formatting of the planning scheme.

#### **Do Not Support Recommendation**

With regards to the third purpose statement Council believes that this statement should remain, as the land is still considered to be part of the Kingston Green Wedge and that the core uses of the green wedge should still remain in the schedule to the special use zone.

### **5.2 Section 1.0 Table of uses**

*Section 1.0 – Permit not required*

*The Panel recommends the following changes to the proposed ‘Permit not required’ table:*

**Amend** the condition for ‘Place of worship’ to reduce the number of persons present on site at any one time from 2,250 to 750.

#### **Support Recommendation**

As discussed in the Panel Hearing, the College noted that no more than 750 worshippers would be on the site at one time and this should be reflected in the table of uses. This is a significantly lower number than allowed.

### **5.3 Section 3.0 Subdivision**

*The Panel recommends the following amendment:*

*That in the second dot point ‘pubic authority’ be changed to ‘public authority’.*

#### **Support Recommendation**

### **5.4 Section 5.0 Building and works**

*The Panel recommends the following amendment to the Permit requirement:*

The permit requirement should be amended to:

Any buildings or works ~~associated with an education centre or place of worship~~ must be generally in accordance with the Heatherton Christian College Master Plan, June 2007.

There was some discussion on this point and to whether the head clause of the SUZ is adequate to pick up the permit requirements. The Panel considers that tying the buildings *and works on site closely to the Masterplan will provide a level of comfort to those submitters concerned that another use may occur on the site in future.*

**Support Recommendation**

As noted by the panel's comment this will give more certainty to future development of this site to submitters who were concerned about different developments occurring on the site.

The Panel recommends the following amendment to the Application requirements:

**Insert** a new paragraph following the list of dot points as follows:

An application to construct a building or carry out works must be accompanied by:

- § An overall landscape concept plan prepared in accordance with the Heatherton Christian College Masterplan, June 2007 and showing an indicative species list and timing of implementation.
- § A Traffic Management Plan showing expected traffic movements (direction and number of movements) at the AM and PM peak school times and at worship times; arrangements for traffic marshalling at such times; arrangements for traffic flows within the site, including overflow parking south of the school; a timetable for development of formal and overflow parking; and management arrangements for overflow parking areas to maintain their recreational values when not being used for parking.

**Support Recommendation**

This recommendation requires the College to prepare landscape and traffic plans to be conducted before any building is to take place and must meet the requirements of the responsible authority, the concerns by submitters to the amendment based around traffic and landscaping of the site will be addressed at the permit stage based on the above recommendation.

**5.3 The Masterplan**

**5.3.1 Masterplan text**

The Panel recommends the following text be added to the Masterplan on page 3 (following reference to the Overall Landscape Concept Plan):

- § A Traffic Management Plan will be prepared and implemented. The Traffic Management Plan shall include (but not be limited to): expected traffic movements (direction and number of movements) at the AM and PM peak school times and at worship times; arrangements for traffic marshalling at such times; arrangements for traffic flows within the site, including overflow parking south of the school; a timetable for development of formal and overflow parking; and management arrangements for overflow parking areas to maintain their recreational values when not being used for parking.

**Support Recommendation**

Traffic around the school was seen as a concern by submitters, by adding this to the Masterplan, the College will have to carry out a Traffic Management Plan as part of the development to assure that the above requirements are met.

**5.3.2 Masterplan plans**

The Panel recommends the following in relations to plans:

- § The plan titled Kingston City Church and Heatherton Christian College 316-322 Kingston Road Clarinda, Master Plan Ground Floor Plan, Drawing No MP.01H, dated June 2008 and showing the overflow parking be substituted for the equivalent exhibited Masterplan.
- § The plan titled Kingston City Church and Heatherton Christian College 316-322 Kingston Road Clarinda, Master Plan First Floor Plan, Drawing No MP.02H, dated June 2008 be substituted for the equivalent exhibited Masterplan.
- § The perspective plan titled Indicative Building Elevation, North Elevation, and showing Stages 1 to 6 be included in the Masterplan.
- § The perspective plan titled Indicative Building Elevation, East Elevation, and showing Stages 1 to 6 and a development height of 12 m be included in the Masterplan.
- § The perspective plans showing six stages across three sheets and titled Perspective views indicative building envelopes. N.T.S. be included in the Masterplan.

**Support Recommendation**

As recommended by the Panel report, it is important to have the masterplan plans incorporated in the final document to make the document complete.

**6. Conclusion**

Amendment C94 has now been considered by a Planning Panel who has recommended the adoption of Amendment C94 subject to changes discussed in this report.

**Recommendation**

1. That Council, as Planning Authority, resolve to adopt Planning Scheme Amendment C94 to the Kingston Planning Scheme with the recommendations made in Section 5 of this report by the Panel and submit Planning Scheme Amendment C94 to the Minister for Planning for approval:
2. That all submitter's be notified of the above resolution.

**K 143**    **Amendment C93 (Part 2) to the Kingston Planning Scheme – Significant Trees**

**Approved by:**                                    Tony Rijs – General Manager Environmental Sustainability

**Author:**    Rita Astill – Senior Strategic Planner

**1. Purpose**

The purpose of this report is to provide Council with the findings of the Independent Panel that considered Planning Scheme Amendment C93 (Part 2) to the Kingston Planning Scheme. The report recommends that Council adopt the Planning Scheme Amendment and submit it to the Minister for Planning for approval.

**2. Background**

At its Ordinary meeting on 30 April 2007 Council resolved (pending the adoption of the Tree Register) to seek authorisation from the Minister for Planning to prepare an amendment to provide protection controls to the trees identified on the Tree Register via an Environmental Significance Overlay, introduce new planning scheme provisions within the Municipal Strategic Statement and following authorisation exhibit the amendment.

At its Ordinary meeting on 28 May 2007 Council resolved to adopt the Significant Tree Register. The Tree Register was developed by Kingston City Council in conjunction with Tri Dimensional Consultants. The Register has been developed in accordance with the National Heritage Trust criteria within the local context. The Tree Register identifies trees within the municipality that are significant because of their horticultural value, location or context, are rare or have a localised distribution, are particularly old, are of an outstanding size, provide aesthetic value or are of curious growth form, are outstanding examples of their species or are of cultural or historical significance.

Amendment C93 was placed on public exhibition from 14 February 2008 to 14 March 2008. A total of thirteen (13) submissions were received in relation to the amendment, six (6) of the submissions received were from referral authorities which raised no objection to the amendment.

At its Ordinary Council Meeting of 18 April 2008 Council resolved to split Amendment C93 into two parts: Part 1 which includes all properties affected by trees to which no submissions were received and Part 2 which includes all properties affected by trees to which submissions were received. Council also formally adopted the introduction of the Environmental Significance Overlay over all properties contained within Part 1 of Amendment C93 and recommended that the amendment be submitted to the Minister for Planning for approval. In addition, Council formally requested that the Minister for Planning appoint a Panel under Part 8 of the Planning and Environment Act 1987, to further consider and report on Part 2 of Amendment C93 to the Kingston Planning Scheme.

On 6 May 2008, Council wrote to the Minister for Planning to request the approval of Part 1 of Amendment C93. Following discussions with the Chair of Panel's Victoria (who raised concern splitting amendments as it does not allow Panels to consider amendments as a



whole) Council subsequently requested the Department place Part 1 of the Amendment on hold until Part 2 of the Amendment is considered by a Panel.

