

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the L F Payne Chelsea Hall, 1 Chelsea Road, on Monday, 31 March 2008.

1. **Apologies**
2. **Confirmation of Minutes of Previous Meetings**

Minutes of Ordinary Council Meeting 25 February 2008.
Minutes of Special Council Meeting 11 March 2008.

3. **Declaration by Councillors or Officers of any Interest or Conflict of Interest**
4. **Petitions**

5. Presentation of Awards

The Acting General Manager Environmental Sustainability, Warren Ashdown, will table an award presented to Council by Sustainability Victoria for successfully achieving waste wise silver certification at the 2008 Globe to Globe Festival.

6. Reports from Village Committees

Recommendations from the March cycle of meetings are enclosed.

7. Reports from Delegates Appointed by Council to Various Organisations

8. Environmental Sustainability Reports

K 23	<i>Town Planning Application Decisions February 2008</i>	<i>Page 5</i>
K 24	<i>7 Wellwood Road Bonbeach</i>	<i>Page 6</i>
K 25	<i>Interim Neighbourhood Activity Centre Design and Development Overlay</i>	<i>Page 25</i>
K 26	<i>PLAN Consultation</i>	<i>Page 30</i>
K 27	<i>Amendment C77-Hillston Road Moorabbin</i>	<i>Page 33</i>
K 28	<i>Amendment C44-44 First Avenue Chelsea Heights</i>	<i>Page 39</i>
K 29	<i>Amendment C95- Dingley Village Shopping Centre</i>	<i>Page 43</i>
K 30	<i>Amendment C76- Kingston Road Heatherton</i>	<i>Page 48</i>
K 31	<i>Asset Management Renewal Challenge-Forward Planning Update</i>	<i>Page 53</i>
K 32	<i>Climate Change-The Challenge for the Kingston Community</i>	<i>Page 54</i>
K 33	<i>Eco Buy Purchasing Policy</i>	<i>Page 64</i>
K 34	<i>Waste Wise Report</i>	<i>Page 67</i>
K 35	<i>Waste Education Programs</i>	<i>Page 69</i>

9. Community Sustainability Reports

K 36	<i>Heatherton Recreation Reserve Draft Master Plan</i>	<i>Page 73</i>
K 37	<i>Patterson Lakes Community Centre and Library Redevelopment</i>	<i>Page 76</i>

10. Organisational Development and Governance Reports

K 38	<i>Village Committee Meetings During Election Caretaker Period</i>	<i>Page 79</i>
K 39	<i>Naming Proposal- "The Horse Paddock" Mordialloc</i>	<i>Page 83</i>

11. Corporate Services Reports

K 40	<i>Draft Purchasing Policy</i>	<i>Page 85</i>
K 41	<i>2007/08 Budget Forecast</i>	<i>Page 86</i>
K 42	<i>Tender Award-Contract 07/116-General Legal Services</i>	<i>Page 90</i>
K 43	<i>Tender Award-Contract 07/117-Council Planning and Building Laws Legal Services</i>	<i>Page 94</i>
K 44	<i>Section 223 Hearing-Proposed Sale of Council Land at 640 Nepean Highway Carrum</i>	<i>Page 98</i>

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

PRESENTATION OF VILLAGE COMMITTEE REPORTS

**6(a) Cheltenham Village Committee
Chairperson-John Natoli**

Report of Meeting held on 12 March 2008

CT 32a) Stanley Avenue Car Park

It was noted that Stanley Avenue car park has many stakeholders, and the Committee encouraged Council to consult with all these stakeholders before a final determination on the future of this site is resolved upon by Council.

Committee Recommendation

That the Stanley Avenue car park land be considered as part of the Cheltenham Structure Plan.

Officer Comment

The Stanley Avenue car park land has been specifically addressed in the draft Cheltenham Structure Plan to be issued for community comment.

**6(b) Mordialloc Village Committee
Chairperson-Andrew Gustke**

Report of Meeting held on 12 March 2008

The Committee discussed a presentation from Urban Designer Matt Slavin on the “Bay to Rail” project.

**6c) Mentone/Parkdale Village Committee
Chairperson-Dorothy Booth**

Report of Meeting held on 12 March 2008

MP 36 Collection of Electronic Goods

The Committee thanked the Team Leader Maintenance Contracts, John Kelly, for his comprehensive response to the Committee’s request for details as to how electronic goods (such as old computers and printers) may be disposed of, generally by way of collection by private sector operators.

Committee Recommendation

That the availability of collection of electronic household products by private sector operators be promoted by Council through an article in “Kingston Your City”, and through distribution of an information leaflet with rate notices.

Agenda

Officer Comment

Information forwarded with rate notices is usually restricted to key announcements, as these can be overshadowed if too much additional information is also included in the rates notice package.

Articles in “Kingston Your City” are usually limited to promotion of Council’s own services and local issues. However, in view of Council’s interest in promoting environmental friendly initiatives, details of private sector businesses that can be contacted to arrange collection of unwanted electronic goods will be included in a future edition.

**6(d) Dingley/Heatherton Village Committee
Chairperson-Bruce Reynolds
*Report of Meeting held on 12 March 2008***

The Committee welcomed new member Anne Caprackas.

**6(e) Chelsea/Chelsea Heights/Bonbeach Village Committee
Chairperson-Nigel McGillivray
*Report of Meeting held on 12 March 2008***

CH 31 Footpath Canopy at Chelsea Railway Station

The Committee acknowledged comment by Council that all the design work and permits have been completed for the footpath canopy at Chelsea Station to be reconstructed, and that funds have been requested in 2008/09 financial year.

Committee Recommendation

That Council reconsider the timeframe for this project, and consider constructing the canopy in the current financial year.

Officer Comment

No funds are available for construction of the canopy in 2007/08. It is not considered that the need for the canopy is sufficiently urgent to justify variation to the timetable advised to the Committee.

**6(f) Patterson Lakes/Carrum Village Committee
Chairperson-Glen Baker**

Report of Meeting held on 12 March 2008

The Committee discussed received a presentation from Leisure and Culture Capital Works Co-ordinator, Rick Kwasek, on the development of the Patterson Lakes Community Centre/Library.

**6g) Moorabbin/Highett Village Committee
Chairperson-Ian Shearer**

Report of Meeting held on 13 March 2008

The Committee discussed proposals aimed at achieving removal of the grandstands from the Linton Street oval.

**6(h) Aspendale/Edithvale/Aspendale Gardens Village Committee
Acting Chairperson-Tamsin Bearsley**

Report of Meeting held on 13 March 2008

The Committee discussed the cleaning up of litter on railway land.

7 Reports from Delegates Appointed by Council to Various Organisations

8. Environmental Sustainability Reports

K 23 Town Planning Application Decisions – February 2008

Approved By: Warren Ashdown-Acting General Manager, Environmental Sustainability

Author: Ian Nice-Manager, Planning

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	75	73
Notice of Decision	9	9
Refusal to Grant a Permit	4	4
Other - Withdrawn (0) - Prohibited (0) - Permit not required (1) - Lapsed (13)	14	14
Total	102	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

(See Attachment-page 101)

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

K 24 7 Wellwood Road Bonbeach

Author: Jennifer Mustica-Town Planner

Approved By: Warren Ashdown-Manager Environmental Sustainability

Applicant:	Stephen Fries
Address Of Land:	No. 7 (Lot 10, Block A, on PS 005211) Wellwood Road, Bonbeach
Melway Ref:	97B3
Proposal:	Three (3) Dwellings & Three (3) Lot Subdivision
Contact Officer:	Jennifer Mustica
File No:	KP801/07
Zoning:	Residential 1
Kingston Planning Scheme Ordinance Controls:	<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 32.01: Residential 1 Zone Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
Residential Policy Area:	Increased Housing Diversity
Neighbourhood Character Area:	Area 65
Decision By:	11 th April, 2008
Nett Days:	24 days @ 6 th March, 2008

Main Issues Relating to this Application

- Neighbourhood character
- Amenity

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room.	Dwelling 1 – approximately 79.m ² of private open space Dwelling 2 – 93.97m ² of private open space Dwelling 3 – Approximately 54m ² of private open space.	As per ResCode
Car Parking	Two (2) spaces for each dwelling	Dwellings 1, 2 and 3 all include double garages that accommodate two (2) cars and have the ability to accommodate a third car space in front of their garages	Adequate car parking for future residents and visitors
Dwelling Setback to Street	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.	Dwelling 1 and 2 - 6 metre minimum front setback	As per ResCode
Site Coverage	Maximum 60%	Site coverage is 51.7%	As per ResCode

Existing Conditions

The subject site comprises a 696.77m² allotment on the north side of Wellwood Road, Bonbeach. The subject site is currently vacant. The site has a fall of approximately 0.4 metres towards the front (south), Wellwood Road frontage. The site does not appear to contain any significant vegetation. There appears to be no restrictions listed on the Certificate of Title.

The surrounding area typically comprises of single and double storey dwellings. The site is located within close proximity to the foreshore, which is located west of the site.

Proposal In Detail

It is proposed to construct three (3) double storey dwellings on this site comprising two (2) double storey duplex style (side-by-side) dwellings at the front and a double storey detached dwelling at the rear.

Key elements of the proposal are as follows:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms	Car Parking Spaces
1	167m ²	79m ² of secluded private open space	3	3
2	171.69m ²	93.97m ² of secluded private open space	3	3
3	Estimated as approx. 200m ²	54m ² of secluded private open space	3	3

Building Materials and colours have been nominated as:	
Roof:	Zincalume Natural Finish – Corrugated Iron
Walls:	Rendered sand finish – grey or sand stone colour Grid pattern – black or dark brown colour
Garage doors	Black or brown finish
Windows:	Aluminium – black in colour
Driveways:	Exposed aggregate driveway
Front fencing:	No front fence proposed
Boundary fences:	Existing paling fence

The proposal would result in a site coverage of 51.7%, and a site permeability of greater than 20%.

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

Amendments were made to this application on the 26th November, 2007. The changes and modifications made to the plans / application were predominately made in response to Council's further information letter dated 31st October, 2007.

Council decided to approve the amendment and directed the application to proceed to advertising.

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. Twelve (12) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Loss of privacy
- Overdevelopment
- Minimal landscaping opportunities
- Visual bulk concerns
- Vehicular parking/ traffic congestion
- Loss of views
- Advertising notice / process not correctly undertaken by applicant
- Inadequate private open space areas to each dwelling
- Concerns regarding excessive noise from proposed roof top decks

Preliminary Conference

A Preliminary Conference was held on the 24th January, 2008 where the above issues were discussed in depth, but largely not resolved in this meeting.

Amendment To The Application After Notification And Re-Notification

The Applicant revised the first floor footprint of dwelling 3 in response to the concerns raised by the objectors and Council's Town Planner's recommendations. An amended concept plan was received by Council on 11th February, 2008.

Planning Scheme Provisions

A planning permit is required to develop land for three (3) 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 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

Other

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

Referral

No external referrals were required in respect of this application.

The following internal referral departments were notified:

- Council's Development Approvals Engineer
- Council's Vegetation Management Officer
- Council's Traffic Department

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

Discussion

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

Increased Housing Diversity

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 by evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposal 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 increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- 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 creates an adequate standard of amenity for the future occupants of the dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing streetscape character as the site is located within an increased housing diversity area, which is exposed to change and a wide variety of dwelling styles and types, including contemporary and established dwellings of one and two storey form. As such, it is considered that the proposed development will be consistent with the existing streetscape, and therefore, not negatively impact upon the broader local neighbourhood character of the area.

The proposal is considered a good opportunity to provide a range / variety of dwelling styles to cater for the changing household types. The proposed development assists in providing for housing diversity within the area, whilst being respectful to the existing area. The layout and design provides for 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, which meets the City of Kingston's Planning Scheme requirements (ResCode).

It is considered that the modern design, in the revised version received on 11th February, 2008, ensures that the development respects the amenity of adjoining properties, via suitable screening measures and setbacks from common boundaries. Please note, that these issues will be further discussed at a later stage within this report (see response to objector's concerns).

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 proposal is considered unlikely to hinder the existing neighbourhood character in terms of architectural design. The contemporary nature of the development, the chosen materials, finishes and colours are considered appropriate and consistent with that of the broader neighbourhood character. As the site is located within close proximity to the foreshore, the general make-up of the area comprises of contemporary / modern developments. Taking into account the siting of surrounding built form on neighbouring properties, it is considered that the two-storey components of all three (3) dwellings are suitably recessed from the site's common boundaries. Furthermore, an adequate amount of open space has been proposed to allow for suitable landscaping opportunities to soften the overall design.

The location and configuration of the private open space areas being provided to each dwelling is of an adequate size to meet the recreational needs of the future occupants and, as discussed, to allow for the provision of landscaping. It is considered that the development will provide a high standard of amenity and quality of life for the prospective occupants.

Council acknowledges that there are, however, some areas of non-compliance with Clause 22.11 of the Kingston Planning Scheme, these being:

The policy seeks to encourage the two storey component of new medium density development to be located towards the front of a site. It should be noted that this policy does not prohibit the siting of a double storey dwelling(s) to the rear of a site, however, where a double storey dwelling is proposed at the rear it should clearly demonstrate that it will not have an adverse impact on the amenity of abutting allotments. Therefore, in some instances, the location of a two (2) storey dwelling(s) to the rear of a site may be deemed appropriate if it is sympathetically designed and responsive to its site conditions and environs. As such, every town planning application must be considered on its own merits.

In the case of this application, in the Planning Officer's opinion, all three (3) double storey dwellings are sited appropriately. It is imperative to acknowledge that a

number of large double storey dwellings are located within the Wellwood streetscape and the broader area in general. It is evident that the west side of the Nepean Highway is experiencing vast change in housing styles, with more and more contemporary, larger style dwellings being introduced, which take advantage and maximise their opportunities to enjoy and capture bay views, where possible. Furthermore, the site has been earmarked in a 'Increased Housing Diversity Area', where the policy encourages higher densities and increased housing opportunities.

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.

The proposal does not raise any issues of non-compliance with the purpose or requirements of the Residential 1 Zone.

Clause 42.02 – Design and Development Overlay

Schedule 1 – Urban Coastal Height Control Area

The design objectives of the *Urban Coastal Height Control Area* include:

- 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.

It is considered that the proposed development satisfies the requirements of this overlay as the development proposed is not greater than 2 storeys in height, and the basement car park does not appear to exceed a height of 1.2 m above natural ground level.

Schedule 7 – Urban Coastal Foreshore Setback Control Area

The design objectives of the *Urban Coastal Setback Control Area* include:

- 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 proposed development satisfies the requirements of this overlay as the subject site does not abut the foreshore boundary and, therefore, the development will be adequately setback from the foreshore reserve boundary.

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. There are however some areas of non-compliance which are as follows:

Clause 55.03-8: Standard B13 – Landscaping objectives

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

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 65 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.

Response to Grounds of Objection

- **Loss of privacy**

With regard to overlooking, the objectors raised concerns regarding potential loss of privacy and views being obtained, from the proposed development, into adjoining and surrounding private open space areas. Council acknowledges that the applicant has proposed screening measures (i.e. fixed obscure glazing up to 1.7 metres above the finished floor level and/or raised window sill heights) along a number of ground and first floor windows. Further, the applicant demonstrates that external screening parameters are proposed to avoid direct views to be obtained from below.

It is considered that the plans do not clearly specify or stipulate the extent of screening for first floor or roof top deck screening measures. As such, it is submitted that this concern could be addressed, in the event that a permit were to issue, via the inclusion of suitable permit conditions requiring all first floor and roof top decks that have the potential for unreasonable overlooking to occur to be screened in accordance with Clause 55.04-6, Standard B22, of the Kingston Planning Scheme, be included.

Therefore, with regard to the inclusion of the abovementioned permit conditions, it is considered that no unreasonable overlooking or potential loss of privacy to the adjoining properties would occur as a result of the proposed development.

- **Overdevelopment**

The proposal has a site coverage total of 51.7%, which clearly meets both the objective and standard (maximum 60%) 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.

- **Minimal landscaping opportunities / Inadequate private open space areas to each dwelling**

As Council has clearly outlined earlier within this report, the development meets and exceeds the private open space area requirements for each dwelling. As such, Council is satisfied that a suitable amount of private open space has been allocated to each dwelling to provide for the recreational needs of future occupants and to accommodate suitable landscaping opportunities. Additionally, Council's Vegetation Management Officer has assessed the proposal and deemed the private open space areas at ground level to be of an appropriate size to plant and accommodate suitable species.

- **Visual bulk concerns**

As previously discussed within this report, the proposed development is well articulated and provides reasonable and in some cases significant setbacks on the upper and lower level components from adjoining properties and common property boundaries. The minimum upper level setbacks proposed (2m) are along the side elevations of Dwellings 1 and for the balcony portion only of Dwelling 3. It is acknowledged that in the case of Dwelling 1, this dwelling is separated from the side (west) common boundary by the driveway that services Dwelling 3 to the rear of the site.

The revised drawing submitted to Council on 11th February, 2008 proposed additional setbacks of the first floor level of Dwelling 3, to provide great separation, articulation and visual relief to all surrounding residential properties. Additionally, good articulation comprising of varying first floor setbacks from common boundaries and a diverse range of building materials / finishes are proposed, which also contributes to reducing any visual bulk and mass exhibited by the development.

It is submitted that in the event that a permit issues a condition requiring the roof top deck of Dwellings 1, 2 and 3 to be setback a minimum of 2 metres from the walls of level that lies directly below it, be included to ensure that the proposed development is consistent with Council's Draft Roof Top Deck Policy.

For all of these reasons discussed within this report, it is considered that the proposed development is not excessive nor overbearing in nature, which would cause detriment to the neighbourhood character of the immediate area or present excessive visual bulk to adjoining properties. It is submitted that the proposal is respectful of adjoining properties as it contains adequate setbacks from all common boundaries and therefore complies with the objectives and standards of Clause 55 that relate to neighbourhood character, and should therefore not hinder the character of the area.

- **Vehicular parking/ traffic congestion**

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

It is acknowledged that the proposed development will result in two (2) 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 the residents along Wellwood Road or the immediate area will experience a significant increase in traffic that will have a detrimental impact on the immediate area.

Additionally, the proposal was referred to Council's Traffic Department and Council's Development Approvals Engineer who advised that they had no objection to the proposal providing suitable conditions were included on any permit issued.

- **Loss of views**

Council acknowledges that the double storey nature of the development may potentially compromise views towards the bay for neighbouring properties. However, the subject site is located in a prime position to take advantage of bay and surrounding skyline views. The development complies with the ResCode Standard relating to height controls. It is submitted that no one person owns the right to a view and that if a property is better situated or able to take advantage of a view, providing the development is suitably designed in accordance with Planning Scheme Requirements,

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

then it is understandable and reasonable for an applicant to capitalise its locality and propose such a development.

- **Advertising notice / process not correctly undertaken by applicant**

It is alleged that the advertising notice was not erected on the site for a consecutive period of fourteen (14) days. The applicant has returned a completed advertising statutory declaration form indicating that the notification process was undertaken in accordance with the *Planning and Environment Act (1987)* requirements. Accordingly, Council is not aware or cannot demonstrate otherwise that the advertising notice was not erected on the site for the required period of time and, therefore, relies in good faith upon the applicant that the process has been correctly undertaken.

- **Concerns regarding excessive noise from proposed roof top decks**

It is noted that residential use is an as of right as specified under the permitted Table of Uses of the Residential 1 Zone, Clause 32.01 of the Kingston Planning Scheme. Therefore, Council Planning Officer submits that any noise that will be generated from the site, should a permit issue, will be of a residential nature, which is expected and permitted given the zoning provisions. Furthermore, should the development be approved and a permit issue, the applicant will be required to seek building approval, which will assess the appropriateness of all materials / construction methods to ensure that the dwellings are structurally sound and in accordance with the Australian Building Standards with relation to sound grading measures etc.

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, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

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 the 15th and 26th of November, 2007 and the concept plan submitted to Council on 11th February, 2008 but modified to show:
 - a. provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. delineation of all the garden beds, paved and grassed areas throughout the development;
 - ii. all existing trees on the site and close to the boundary on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is to be retained or removed;
 - iii. the provision of two (2) spreading canopy trees within the front setback;
 - iv. the provision of one (1) suitable spreading canopy tree within the private open space of each dwelling;
 - v. suitable species should be selected for use within the landscape strip along the driveway i.e. take into consideration the mature width of the plant selected;
 - vi. all hard surfacing and fencing to be located at least 1 metre from any existing or proposed canopy tree;
 - vii. all trees provided at a minimum of 2 metres high at time of planting;
 - viii. a range of plant types from ground covers to large shrubs and trees;
 - ix. medium to large shrubs and trees to be provided in pot sizes of 200mm or greater;
 - x. notes regarding site preparation i.e. removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. a notation that: A Local Law permit is required to remove any tree with a trunk circumference of 110cm or greater measured at ground level.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- xii. a notation that: A Local law permit must be obtained to undertake earthworks within the Critical Root Zone of any tree (located on the site or adjoining properties) with a with a trunk circumference of 110cm or greater. No excavation is to occur within he Critical Root Zone. The area must be hand dug to determine the location of tree roots. Council's Vegetation Officer must be contacted to inspect the tree roots. A qualified and experienced arborist must carry out any root pruning permitted.
 - b. a full set of plans reflecting the modifications to the first floor footprint of Dwelling 3 as specified on the concept plan submitted to Council on 11th February, 2008;
 - c. all first floor habitable room windows, balcony areas and roof top decks that face and are located within 9 metres of adjoining residential property's private open space areas or habitable room windows suitably screened and clearly nominated in accordance with Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme, to ensure that no unreasonable overlooking occurs;
 - d. the roof top decks of Dwellings 1, 2 and 3 set back a minimum distance of 2 metres from the wall directly below it;
 - e. the spiral staircase located on the first floor balcony of Dwelling 3 deleted, in accordance with Condition 1.d) of this permit, with an alternative, less obtrusive staircase, provided in a more appropriate location to Council's satisfaction;
 - f. the height of all window sills above the first floor finished floor level clearly and accurately dimensioned;
 - g. the basement car park area clearly nominated as not exceeding a maximum height of 1.2 metres above natural ground level, at any point;
 - h. the balcony located at the front of Dwelling 2, on the first floor level, offset at least 2 metres from the site's east (side) property boundary;
 - i. the provision of varying materials, finishes and colours provided on the north elevation of Dwelling 3;
 - j. the provision of a minimum 0.5 metre wide landscape strip provided along either side of the driveway of Dwelling 3, for its entirety, and meandered along the site's west (side) property boundary;
 - k. a notation on the site plan stating 'no front fence' along the site's front (south) property boundary;
 - l. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - m. the door of each garage nominated as a panel lift door, or similar; and
 - n. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings.
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.

**City of Kingston
Ordinary Council Meeting**

31 March 2008

Agenda

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.Or otherwise as approved by the Responsible Authority in writing.
9. 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.
10. 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.
11. 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.
12. 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

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

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.

13. 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.
14. 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 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.

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

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.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

*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 25 Interim Neighbourhood Activity Centre Design and Development Overlay

Approved By: Warren Ashdown – Acting General Manager Environmental Sustainability

Author: Rosa Zouzoulas, Team Leader Strategic Planning

1. Purpose

The purpose of this report is to inform Council of the recent update from the Minister for Planning with regard to the interim height controls for Neighbourhood Activity Centres introduced by the Minister for Planning to Kingston's Aspendale (east side of Station Street), Parkdale (Como Parade East), Dingley, Clarinda and Thrift Park centres in May 2005.

The minister in his recent correspondence reinforced the following in relation to these controls :

- § No further extensions will be granted
- § A 12 month extension to be sufficient time to implement strategic work currently being undertaken

Based on the above advice this report provides direction to Council on responding to this issue when compared with its existing Structure Planning Program.

2. Background

The Minister for Planning announced in October 2004, that Councils could apply to introduce a building height requirement within Neighbourhood Activity Centres provided:

- a. The provision was sought only for Neighbourhood Activity Centres
- b. Councils could illustrate how such a height limit would be consistent with their local planning policies and Melbourne 2030
- c. Councils were committed to the review of the application within 3 years
- d. And the specified height introduced was not less than 9 metres

Council Officers reported to Council on its options to pursue neighbourhood activity centre interim height restrictions in November 2004. Council decided to pursue interim height controls for the following centres:

Aspendale

All the properties zoned Business 1 located on the foreshore side of the Nepean Highway are contained within the Design and Development Overlay No.1. The inland side of the Aspendale Shopping Centre on Station Street is zoned Business 1 and did not have controls with respect to building heights and given the small community scale of this centre it was felt appropriate to seek interim height controls for this component of the Aspendale Neighbourhood Activity Centre.

Parkdale

The foreshore side of the railway line in the Parkdale Activity Centre is currently covered by the foreshore Design and Development Overlay which prevents development greater than 2 storeys. With respect to the Nepean Highway side of this centre it is believed that given the greater distance from the foreshore, lack of any heritage controls and immediate proximity to the station and residential properties that interim height controls be sought for this component of the Parkdale Neighbourhood Activity Centre.

Thrift Park/Dingley/Clarinda

When reviewing the above centres due to their isolation, limited population growth potential and proximity to rail transport and sufficient bus services it was felt inappropriate to at that time, be encouraging more intensive development forms exceeding 9m. Accordingly interim height controls were sought for these neighbourhood activity centres.

On 12 January 2005 Council wrote to the Minister for Planning seeking interim height controls for the abovementioned centres and accordingly Amendment C53 was approved on 19 May 2005.

3. Issues

Since the introduction of the interim height controls for the neighbourhood activity centres of Aspendale, Parkdale, Dingley, Thrift Park and Clarinda, substantial work has progressed for the Parkdale Activity Centre as part of the PLAN project, and of late Strategic Planning has been involved in preliminary discussions with the owners of substantial land parcels in both Thrift Park and Dingley with regard to the future development options of these centres.

It is important to note that the interim controls sought in 2005 were only valid until the 31st December 2007 as per the provisions stipulated by the Minister for Planning in approving the interim height controls.

Amendment C97 was subsequently approved by the Minister for Planning on 20th December 2007. The Minister for Planning exercised his powers under the Planning and Environment Act 1987 to extend the interim height controls for a further year until the 31st December 2008. Importantly though, the Minister for Planning extended the controls on the basis that a 12 month extension would provide sufficient time for Council to implement its strategic work in relation to neighbourhood activity centres and that the controls would not be extended again.

4. Options

The following options are therefore available to Council:

1. Council undertakes further required strategic work to seek to introduce permanent height controls for the Aspendale (east of Station St), Parkdale (Como Pde East), Dingley, Clarinda and Thrift Park Neighbourhood Activity

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Centres. This would require a process which is comparable to a Neighbourhood Activity Centre structure planning exercise.

2. Council advance the structure plan for the Parkdale Activity Centre via its integrated structure planning process from Moorabbin to Mordialloc (P.L.A.N). Additionally, that Council advance its preliminary discussions with the parties considering redevelopment within the Dingley and Thrift Park Neighbourhood Activity Centres. Accordingly, Council would seek to allow the interim height controls for the remaining centres to lapse.

5. Discussion

Since the introduction of the controls no proposals for development which exceed 9 metres have been submitted to Council within any of the centres. This would indicate that development interest in the affected centres is limited at this time, particularly when comparing this against some of Council's key Major Activity Centres (Cheltenham, Mentone and Mordialloc) where proposals exceeding 9 metres have been advanced in recent years.

As identified, seeking to implement permanent height controls for the Neighbourhood Activity Centres would require substantial further analysis and the development of individual structure plans. The development of structure plans raises questions of project prioritization and resources in centres where existing market interest is low at this point in time. Such a process would also be subject to Panel and Ministerial consideration and sufficient strategic basis would be required to illustrate the consistency with the proposed controls when viewed against Melbourne 2030.

For the reasons set out in the above discussion it is proposed that Council pursue Option 2 as identified previously. The basis for this reason is outlined in the analysis of each of the centres presently affected by the interim height control provided below:

Aspendale

As the foreshore side of the Aspendale Shopping Centre is currently covered by the Design and Development Overlay that limits development to no greater than 2 storeys it is the inland side of the Centre that is subject to the current interim height controls.

Council officers are of the view that progressing a structure plan for this centre is a low priority on the basis that significant development of the existing shops is not only difficult given the fragmented ownership but due to the narrowness of the land parcels and the need to accord with planning requirements for car parking, setbacks and other site amenities, development capacity is substantially reduced. Additionally, the east side of the Aspendale Activity Centre is well buffered from existing residential properties by the Council owned car park to the rear of the shops, thereby substantially alleviating amenity implications.

Clarinda

The Clarinda Shopping Centre is located within a primarily residential area (Incremental Change) within limited access to public transport and no immediate access to a railway station. The centre is in single ownership, of low scale and although recently improved by a new Library and Community Centre, of similar low scale built form, it has not attracted any development interest.

Council officers are therefore of the view that developing a structure plan for this centre is not an immediate priority and the interim height controls are serving limited a practical purpose.

Dingley and Thrift Park

As previously mentioned in Council reports, Council officers have held preliminary discussions with the owners of the Thrift Park and Dingley Shopping Centres about redevelopment possibilities. Although preliminary in nature, the discussion will eventuate in amendment and planning permit applications lodged with Council. Importantly, the discussions to date indicate that the amendment and planning permit applications that will be lodged will essentially be for improved supermarkets in each of the centres consistent with the recommendations of the Retail and Commercial Development Strategy. Accordingly, Council officers are of the view that issues relating to building height and scale can be appropriately considered as part of the rezoning and application process.

Parkdale

As mentioned earlier in this report, the Parkdale Activity Centre is split into two distinct areas, the foreshore side of the centre and the highway side of the centre. The foreshore side of the centre has a Design and Development Overlay that restricts height to two storeys whilst the Nepean Highway side of the centre is subject to the interim height controls. As Councillors will be aware, Parkdale is included within the PLAN area as one of the key centres for which interim height controls will be sought as part of that particular project. Substantial work has already progressed with respect to future built form controls for this centre and community consultation is anticipated to commence next month. As the direction of this centre is under consideration through the PLAN project, and a subsequent request for interim height controls are proposed to occur this year, it is considered reasonable that the PLAN project be used to advance a case to the Minister for Planning for building height controls for the affected part of this activity centre on a more permanent basis.

6. Summary and Conclusion

It is apparent based on the correspondence received from the Minister for Planning that he will not agree to extend any of the interim controls applicable to some of Council's Neighbourhood Activity Centres. Council Officers do not believe that this direction from the Minister places at substantive risk the centres previously covered by these controls for reasons explained through this report.

Clearly as previously discussed with Council the most responsible manner in which to approach the prioritisation of Activity Centre Structure Planning is to work towards completing first work within those centres where significant development is proposed. It is apparent that for Kingston this means that focus has and should continue to be placed on its Major Activity Centres.