### **3. Issues**

#### **3.1 Panel Hearing**

The Minister for Planning appointed a Panel to consider Amendment C93 (Part 2). A Directions Hearing was held on 17 June 2008 and a Panel hearing was held on 22 July 2008, Chaired by Neville Wale. Over the course of the Panel Hearing Council Officers represented the City of Kingston, including Council's Senior Vegetation Management Officer who was called as an expert witness.

Three other submitters made submissions to the Panel. The submitters made submissions in relation to the following trees:

- 55 Nepean Highway, Aspendale
- Tuck Street Mall, Moorabbin
- 1/38-40 Rennison Street, Parkdale.

The main issues raised at the Panel related to safety, liability and the extent of the tree protection/radius zone rather than on the significance of these trees.

A copy of the report of the Panel has been previously circulated to Councilors.

#### **3.2 Panel Recommendations on Amendment C93 (Part 2)**

Having considered all the submissions referred to it and all the material presented at the hearing, and the conclusions set out in the Panel report, the Panel made the following recommendations:

*Amendment C93 (Part 2) to the Kingston Planning Scheme should be adopted subject to the following recommendations:*

1. *Council update the Register of Significant Trees to remove reference to five trees recently lost.*
2. *Council undertake to monitor the inventory of significant trees and the implementation of ESO 3 Significant Trees, to ensure that the Register remains current.*
3. *Council give consideration to the preparation of a tree management protocol or manual.*
4. *Council give consideration to undertaking the monitoring of trees on the Significant Trees Register to assess their structural condition on a 6 to 12 monthly basis.*
5. *The Department of Planning and Community Development give consideration to the introduction of definitions of 'pruning' and 'lopping' in the Planning Scheme to assist in the implementation of policy and measures intended to conserve significant trees.*

**3.3. Panel Recommendations Discussed**

- *Council update the Register of Significant Trees to remove reference to five trees recently lost.*

**Support Recommendation**

At the Panel hearing Council advised the Panel of changes that have been made to Part 1 of the Amendment C93. These changes were adopted by Council at the Ordinary Council meeting on 28 April 2008 and included the removal of five (5) trees from the Schedule to the Overlay, as they had failed during storms or were severely damaged. The Significant Tree Register was not updated at this stage as it was felt that this would be better undertaken after the recommendations of the Panel were handed down so that one final update of the Tree Register could be undertaken. Now that the Panel recommendations have been received it is considered appropriate to update the Significant Tree Register as recommended by the Panel.

- *Council undertake to monitor the inventory of significant trees and the implementation of ESO 3 Significant Trees, to ensure that the Register remains current.*

**Support Recommendation**

The Tree Register is an evolving document and will need to be regularly updated to remove trees that are no longer significant because they have failed or have been severely damaged. There will also be trees that are worthy of inclusion in the Significant Tree Register. The Significant Tree Register is to be included as a Reference document in the Planning Scheme and can therefore be updated by Council without requiring an amendment. The Schedule to the ESO will however also need to be updated to reflect the Tree Register. Given, any changes to the ESO will require an amendment to be undertaken a reasonable number of additions or modifications would need to be required given the timelines and resources required for amendment. It is noted, that once trees are included in the Significant Tree Register they are protected by the local law.

- *Council give consideration to the preparation of a tree management protocol or manual.*

**Support Recommendation**

At the Panel Hearing Council advised the Panel that a tree management protocol/manual will be developed by Council's Vegetation Management Officers. The manual/protocol will address the process in reviewing significant trees, the Significant Tree Register and maintenance issues regarding significant trees.

- *Council give consideration to undertaking the monitoring of trees on the Significant Trees Register to assess their structural condition on a 6 to 12 monthly basis.*

**Support Recommendation**

At the Panel Hearing Council advised the Panel that Council would regularly monitor the structural condition of trees contained in the Significant Tree Register. The structural condition of trees effect whether they are significant or not therefore the monitoring of the trees will be part of the review the Significant Tree Register. A process will be adopted for the monitoring of Significant Trees as part of the preparation of a tree management protocol/manual as discussed above.

It is noted that an independent assessment of the tree located at 55 Nepean Highway, Aspendale and Tuck Street Mall, Moorabbin was undertaken and a recommendation of this report was to regularly monitor these trees every 6-12 months. This will be undertaken by Council's Vegetation Management Staff.

- ***The Department of Planning and Community Development give consideration to the introduction of definitions of 'pruning' and 'lopping' in the Planning Scheme to assist in the implementation of policy and measures intended to conserve significant trees.***

At the Panel Hearing Council advised the Panel that there was no definition of pruning or lopping in the Planning Scheme and that where one merges into the other is difficult to define. Council requested the Panel to give consideration in its recommendations as to whether it deemed this issue to warrant further considered by the Department of Planning and Community Development.

#### **4. Options**

Section 27 of the *Planning and Environment Act 1987* directs that the planning authority must consider the Panel's report before deciding whether or not to adopt the amendment. Having considered the report Council may:

- Abandon the Amendment pursuant to Section 28 of the *Planning and Environment Act 1987*.
- Adopt the Amendment without changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.
- Adopt the Amendment with changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.

Council received a favorable Panel report on Amendment C93 (Part 2). The Panel supported the strategic direction of the amendment, the assessment criteria and process in preparing the Significant Tree Register, the use of the ESO and Tree Protection/Radius Zone and the inclusion of the trees in disputed. The Panel also made some recommendations mainly in relation to the management of the significant trees, which are discussed in detail above. It is considered appropriate that Council adopt the Planning Scheme Amendment and Panel's recommendations.

#### **5. Summary and Conclusion**

Amendment C93 (Part 2) has now been considered by a Planning Panel who has recommended the adoption of Amendment C93 (Part 2). The Panel has also made a number of recommendations mainly in relation to the management of significant trees which were discussed by Council officers during the Panel hearing. It is also therefore recommended that these recommendations be adopted.

#### **6. Recommendation**

1. That Council, as Planning Authority, resolve to adopt Planning Scheme Amendment C93 (Part 2) to the Kingston Planning Scheme and the recommendations of the Panel as discussed in Section 3 of this Report and submit Planning Scheme Amendment C93 (Part 2) to the Minister for Planning for approval.
2. That all submitter's be notified of the above resolution.

**K 144**

**Waterways Kiosk**

**Approved by:** John Nevins, Chief Executive Officer

**Author:** Tony Rijs, General Manager Environmental Sustainability

As part of the development of the Waterways Estate, Council encouraged the developer to provide a kiosk to service the needs of the local community.

The kiosk was built overlooking the lake and is located on land that was identified in the original approvals as land that was to be transferred to Council. The developer has asked that the land be retained in his ownership.

Council's solicitor has been asked to provide advice on mechanisms to excise this land from the intended transfer to Council. As the land is yet to be transferred it is possible for Council to endorse a plan that excludes the area occupied by the kiosk. Sections of the Local Government Act that relate to the sale and disposal of land do not apply.

If Council agrees to allow the land to be retained in private ownership it will be necessary for Council to rezone the land from a public use zone to a residential zone.

Council's legal representatives have recommended that any rezoning be conditional on a Section 173 Agreement that restricts the use of the land to a kiosk. This position is supported.

**Recommendation**

That Council enter in to a Section 173 agreement with Waterways Development P/L Co that allows for the land occupied by the kiosk located within the Waterways Estate to be retained in private ownership providing the use is restricted to a kiosk and that upon execution of the agreement, subdivision plans be endorsed and an application be forwarded to the Minister of Planning requesting that the subject site be rezoned to Residential 1.

**K 145**

**Mordialloc Shopping Precinct Special Charge**

**Approved by:** Tony Rijs – General Manager Environmental Sustainability

**Author:** Suzanne Ferguson – Manager Economic Development

**1. Purpose**

This report provides Council with information to allow a decision to be taken on the declaration of a Special Charge for the Mordialloc shopping precinct for a period of five years from 1<sup>st</sup> July 2009 as outlined at the Council meeting of 28<sup>th</sup> July 2008.

**2. Background**

A Special Charge has been levied on all commercial properties in the Mordialloc shopping precinct since 1<sup>st</sup> July 2004 primarily for the purposes of marketing and promotion within the centre. This Charge was put in place for a period of five years and will expire on 30<sup>th</sup> June 2009. The current Special Charge is levied on each property on the basis of floor area which is considered to adequately reflect the level of special benefit that each property gains from the expenditure of the collected funds. It is proposed that this means of levying the Special Charge be continued.

At the Ordinary Council meeting of 28<sup>th</sup> July 2008, Council resolved pursuant to Sections 163 and 223 of the Local Government Act 1989, to give notice of its intention to declare a new Special Charge for the Mordialloc Shopping Precinct. This followed from a written request from the Mordialloc Traders Association.

It is proposed that this Special Charge be used for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce at the Mordialloc Shopping Centre, for a period of five years, commencing 1<sup>st</sup> July 2009 and ending 30<sup>th</sup> June 2014.

Public notice of the proposed declaration was advertised in the Mordialloc Chelsea Leader Newspaper on 4<sup>th</sup> August 2008. Additionally, letters and a copy of the public notice were sent to all property owners and occupiers advising of the proposed Special Charge within three days of the public notice being published.

**3. Submissions relating to the Special Charge**

Submissions relating to the proposed Special Charge have been received, heard and considered by a Committee of Council at a submissions hearing on 4<sup>th</sup> September 2008 in accordance with s.223 of the Local Government Act. Council received a total of 11 submissions. All submissions were in favour of the proposed Special Charge. A copy of the submissions is at Attachment C.

**4. Special Charge in Detail**

The key features of the Special Charge are to be:

- Used for marketing, promotion, business development and centre management of the Mordialloc Shopping Centre;

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- Applied to all rateable properties used for retail or commercial purposes in the centre;
- Structured to raise an annual budget consistent with the Charge based on building size as per table;
- Based on a Special Charge Scheme factored on four tiers of property size;
- Levied for a period of five years;
- Capable of being paid in full or in instalments in the same way as other municipal rates.

It is considered that the Special Charge will provide a special benefit to the persons required to pay it over and above that available to persons not the subject of the Mordialloc Special Charge. That special benefit can be demonstrated as follows:

- The viability of the Mordialloc Shopping Centre as a commercial area will be enhanced through increased economic activity.
- The value of properties included in the scheme, their desirability as letting propositions, and their general image and stature will be maintained and enhanced.

*The Victorian Civil and Administrative Tribunal (VCAT) have outlined these arguments of special benefit in several decisions upholding the adoption of special rate and charge proposals by other Councils in Victoria.*

The boundaries of the centre are outlined in Attachment B. This also reflects the proposed boundary of the Special Charge.

**The table below details the proposed Special Charge based on floor area and the numbers of properties in each category.**

<i>Building Size</i>	<i>Annual Charge</i>	<i>Number of Properties</i>	<i>Amount Raised</i>
<i>1<sup>st</sup> Floor Properties</i>	<i>\$220</i>	<i>9</i>	<i>\$1,980</i>
<i>Ground Floor</i>	<i>\$440</i>	<i>85</i>	<i>\$37,400</i>
<i>0 – 300sq.m</i>			
<i>301 – 1000sq.m</i>	<i>\$715</i>	<i>11</i>	<i>\$7,865</i>
<i>1001+sq.m</i>	<i>\$2,200</i>	<i>3</i>	<i>\$6,600</i>
		<b><i>Total Raised Annually</i></b>	<b><i>\$53,845</i></b>

As is shown in this table, the vast majority of properties proposed to be included in the Special Charge will pay \$440 per annum, with only three properties likely to pay \$2,200 per annum.

It is considered that the proposed marketing and business development budget for Mordialloc Shopping Centre is in line with budgets from special rate schemes in other similar size shopping centres in Melbourne and is considered reasonable to collectively market and promote Mordialloc.

## **5. Next Steps**

Should Council resolve to declare a Special Charge for the Mordialloc shopping precinct it must notify in writing, every person who has lodged a submission relating to the Special Charge of Council's decision and the reasons for it.

Furthermore, a public notice must be published in a relevant newspaper and a notice informing of the declaration together with a copy of the public notice must be sent to all owners and occupiers within three days of the date of the published notice. This notice must include information that property owners or occupiers have the right of appeal regarding Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). Such appeals must be lodged within thirty days from the date of publication of the public notice.

If Council resolves to declare the Special Charge, it is proposed that a public notice of that decision be advertised in the Mordialloc Chelsea Leader newspaper.

## **6. Summary and Conclusion**

The Mordialloc shopping precinct is one of Kingston's major activity centres. Council is investing significant resources to enhance the amenity of the area. The Mordialloc Traders' Association has utilised the current Special Charge to productively market the centre and has requested Council to renew the Special Charge so that this work can continue. There have been no written objections from either property owners or tenants within the Mordialloc shopping centre.

### **Recommendation**

1. That Council receive and note the request from the Mordialloc Traders Association for the declaration of a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct.
2. That Council, pursuant to Sections 163 and 223 of the Local Government Act 1989, declare a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct. This Special Charge is to be used for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce at the Mordialloc Shopping Centre, for a period of five years, commencing 1<sup>st</sup> July 2009 and ending 30<sup>th</sup> June 2014.
3. That Council considers that there will be a special benefit to the persons required to pay the Special Charge (being owners and tenants of the properties) in that there will be a special benefit over and above that available to persons not subject of the Special Charge and directly or indirectly the viability of the Mordialloc Shopping Centre as a commercial area will be enhanced through increased economic activity. Furthermore the value of the properties included in the scheme, their desirability as letting propositions (where applicable) and their general image and stature, both separately and severally in the contest of the area generally, will be maintained and enhanced.
4. That the proposed Special Charge be levied on rateable land (with the exception of land used for residential purposes) within the following areas:

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<b>Street</b>	<b>Numbers</b>	
Centreway	2 – 6	(even numbers)
	9 – 11	(odd numbers)
Beach Road	222 – 231	
Main Street	459A – 541	(odd numbers)
	530 – 626	(even numbers)
Nepean Hwy/Aspendale	1-4	

5. *That the Special Charge be levied on a floor area basis as follows:*

- *First Floor property* \$220
- *Ground Floor Property 0 – 300 sq metres* \$440
- *Ground Floor Property 301 – 1000 sq metres* \$715
- *Large properties 1001+ sq metres* \$2,200

6. That the Special Charge be payable on dates in accordance with provisions of s.167 of the Local Government Act 1989 and be billed on Rate Notices for the relevant properties.

7. That public notice of the declaration of the Special Charge be published in the Mordialloc Chelsea Leader newspaper, The Age newspaper and on the City of Kingston website and that written notices be sent to all owners and occupiers of properties in respect of which the charge is to be levied.

• *Attachments*

*Attachment A: Letter of request from Mordialloc Traders' Association to renew Special Charge.*

*Attachment B: Map of the Mordialloc shopping precinct showing the area to be covered by the Special Charge.*

*Attachment C: Copies of submissions received in relation to Council's declaration of intent.*





the hierarchy of facility provision within Council through this Strategy will assist Council in managing the clubs expectations.