As outlined above, it is evident that no pressure for intensive development at the nominated neighbourhood activity centres has been pursued over the last three years. As identified Council Officers have been involved in preliminary discussions regarding the Dingley and Thrift Park centres and are confident that these discussions will lead to development outcomes consistent with the outcomes sought through policy for these Neighbourhood Centres. As identified the component of Parkdale not presently covered by a permanent planning control providing guidance on height is presently being further examined as part of the PLAN project. In relation to the inland side of the small Aspendale centre due to its narrow shopfront scale and fragmented ownership has not been the subject of any redevelopment in recent years. And it is not considered that the Clarinda Neighbourhood Activity Centres will in the immediate future play a significantly greater development role based on its location .

As such the following recommendation is provided to Council for its consideration.

Recommendation

That:

1. Council acknowledge that the interim height controls presently applicable to the Thrift Park, Dingley, Aspendale, Clarinda and Parkdale Neighbourhood Activity Centres extended by the Minister for Planning through Amendment C97 to lapse at the conclusion of this year.
2. Council Officers continue to advance its work as part of the PLAN project for the Parkdale Activity Centre.
3. Council Officers continue preliminary discussions with the owners of the Thrift Park and Dingley Neighbourhood Activity Centres with relation to the future planning needs of these centres.

K 26 P.L.A.N. Consultation

Author: Rosa Zouzoulas, Team Leader Strategic Planning

Approved By: Warren Ashdown, Acting General Manager Environmental Sustainability

1. Purpose

The purpose of this report is to:

- § inform Council on the proposed consultation of the integrated structure plan for the activity centres located between Moorabbin and Mordialloc; and
- § provide Council with a copy of the PLAN report that will form the basis of consultation undertaken over the coming month.

2. Background

PLAN is a project that has been developed as a result of Kingston's review of Melbourne 2030.

The role of Activity Centres is set to expand under Melbourne 2030, with significant structure planning work required to determine sustainable planning directions. The broad corridor approach delivered through PLAN is considered a more appropriate method of commencing the structure planning process, rather than approaching it at an individual activity centre level. PLAN will define the future role and function of the corridor with respect to built form height and design outcomes. The corridor framework will provide for a strategic approach towards planning of Kingston's activity centres with particular regard to coordinated land use, urban design, accessibility and the built form outcome.

To date, targeted consultation has occurred including widespread telephone surveys, targeted focus groups and information gathering through other mediums including the Kingston wide resident survey. Together with substantial work undertaken in-house, with regard to technical aspects of each centre that assesses the existing conditions and to identify preliminary measures for the future of the PLAN area, draft directions have been developed to inform the consultation report. Council officers are now ready to proceed to the next phase of the process to obtain feedback which will be used to inform the completion of the PLAN Integrated Structure Plan.

3. Consultation Proposed

The aim of the consultation proposed is to notify the community and stakeholders of the content and direction of PLAN. The consultative process will seek to engage with residents, neighbouring Council's, State Government Departments, Resident and Community Groups, Trader and Commerce Groups, Village Committees and major authorities such as VicRoads and VicTrack.

The objectives of the consultation are to employ four different methods that will effectively disseminate comprehensive information to all stakeholders and interested parties, along with obtaining the interests of community members who have been less active in the consultative process in the past. The variety and mix of techniques are more likely to attract a range of communities and participants than depending on one or two methods. In general, the process is to give equal opportunity for all to be included, including those members of the community with which less contact has previously been had.

Consultation will be undertaken in April 2008. The consultation is to be undertaken in four different methods as follows:

Stage 1 – Focus Groups

The focus groups will comprise a small group of randomly selected participants (10-15 people) from a variety of age groups and household situations within the PLAN boundary. This will allow an in-depth discussion and exploration of key issues surrounding the structure plan. This method of consultation will be undertaken by a trained consultant.

Stage 2 – Website

The purpose of this method of consultation is to provide a form of online engagement using an interactive website that will provide both comprehensive information and opportunities for users to participate via online surveys or feedback forms. This form of community engagement enables Council to engage with the ‘silent majority’, those that have not been actively involved in Council’s consultation attempts in the past.

Stage 3 – Information Sessions

Information sessions will be held for each of the respective activity centres. Residents, and stakeholders within the boundaries of each of the centres will be invited to attend these sessions. It is intended that these sessions will be conducted in a formal setting that will allow participants to learn and obtain information about the different elements of the structure plan.

Stage 4 – In Centre, Face-To-Face Discussion And Surveys

This method of consultation will be used to raise awareness about the structure plan and to present information to a broad cross-section of stakeholders. An information booth will be set up in a busy public place within each of the activity centres on selected days of a weekend to obtain responses in an informal way with the aim of once again speaking with the community that potentially doesn’t normally engage with Council on aspects of Strategic Planning.

5. P.L.A.N Report

The PLAN report has been prepared as the basis of the information to be disseminated throughout the consultation period. The report provides a detailed assessment of the trends of housing that have influenced and shaped the Kingston municipality, as well as a comprehensive analysis of the physical form and uses of each of the activity centres to determine their 20 year strategic planning future.

The report is structured as follows:

Strategic Context –	this section identifies the reasons for Structure Planning and the inception of the PLAN project.
Background -	the background component outlines the consultation undertaken to date, defines the study boundary, identifies the planning context that justifies the commission of the PLAN project and details the housing and population trends and forecasts.
Activity Centre Analysis -	each centre is analysed to identify its character, its strengths and weaknesses and the strategic directions to rejuvenate and activate the centre
Urban Design Analysis -	the future development form and scale of each activity centre is defined in this section of the report. The urban design analysis responds to the character, street and building scale, heritage qualities, function of each centre including the strategic direction identified in the earlier section of the report.
Conclusion -	the final section of the report details where to from here, and how the community can obtain more information or provide feedback.

5. Summary and Conclusion

A critical step for all structure plans is the consultation undertaken with residents, landowners and key stakeholders. The consultation program proposes a comprehensive process of information dissemination, and seeks to engage with all components of the community in a variety of different forums to suit all age groups, and family structures.

The PLAN report will form the basis of the consultation undertaken, and will be made available to all interested parties. Importantly the feedback received throughout the consultation process will help inform and shape the final form and content of the PLAN report prior to its adoption. The PLAN report will set out a 20 year direction for Moorabbin, Cheltenham, Mentone and Parkdale and will inform the development of future planning controls to guide built form and scale in each of the respective activity centres.

Recommendation

That Council:

1. Endorse the proposed consultation methods for the PLAN - Moorabbin to Mordialloc Integrated Structure Plan and approve to proceed as outlined.
2. Approve the PLAN report to be used throughout the consultation period.

K 27 Amendment C77 to the Kingston Planning Scheme – Neighbourhood Character Overlay Hillston Road Moorabbin

Author: Rosa Zouzoulas – Team Leader, Strategic Planning

Luke Connell – Strategic Planner

Approved by: Warren Ashdown – Acting General Manager Environmental Sustainability

1. Purpose

At its Ordinary Council meeting on 27 August 2007, Council resolved to place Amendment C77 on public exhibition, pursuant to the requirements of the Planning and Environment Act 1987.

Amendment C77 to the Kingston Planning Scheme was then exhibited and submissions were received in relation to the amendment. This report considers the submissions received and recommends that Council request the Minister for Planning to appoint an Independent Planning Panel to further consider and report on the merits of the Amendment.

2. Background

Kingston Council, together with planning consultants David Lock Associates Pty Ltd, prepared the Kingston Neighbourhood Character Guidelines, February 2003.

The Kingston Neighbourhood Character Guidelines is a detailed survey of the physical characteristics of the houses and gardens in all the residential areas of the municipality. The Guidelines identify 85 separate character areas within Kingston, of which 5 special character areas were identified.

A special character area exhibits a distinctive neighbourhood character through unusual characteristics, a combination of characteristics, or relationships between characteristics not generally found elsewhere, or for an unusually high degree of consistency. Hillston Road is identified as Character Area 4 and considered to be a special character area.

Interim planning controls for character area 4 as identified by the Kingston Neighbourhood Character Guidelines were implemented into the Kingston Planning Scheme in December 2006, via Amendment C70.

Amendment C70 to the Kingston Planning Scheme approved by the Minister for Planning, introduced and applied the Neighbourhood Character Overlay (NCO1 – Hillston Road, Moorabbin Precinct) to all the properties within Hillston Road, Moorabbin.

Council Officers have also met with the Hillston Road residents on a number of occasions to discuss the need for and to obtain support for the proposed planning scheme controls with regards to the Schedule 1 to the Neighbourhood Character Overlay.

Schedule 1 to the Neighbourhood Character Overlay (NCO1) was introduced with a sunset clause, after which the requirements of Overlay cease to have effect. NCO1 is due to expire on 31 October 2008.

3 The Proposed Amendment

3.1 Neighbourhood Character Overlay Schedule 1

The amendment proposes to:

- Replace the interim Schedule 1 to the Neighbourhood Character Overlay with permanent planning scheme provisions.
- Modify the Kingston Neighbourhood Character Guidelines Incorporated Document prepared by David Lock and Associates to correct minor errors.

The Character Area 4 - Hillston Road, Moorabbin which the Neighbourhood Character Overlay is placed, is located north of Wickham Road, south of South Road and is accessed from Nepean Hwy opposite the Freedom furniture store.

Hillston Road is characterised as a residential precinct of post war development constructed predominantly of red clinker brick and terra cotta roof tiles, predominantly single storey, modulated building footprint, large front setback and low rubble stone front fences. Other key characteristics include native gardens and indigenous tree canopy occurring frequently. Single detached dwellings are primarily in medium to good condition and the area displays a distinct homogenous character and a high quality public realm condition. The distinctive character of the precinct identified through the form of dwellings and front fences should be maintained.

Hillston Road has 6 distinct characteristics with an unusually high degree of consistency.

1. the footprint of most of the houses appear to be varied
2. most roofs are complex hipped and have an angle of 20 - 30 degrees
3. most houses are single storey, detached and orientated to the street
4. common building features are windows on corners and porches
5. most windows are long and narrow and shaped in groups of 2 or 3 windows
6. most front gardens are bound by a low stone front fence

3.2 Kingston Neighbourhood Character Guidelines, February 2003

As mentioned above, Kingston Council together with planning consultants David Lock Associates Pty Ltd, prepared the Kingston Neighbourhood Character Guidelines, February 2003.

The Kingston Neighbourhood Character Guidelines is a detailed survey of the physical characteristics of the houses and gardens in all the residential areas of the municipality. The Guidelines identify 85 separate character areas within Kingston, of which 5 special character areas were identified.

In preparing the proposed amendment and undertaking extensive consultation a couple of minor errors have been identified that are required to be corrected as part of this amendment to ensure the incorporated document accurately reflects the character of the precinct and corresponds with the proposed provisions of the Neighbourhood Character Overlay. The alterations are as follows:

- Building footprint changed from '*modulated*' to '*varied*'
- Roof angle or pitch has been changed from '*15-20°*' to '*20-30°*'

Discussions with David Lock and Associates have been initiated and the changes required are able to be undertaken concurrently with the amendment to introduce permanent planning scheme provisions relevant to neighbourhood character.

4 Exhibition and submissions

4.1 Public exhibition

Amendment C77 was placed on public exhibition for a period of one (1) month between 24th January 2008 – 25th February 2008. Notice was given as follows:

- Notice of the amendment was published in the Victorian Government Gazette on 24th January 2008.
- Notice of amendment was published in the Moorabbin Leader on 30th January 2008 and 13th February 2008.
- Direct notification was sent via ordinary mail to all landowners and occupiers affected by the amendment, which in total was 103 letters.
- Amendment documentation was also available at the Highett and Moorabbin Libraries and also on the City of Kingston's Strategic Planning website from the 24th January 2008.

4.2 Submissions received

During exhibition of the amendment a total of six (6) submissions were received. Three (3) of the submissions received were from referral authorities, which raised no objection to the amendment.

A summary of the submissions received are provided in the table below:

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

No.	Name	Summary of Submission
1	Submitter 1	<ul style="list-style-type: none"> • No objection
2	Submitter 2	<ul style="list-style-type: none"> • No objection
3	Submitter 3	<ul style="list-style-type: none"> • No objection
4	Submitter 4	<ul style="list-style-type: none"> • Objects to the retainment of low rubble fence. • Objects to the L shaped building footprint. • Objects to the large setbacks to the front of the properties.
5	Submitter 5	<ul style="list-style-type: none"> • Believes that Hillston Rd is not so special that it warrants having its own NCO and any other special planning provision. • Suggest that altering the Schedule to the Residential Zone to triggers permits for lots between 300-500 m², is a better way of controlling development. • Concerned about the need for a permit to demolish, remove or lop a tree, as it is a time consuming process. • Standard A10/B17 should be amended to encourage water tanks, not discourage them. • Standard A11/B18, should be modified given there are a number of existing car ports and garages located within the front setback.
6	Submitter 6	<ul style="list-style-type: none"> • Does not support Amendment C77. • Suffered direct impact on property since C70 has been in the Kingston Planning Scheme. • Believes property was better protected under Rescode. • Wants the Neighbourhood Character Guidelines deleted from the planning scheme. • Frank Perry's definition of Hillston Road's Neighbourhood character to replace the existing guidelines. (VCAT Reference No. P2782/2006) • Wants standards A10/B17, A11/B18 & A19/B31 deleted from the overlay. • A new explanatory report to be written as the amendment does not apply to all properties in Hillston Rd.

5 Discussion

The following is a discussion around the main issues raised in submissions to Amendment C77 to the Kingston Planning Scheme.

Hillston Road and its Unique Neighbourhood Character

Through extensive work done on the neighbourhood character within the City of Kingston, the Hillston Road precinct was found to be one of five (5) areas that is considered to be a special character area.

Hillston Road is characterised as a residential precinct of post war development constructed predominantly of red clinker brick and terra cotta roof tiles, predominantly single storey, large front setback and low rubble stone front fences. Other key characteristics include native gardens and indigenous tree canopy occurring frequently. Single detached dwellings are primarily in medium to good condition and the area displays a distinct homogenous character and a high quality public realm condition. The distinctive character of the precinct and form of dwellings and front fences should be maintained. Intervention should be in the form of improvements to the landscape and streetscape of the locality. The readily distinguishable character of this area warrants inclusion within the Neighbourhood Character Overlay.

Altering the Schedule to the Residential Zone

It has been suggested that Schedule 1 to the Neighbourhood Character Overlay should be deleted and replaced by a new Schedule to the Residential 3 Zone that triggers a permit for any site between 300 – 500 m². As under the current provisions of the Kingston Planning Scheme no planning permit is required for the construction of a single or two storey dwelling located within the Residential 3 Zone.

New houses and the introduction of new and varied house styles threaten the uniqueness of the street. Character within the street can be incrementally lost where there is a limited number of planning controls provided to guide building bulk/mass, building height, building design, and front fence design. It is considered that the Schedule 1 to the Neighbourhood Character Overlay is a more appropriate tool to use given the Schedule to the Residential 3 Zone does not provide opportunity to vary Rescode Standards including building height, street setbacks, design detail etc.

At present there are limited statutory planning controls that exist for buildings and works based around the development of a single dwelling with regard to neighbourhood character, and there is a need to respond to the neighbourhood characteristics identified by the Kingston Neighbourhood Character Guidelines. Therefore it is seen fit to permanently place Schedule 1 to the Neighbourhood Character Overlay into the Kingston Planning Scheme.