A regional venue for soccer has strong support from FFV and some support from soccer clubs. The location details of a regional venue and equity of access to a venue of this type remain important issues to be investigated. While Kingston Heath presents the best short-medium term option for hosting high level competition, longer term options should be investigated on Greenfield sites to determine the feasibility of providing a regional centre of excellence, to FFV guidelines, within Kingston. These investigations will be linked to the current work Council is undertaking on the future use of the Kingston non-urban area.

There is likely to be significant opportunities to provide joint use facilities for soccer and other sports within school sites. Significant opportunities are likely at Parkdale Secondary College with the current sporting feasibility study in development for this site providing clear guidance on future provision.

Increased communication and co-ordinated planning between soccer clubs, FFV and Council was also identified as an area of improvement which could lead to more efficient provision of soccer opportunities to the local community.

### **3.2 Recommendations**

The major recommendations of the strategy as they relates to Kingston are:

- Maintain all venues at their existing FFV hierarchy except for upgrading Kingston Heath Ground No 1 to A class.
- Allocate usage of grounds as per identified demand, reviewable on an annual basis.
- Subject to water availability, upgrade the sports ground surface through planting with warm season grasses.
- Install improved floodlights to facilitate increased training use.
- Provide four change rooms to pavilions to facilitate demand and female participation.
- Discuss with schools and private clubs providing increased access to their sites and facilities for community soccer clubs. Consider joint contribution developments with schools.
- Review the current floodlighting policies for sports facilities. Give consideration to the Councils taking more responsibility for the installation, maintenance and replacement of lights.
- Review policies regarding pre-season and finals use of sports grounds.
- Identify opportunities to optimise under-utilised sports grounds and open space areas for soccer use (e.g. training, junior use, SSG or competition).
- Establish a Regional Soccer Development Working Group to continue the regional planning for soccer development and oversee the implementation of the Regional Soccer Strategy
- Establish a Regional Soccer Liaison Group to address operational and promotional issues relating to soccer in the region

### **3.3 Implementation**

To guide the implementation of the Kingston facility development recommendations, a proposed implementation plan is attached for consideration. This plan will guide Council's expenditure in the area of soccer facility development. Other broad ranging actions from the

regional soccer strategy will be guided by the advice from the recommended Regional Soccer Development working group and Regional Soccer Liaison Group.

#### **4. Triple Bottom Line Checklist**

##### **4.1 Budget/Financial impact**

The development of the strategy was fully funded through 07/08 Capital Works Program and Sport & Recreation Victoria grant. \$685,000 in capital works funds is available within the 08/09 Program to implement the strategy recommendations. A proposed implementation plan is attached which suggests a breakdown and timeframe for this investment. It is likely that the implementation of the facility based recommendations will need to be rolled out over a number of years.

##### **4.2 Social impact**

The recommendations within the Strategy once implemented will provide a positive social impact by improving Council's ability meet the demand for the availability, quality and accessibility of soccer facilities and opportunities for the community.

##### **4.3 Environmental impact**

All facility based recommendations will be subject to site specific planning requirements and will incorporate ESD principles to provide a positive environmental impact through improved functionality, diversity and availability of open space and appropriate sporting infrastructure.

#### **5. Summary and Conclusion**

The Regional Soccer Strategy addresses the planning for future soccer provision and assessment of demand providing direction for Council in meeting the needs of grassroots and junior participation in soccer. The response to the needs of soccer must consider the dual needs of quality infrastructure and facilities and the future demands for the sport at the grassroots / development level. Future investment in soccer facilities provision should be linked to the findings and recommendations of this strategy.

The recommendations call for more detailed investigations on the feasibility of a regional facility, synthetic surfaces and use of school sites. The short-term direction suggests that there is a need to improve the current condition of facilities and sports grounds for soccer within the current hierarchy of provision. This will include some review of Council policy around allocations and provision of lighting which will have wider application than just soccer clubs.

#### **6. Recommendation**

1. "That Council resolve to formally adopt the Regional Soccer Strategy and associated recommendations"
2. "That Council resolve to utilise the 07/08 Capital Works Budget for Regional Soccer Strategy to fund the actions of the Kingston implementation plan."

#### **Attachments:**

*Regional Soccer Strategy September 2008 - 08/74236 (Previously Circulated)*

*Regional Soccer Strategy - Kingston Facility Implementation Plan – 08/74634*

**K 147**

**Bonbeach Sports Reserve Master Plan**

**Approved by:** Trevor McCullough  
General Manager Community Sustainability

**Author:** Hannah Croughan – Leisure Planner

**1. Purpose**

The purpose of this report is to present the final version of the Bonbeach Sports Reserve Master Plan to Council for formal adoption.

**2. Background**

Bonbeach Sports Reserve is bounded by residential areas to the west and north, a Melbourne Water Retarding Basin to the east and Patterson River Country Club to the south. The 13.57ha Reserve is predominantly an active sporting reserve and is long and narrow in its design.

Over a period of time existing user groups, residents and Council have identified a range of issues which impact on Bonbeach Sports Reserve's functionality including ageing, single purpose infrastructure; the condition and configuration of the five existing sports grounds; local community passive leisure and recreational needs; the location and orientation of infrastructure and facilities within the Reserve; the way in which the Reserve links to neighbouring open space and residential areas; the way in which the Reserve links to neighbouring residential areas and access routes including the Long Beach Tail; and vehicle and pedestrian movement to, from and within the Reserve.

In response to these issues Council elected to prepare a master plan for the Reserve and established a Bonbeach Sports Reserve Master Plan Working Group to guide the development of the Plan. The Working Group comprised representatives from each user group including sporting groups, scouts, SES, and the Bonbeach Depot as well as the Ward Councillor, Justin McKeegan, two Council Officers and the project consultants.

Council appointed Michael Smith & Associates in February 2008 to assist with the development of the master plan. Preparation of the draft master plan has included a thorough review of the local area demographics/residential trends; a review of Council and other relevant literature; extensive consultation with all Reserve user groups; public meetings and community surveys with local residents; and Working Group meetings and on-site workshops with Council staff.

The draft Master Plan was made available for a four week public comment period from 29 July until 26 August 2008. All sporting clubs and community groups consulted during development of the master plan were specifically invited to provide feedback, as well as those stakeholders that provided a survey response or attended the public forum. The draft Master Plan was also made available on Council's website and at the Chelsea Customer Service Centre and Public Library for the duration of the four week public comment period.

19 submissions were received from stakeholders during this period. A list of submissions, comments and responses is attached.

**3. Issues**

The draft Bonbeach Sports Reserve Master Plan identifies a range of issues and solutions which should be further investigated and implemented.

The Master Plan found that the Reserve caters for a large quantity and diversity of sporting and community use. The overall amenity of the Reserve is currently poor as there is no standard provision of park infrastructure such as fencing, seating, and signage. Opportunities to enhance the appearance and functionality of infrastructure on the Reserve exist also and could include consolidation of old infrastructure within a proposed new building.

Significantly it was identified by neighbouring residents that vehicular access to, from and within the Reserve should be addressed as a priority. Council's Traffic Engineer has provided advice regarding this matter and it is recommended that further assessment of this issue be undertaken in year one of the master plan's implementation. Casual users also highly valued the creation of a shared path within the Reserve, linking to the Long Beach Trail which runs along the eastern boundary of the Reserve.