Need for a Permit to Demolish, Remove or Lop a Tree

As stated previously, key characteristics of Hillston Rd include native gardens and indigenous tree canopies, and the permit requirement protects established trees that contribute to the neighbourhood character that could be potentially cut down without the consideration of its level of significance within Hillston Road.

5 Conclusion

Through the public exhibition period six (6) submissions were received in relation to Amendment C77. The issues outlined in the submissions were related to the merits of Hillston Rd having significant neighbourhood character, the Schedule 1 to the Neighbourhood Character Overlay and the controls that exist within the overlay. Consideration of these issues is outlined in Section 4 of this report and will be further elaborated upon in Council's submission to the Panel should this matter proceed as recommended.

Council Officers believe that the proposed amendment as revised through community consultation since Amendment C70 Interim Controls, has appropriately responded to the concerns of the community as identified through community feedback. Amendment C77 seeks to achieve what is believed to be suitable controls within Hillston Road to continue to protect the neighbourhood character of the street.

Section 22 of the *Planning and Environment Act (1987)* requires that Council 'must consider all submissions,' a process which Council has worked through as outlined in this report. Under Section 23 of the same Act, Council is then required to make a decision regarding whether to, and if so how to proceed with the Amendment. In this instance it is felt appropriate, that the proposed amendment and submissions received should be the subject of further consideration by an Independent Panel appointed by the Minister for Planning.

Recommendation

1. That Council, as Planning Authority, request the Minister for Planning to appoint an Independent Planning Panel to convene and consider Amendment C77 to the Kingston Planning Scheme.
2. That all submissions received in respect to Amendment C77 be referred to the Panel for further consideration.
3. That all submitters to Amendment C77 be advised in writing of resolutions 1 and 2 above.

K 28 Amendment C44 – 44 First Avenue, Chelsea Heights

Author: Luke Connell - Strategic Planner
Approved by: Warren Ashdown – Acting General Manager Environmental Sustainability

1. Purpose of Report

The purpose of this report is to update Councillors on Planning Scheme Amendment C44 since exhibition in late 2004. The report provides Council with a series of options regarding the further consideration of this Planning Scheme Amendment and recommends that Council abandon this amendment.

2. Background

Council resolved at its Ordinary Council meeting on the 25th October 2004 to *place Planning Scheme Amendment C44 on public exhibition pursuant to Section 19 of the Planning and Environment Act 1987.*”

Planning Scheme Amendment C44 as exhibited in November 2004 sought to rezone one third of the site for residential purposes and the remaining two thirds Public Use Zone 1 from the existing Urban Floodway Zone. The amendment further proposed to transfer the land that was proposed to be rezoned public use zone to public ownership (Melbourne Water), as shown in attachment 1.

Approximately 1.6 hectares of land was proposed to be rezoned to potentially facilitate residential allotments. This area abuts an existing established residential area of First Avenue, Norman Avenue and Dunscombe Place, which are also residentially zoned.

The remaining 2.5 hectares included in the site was to be rezoned to a Public Use Zone 1 Service and Utility (PUZ1) to set aside land for flood storage.

This amendment further sought to apply a schedule to the Design and Development Overlay (DDO) to the portion of the site to be rezoned for residential purposes, in order to address any future site-specific design considerations.

3. Exhibition

Amendment C44 was placed on public exhibition from the 11th November 2004 to 13th December 2004. Notice of the amendment was published in the Victorian Government Gazette on 11th November 2004, and in the Mordialloc Chelsea Leader as well as the Chelsea Independent Newspaper throughout the exhibition period. Direct notification of the amendment was sent via ordinary mail to the landowners and occupiers located within close proximity to the subject site. Direct notification was also forwarded to a number of referral authorities.

Council received a total of twelve (12) submissions to Amendment C44, one submission contained a petition with eighty-four (84) local residents signatures on it.

4. Issues

As indicated above a substantial number of submissions were received in relation to Planning Scheme Amendment C44. The broad concerns raised by the submitters can be categorized as follows:

- Concerns on additional impact on existing drainage infrastructure, may result in flooding.
- Loss of existing land uses such as the pony club.
- The potential impact on the ecology of the local area.
- Proposal will create additional traffic.
- Disturbance of existing acid sulphate soils.
- Public space will not be accessible by the community.
- Opposed to rezoning, as it will affect neighbourhood character.
- Future development will result in increased flooding.

5. Post Exhibition Discussions

Following a review of the submissions received, it was deemed necessary for the consultant to look further into the issue of acid sulphate soils and flood storage, which were noted as a potential issue at the subject site. A report conducted by Stormy Water Solutions looked at the following areas:

- Determination of the loss of flood storage due to the development.
- Determination in the amount of cut able to be obtained in the flood plain adjacent to the site, and
- Pollutant modeling of the development to determine pre-development and post development pollutant loads from the development given the proposed vegetated swale treatment system.

During the investigations into drainage and the acid sulphate soils, a request was made to the Minister for Planning in October 2006 to extend the amendment by a further two years to allow for the investigations as mentioned previously. The extra two years was granted by the Minister for Planning, which extended the amendment timeframe to November 2008.

In early February 2008, Council received further information regarding the proposed site with regards to the management of the acid sulphate soils. This report was done by an external consultancy which completed site analysis, soil testing etc. The purpose of this report was to develop an Acid Sulphate Soil Management Plan, with regards to excavation works and drainage installation work.

Recent discussions with the Department of Planning and Community Development (DPCD) regarding this amendment resulted in DPCD stating that they were not keen to extend the amendment by a further 2 years as the amendment had been previously extended. The reason for querying this with the Department was to explore whether an additional extension would be granted prior to further considering the Amendment. Based on the advice of the DPCD, given the Amendment would require re-exhibition

and a likely Panel Hearing it is not envisaged that the Amendment would be resolved by Council by November this year.

6. Options

Having now exhibited Planning Scheme Amendment C44, Section 23 of the Planning and Environment Act 1987 provides Council with a number of options with regards to how it wishes to further process this amendment. The options are outlined below:

a) Change the Amendment in the manner requested

As reported, Council has received a number of submissions regarding Amendment C44. There is no clear consensus between all the submissions received, as they tend to relate to different points of concern. As such Council is unable to simply modify the Amendment to reflect the opinion of all submitters. Further it is noted that given the Amendment was exhibited now in excess of three years ago it is considered that other parties may now be interested in the Amendment who were not notified at the time of exhibition.

b) Refer the submissions to a Panel appointed by the Minister for Planning

Although the option is available to Council it is not considered appropriate based firstly on the length of time since the Amendment was exhibited and as suggested the need to re-exhibit the amendment and secondly the arrival of further information relating to drainage and acid sulphate soils that may be of interest to some of the submitters to the Amendment

c) Abandon the Amendment

Based on the advice of the Department of Planning and Community Development it is apparent that it is unlikely that the Amendment will be provided with another two year extension when it lapses in November, 2008. Based on the need to review the new information provided by the proponent, re-exhibit the Amendment, consider submissions, conduct a panel hearing and then determine the Amendment it is unlikely this could be completed by the November, 2008 expiry date.

It is considered appropriate that Council pursue option C to abandon Planning Scheme Amendment C44.

7. Summary and Conclusion

This report summarises the processes which have been undertaken to this point in time in relation to Planning Scheme Amendment C44. The exhibition phase of this process has resulted in a substantial number of submissions to the Amendment.

With the introduction of new material to the Amendment process submitted by the proponent and the significant period of time since the Amendments exhibition it is considered procedurally inappropriate to further advance this Amendment to a Panel Hearing.

Further based on advice from the Department of Planning and Community Development it is unlikely that the Amendment would be extended for another two (2) year period when it expires in November of this year. As such it is not considered that Council will be able to complete its consideration of the Amendment in the remaining timeframe based on the need to re-exhibit the Amendment.

Officers have identified the options available for Council with respect to its consideration of Amendment C44 and it is felt most appropriate that Council resolve to abandon Amendment C44. The abandonment of this amendment will allow Council Officers to further review the additional information before considering recommending to Council to commence a new amendment.

Recommendation

1. That Council abandon Planning Scheme Amendment C44 to the Kingston Planning Scheme.
2. That Council notify the Minister for Planning of its decision to abandon Planning Scheme Amendment C44 to the Kingston Planning Scheme.
3. That Council notify all submitters to Amendment C44 of its decision to abandon Planning Scheme Amendment C44 to the Kingston Planning Scheme.

(See Attachment)

K 29 Amendment C95 to the Kingston Planning Scheme & Planning Permit Application KP825/07– Dingley Village Shopping Centre

Author: Rita Astill – Strategic Planner

Approved By: Warren Ashdown – Acting, General Manager Environmental Sustainability

1. Purpose of Report

The purpose of this report is to provide an overview of Amendment C95 to the Kingston Planning Scheme and Planning Permit Application KP825/07. The proposed amendment seeks to rezone land at 43-45 Marcus Road, Dingley Village from a Residential 3 Zone to a Business 1 Zone to facilitate the redevelopment of the land and to introduce a Design and Development Overlay to the entire centre to guide land use and development. The planning permit application seeks to redevelop the subject land and Dingley Village Shopping Centre.

Pursuant to Section 96A of the *Planning and Environment Act 1987* a request for an amendment and a planning permit application may be lodged together. This allows the responsible authority to consider the application for the permit concurrently with the preparation of the proposed amendment.

The report recommends that a request be made to the Minister for Planning to authorise the preparation of the amendment under Section 9(2) of the *Planning and Environment Act 1987* and proceed with exhibition if authorisation is granted.

2. The Subject Site

The Dingley Village Shopping Centre is located on the north side of Centre Dandenong Road, Dingley and forms a significant part of the Dingley Village Neighbourhood Activity Centre. It has a frontage to Centre Dandenong Road and Marcus Road.

The Dingley Village Shopping Centre is surrounded by community facilities along Marcus Road, including the Dingley Primary School, Library and Maternal Child and Health Centre, commercial activities along Pauline Avenue, recreational facilities and residential development. An aerial photograph showing the subject site and surrounding area is provided at Attachment 1.

The land subject to rezoning and planning permit application is located 43-45 Marcus Road. It adjoins the Dingley Village Shopping Centre to the north and west and comprises of four (4) parcels of land consisting of an area of 3,657 square metres the land is currently occupied by a dwelling and church.

3. The Proposal

3.1 The Proposed Amendment

The amendment affects land at 43-45 Marcus Road, Dingley Village. It proposes to rezone the land from a Residential 3 Zone to a Business 1 Zone to facilitate the expansion and redevelopment of the Dingley Village Shopping Centre. Under the provisions of the Residential 3 Zone 'retail premises' is prohibited.

It is proposed to rezone the land to a Business 1 Zone which is consistent with the zoning of the Dingley Village Shopping Centre and allows for 'retail premises'. Land at 43-45 Marcus Road is physically connected to the Dingley Village Shopping Centre and its rezoning will allow the centre grow whilst remaining consolidated and accessible. A plan showing the proposed zoning of land is provided at Attachment 2.

3.1.1 Schedule 15 to the Design and Development Overlay

It is proposed to place a Design and Development Overlay over the Dingley Village Shopping Centre to guide the redevelopment of the entire Centre, in particular the section which is not subject to the planning permit application at hand. It is not proposed to redevelop the eastern section of the centre at this time. The Design and Development Overlay seeks to encourage a mix of uses including residential, a high level of urban and landscape design, pedestrian linkages and active edges.

3.2 The Proposed Planning Permit Application

The planning permit application for the Dingley Shopping Centre proposes to:

- Expand the existing supermarket to allow an increase in floor area to a total of 3300 square metres.
- Provide 1260 square metres of specialty shops within an arcade linking the supermarket.
- Retain the existing shops and offices east of the Shopping Centre.
- Extend the existing car parking area to the rear of the Dingley Village Shopping Centre to the west. A total of 342 car spaces are to be provided on site.
- Relocate access to the car parking area off Marcus Road further to the north. The existing pedestrian crossing will be required to be relocated at the cost of the applicant. It is noted that the existing access arrangement to the Shopping Centre from Centre Dandenong Road is to remain.
- Provide a loading dock for the supermarket with its own access arrangement off Marcus Road.
- Reinforce pedestrian links from the development to Centre Dandenong Road, Dingley Primary School and community services located along Marcus Road.
- Provide a focal point with planting and seating at the entrance of the arcade from the rear car park.

3.3 Sale of a Declared Road

A title search has revealed that the laneway to the rear of the existing shopping centre, located at the rear of 95-107 Centre Dandenong Road, Dingley Village is a declared road. The road currently allows access to the Dingley Village Shopping Centre. Given the proposed redevelopment provides for improved access arrangements it is considered appropriate to start proceedings to discontinue the road to allow for its sale to the developer.

4. Policy Consideration

4.1 State Planning Policy Framework

The proposed amendment and planning permit application is considered to be consistent with the State Planning Policy Framework. In particular, the amendment gives effect to the objectives:

- Clause 12.01 A more compact city by broadening the mix of uses that support the role and function of the Dingley Shopping Centre as a neighbourhood activity centre to meet local convenience needs.
- Clause 16 Design and built form by applying appropriate design guidelines to achieve high quality urban design and architecture that enhances liveability, amenity and safety.
- Clause 17.01 Activity Centres by providing a variety of land uses that are accessible by the community.

4.2 Local Planning Policy Framework

The proposed amendment and planning permit application is considered to be consistent with the Local Planning Policy Framework. In particular, this amendment gives effect to the objectives of Clause 21.06 by:

- Promoting the expansion of the Dingley Village Shopping Centre at a level appropriate to its role as a neighbourhood centre.
- Allowing works to be undertaken which enhance the physical image of the centre and improve car parking and traffic management.
- Ensuring pedestrian connections to community facilities along Marcus Road and adjoining residential area.

Amendment C75 to the Kingston Planning Scheme seeks to implement the key recommendations of the Retail and Commercial Development Strategy, July 2006. The amendment seeks to make a number of Changes to Clause 21.06 of the Local Planning Policy Framework. These changes include identifying the need for new supermarket investment to provide existing communities with greater choice and encourage higher utilisation of activity centres. Amendment C75 has been heard before an Independent Panel and Council is awaiting their report and recommendations.

4.3 Retail and Commercial Development Strategy

The Retail and Commercial Strategy, July 2006 was developed to guide the future direction of retail, commercial and office investment in Kingston. A recommendation of the Strategy is for Council to work proactively with Woolworths to explore opportunities for the Dingley Safeway in an attempt to protect the vital role of the supermarket as an anchor for the Dingley Village Neighbourhood Centre.

4.4 Schedule 11 to the Design and Development Overlay

Schedule 11 to the Design and Development Overlay (Interim Neighbourhood Centre Height Limit Area) applies to the Dingley Village Shopping Centre. The Overlay limits the maximum building height to 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height must not exceed 10 metres. However this may be increased through the granting of a permit.

The proposed development seeks a building height higher than 9 metres which is considered appropriate given the increased urban design outcome to be achieved and its separation from nearby sensitive uses.

5. Public Exhibition

Public notice of the proposed amendment and planning permit application is required to be given pursuant to Section 96C of the *Planning and Environment Act 1987*. Accordingly, this report recommends that Council seek authorisation from the Minister for Planning and if this is provided place the proposed amendment and planning permit application on public exhibition. Prior to commencing the statutory exhibition Council intends to invite the proponent to provide a briefing to the Dingley Village Community Association and Dingley Village Committee regarding the proposal. It is envisaged that the amendment and planning permit application would be placed on public exhibition for a period of four (4) weeks once authorisation is received with the following consultation to be undertaken:

- Notices placed in the Government Gazette and local paper.
- Notices erected on site.
- Direct notification to nearby landowners and occupiers.
- Amendment documentation and permit application available at Council's Cheltenham office and website and the Dingley Library.
- Briefing the Clarinda/Dingley Village Committee.

In the event that submissions regarding the proposal are received and cannot be resolved, the amendment and permit application will need to be considered by an independent planning panel appointed by the Minister.

6. Conclusion

The proposed amendment is considered to be consistent with the State and Local Planning Policy. The proposed amendment is believed to have a sufficient strategic basis to warrant a request to be made to the Minister for Planning to authorise preparation of an amendment and exhibit the amendment and planning permit application if authorisation is granted.

Recommendation

1. That a request be made to the Minister for Planning to authorise the preparation of Amendment C95 to the Kingston Planning Scheme to rezone land at 43-45 Marcus Road, Dingley Village from a Residential 3 Zone to a Business 1 Zone, to introduce a new Design and Development Overlay, and planning permit application KP825/07 to redevelop the subject land and part of the Dingley Village Shopping Centre.
2. That once authorisation is granted, Council as Planning Authority, prepare and place Amendment C95 and planning permit application KP825/07 on public exhibition pursuant to Section 96C of the *Planning and Environment Act 1987*.
3. That Council begin proceedings to discontinue and sell the declared road to the rear of 95-107 Centre Dandenong Road, Dingley Village.

(See Attachment)

K 30 Amendment C76 to the Kingston Planning Scheme & Planning Permit Application KP264/08 – Kingston Road, Heatherton

Author: Rita Astill – Strategic Planner

Approved By: Warren Ashdown-Acting General Manager Environmental Sustainability

1. Purpose of Report

The purpose of this report is to provide an overview of proposed Amendment C76 to the Kingston Planning Scheme and Planning Permit Application KP264/08. The proposed amendment seeks to rezone land at 3 Kingston Road, Heatherton from a Public Use Zone 1 - Service and Utility to a part Mixed Use and part Business 4 Zone to facilitate the redevelopment of the land. The amendment also seeks to rezone Business 3 zoned land along Warrigal Road to a Business 4 Zone in accordance with the provisions exhibited at Clause 21.06 through Amendment C75. The planning permit application is for the construction and use of a two (2) storey residential hotel comprising of thirty (30) (two (2) and three (3) bedroom service apartments), a conference facility and associated car parking and to obtain access to a Road 1 Zone at the eastern end of land at 3 Kingston Road Heatherton.

Pursuant to Section 96A of the *Planning and Environment Act 1987* a request for an amendment and a planning permit application may be lodged together. This allows the responsible authority to consider the application for the permit concurrently with the preparation of the proposed amendment.

The report recommends that a request be made to the Minister for Planning to authorise the preparation of the amendment under Section 9(2) of the *Planning and Environment Act 1987* and proceed with exhibition if authorisation is granted.

2. Background

United Energy Distribution P/L owned 5.34 hectares of land on the north east corner of Warrigal Highway and Kingston Road, Heatherton. The land was partially used for an electrical substation (1.464 hectares) with the remainder of the land (3.878 hectares) being used for horse agistment and storage of equipment. This land was identified as surplus to United Energy's requirements. The land was recently subdivided into two (2) lots allowing 3 Kingston Road (the larger parcel) to be sold.

3 Kingston Road, Heatherton was recently acquired by the owners of the Parkview Industrial Estate. The Parkview Industrial Estate is zoned B3Z and is covered by Clause 22.08 (Park View Industrial Estate Policy) of the Kingston Planning Scheme which provides the strategic direction for the Estate.

3. The Subject Site

3 Kingston Road, Heatherton abuts residential development to the east, commercial/restricted retail development to the north (Parkview Industrial Estate) and an electrical substation to the south west. An aerial photograph is provided at Attachment 1.

4. The Proposal

4.1 The Proposed Amendment

The Amendment proposes to:

- Rezone 3 Kingston Road, Heatherton from a Public Use Zone 1 – Service and Utility to a part Business 4 Zone and part Mixed Use Zone.
- Rezone land zoned Business 3 fronting Warrigal Road, Heatherton of the Parkview Estate to a Business 4 Zone.
- Introduce a 300square metre maximum combined leaseable floor area for ‘shop’ in the Schedule to the Mixed Use Zone for 3 Kingston Road, Heatherton.
- Amend the Commercial and Retail Land Use Framework Plan in Clause 21.06 of the Local Planning Policy Framework to show the Warrigal Road frontage of 3 Kingston Road, Heatherton as part of the Parkview Restricted Retail Precinct to be introduced through Amendment C75.
- Amend Clause 22.08 Parkview Industrial Estate Policy of the Local Planning Policy Framework by:
 - Extending the area within Map 1 to include 3 Kingston Rd, Heatherton.
 - Delete the Park Views Industrial Estate Concept Plan and the Park View Industrial Estate Schedule of Principle Plant Species as reference documents.
 - Amend dot point eight in Clause 22.08-4 to read “*Garden strips planted with native trees and ground covers and maintained to the satisfaction of the responsible authority.*”
 - Delete the last dot point in Clause 22.08-4 which required lots to have a minimum size of 2000 square metres and an average size of at least 8000 square metres.

A map showing the proposed rezoning is included at Attachment 2.

4.2 The Proposed Planning Permit Application

The planning permit application is for the eastern part of 3 Kingston Road, Heatherton for the construction and use of a two (2) storey residential hotel comprising of thirty (30) (two (2) and three (3) bedroom service apartments), a conference facility and associated car parking and to obtain access to a Road 1 Zone.

5. Policy Consideration

5.1 State Planning Policy Framework

The proposed amendment is considered to be consistent with the State Planning Policy Framework. In particular, the amendment gives effect to the following objectives:

- Clause 12.01 A more compact city by:
 - Encouraging uses and development that complements and responds to existing development patterns.
 - Proving development on the Principal Public Transport network. The site abuts the Principal Public Transport network on both Kingston Road and Warrigal Highway.
- Clause 12.02 Better management of metropolitan growth by containing urban development within the established growth boundary and protecting the adjoining green wedge.

5.2.1 Local Planning Policy Framework

The proposed amendment is considered to be consistent with the Local Planning Policy Framework. In particular, this amendment gives effect to the following objectives:

- Clause 21.06 Key issues which:
 - Identifies the need for emerging retail trends and shopping patterns, including growth of peripheral sales activity and 'big box' retailing activity.
 - Encourages the consolidation of bulky goods retail activity in selected locations on major roads.
 - Recognises the particular requirements of bulky goods retailing which requires a site with main road frontage, good exposure to passing trade, accessibility to a wide regional or subregional catchment, and ability to accommodate required onsite parking.
 - Discourages the location of bulky goods outlets in established industrial areas.

Amendment C75 to the Kingston Planning Scheme seeks to implement the key recommendations of the Retail and Commercial Development Strategy, July 2006. The amendment seeks to make a number of Changes to Clause 21.06 of the Local Planning Policy Framework. These changes include recognising the significant supply of restricted retailing in Kingston and the need to limit activity to existing restricted retailing precincts and designated activity centres. Amendment C75 has been heard before an Independent Panel and Council is awaiting the Panels report and recommendations.

6. Public Exhibition

Public notice of the proposed amendment and planning permit application is required to be given pursuant to Section 96C of the *Planning and Environment Act 1987*. Accordingly, this report recommends that Council seek authorisation from the Minister for Planning and if this is provided place the proposed amendment and planning permit application on public exhibition. It is envisaged that the amendment and planning permit application would be placed on public exhibition for a period of four (4) weeks once authorisation is received with the following consultation to be undertaken:

- Notices placed in the Government Gazette and local paper.
- Notices erected on site.
- Direct notification to nearby landowners and occupiers.
- Amendment documentation and permit application available at Council's Cheltenham office and website.

In the event that submissions regarding the proposal are received and cannot be resolved, the amendment and permit application will need to be considered by an independent planning panel appointed by the Minister.

7. Discussion

The rezoning of Business 3 Zoned land fronting Warrigal Road in the Parkview Industrial Estate to a Business 4 Zone acknowledges the restricted retail nature of development that has occurred and accords with the future directions of Clause 21.06 as proposed by Amendment C75. The rezoning of 3 Kingston Road, Heatherton from a Public Use Zone 1 to Business 4 Zone will continue and strengthen the restricted retail precinct along Warrigal Road. The rezoning of this land will allow the completion of the Parkview Industrial Estate. The amendment of Clause 21.06 and 22.08 of the Local Planning Policy Framework will recognise the restricted retail nature of Warrigal Rd and that Park View Industrial Estate is largely developed thereby making a number of standards, reference documents and landscaping requirements obsolete.

The rezoning of the remaining portion of 3 Kingston Road, Heatherton to a Mixed Use Zone will allow for residential development providing a transition from restricted development to the existing residential area. The inclusion of a floor limitation for shops in the Mixed Use Zone will permit small convenience shopping whilst preventing large scale commercial activities which are more appropriate in Kingston's activity centres.

8. Conclusion

The proposed amendment is considered to be consistent with the State and Local Planning Policy. The proposed amendment is believed to have a sufficient strategic basis to warrant a request to be made to the Minister for Planning to authorise

preparation of an amendment and exhibit the amendment and planning permit application if authorisation is granted.

Recommendation

1. That a request be made to the Minister for Planning to authorise the preparation of Amendment C76 to the Kingston Planning Scheme to rezone land 3 Kingston Road, Heatherton from a Public Use Zone 1 – Service and Utility to part Business 4 and part Mixed Use Zone to facilitate the redevelopment of the land and to rezone Business 3 Zoned land fronting Warrigal Road of the Parkview Industrial Estate to a Business 4 Zone and to amend Clause 22.08 and Clause 21.06 of the Kingston Planning Scheme.
2. That once authorisation is granted, Council as Planning Authority, prepare and place Amendment C76 and planning permit application KP264/08 on public exhibition pursuant to Section 96C of the *Planning and Environment Act 1987*.

(See Attachment)

K 31 Asset Management Policy and Strategy Update

Author: Brian McNamara, Senior Asset Management Analyst
Approved By: Warren Ashdown, Acting General Manager Environmental Sustainability

The purpose of this report is to present the draft Asset Management [AM] Policy and Asset Management [AM] Strategy for adoption by Council.

Background

These documents update the previous policy and strategy documents adopted by Council in 2003. They provide the overarching context and direction for the Asset Management of Council's diverse asset portfolio which has a total replacement value approaching \$1 Billion.

Amendments to the *Asset Management Policy* principally reflect changes to internal structure that acknowledge the formation of Asset Steering Groups to coordinate the development of Asset Management Plans and the Asset Management Coordination Committee to oversee the delivery of AM Strategy, AM Software and System deployment and operation.

Amendments to the *Asset Management Strategy* principally reflect the major AM challenges Kingston faces over the next 2-3 years. These include:

- Asset Management Plans – Schedule of development and review
- Asset Management Systems – Corporate software rollout in 2008/2009
- MAV Advanced STEP Program – Continued support and contribution
- Asset Management Resources – Supporting continued AM enhancement

These draft documents have recently been reviewed and endorsed by Council's Corporate Leadership Group and were presented to Council Information Session (CIS) on 4 March 2008.

Recommendation

That Council adopt the draft Asset Management Policy and Asset Management Strategy.

(See Attachments)

K 32 Climate Change – The Challenge for the Kingston Community

Author: Mark Juler, Manager Environment

Approved by: Warren Ashdown, A/General Manager Environmental Sustainability

1. Purpose

To report to Councillors on climate change challenges, the Council initiatives taken in response and likely future actions.

2. Background

Over the last decade there has been considerable global debate on the extent and impact of human activity on the composition of the global atmosphere. It is now widely acknowledged that climate change poses a threat to society and the need for a coordinated international response to minimise the impacts of climate change. This report provides a brief overview of recent reports on climate change and highlights opportunities for the Kingston community to make a positive contribution to reducing greenhouse gas emissions and address the impacts of climate change, including reduced potable (drinking) water availability.

Studies into climate change have progressed from research based solely on predicting the extent of climatic change to the development of a range of models and measures. These models are aimed at predicting the economic impact of climate change and actions such as the Kyoto Protocol that can be introduced to minimise the impacts of climate change on the global community. It is estimated that global temperatures by the year 2070 will increase by between 0.7°C and 5°C. A number of studies confirm climate change will result in reduced annual rainfall and increased storm surges.

There is now a clear consensus in the scientific community that change is inevitable, the level of change however will be dependant on the extent and timing of initiatives to reduce the production of greenhouse gases. Recent responses to the challenge of global warming and climate change include:

2.1 The Commission of the European Communities

In 2007, the Commission released a communication proposing that urgent action is required to limit climate change to manageable measures. The report recognises that developed countries are responsible for 75% of greenhouse gas emissions (GHG) and 51% of deforestation. The commission proposes measures to ensure that global temperature increases do not exceed pre industrial levels by 2°C. In order to achieve this target the commission proposes that by 2020 developed communities reduce greenhouse gas emissions by 30% of 1990 levels, with a 50% reduction by 2050. The report suggests that the 2020 target can be achieved through energy policies aimed at achieving a 20% improvement in efficiency, a 20% use of renewable energy and by capturing and storing carbon.

The United Nations Framework Convention on Climate Change at its 2006 meeting adopted an aspirational target of achieving temperature stabilization by limiting the level of carbon dioxide emissions, so that temperature rise through human activity is limited to 2°C by 2050.

2.2 The Stern Review on the Economics of Climate Change

Prepared in 2006 for the British Government, this report focuses on the effect of climate change and global warming on the world economy. The report concludes that unless an investment of one percent of gross domestic product (GDP) per annum of global GDP is directed to avoid the worst effects of climate change, there is a risk that global GDP might reduce by up to twenty percent in the future.

The report further suggests that climate change threatens to be the greatest and widest-ranging market failure ever seen and supports environmental taxes as a means to address the issue.

2.3 United Nations Intergovernmental Panel on Climate Change (IPCC)

The IPCC takes the debate on climate change to new level by addressing the likely impacts on the health of populations, by recognising that the potential impacts on housing, water and food supply will affect our wellbeing.

The report suggests that climate related events are already causing 150,000 deaths per annum and that this number will increase in the future due to mass population displacements and water contamination. The report further suggests that whilst developed communities, such as Australia, will be able to adapt to the change, phenomena like extended heat waves may have a detrimental impact on the health of the more elderly in our community.

2.4 The Griffith University Climate Response – Issues, Costs and Liabilities in Adapting to Climate Change in Australia

This report by Griffith University suggests that one of the key features of climate change is that extreme weather events such as extended periods of hot days, storms, heavy rain and king tides will become more common. In order to effectively respond the report highlights the need for coastal cities to plan for the impacts of storm surges and flooding and initiatives to protect Australia's unique biodiversity. It also promotes the importance of planning for the impacts of climate change on the health of our communities and the need to ensure sufficient funding is provided to enable a coordinated response to address the challenges associated with climate change.

2.5 Garnaut Climate Change Review – Interim Report

The Garnaut Climate Change Review was commissioned by Australia's State and Territory Governments on 30th April 2007. The review will examine the impacts of climate change on the Australian economy, and recommend medium to long term policies and policy framework to improve the prospects for sustainable prosperity.

An interim report has been prepared to provide insight into early findings from community discussions and to indicate the scope of work the program will undertake. The Interim Report sets out some initial considerations for the design of Australia's emissions trading scheme (ETS), due to come into effect in 2010. "Australia should be ready to go beyond its stated sixty per cent reduction target by 2050 in an effective global agreement that includes developing nations" said Professor Garnaut. The Report also supports the development of bilateral and regional agreements to accelerate domestic and international action. The reviews final report is due on 30th September 2008.