Reconfiguration of the five sporting grounds to allow for more efficient use was a priority for the sporting clubs as was sustainable water use across the Reserve. It was also identified that car parking was a priority for sports clubs.

In response to these issues, the key recommendations made by the master plan include:

- Redeveloping the main sporting pavilion;
- Improving vehicular entry and egress at the Reserve;
- Improving pedestrian access to, from and within the Reserve;
- Optimising opportunities for car parking within the Reserve;
- Improving the overall amenity of the Reserve through signage, landscaping and park furniture; and
- Development of the existing playground to a District level which caters for a broader range of ages and abilities.

Of the 19 submissions received, the key issues arising included traffic management and car parking issues in the vicinity of the Reserve; and the proposed perimeter path and its proximity to residential properties.

In response to the feedback received the proposed amendments of significance to the draft master plan include:

- **Removal of the perimeter path from the northern boundary of the Reserve.**  
Creation of a perimeter path was included in the master plan in response to significant feedback from older adults and people with a disability who use the Reserve for recreational walking purposes. It was also intended that the shared path would create a link between the Long Beach Trail which runs along the eastern boundary of the Reserve, the Reserve and beyond toward the foreshore. Officers acknowledge the concerns raised by residents regarding the perimeter path as well as the limited space available for creation of additional facilities, and believe that the intended outcomes can still be achieved by providing a path on one side of the Reserve only; this will also significantly reduce the cost to implement this recommendation.
- **Delineation of proposed access point at Royal Avenue requiring further investigation.** Concern was raised regarding the feasibility of creating an access point on the northern side of the Reserve at Royal Avenue. This issue has been addressed by highlighting the proposed requirement for a separate feasibility study or significant investigation to determine suitability and subsequently, an appropriate design solution.

Concern was raised that car parking within the Reserve was to expand and increase; the master plan does not propose an increase to available car parking, rather it proposes that Council

formalise adhoc nature of car parking at the site by restricting informal access to grassed areas and creating boundaries within which vehicles are permitted to park.

The issue of traffic congestion in the Bonbeach area was also raised. This is a separate issue to the master plan process and whilst the master plan can address traffic access to, from and within Reserve, Council's Traffic Engineers are presently working with the community and local residents to address and alleviate concerns about traffic congestion.

A master plan implementation plan and budget has been developed which takes in to consideration the priorities indicated by stakeholders during the public comment period, potential Council and external funding availability, and project staging requirements. The total cost to implement the master plan is estimated to be approximately \$3.2 million.

#### **4. Triple Bottom Line Checklist**

- **Environmental** – Implementation of the adopted master plan will have a positive environmental effect through amenity and landscaping improvements as well as sustainable water re-use options and retention/provision of significant vegetation.
- **Social** - Positive social outcomes have already been attained via this project by partnering with the Chelsea Community Renewal project which seeks to redress social disadvantage and inequality. The consultation process meaningfully engaged the community and involved them in the planning of the Reserve to become a place of opportunity and activity for all. Additionally, planning a Reserve to correspond with existing and forecast local need and recreation interests will ensure that the community's ability to gain the social, health and wellbeing benefits associated with physical activity is improved.
- **Financial** – Should the master plan be formally adopted by Council, funding for implementation of the Plan would need to be progressively sought through Council's budget process over a ten year period commencing 2009-2010. Project priorities (short, medium and long term) will guide annual budget submissions. Funding contributions will also be sought from current user groups where appropriate and external funding programs.

#### **5. Summary and Conclusion**

This report seeks Council support to formally adopt the Bonbeach Sports Reserve Master Plan.

During a four week public comment period 19 submissions were received each of which has been addressed either within the master plan or has been able to be responded to with no impact on the final master plan e.g. some submitters used the public comment period to reiterate or seek a reconsideration of an issue which has previously been investigated and resolved via the master planning process.

A master plan implementation plan and budget has been developed which takes in to consideration the priorities indicated by stakeholders during the public comment period, potential Council and external funding availability, and project staging requirements.

#### **6. Recommendation**

“That Council resolve to formally adopt the final version of the Bonbeach Sports Reserve Master Plan”.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**22 September 2008**

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*Attachments:*

*TRIM Ref. 08/56869: Bonbeach Sports Reserve - Existing Issues and Opportunities*

*TRIM Ref. 08/56906: Bonbeach Sports Reserve master plan drawing*

*TRIM Ref. 08/57009: Bonbeach Sports Reserve master plan report*

*TRIM Ref. 08/67425: Proposed responses to feedback received during four week public comment period*

*TRIM Ref. 08/76345: Bonbeach Sports Reserve proposed implementation plan and costings*

**K 148**

**Municipal Fire Prevention Plan report**

**Approved by:** Trevor McCullough  
General Manager Community Sustainability

**Author:** Neil Sheppard Team Leader Local Laws

**1. Purpose**

This report is in response to the statutory requirement to review the current Municipal Fire Prevention Plan and subsequently present the revised Municipal Fire Prevention Plan 2008 - 2011 to Council for adoption. The report outlines the review process and contains the draft plan as an attachment for consideration.

**2. Background**

Fire prevention activities in Victoria are organised through Municipal Fire Prevention Committees (MFPC) established under the Country Fire Authority Act. Each Municipal Council situated within CFA Districts have a statutory responsibility under Section 55A of the CFA Act 1958 to prepare and maintain a Municipal Fire Prevention Plan (MFPP).

Councils' Municipal Fire Prevention Officer (MFPO) is Neil Sheppard who is responsible for maintaining the plan and ensuring its implementation.

The City of Kingston Fire Prevention Plan was developed by a working party consisting of representatives from Council, the Country Fire Authority (CFA), the Metropolitan Fire Brigade (MFB), Melbourne Water and Parks Vic.

The Municipal Fire Prevention Officer is required to review the plan every three years. The working group consulted with the members of the Municipal Fire Prevention Committee (MFPC) during the review process. The final draft was presented to the MFPC for approval and provided committee members the opportunity to contribute any final comments by 30 July 2008. The review has been completed and a revised plan for the period 2008 – 2011 prepared for Council consideration.

This Municipal Fire Prevention Plan incorporates programs that support the aims of the City of Kingston Municipal Emergency Management Plan.

**3. Issues**

The MFPP states that the City of Kingston is committed to minimising the risk of fire and facilitating the development of a safer community. As such there are seven-priority risk environments (PRE's) identified in the current plan.



The seven priority risk environments are:

1. Residential
2. Commercial
3. Industrial
4. Agriculture and the Natural Environment
5. Public Accommodation, Health Care and Special Accommodation
6. Public Assembly
7. Transport and Infrastructure

The definitions and treatments of these priority risk environments are contained in the MFPP.

The Municipal Fire Risk Analysis Matrix has been updated to incorporate the changes in the priority risk environments and their associated hazard events. The risk assessment for special accommodation has been reduced to High due to regular audits by the fire services and increased compliance and awareness.

The review and adoption of the draft Municipal Fire Prevention Plan is a statutory responsibility and process and is not considered to be a “significant” issue for Council to consider during the up coming Caretaker period.

#### **4. Audit**

The Draft Plan will be audited by the CFA on Thursday 9 October 2008 to ensure legislative requirements are met and a statement of compliance obtained.

The Plan will undergo a minor review each year and at the end of the three-year life of the Plan the Council will prepare a new plan for the subsequent three-year period.

#### **5. Triple Bottom Line Checklist**

##### **Environmental**

Fires contribute to visual air pollution, often with releases of numerous harmful chemical compounds into the atmosphere.