3. Kingston Profiles

3.1 Cities for Climate Protection program

In 2002, Council committed to completing the five milestones of the Cities for Climate Protection (CCP) program. This program is delivered by the International Council for Local Environment Initiatives (ICLEI) in collaboration with the Australian Greenhouse Office (AGO). As a participant, Council must complete the 5 milestones that aim to reduce greenhouse gas emissions from their own activities and the community. The 5 milestone program comprises of:

- Milestone 1. Establishing an inventory and forecast for key sources of greenhouse emissions.
- Milestone 2. Setting emission reduction goals.
- Milestone 3. Developing and adopting a local greenhouse action plan to achieve those reduction goals.
- Milestone 4. Implementing the local greenhouse action plan.
- Milestone 5. Completing a re-inventory, monitoring and reporting on greenhouse gas emissions and the implementation of actions.

3.1.1 Milestone 1. Establishing an inventory and forecast of greenhouse emissions

Using an online database developed and managed by ICLEI, Council completed an inventory of greenhouse gas emissions, measured in tonnes of carbon dioxide (CO²). The baseline data years were chosen based on the most recent and complete data sets available. The baseline data sets chosen by ICLEI were as follows:

- Corporate emission – based on the year 2000 energy consumption data
- Community emissions – based on the 1996 census

In total, the 1996 emissions for the Kingston municipality were 3,335,900 tonnes CO². These emissions can be broadly divided into two categories, those emissions attributed to Council activities and those emissions attributed to the community (eg. Industrial, residential).

In total, Council's year 2000 corporate emissions were 18,760 tonnes CO² which equates to 0.5% of total emissions for the Kingston municipality.

The majority of Council's emissions can be attributed to street lighting 50% (9,400 tonnes CO²). A further 42% (7,800 tonnes CO²) is associated with Council buildings, fleet 4% (790 tonnes CO²), waste 3% (520 tonnes CO²) and water/sewerage 1% (250 tonnes CO²).

In total, the 1996 community emissions of 3,317,200 tonnes CO² equates to 99.5% of total emissions for the Kingston municipal area.

The Kingston community emissions are dominated by industrial emissions 64% (2,146,000 tonnes CO²) reflecting the municipalities large industrial base. The remaining emissions are attributed to residential 14% (455,000 tonnes CO²), commercial 11% (366,000 tonnes CO²), transportation 10% (325,000 tonnes CO²) and waste 1% (25,200 tonnes CO²).

The inventory provided a valuable insight into the quantity of greenhouse gas emissions, and provided a base for setting the emission reductions goals.

3.1.2 Milestone 2. Setting emission reduction goals

In 2004, Council formally achieved Milestone 2 of the CCP program, to adopt greenhouse gas emission reduction goals to reduce emissions from corporate and community activities. The adopted reduction goals are:

- Corporate reduction goal – That Council reduce the year 2000 levels of greenhouse gas emissions by 20% (3,740 tonnes CO²) for Council's own corporate emissions, by the year 2010.
- Community reduction goal – That the community emissions be stabilised at the 1996 levels of greenhouse gas emissions, by the year 2010.

3.1.3 Milestone 3. Developing and adopting a local greenhouse action plan

In March 2006, Council formally adopted the Kingston Local Action Plan to Reduce Corporate and Community Greenhouse Gas Emissions (Attachment 1). The plan outlines a number of initiatives Council may undertake to assist in achieving the adopted reduction goals. To-date, a number of initiatives have been implemented to reduce greenhouse gas emissions, many of which are listed later in this document.

3.1.4 Milestone 4. Implementing the local greenhouse action plan

In September 2006, Council formally completed and achieved Milestone 4 of the CCP program. This involved Council implementing actions and measuring greenhouse gas abatement. Actions taken to achieve milestone 4 included:

- The purchase of low energy computer monitors
- The purchase of Green Power
- The increased use of 4-cylinder and LPG fleet vehicles
- Coordinating the Walking School Bus

3.1.5 Milestone 5. Completing a re-inventory, monitoring and reporting on greenhouse gas emissions

Council is currently working towards achieving Milestone 5 and was recently awarded a grant of \$5,000 from ICLEI to employ a temporary staff member to assist in completing this milestone. This work involves undertaking a re-inventory of emissions and actions taken to reduce emissions since the baseline data year. A temporary staff member has now been appointed and the inventory will be completed and Milestone 5 achieved by the end of the 2007/08 financial year.

3.2 Water Consumption in Kingston

In 2004, Council signed an agreement with Melbourne Water to produce a Sustainable Water Use Plan (Attachment 2). This Plan aims to assist Council to reduce potable water consumption and promote water conservation within Council operations and provide leadership to the community.

Council worked in partnership with South East Water to undertake an inventory of water consumption within Council facilities, establish a water reduction goal and prepare and adopt a Sustainable Water Use Plan.

Upon recommendation by South East Water the year 2000-01 was chosen as the baseline year for water consumption, as this was the most complete data set and considered the most reliable at the time.

The baseline data showed 2000-01 Council water consumption of 377,392,000L to be broadly split into four categories; Parks and Reserves 64% (238,368,000L), buildings 23% (88,516,000L), Leisure Facilities 10% (37,720,000L) and Landscaping 3% (12,788,000L).

South East Water is currently developing a new reporting system to provide water consumption and costs data for its customers. The 'Webi' reports, intend to be provided to councils each quarter, will be especially useful to Councils who rely on regular corporate and community wide data for their reporting needs.

In 2006, Council formally adopted the Kingston Sustainable Water Use Plan. The plan identifies two reduction goals to assist Council in reducing potable water consumption.

- Short-term goal – to reduce potable water consumption by 30% (113,218,000L) by the year 2010.
- Long-term goal - to reduce potable water consumption by 40% (150,957,000L) by the year 2020. (This includes the 30% reduction by the year 2010).

The Plan outlines a number of initiatives Council may undertake to assist in achieving the adopted reduction goals. To-date, a number of initiatives have been implemented to reduce potable water consumption, many of which are listed later in this document. Despite these water saving initiatives, at last analysis Council's potable water consumption had reduced by 3% when comparing 2004/05 data with the 2000-01 baseline data. The major reason for this is reduced rainfall levels and increased temperatures, which resulted in an increased need to irrigate Council's playing fields. With the assistance of Planet Footprint, the Environment and Planning team will be able to more thoroughly monitor water savings. A follow up analysis of water savings will be conducted later this year.

3.3 Benchmarking our Performance

The Environment and Planning Unit recently subscribed to Planet Footprint. This company have been engaged to capture and monitor water and energy consumption data for Council operations. This will include monitoring electricity, streetlights, gas and water costs and consumption, benchmarking against other Australian council's and reporting quarterly.

4. Challenges for the City of Kingston

The City of Kingston can play an important role in responding to climate change by ensuring that its local community gains a greater understanding of the challenges associated with global warming and by promoting and modeling local initiatives to reduce the generation of greenhouse gas emissions. An effective response to the global challenge of climate change requires the commitment and collaboration of national and international governments. For example, reducing carbon emissions from transport and energy.

The likely challenges for the Kingston community arising from climate change include:

- Erosion and structural damage associated with storm surges
- Increased flooding through increased storm events
- Coping with reduced rainfall
- Economic impacts on our community
- Health impacts on our community

5. City of Kingston Responses

5.1 Community leadership

The City of Kingston is providing leadership to the Kingston community through:

- Lifting the community's level of awareness and encouraging reductions in emissions and water consumption.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- Regularly report achievements against adopted reduction goals to the local community eg. Through ‘Kingston Your City’ and press releases.
- Promoting measures to assist the community in reducing energy and water consumption eg. Through the environment column in ‘Kingston Your City’.
- Engaging Planet Footprint (an independent company) to capture and monitor Council’s energy consumption data and report this back to the community.
- Setting a positive example by reducing greenhouse gas emissions and water consumption associated with Council activities.
- Progressing through milestones of the CCP program.
- Developing initiatives to respond at a local level. Eg. Participating in the Energy Efficient Light Globe Program.
- In collaboration with Government agencies advocating for and supporting the revision of standards to reflect likely climate changes and introduce protection measures to mitigate the risks associated with increased rainfall intensity and storm surges.
- In collaboration with Government agencies advocating for the development of residential planning controls for the energy performance of all new residential buildings.
- Encouraging and providing support for the provision of information on and research into better understand the impacts of climate change on Kingston.

5.2 What can the City of Kingston do to reduce corporate greenhouse gas emissions?

Over a number of years Council has been proactively involved in initiatives to reduce its impact on the environment. Actions taken to reduce greenhouse gas emissions include:

- Developed and adopted a greenhouse gas reduction strategy
- Purchasing only energy efficient computers
- Purchasing 10% Green Power for street lighting and 5% Green Power for building electricity
- Retrofitted the Mentone office with energy efficient lighting
- Installed gas boosted solar power hot water service at Clarinda Community Centre
- Installed a pool blanket at Waves Leisure Centre
- Joined Greenfleet to offset Council vehicle fleet emissions
- Introduced more fuel efficient vehicles into Council’s fleet. Eg. Small four cylinder cars (Ford Focus)
- Implementing the Walking School Bus at six local primary schools
- Providing energy reduction, greenhouse gas emission and climate change information at Council festivals
- Held community Climate Change forums
- Advocating for energy efficient public lighting as part of the Metropolitan South East Group
- Participating in the Energy Efficient Light Globe Program implemented by Low Energy Supplies and Services (LESS). This program aims to replace

households light globes with more energy efficient light globes at no cost to the household.

Council was successful in receiving funding to participate in the Energise Business Program delivered through ICLEI. The program, targeted at small to medium industrial businesses, will assist in identifying possible energy efficiencies within the business and guarantees quantifiable and ongoing greenhouse gas reductions.

Actions that are ongoing in order for Council to meet its future reduction targets, include:

- Continuing to improve energy efficiency of Council buildings. For example, undertaking energy audits and implementing recommendations
- Continuing to investigate and progress energy efficient street lighting. For example, the T5 light fitting
- Continuing discussions to establish a Greenhouse Alliance
- Continuing to participate in the Cities for Climate Protection program (refer above for further information)
- Continuing to improve the efficiency of Council's vehicle fleet. For example. Continue to replace six cylinder vehicles with four cylinder vehicles.
- Continuing investment in capital works projects that reduce energy consumption. For example, upgrade to energy efficient lighting in buildings, including timers and sensors.
- Continuing to purchase Green Power.

The Victorian Local Sustainability Accord, launched in 2005, is a partnership agreement between the Victorian State Government and local governments on environmental sustainability. The Accord aims to increase the effectiveness of state and local environmental sustainability programs and foster more consistent development of environmental policies and legislation.

The Victorian Local Sustainability Accord Advisory committee has identified public lighting as one of its key strategic priorities. To-date, Accord funding has been provided to the Northern Alliance for greenhouse Action (NAGA) for two projects: a 2006-09 Public Lighting Action Plan for its member councils; and preparation of a state-wide business case for public street lighting upgrade.

At the last Advisory Committee meeting, NAGA presented a 'roadmap' for action on public lighting. This report identified a range of issues and recommended that a high level partnership be established amongst key public lighting stakeholders to drive the process. The Advisory Committee considers this an appropriate vehicle to drive the actions required to enable the roll-out of sustainable public lighting and is discussing this option with the Victorian Government.

5.3 What can the City of Kingston do to Address and Adapt to the Impacts of Climate Change?

One of the greatest challenges for Council will be the revision and adoption of engineering standards and planning controls to minimise the impacts of storm surges and flooding associated with climate change.

Over the last 50 years engineering standards for drainage design have been progressively developed, all new projects are designed to provide protection for major storm events. The standards in use are based on a thorough analysis of historic trends.

In order to protect our communities from the impacts of climate change, design standards will need to be revised. In a large community such as Melbourne, where responsibility for drainage is shared by a State Agency, Melbourne Water and multiple Municipal Authorities, it is important that revisions to design standards are conducted in a coordinated manner. There are mechanisms in the Kingston Planning Scheme that will enable Council to regulate development in areas that are likely to be subjected to inundation; however, it is not possible to implement these measures without a justification based on a rigorous engineering analysis of the likely risk of inundation.

The topography of Kingston includes a number of low lying areas located behind the primary dune systems that are at risk of flooding following extreme rainfall events. Council has in the past introduced planning controls to minimise the risk of flooding and has conducted a detailed drainage analysis of catchments to identify projects to further mitigate this risk.

The major risks associated with climate change to the Kingston community may not be flooding resulting from extreme rainfall events but flooding and damage associated with storm surges. Should this be the case major engineering works may be required to mitigate damage.

In order to gauge the benefits or need to introduce revised engineering design methodologies, planning controls or protection works it is imperative that the Melbourne community adopts revised design standards based on storm events that we are likely to experience within the next 100 years. As detailed above this is not a task that Council should pursue in isolation, Council will need to work collaboratively with other agencies to revise engineering standards. The revision of standards is currently on hold, awaiting the outcome of The Department of Sustainability and Environment mapping of Port Phillip Bay climate change sea level impacts. This study is the first step in determining any new mechanisms required to be incorporated into the design standards.

5.4 What can the City of Kingston do to Reduce Water Consumption?

Over a number of years Council has been proactively involved in initiatives to reduce its potable water consumption. Actions taken to-date include:

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- Planting drought tolerant species where possible. Eg. Plant beds and roundabouts
- Investigating and trialing projects with alternative sources of water. Eg. Rain water and bore water
- Installing new water efficient filtration system on the wave pool at Waves Leisure Centre. This project is to be extended to the formal pool in 2008 with funding assistance from the Australian Community Water Grants
- Upgraded to water efficient showerheads and dual flush toilets in all Council sports pavilions and leisure centres
- Installed 4 X 45,000 litre water tanks at Waves Leisure Centre to capture and use rainwater for toilet flushing
- Upgraded to dual flush toilets and installed a water tank at Northcliffe Lodge
- Participating in the community showerhead exchange program
- Actively involved in aquifer storage working group, investigating the use of aquifers as stormwater storage for re-use.

Actions that Council can consider in order to meet its future reduction targets, include:

- Investigating alternative sources of water to irrigate sports ovals, including recycled water and rainwater water. It should be noted that the availability of state government grants for water saving initiatives may be limited, as they have advised \$3 billion in the available budget is to be committed to the desalination plant. No additional funding is likely to be available before 2011.
- Continuing to improve the water efficiency of Council buildings (eg. by retrofitting with water efficient toilets, showerheads, urinals)
- Continuing to strategically install rainwater tanks for toilet flushing, street tree watering and oval irrigation.

Council was recently notified its two applications for funding under the Australian Community Water Grants have been successful. These projects include: capture and storage of rainwater for toilet flushing at Aspendale Gardens Community Centre and upgrade to a water efficient filtration system at Waves Leisure Centre. It is anticipated these projects will be complete by December 2008.

In order to deliver existing services Council may need to continue and increase programs of retrofitting infrastructure with water efficient devices and recycling & reusing water. This water can be used as a substitute for potable water for toilet flushing and open space irrigation. Attachment 3 provides more details on Council's completed and ongoing environment initiatives.

Recommendation

1. That Council note this report and endorse actions taken;
2. That this report be placed on Council's website and promoted in KYC.