Run off from fire fighting operations generally carries soot, debris, and chemicals into the drainage system and waterways.

Fire damaged premises can be detrimental to the amenity of nearby properties due to dust, soot, and debris that is blown around, as well as the odour generally associated with the smoke which is imparted on nearby surfaces.

##### **Social**

Fires can have severe and potentially fatal consequences for the community.

There have been a number of serious factory fires and fire related deaths in Kingston over the past 10 years.

The disruption to life caused by fire injuries can be permanent; often with the emotional trauma of financial loss or physical injury continuing long after injuries have healed, and the physical and built environment have returned to normal.

**Financial**

The MFPP includes risk analysis and treatments for residential, commercial and industrial areas, agriculture and natural environment, public accommodation, public assembly buildings and transport and infrastructure.

Fire is one of the most common causes of emergency response situations in Australia, and is responsible for a large proportion of associated insurance costs.

Fires can have considerable economic impact on both the premises directly involved, as well as surrounding residents or business's due to potential damage and disruption caused.

Whilst the wildfire risk in Kingston is low, there is still the possibility of injury or loss of life to livestock.

**6. Summary and Conclusion**

There are only a number of minor changes to the current MFPP that help further define risk environments and provide more detailed treatments. Both MFB and CFA education programs have been amalgamated into one section relating to programs delivered by Fire Services.

**7. Recommendation**

That Council resolve to adopt the Municipal Fire Prevention Plan 2008 - 2011

Attachments:

*Municipal Fire Prevention Plan 2008 - 2011*

**K 149**

**Domestic Animal Management Plan 2008 - 2011**

**Approved by:** Trevor McCullough  
General Manager Environmental Sustainability

**Author:** Robyn Horner, Manager Health and Local Laws

**1. Purpose**

The purpose of this report is to report back to Council on public comments received on the draft Domestic Animal Management Plan and present a final Domestic Animal Management Plan for adoption.

**2. Background**

Amendments to the Domestic (Feral and Nuisance) Animals Act 1994 required each Council to develop a Domestic Animal Management Plan directed at its administration and enforcement of the Act.

The formal deadline for Council to introduce a Domestic Animal Management Plan is November 1 2008. The Domestic Animal Management Plan is to cover a three year period and will be subject to an annual review, with a major review of the Plan to be undertaken every three years.

The Act is quite extensive and deals with animal registrations, de-sexing, dog and cat controls and confinement, Domestic Animal Business registrations and management, Dangerous dogs, Restricted Breed and Menacing dogs, animal identification and micro-chipping.

Council's draft Domestic Animal Management Plan was published in July for community comment. Through this process the community submitted views on a number of proposals, notably the establishment of a dusk to dawn cat curfew and the introduction of compulsory early age de-sexing of cats and dogs.

**3. Process**

The process undertaken by Local Laws in drafting the Domestic Animal Management Plan has been as follows:

- Initial report to CIS outlining of the plan development process (February).
- Preparation of a first draft Domestic Animal Management Plan.
- Facilitation of a key stakeholder workshop for animal management experts to determine the issues requiring consideration in the preparation of Council's draft Domestic Animal Management Plan. This forum consisted of veterinarians, pet store owners and various animal welfare agencies located in or who service the municipality.
- The feedback and advice from the stakeholder workshop process was then incorporated into an amended draft plan.
- Draft Domestic Animal Management Plan was presented to Council (June).
- Draft plan was available for public viewing and comment on Council's website – interested parties were allowed 28 days to make submissions (July).
- Public comments analysed and plan amended to incorporate submissions.
- Domestic Animal Management Plan presented to Council for adoption (September).

During the public viewing period Council received a total of 29 submissions. Some residents submitted multiple submissions on the different issues. The breakdown of the submissions is as follows:

**SUMMARY OF SUBMISSIONS**

- Need strong links in plan between reduction of dog attacks and the selection of right dog
- Prospective owners need access to appropriate breed selection information to choose appropriate animal for persons' lifestyle
- Dissemination of information relating to Dangerous and Restricted Breed dogs
- Link between provision of appropriate socialization and training and the reduction of dog attacks
- Link between provision of suitable areas for exercising dogs ( including a fenced area) and the reduction of incidents of aggression
- Benefits of de-sexing specifically in the reduction of aggression in dogs
- Include provision of doggy poo bag holder in action plan
- Barking – link between provision of appropriate socialization and training and addressing barking
- Council should develop material on how to minimize excessive barking which is readily available
- A list of animal behaviour specialists for owners with animal behavioural problems such as barking
- Responsible pet ownership promoted at annual pet expos and other community events
- Support for the increase in number of dog playgrounds with agility equipment to ensure equitable distribution across the municipality
- Provision of one totally enclosed off leash area
- Information available on local obedience training schools provided at time of registration
- Compulsory de-sexing should be law unless used for breeding purposes
- Micro-chipping to be compulsory
- Support for cat confinement
- Location of pound to be reviewed to be closer for Kingston residents
- Consider on-line animal registration payments
- Support of a 24 hr cat curfew
- Support for compulsory de-sexing for dogs and cats, decision now and not to be deferred
- Establish specific off leash areas in parks which are clearly signed, fenced off, reasonable size with self closing gates
- Aim to provide all accessible dog off leash areas for easy access for all members of the public including the elderly and disabled
- 500m total exclusion zone for cats around native plant reserves
- Support of compulsory cat de-sexing
- Cat curfew 10pm to 6am
- Off leash areas for dogs created or maintained and extended
- Support of compulsory de-sexing of dogs and cats x 4
- Support de-sexing and micro-chipping of cats
- Against cat curfew x 3 submissions
- Provision of fenced area/s within Kingston for dog off leash x 5
- Against dog off leash areas x 1
- Do not book elderly in parks for off leash x 2

NB: Councilors have been provided with copies of submissions previously.

Consideration was given to the submissions and in response the draft plan was modified to reflect the views of the submissions. This incorporated the inclusion of additional strategies and actions. Further to this the plan's key performance indicators and timeframes were also reviewed. The changes are as shown in the marked up copy in **Attachment A**.

Council did not include in the plan further consideration of the provision of dog bag dispensers in reserves. This matter has been given serious consideration in the past and Council formed the opinion that it would not provide them. Primarily the dispensers are not supported as Council believes it is the responsibility of all owners to be prepared at all times to clean up after their animals. A Local Law is in place requiring owners to carry a litter removal device at all times when out with their animal and requires them to clean up after their pets. The provision of dog bag dispensers may not be initially costly but requires further allocated budget for the continued maintenance and management of these items. The dispensers are unfortunately often a target for graffiti and vandalism.

#### **4. Key Issues**

The following three issues were identified as major issues for the community and Council consideration.

##### Cat Curfew

There is support for cats to be confined to their owner's property. The submissions received supported either a 24 hour confinement order or a night confinement order. This is likely to be a contentious issue therefore it is recommended that this matter be given further consideration. Proposed Activity 6.1.5 of the DAM plan was amended recommending that Council consider the introduction of a cat confinement Order by November 2009.

##### Compulsory De-sexing

There is clear support for the introduction of compulsory de-sexing of dogs and cats. To facilitate the phasing out of all non de-sexed animals Council could introduce the requirement for all newly acquired dogs and cats over the age of 3 months to be de-sexed except those exempt under the legislation. This would not impact the current owners of registered dogs and cats.

Compulsory de-sexing is linked to four key strategies in the plan, these being Dog Attack and Bite Avoidance, Animal Welfare, Responsible Pet Ownership and Nuisances Created by Pets.

The primary reason for promoting de-sexing is to improve animal welfare and promote responsible pet ownership. It is a powerful tool to reduce the tragic, large, and not decreasing numbers of animals euthanased in Victorian shelters annually. The overwhelming percentage are young and healthy and are euthanased simply because supply has outstripped demand. If they had not been born, they would not need to be euthanased. There is a large oversupply of cats and dogs that have nowhere to go - the solution, de-sex them before the unwanted litters are produced.

The figures speak for themselves - in Victoria alone, **30,000 dogs and 48,000 cats (112,000 cats nationally)** enter pounds and shelters annually – these unwanted animals place a huge

financial, physical and emotional burden on those in shelters. Up to 50% of dogs entering pounds and shelters will be euthanased and between 65 – 70% of cats are euthanased.

The need then to advance de-sexing within the community is also an ethical one - should we continue to euthanase thousands of unwanted kittens and puppies each year, when de-sexing prevents this and helps control the problem of overpopulation?

De-sexing is also linked to Dog Attack and Bite Avoidance. De-sexed dogs are less likely to display aggressive and dominant behaviour that often leads to dog attacks. Non de-sexed dogs are more likely to try to leave their owner's property in search of another dog for mating purposes. Dogs in season are often more sensitive and aggressive and therefore present a greater risk to the community.

Council should be taking every opportunity to provide a safe environment for the community therefore should be introducing compulsory de-sexing to help minimise the number of dog attacks. The City of Kingston will not be standing alone on this issue as a number of neighbouring Councils have taken the lead and introduced such provisions already.

In respect to compulsory de-sexing it is recommended that Council commence the process to introduce an Order requiring all newly acquired dogs and cats over the age of 3 months to be de-sexed except those exempt under the legislation and any dog or cat currently registered with the City of Kingston before the adoption of this Order.

#### Dog Off Leash Areas

There is support for the continuation of dog off leash areas. Several submissions were received requesting Council consider providing fenced off leash area within the municipality. The plan has been amended to include an action to consider a fenced dog exercise area within Kingston.

## **6. Actions**

This plan is designed to improve the provision of animal management services by maintaining the traditional Local Government role whilst expanding upon the Council's capacity to respond to new and emerging animal management issues and implement identified treatments.

The main objectives of the plan are to:

- Encourage responsible dog and cat ownership through both educative and enforcement approaches;
- Support and facilitate the benefits of animal ownership and companionship;
- Increase public safety by the reduction of public and environmental nuisance caused by dogs and cats;
- Provide for the welfare of cats and dogs;
- Protect native fauna and flora from the impact of cats and dogs;
- Provide responsive animal control services and
- Ensure that Council fulfils its legislative responsibility.

Council will endeavour to meet these objectives by addressing a number of key strategies as outlined in Appendix A (Action Plan) of the plan being:

- Dog attack and bite avoidance;
- Animal Welfare;
- Nuisances created by pets;

- Responsible pet ownership;
- Community education;
- Cat specific issues such as cat confinement (a dusk to dawn curfew) and management of feral populations including the introduction of compulsory de-sexing; and
- Prosecutions

The Action Plan details a number of activities and actions under these broad key strategic areas and also includes key performance indicators and timeframes to confirm strategies are being delivered and objectives are achieved.

## **6. Triple Bottom Line Checklist**

### **Economic**

The development of Kingston's Domestic Animal Management Plan has been conducted utilising available resources. Future actions detailed in the Plan will require staff resourcing but generally will be carried out by existing in house staff. Financial resources will be required for statutory advertising where necessary and will need to be included in the department's operational budget. The financial impact of the Plan is not considered to be significant to Council nor the community.

### **Social**

The Domestic Animal Management Plan aims to promote responsible pet ownership, value of pets in society and the provision of a safer environment for all members of the community. The decisions made by the Council and incorporated in the Domestic Animal Management Plan may have significant social impacts. The Plan seeks to address Council's duty of care of the community.

### **Environmental**

The decisions made by the Council and incorporated in the Domestic Animal Management Plan may have environmental impacts. An example is the management of animal litter and restraint of cats to their owner's property (impact on wildlife).

## **7. Summary and Conclusion**

It is recognised that the Domestic Animal Management Plan aims to promote responsible pet ownership and provide a safer environment for all members of the community.

Council must develop a Domestic Animal Management Plan directed at its administration and enforcement of the Act within our municipality. Community consultation and involvement via a public submissions process was an essential component of the plan's development to ensure widespread community acceptance of Kingston's Domestic Animal

Management Plan. Consideration was given to the submissions and in response the draft plan was modified to reflect the views of the submissions. This incorporated the inclusion of additional strategies and actions. Further to this the plan's key performance indicators and timeframes were also reviewed. The changes are as shown in the marked up copy in **Attachment A**.

Three key issues were identified, being cat confinement, continuation of dog off leash areas and compulsory de-sexing of dogs and cats. Strategies and actions pertaining to cat confinement and

the continuation of dog off leash areas have been included in the plan. Proposed Activity 6.1.5 of the DAM plan was amended recommending that Council consider the introduction of a cat confinement Order by November 2009. An action to consider a fenced dog exercise area within Kingston is included in the plan for completion by November 2010.

Compulsory de-sexing is linked to four key strategies in the plan, these being Dog Attack and Bite Avoidance, Animal Welfare, Responsible Pet Ownership and Nuisances Created by Pets. It is recommended that Council commence the process to introduce an Order requiring all newly acquired dogs and cats over the age of 3 months to be de-sexed except those exempt under the legislation and any dog or cat currently registered with the City of Kingston before the adoption of this Order. The statutory process is as follows:

- September 2008 Public Notice of Council's intention; local papers, Government Gazette, editorial in 'KYC; display information on Kingston website; and submissions invited.
- October 2008 Submissions close (following a 14 day period to receive submissions).
- October 2008 Section 223 Submission Committee hearing (verbal submissions).
- December 2008 Report to Council (Council Meeting) including consideration of Section 223 Committee submissions; National Competition Policy Review; and Council decision on making an Order.
- January 2009 Public Notice of Council Resolution, and advertisement in the Government Gazette.
- Order comes into operation once advertised in the Government Gazette.

**8. Recommendation**

1. That Council resolve to adopt the Domestic Animal Management Plan 2008 - 2011.
2. That Council resolve to commence the process to introduce an Order requiring all newly acquired dogs and cats over the age of 3 months to be de-sexed, except those exempt under the legislation and any dog or cat currently registered with the City of Kingston before the adoption of this Order.

Attachment:

*Domestic Animal Management Plan 2008 -2011*





**K 151**

**Extension to Village Committee Terms**

**Approved by:**

Elaine Sowerby  
General Manager, Organisational Development and Governance

**Author:**

Caroline Kinnear  
Acting Manager, Governance and Performance Planning

**1. Purpose**

To propose an extension to existing Village Committee member terms until the end of March 2009.

**2. Background**

In accordance with Council's Village Committee policy 4.17, Village Committee members are appointed for a three year term, expiring in December of the relevant year. The terms of approximately one-third of existing Village Committee members are due to expire at the end of December 2008. Membership "drives" are conducted in October of each year, with interviews for new members usually taking place in December. In 2007, a Councillor and the relevant Village Committee Chair conducted the interviews, with the interviews notated by an Advisory Officer.

**3. Issues**

The election in November 2008 causes two issues in relation to Village Committee terms:

3.1a) The new Council will only just have been elected in December 2008 and Councillors will have a significant number of induction and Council events to attend during this month. It is therefore not likely that Councillors will have sufficient time to devote to the process of interviewing new Village Committee members during that month. Given that many people are away on holidays in January 2009, it would not be practical to try to conduct interviews at that time either.