Attachment 1 - Kingston Local Action Plan to Reduce Corporate and Community Greenhouse Gas Emissions

Attachment 2 - Kingston Sustainable Water Use Plan

Attachment 3 - Completed and Ongoing Environmental Initiatives

A copy of these attachments can be viewed on the table on the left hand side of the Hall

K 33 ECO-Buy Purchasing Policy

Author: John Kelly, Team Leader Maintenance Contracts

Approved By: Warren Ashdown, Acting General Manager Environmental Sustainability

1. Purpose

To seek approval under the ECO-Buy Program for a Green Purchasing Policy

2. Background

Council's Corporate Plan 2007-12 Planned Outcome No 2 states - *A Sustainable environment that enhances the appeal and quality of life in Kingston.* Under this Outcome one of the key strategies is to promote environmentally sustainable practices, which include the following priorities:

- Implement an "Eco-buy" program to further reduce Council's greenhouse gas emissions.

3. Eco-Buy Program

a) Background Information

In December 2001, the City of Kingston signed a Memorandum of Understanding (MoU) with ECO-Buy (then the Local Government Buy Recycled Alliance) committing to the implementation of a Buy Recycled purchasing program. This program has since developed into a green purchasing program, expanding the environmental benefits of the program. The ECO-Buy program was a joint initiative of the Municipal Association of Victoria, EcoRecycle Victoria and the Victorian Greenhouse Strategy. This Memorandum of Understanding was resigned in March 2006.

b) ECO-Buy Evolution

ECO-Buy has become an independent not-for-profit company. As part of ECO-Buy's positioning for long term-term success, from July 2008 ECO-Buy proposes to charge membership fees for Councils, the charge for a metropolitan council will be \$1,250 per annum.

c) Background of ECO-Buy Program

ECO-Buy began in 2000 helping local government in Victoria to increase their purchasing of products with recycled content. In 2002 the organisation expanded to include a comprehensive range of green products. As part of the Melbourne 2006 Commonwealth Games Environment program, ECO-Buy expanded again and the Eco-Business program was born.

ECO-Buy is now an independent organisation and with Victorian State Government support has established itself as a Centre for Environmental Purchasing.

- d) Status of ECO-Buy at Kingston
A green purchasing policy was developed and presented at CLG some time ago, however at that time there were concerns expressed in regards to the policy. A working party was developed with representation from the following departments:

- Maintenance Contracts,
- Roads and Drains,
- Libraries,
- Parks & Urban Design,
- Information Systems,
- Library and Customer Service,
- Environment Planning,
- Information Technology

The working group has amended this policy and a copy is attached.

- e) The key objective of the policy is that it provides a purchasing framework that will advance sustainable use of resources and reduce negative impacts on the environment and human health.

The policy aims to establish a green purchasing culture in Council's work environment. To do this Council will:

- Maintain a Working Group to develop an action plan for implementation of this policy;
- Establish a staff education program to raise awareness about this policy;
- Ensure that all staff have access to information on environmentally preferred products,
- Establish a system to track and report on outcomes of this policy

4. Triple Bottom Line Checklist

Economical

Buying green can have significant economic advantages:

- Reducing costs for operating office equipment,
- Lowering costs for some products,
- Saving money through re-using materials and products,
- Helping to 'close the loop' to make recycling viable,
- Expanding the market for green and recycled products, as well as for products with reduced packaging,
- Increasing the availability of green and recycled products at cost-effective prices,
- Improving the level of information available to Council staff about the content and performance of products, facilitating more informed purchasing decisions.

Social

Buying green improves working conditions:

- Less exposure to toxic materials and emissions, through use of more benign products for cleaning, pest control, building and fleet maintenance,
- More comfortable energy efficient working environments.
- Buying green improves Councils image:
- Councils that are buying green provide leadership to their community in social and environmental responsibility,
- Buying green sets an example for others to follow. The local community will welcome it and it will help create a positive corporate reputation for the City of Kingston.

Environmental

Buying green has many environmental benefits:

- Reducing waste to landfills through purchasing recycled content products and products that create less waste,
- Reducing the amount of resources used and the environmental effects of obtaining those resources, through use of durable or lightweight products, products made from less energy-intensive materials and recycled content products,
- Increasing energy efficiency,
- Saving water,
- Eliminating or reducing toxic materials entering the environment,
- Decreasing air and water pollution,
- Cutting greenhouse gas emissions,
- Preserving native habitat for flora and fauna.

5. Conclusion

The approval of the ECO-Buy policy will enable Council to fully implement the ECO Buy Program.

Both the ECO-Buy program and the Waste Wise certification process compliment each other and therefore both these programs can be integrated within Council's broader operations.

Recommendation

That Council endorse adoption of the 2008 ECO-Buy policy.

Attachment ECO-Buy Policy

K 34 Waste Wise Report

Author: John Kelly, Team Leader Maintenance Contracts

Approved By: Warren Ashdown, A/General Manager Environmental Sustainability

1. Purpose

To endorse Kingston's expression of interest in becoming a "Waste Wise" Council.

2. Background

Council's Corporate Plan 2007-12 Planned Outcome No 2 states - *A Sustainable environment that enhances the appeal and quality of life in Kingston.* Under this Outcome one of the key strategies is to promote environmentally sustainable practices, which include the following priorities:

- Minimise waste to landfill through waste education on recycling,

3. Waste Wise Program

Waste Wise certification acknowledges Council's commitment to a sustainable future and identifies that Council is an environmental leader. Waste Wise supports the State Governments Sustainability in Action - Towards Zero Waste Strategy.

Waste Wise is a simple step-by-step program to:

- Generate less waste going to landfill,
- Use resources more efficiently,
- Reduce litter,
- Increase staff awareness by bringing sustainability into everyday practice,
- Influence the community to be waste wise

By accepting assistance from the MWMG, Council is committing to become Waste Wise by 30th June 2008.

Expected outcomes as a result of Council becoming Waste Wise include:

- Council Waste Assessment, Action Planning, Green team participation,
- Regular monitoring and reporting established,
- Identified and actual savings in improved resources efficiencies.

4. Triple Bottom Line Checklist

Economical

Council becoming Waste Wise will be completed at a minimum cost:

Social

Council becoming Waste Wise will improve:

- Councils image
- Provide leadership to the community in social and environmental responsibility,

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- The local community will welcome it and it will help create a positive corporate reputation for the City of Kingston.

Environmental

Council becoming Waste Wise will improve:

- Reducing waste to landfill through improved recycling,
- Cutting greenhouse gas emissions,

5. Conclusion

By Council seeking a commitment to becoming “Waste Wise”, this initiative will allow Council to become a Waste Wise Council. Renewal of certification takes place every two years. This process will enable Council to report on achievements. To meet requested timelines, Kingston has nominated its interest and endorsement of this action is sought.

Both the Waste Wise and the ECO-Buy program certification process compliment each other and therefore both these programs can be integrated within Council’s broader operations.

Recommendation

That Council endorse the City of Kingston becoming a “Waste Wise” Council.

K 35 Waste Education Programs

Author: John Kelly, Team Leader Maintenance Contracts
Approved By: Warren Ashdown, Acting General Manager Environmental Sustainability

1. Purpose

To provide a report on the completed waste education programs for 2007 and endorse the waste education annual plan for 2008

2. Background

Council's Corporate Plan 2007-12 Planned Outcome No 2 states - *A Sustainable environment that enhances the appeal and quality of life in Kingston.* Under this Outcome one of the key strategies is to promote environmentally sustainable practices, which include the following priorities:

- Minimise waste to landfill through waste education on recycling,
- Follow up with schools for further waste education with young people

3. Waste Education - Annual Summary of Completed Activities in 2007

Overall 2007 was a very successful year where there was considerable activity the highlights include:

- a) Schools Gap Analysis Program designed and implemented.
This process was set to review the level of engagement with schools and to specifically target schools who had not been engaged in Council Waste Education in the past 7 years.
- b) Ten articles published in *Kingston Your City*.
Media releases promoted Councils support for waste reduction initiatives in the community; highlighted the positive outcomes from projects delivered; and encouraged community members to engage in waste minimisation and waste management initiatives.
- c) Community Education Program.
A range of waste education initiatives were completed to the community during 2007, including workshops and tours. As in previous years, the focus of the community education program was to promote waste minimisation initiatives to local organisations and members of the community. The education program aimed to improve recycling practices and reduce the amount of waste to being sent to landfill by organisations and households.
- d) School Education Program.
In 2007, 50 waste education sessions were conducted in 10 schools within the City of Kingston. The most commonly requested session was worm farming and composting.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

In addition to school education sessions, three waste audits were conducted in schools. The results from audits were summarised in written reports and

submitted to the respective schools. The audit reports will assist schools in their waste management planning.

e) Municipal kerbside waste stream audit.

An audit of domestic garbage and recycle bins was undertaken in November 2007. The aim of this audit was to identify the composition of garbage and recycling streams, thus identify contamination in recycling, loss of resources in the waste stream and potential of further waste education opportunities. This report is due to be made available on Council's web page. Key findings of audit included:

- Level of contamination in the recycling bin 6% (this is reasonable result),
- Only 15% of recyclable (bottles/cans/paper) type material in the garbage bin (this is an a very acceptable percentage),
- 48 % of organic material made of mainly kitchen waste in the garbage bin.

f) Website Update.

The August – September 2007 Waste Education Program quarterly report was published on the Council's website. This was the first time an education program report had been available for viewing on Council's website and subsequent reports are proposed to be made available on the website.

g) Bin Inspection Program.

The bin inspection program continued during 2007 in an effort to reduce contamination in kerbside recycling and garden waste.

A review was undertaken by EnviroCom of the bin inspection program from April to June 2007 with the aim of increasing the effectiveness of the program and improving the methodologies. Following the review, a new warning and rejection system was introduced and was supported by the design and printing of new bin inspection stickers.

A total of 16,056 bins including recycling and green waste were inspected from January to December 2007. The bin inspections are effective in identifying households contaminating their bins and providing targeted education through the issuing of informative and pictorial warning and rejection stickers. The most common contaminant in both recycling and green waste was plastic bags.

4. Waste Education Annual Plan for 2008

Waste education will continue on a similar basis for 2008 as per *attached document* in the 2008 Annual Plan

5. Bin Inspections

Bin inspection were introduced after the implementation of the current 3 –bin system as a way of identifying householders who were poor recyclers and therefore allowed Council to target these householders for further education.

The contracts for recycling also have penalty clauses where if contamination exceed certain rates then Council maybe liable to pay penalties for these higher contamination rates. Since the introduction of the current waste collection system, Council has not paid any additional fees for high contamination rates.

6. Current Bin Inspection Process

Under the current bin inspection process both recycling and green waste bins are inspected for contamination, where 3 or more contaminants are found in the bin then a sticker is placed on the bin for non-collection. The resident is required to ring Council to arrange a collection for emptying as garbage on the next garbage collection day. Last year in 2007 from the 16,056 completed bin inspections there were 1,297 bins rejected this represented an overall rejection rate of 8.1%. The current practice of inspections and rejections has been operating since 2000 which is about the time, the current waste collection 3-bin system was introduced.

7. Contamination in the Recycling Bin

As a result of the domestic recycling waste audit, conducted in November 2007, where overall the contamination rate was 6%, the major contaminants in the recycling stream were recyclables in plastic bags (24.8%) and bagged garbage (17.8%)

Once recyclables are taken to the Material Recovery Facility (MRF) to be sorted, plastic bags cannot be opened due to Occupational Health and Safety (OHS) risks. This means that potentially recyclable materials are sent to landfill, upsetting household recycling efforts and prolonging the sorting of materials at the recycling facility

Melbourne recycling facilities are not able to recycle plastic bags (and wrappings) due to the nature of the material as it gets wrapped around the rollers and other sorting equipment therefore as a result these materials are sent to landfill.

8. Triple Bottom Line Checklist

Economical

Waste education:

- Reduces Council exposure to higher penalty payments for contamination,
- Increases recycling rates,
- Reduces waste to landfill ,

Social

Waste education:

- Improves communities' recycling practices,

Environmental

Waste education:

- Reducing waste to landfills through improved recycled practices,
- Increasing energy efficiency,
- Saving water,
- Eliminating or reducing toxic materials entering the environment,
- Decreasing air and water pollution,
- Cutting greenhouse gas emissions,
- Preserving native habitat for flora and fauna.

9. Conclusion

The current waste education programs, which includes promotion to community and school activities are achieving Council's goal of reducing waste to landfill. The program has been successful and similar achievements are expected in 2008.

Recommendation

That the 2007 Annual Report on Waste Education Activities be noted, and the 2008 Waste Education Plan be approved.

See Attachment

Waste Education Plan for 2008

9. Community Sustainability Reports

K 36 Heatherton Recreation Reserve Draft Master Plan

Author: Hannah Croughan - Leisure Planner

Approved By: Trevor McCullough – General Manager Community Sustainability

1. Purpose of Report

The purpose of this report is to seek formal Council adoption of the Heatherton Recreation Reserve Master Plan.

2. Background

The Heatherton Recreation Reserve Trust was formed in 1923 to manage the Heatherton Recreation Reserve on behalf of the local Heatherton & Dingley communities. The Trust approached Council in 2002 with the proposal to transfer ownership of the Reserve back to Council due to the increased costs of maintaining the site. Council agreed to the proposal and after a lengthy process, Council now has effective ownership of the Reserve and the associated infrastructure. In anticipation of the transfer of land, Council undertook a range of safety/risk management projects but prior to completing any major physical regeneration of the site, a master plan has been prepared.

The master plan has considered a range of factors including current user's requirements; the needs and interests of future/potential users; the Heatherton community's passive leisure/recreational needs; the issue of single purpose, ageing infrastructure; the location and orientation of infrastructure and facilities within the Reserve; the way in which the Reserve links to neighbouring residential areas and access routes; and future management of the Reserve including tenancy arrangements.

Preparation of the draft Master Plan has been undertaken in close partnership with the Heatherton Recreation Reserve Master Plan Advisory Group and has included a thorough review of the local area demographics/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 project meetings and workshops with Council staff.

Council resolved at its October 2007 meeting to place the draft Heatherton Recreation Reserve Master Plan on public display and invite public comment via submissions.

At the close of the public comments period on 31 January 2008, Council had received two public submissions. A list of submissions, comments and responses is attached for Councillor information.

3. Issues

One of the submissions received during the public comment period expressed agreement with the draft master plan whilst the second submission related to issues of traffic management along Ross Street and Old Dandenong Road including a request to impose a load limit along Ross Street.

Whilst the second submission was outside the scope of the master plan project, Council has recently applied for and successfully obtained a load limit for Ross Street. This has been noted within the master plan and it is proposed that the submitter be advised of this.

The draft Heatherton Recreation Reserve Master Plan identifies a range of high, medium and low priorities for the Reserve that should be further investigated and implemented.

Significantly it was found that access to and within the Reserve should be addressed as a priority and that responsibilities for management and maintenance of the Reserve be clarified via appropriate tenancy arrangements. It was also identified that car parking and sustainable water use options were high priority actions to consider.

4. Options

1. Formally adopt the Heatherton Recreation Reserve Master Plan
2. Do not formally adopt the Heatherton Recreation Reserve Master Plan

5. Triple Bottom Line Checklist

5.1 Budget/Financial impact

Following formal adoption of the Master Plan by Council, funding for the implementation will need to be made available through Council's budget process. The proposed implementation plan details the funds required to undertake all of the master plan recommendations. The estimated cost of the recommended infrastructure improvements to the reserve is \$1,112,000. This includes a cost estimate of \$500,000 for pavilion construction and \$250,000 for a proposed bore and pumping system. More detailed costings for the pavilion works will be determined through future development of concept designs in 2007/2008.