3.1b) There may be some current Village Committee members who might potentially be elected to Council following the November 2008 elections. As it would be inappropriate for a sitting Councillor to also be a member of a Village Committee, they will be asked to resign from the Village Committee program following the election result being known. This will make more places on the relevant Village Committee available to new members.

To address both issues, it is proposed to extend the current Village Committee terms until the end of March 2009. Whilst terms could be extended until the end of February 2009, this is not recommended.

Under this proposal:

- Councillors will be better able to focus on their planning workshop in February 2009; there will also be some follow up work flowing from that workshop to which Councillors may need to devote some time;
- Councillors will have a better opportunity to gain more comprehension of the Village Committee process, and perhaps also attend some Village Committee meetings during the February and March cycle to learn more about how the Committees work. This will better inform the interviewing process;
- Brand new Village Committee members would commence attending meetings during the April/May cycle at which time the new Village Committee Chairs/Deputy Chairs could also be elected;
- Village Committee members whose terms would otherwise expire on 31 December 2008 will be written to, following this Ordinary Council meeting, and formally advised of the extension to their term. All Village Committee members were advised of the proposed extension to member terms during the September cycle of meetings (or written to, in the case of the two committees not meeting in September) so the formal confirmation letters will not come as a surprise.

There is some precedent for extending the terms of Village Committee members due to election considerations, as this was done following the 2005 elections, where terms were extended to the end of February 2006.

Additionally, at the April 2009 Ordinary Council meeting, in line with past practice, Council can formally recognise those Village Committee members who have retired from the Village Committee program given that their terms have expired, and also recognise those who resigned from the program up to that date.

#### **4. Triple Bottom Line Checklist**

- Environmental – not applicable.
- Social - There is value in extending the terms to give Councillors an opportunity to learn more about the Village Committee process before deciding on membership applications.
- Financial – not applicable

#### **7. Recommendation**

That Council resolve to extend to 31 March 2009 the terms of those Village Committee members whose terms would otherwise end on 31 December 2008.



There are a few exceptions proposed to this change:

1. **Ward fund policy:** this provides that individual Councillors can request the expenditure of ward funds. It is not proposed that this policy change, regardless of the ward restructure, as individual Councillors should still be able to make ward fund requests;
2. **Installation of plaques and signage policy:** clause 5.1 of this policy requires that if the ward councillor has played a significant role, their name should be listed first on a plaque/signage, after the Mayor's. This will still be relevant except that the word "the ward Councillor" should be replaced by the word "a ward Councillor";
3. **Town Planning – Preliminary Conferences:** This policy is currently being revised in its entirety and will take account of the new ward structure, thus there is no need for this new overarching policy to have an affect on it.

No references to "the ward Councillor" have been found in Council's local laws, so no change is proposed to them.

#### **4. Options**

- 4.1 **Do nothing.** *This is not recommended. Council's new electoral structure deserves recognition in terms of Kingston's formally adopted policies given that references to "the ward Councillor" will, for the most part, no longer be accurate;*
- 4.2 **Make changes to all policies referring to "the ward Councillor and submit them to Ordinary Council for adoption".** *This is not recommended due to the time this would involve;*
- 4.3 **Recommend adoption of a new "overarching" policy.** This proposes that all policies (subject to the exceptions shown above) be read as if the words "the ward Councillor" referred to "the ward Councillors" and appropriate notations be made on the online versions of the policies. *This is the recommended option as it is relatively simple to execute.*

#### **5. Recommendation**

That Council approve the overarching policy change as indicated in this report.
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Attachment:

*Proposed new policy (08/69884)*

**K 153**

**10 Tradewinds Lane, Patterson Lakes**

**Approved by:** Duncan Kelly, Acting General Manager Corporate Services

**Author:** Julian Harvey, Manager Property Services

**1. Purpose**

The purpose of this report is to recommend the revocation of resolutions and to determine the future of land at 10 Tradewinds Lane, Patterson Lakes.

**2. Background**

At the October 2007 Council meeting Council resolved to apply for a planning permit to remove the reserve status and subdivide 10 Tradewinds Lane, Patterson Lakes. At this time Council was pursuing the potential sale of the property, and accordingly also resolved to commence statutory procedures and appoint a committee under sections 189 and 223 of the Local Government Act 1989 (LGA).

The planning application was lodged on 17 June 2008 and 3 objections were received in response. In response to the specifics raised by the objectors the detail design of the subdivision was altered. The planning permit was considered by Council in July 2008 where Council resolved to refuse to issue a planning permit for the subdivision and removal of the reservation.

**3. Issues/Discussion**

Council as responsible authority, having refused to issue a planning permit for the subdivision and removal of reservation has signalled its desire to revoke its previous resolution to explore a sale of the property.

If Council does not wish to pursue a sale of the property consideration should be given to the zoning and reserve status of the land.

- **Zoning**

The land is zoned Residential 3. It is normal planning practice to zone smaller parks and reserves that are surrounded by residential areas as Residential. Larger parks are generally zoned Public Park and Recreation Zone (PPRZ) in recognition of their function in relation to surrounding zones. Ministerial direction supports the inclusion of small local parks and reserves within Residential zones and larger parks and reserves in PPRZ zones. Officers consider that the cost of undertaking a site specific rezoning of the land is not justified given that the land is, and will continue to be, protected by its status as a reserve for Municipal and Drainage Purposes. A rezoning may also require an environmental audit to be undertaken.

- **Reservation**

The site is currently a "Reserve for Municipal and Drainage Purposes". Any change to the reserve status of land requires the issue of a planning permit. The land is not presently a reserve for open space and recreation; however this use is not precluded under the current reservation. Should Council be of a mind to reserve the land as "open space" then a planning permit would be required.

#### **4. Summary and Conclusion**

Council having refused to issue a planning permit is now in a position where it needs to formally determine the future of the land at 10 Tradewinds Lane, Patterson Lakes.

#### **5. Recommendation**

That Council:

- 1.0 Withdraws its application for a planning permit to subdivide and remove the reservation on 10 Tradewinds Lane Patterson Lakes.
- 2.0 Revokes its approval to commence statutory procedures and appointment of a committee under sections 189 and 223 of the LGA in respect of 10 Tradewinds Lane Patterson Lakes.
- 3.0 Notes the petition received seeking Council's approval to set the land aside as a public open space reserve.
- 4.0 Confirms the zoning of the land as Residential 3 is appropriate.
- 5.0 Authorises officers to apply for a planning permit to alter the reserve status from "Reserve for Municipal and Drainage Purposes" to "Reserve for Open Space"
- 6.0 Notifies all parties who lodged objections to the planning application and the petition submitter in writing of the following:

Council's resolution to withdraw its planning application KP08/275;

The revocation of approval for the commencement of statutory procedures for the sale of the land;

That Council considers the zoning of the land as Residential 3 as appropriate;

That council will be applying for a planning permit to alter the reserve status of the land from "Reserve for Municipal and Drainage Purposes" to "Reserve for Open Space".





**5. Recommendation**

That Council:

Note the return of the 2008 General Valuation;

Formally adopt the 2008 General Valuation made and prepared by Mr Brett Reed of K.A Reed (Group) Pty Ltd with the following total values:

Site Value	-	\$21,573,011,071
Capital Improved Value	-	\$32,763,987,901
Net Annual Value	-	\$1,789,039,191