5.2 Social impact

Engaging the local community in planning for future Council investment in community sporting, recreational and open space assets in the Reserve has a positive social impact.

5.3 Environmental impact

Implementation of the master plan recommendations will have a positive environmental effect through amenity, landscaping improvements and proposed water re-use project.

6. Summary and Conclusion

The Heatherton Recreation Reserve Master Plan has been developed in consultation with the general community and the various user groups that are based at the reserve.

During the public comment period only two submissions were received – both have been considered and responded to.

The master plan recommendations will need to be progressively funded and implemented over the next 4-7 years.

Recommendation

1. That Council note the public submissions received and the response from officers.
2. That Council formally adopt the Heatherton Recreation Reserve Master Plan
3. Council note the proposed implementation plan costings and request officers make submissions through the annual capital works budget process and other relevant external funding sources.

(See Attachments)

A copy of these attachments can be viewed on the table on the left hand side of the Hall

K 37 Patterson Lakes Community Centre and Library

Author: Trevor McCullough, General Manager Community Sustainability

1. Purpose

The purpose of this report is to update Council on recent funding grants from the State Government for the Patterson Lakes Community Centre and Library Redevelopment Project and seek approval to the Project's inclusion in Council's Capital Works Program.

2. Background

Following submissions from the Patterson Lakes Community Centre Committee and the neighbouring community, Council allocated capital funding toward the redevelopment of the Patterson Lakes Community Centre in the 2006/07, 2007/08 and 2008/09 financial year's capital works budget. The scope of the alterations and additions include the following:

- An occasional childcare and multi-purpose room;
- Additional meeting rooms;
- New office and reception area;
- Computer training room;
- Upgrade of the existing facility; and
- A community library.

Concept development commenced in the 2006/07 financial year and Prior Cheney Architects were engaged to assist in the process. The design concept has been further developed during 2007/08 and funding submissions were made to the State Government Community Support Fund and the Living Libraries Fund. In January 2008 the Minister for Planning and Community Development announced that Council has been successful in obtaining the following grants:

- Community Support Fund Grant \$416,150
- Living Libraries Grant \$500,000

Council officers and the Architect have also worked with the Community Centre and other representatives on a steering group to further develop the design and a Quantity Surveyor has been engaged to give a more detailed cost estimate.

Prior Cheney Architects are continuing with the detailed design development of specifications and tender documentation with a view to calling expressions of interests towards the end of March or early April 2008.

A community library has been incorporated in the design and an area of 260 sq m has been allocated.

3. Financial Summary

The revised Quantity Surveyors estimate for the project as at March 2008 is for a **total cost of \$3,090,000** inclusive of escalation and construction contingency amounts and all consultant fees and library set up costs. Note that this costing excludes the cost of library book stock as this would be funded from recurrent funding and reallocation of existing stock.

The following funding sources are available for the project:

Council capital budget 2006/07	\$60,000
Council capital budget 2007/08	\$170,000
Council capital budget 2008/09	\$900,000
Sub Total from Council rates budget	\$1,130,000
State Government Grants	\$916,150
Income from land sales (estimated)	\$930,000
Estimated developer contribution	\$150,000
Total funds available	\$3,126,150

Notes:

A. Land sales – a number of properties in the Patterson Lakes/Carrum area have been identified as surplus to Council's requirements. Separate reports will be submitted to Council regarding these land sales and any sales would be subject to statutory processes. The estimate of land sales income is, however, considered conservative and realisable by the end of the 2008/09 financial year.

B. Developer contribution – a contribution to the community centre redevelopment is anticipated from the developer of the site on the corner of Thomson Road and Gladesville Boulevard. Any developer contribution is still subject to negotiation and finalisation of the rezoning process for the site, however \$150,000 is regarded as a conservative estimate of the contribution expected.

Based on the current more detailed estimates of expenditure and conservative estimates of funding for the project, at this stage there is a net estimated \$89,150 surplus.

4. Project Timelines

Progress on the project has been steady and consultation on the design is nearing completion. Specifications and tender documentation will be prepared over the coming months with a view to advertising for tenders in early April 2008. It is anticipated that building works will commence in June or July 2008, depending on the availability of the successful builder, and works would be expected to be complete in April 2009.

5. Summary and Conclusion

The financial summary set out above concludes that, based on the best available current estimates, sufficient funding is available to Council to proceed with the project.

Whilst the land sales and the developer contribution will need to continue to be pursued, the advice of officers is that there is a high level of confidence in achieving the funding contributions as set out above.

On this basis it is proposed that Council now formally commits to proceeding with the Patterson Lakes Community Centre Redevelopment project and allocates funding from the 2008/09 capital works budget to allow the project to be completed.

If Council approves the project to proceed, it is proposed to finalise tender specification and documentation and commence the tender process as soon as possible. Given the size of the project a further report will be submitted to Council to approve the preferred contractor.

Recommendation

That Council approve the Patterson Lakes Community Centre and Library redevelopment project to proceed and for the balance of the budget allocation of \$2,860,000 (to be confirmed once final tender prices are received) to be included in the 2008/09 capital works budget to enable the completion of the project, with funds to be drawn from the sources detailed in this report.

10 Organisational Development and Governance Reports

K 38 Village Committee Meetings During Election Caretaker Period

Author: Peter Frost-Governance Co-ordinator

Approved by: Elaine Sowerby-General Manager Organisational Development and Governance

1. Purpose

To propose that Village Committees go into recess prior to and immediately following the forthcoming Council elections.

2. Background

Local Government elections will be held on 29 November, 2008. In non-election years, Village Committees normally meet from February to December each year. However, in the last election year, 2005, no Village Committee meetings were held in October or November 2005 (the caretaker period), and Village Committee meetings resumed in December following the election.

It is proposed that this be repeated for the 2008 elections but with Village Committees re-commencing in February 2009 and not December 2008.

3. Caretaker Provisions of Local Government Act

Suspending Village Committee meetings during the caretaker period in 2005 was implemented having regard to the spirit of state legislation and Council policy which aim to promote a fair election environment for all candidates during the “caretaker” period immediately prior to the elections.

The relevant “caretaker period” provisions of the Local Government Act are:

- a) Section 93A of the Act, which prohibits the taking of major policy decisions by Council during the caretaker period;
- b) Section 55D of the Act, which prohibits the printing, publication, or distribution of election matter during the caretaker period unless it only contains information about the election process.

In 2005, Local Government Victoria issued guidelines on steps Councils should take to adhere to these provisions, primarily in relation to reviewing the content of Council websites, publications and pamphlets so as to comply with part b). In response to these guidelines, Kingston proceeded to adopt its Policy 4.24 (Election Period Caretaker Procedures), which sets out a variety of measures to be taken during the caretaker period to ensure a fair election environment.

It was in the context of the policy’s aim to ensure a fair election environment that the decision to suspend Village Committee meetings during the caretaker period was taken, as it was identified that holding Village Committee meetings during that period could create risks to a fair election.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Council's Village Committee Policy (4.17) does provide that Village Committee meetings be held as usual prior to Council elections (except during the month of the election), and that it is the responsibility of the Chairperson to ensure the meeting is not used for electioneering (clause 3.2). However, this clause reflects practice prior to the 2003 elections (before the state government's caretaker provisions were introduced), and does not reflect actual practice adopted in 2005.

4. Issues

Village Committees are important and useful advisory committees of Council and it is acknowledged that Village Committee members may have concerns about such a long period of meeting recess during the election year. However there are a number of sound reasons as to why, firstly, Village Committees should not meet during the caretaker period, and secondly why the meetings should not take place in December 2008.

a) Holding of Village Committee Meetings During Caretaker Period

From a good governance point of view, it is appropriate that Village Committee meetings not be held during the Caretaker Period prior to the election (commencing 3 October 2008), to ensure that the meetings are not inappropriately used as a forum for election related purposes.

Some might argue that, providing Councillors do not attend Village Committee meetings, this risk will not exist, but in fact it is not necessary for a Councillor to be present at a Village Committee meeting for this risk to occur.

For example, issues subject to debate during the election campaign might be raised at a Village Committee meeting by a Village Committee member sympathetic to a particular incumbent Councillor candidate who might benefit from promotion of the issue (discussions at Village Committee meetings are sometimes reported on in local newspapers, and media interest in proceedings at Village Committee meetings could be expected to increase if they were taking place during the caretaker period).

The same would also be true for other election candidates (who are not current Councillors) who could benefit from such issue promotion.

In addition, past elections would suggest that it is also likely that some Village Committee members will themselves be candidates at the election. Such a member/candidate may benefit from the opportunity to express their views at public Village Committee meetings, an opportunity that is not available to other election candidates.

b) Holding of Village Committee Meetings in December 2008

It is possible to argue that once the election is over at the end of November 2008, there is little reason why Village Committee meetings could not recommence in December 2008.

However based on past experience, this would mean that Council senior officers would find it extremely difficult to give Village Committee meetings the required amount of focus at this time. The resumption of Village Committee meetings in December 2005 resulted in logistical difficulties in trying to balance the needs of the newly elected Council with those of the Village Committee meetings. For example in 2005, senior staff, who would normally service Village Committee meetings, were required after the election to brief the newly elected Councillors and attend a large number of new-Council related induction activities.

This difficulty will be repeated in 2008 where there are a large number of planned post-election events in which the newly elected Councillors and senior staff (who would normally service Village Committee meetings) will need to participate. However the difficulty is also exacerbated by the existence of a particularly short period of time in which to hold these events, caused in part by the real possibility of a later declaration of the election result than has previously been the case in prior elections. The proposed timetable for these events, which Councillors have already discussed and agreed in October 2007, include:

- The Statutory meeting (to elect the Mayor and elect Councillors to Committees);
- Presentations on each Council Division by the applicable General Manager;
- Briefing to Councillors on statutory planning processes;
- Briefing to Councillors on the legal obligations of being a Councillor;
- The first Councillor Information Session of the new Council to consider both the draft agenda for the first Ordinary Council meeting and other matters of strategic importance for the new Council;
- The Ordinary Council Meeting on 15 December.

In addition, considerable work must be undertaken by senior staff prior to these events in the preparation of updated policy manuals, Councillor Information folders and Councillor Briefing Papers Folder in order to inform and engage the new Councillors during the post-election period.

Whilst it is acknowledged that Village Committee meetings are important, it is also clear that it will be extremely difficult to service the Village Committees with the appropriate degree of focus during December 2008.

5. Options

Option 1 Suspend Village Committee Meetings During Caretaker Period and December 2008 (this is the recommended option)

As set out above, Council may resolve to suspend Village Committee meetings during the Caretaker Period and December 2008 in view of:

- a) aiming to reduce risks which might threaten the provision of a fair election environment;

- b) the focus of key staff on preparing for the induction of the newly elected Council.

Whilst pursuing this option may potentially affect the right to participate in public life laid down in the Charter of Human Rights and Responsibilities Act 2006, officers are of the opinion that any temporary limitation on this right is justifiable for the reasons outlined in a) and b) above.

Option 2 Proceed With Village Committee Meetings During Caretaker Period and December 2008 (this option is not recommended)

If Council did wish to proceed with Village Committee meetings during the Caretaker Period, it should aim to minimise risks to a fair election environment by implementing the following measures:

- no Councillor attendance at Village Committee meetings;
- other election candidates not participating in Village Committee meetings;
- no policy issues to be discussed at Village Committee meetings;
- no discussion of election candidates at Village Committee meetings;
- no presentations to be made by any community group or Council officers;
- no village committee comment in the media on any policy or election candidate issue;
- mandatory training for all Chairpersons to assist in the implementation of these objectives.

6. Conclusion

Whilst Village Committees have an important part to play as Advisory Committees to Council, for a variety of reasons, it is not appropriate or practical to hold Village Committees during the 2008 caretaker period or in December 2008.

It is therefore proposed that Village Committee meetings not occur in October, November or December 2008 and re-commence in February 2009.

Recommendation

1. That Village Committee meetings not be held during the caretaker period prior to the November Council elections, or in December 2008;
2. That Village Committee meetings resume in February 2009;
3. That clause 3.2 of Council Policy 4.17 (Village Committees) be amended to provide that Village Committee meetings not be held during the caretaker period prior to Council elections.

K 39 Naming Proposal-“The Horse Paddock” Mordialloc

Author: Peter Frost-Governance Co-ordinator
Approved By: Elaine Sowerby-General Manager Organisational Development and Governance

1. Purpose of Report

To invite Council to initiate procedures with a view to naming a site alongside the Mordialloc Foreshore Reserve as “The Horse Paddock”.

2. Background

The site proposed to be so named is historically associated with racehorses from the Epsom and Mentone racetracks, which were frequently tethered at the site by strappers prior to and subsequent to the horses bathing in the bay.

The use of the site for that purpose will also be recognised by way of a sculpture shortly to be installed at the site (before the site is officially named). It is considered that formally naming the site “The Horse Paddock” will formalise a name already in common use by locals, and also complement the horse sculpture.

Members of the Mentone Historical Society recently suggested to Cr Petchey that the site be formally named “The Horse Paddock”, and Cr Petchey, being supportive of the idea, has suggested the initiation of formal naming processes.

3. Subject Site

The area proposed to be named “The Horse Paddock” is shown bordered on the map attached, being the portion of the foreshore reserve broadly opposite to and in between of Bay Street and Rennison Street.

4. Naming Procedure

Should Council resolve to give notice of the naming proposal, the updated provisions of Council’s “Naming of Reserves, Pavilions and Other Facilities” Policy (subject of a separate report this evening) will be observed. Public comment will be invited on the proposal by way of a notice in the applicable local newspaper. Resultant comments will then be reported back to the 26 May Ordinary Meeting. Should Council wish to proceed with the proposal at that time, Council would resolve to request VicNames to gazette the new name.

5. Triple Bottom Line Checklist

Financial

Not applicable.

Environmental

Not applicable.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Social

The new name will appropriately recognise and preserve the historical connection between horses and this site.

Recommendation

That Council give notice of a proposal to name the subject site shown on the attached plan as “The Horse Paddock”, and invite public comment on this proposal.

Attachment: Map showing subject site

K 40 Draft Purchasing Policy

Author: Paul Franklin, General Manager, Corporate Services
Approved By: John Nevins, Chief Executive Officer

The purpose of this report is to present a draft Purchasing Policy for adoption by Council.

Background

This policy provides overarching context for many Council documents that relate to the procurement of goods and services including:

- Purchasing Delegations;
- Business Credit Card Policy;
- Green Purchasing Policy;
- Probity Audit Policy; and
- Risk Management Policy

It is also considered that the policy is consistent with Council's statutory obligations under the Local Government Act and recent guidance from the Auditor-General.

The document has also been prepared in response to previous Internal Audit recommendations and the significant length of time since the original version of the document was prepared in the CCT days of post-amalgamation.

Detailed guidelines have also been prepared to assist officers in managing procurement processes up to and including tendered arrangements. The policy (and accompanying Tender Manual) has been prepared following extensive consultation across line departments to ensure that the policy and manual are documents that will work at Kingston.

Best practice indicates that this policy be formally adopted by Council rather than only being endorsed by Senior Management, thus clearly outlining Council's commitment to transparent and fair procurement processes.

The draft policy has recently been reviewed and endorsed by Council's independent Audit Committee. It is proposed that the Policy be formally adopted by Council.

Recommendation

That Council adopt the draft Purchasing Policy.

(See Attachment)

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

K 41 2007/08 Budget Forecast

Author: Paul Franklin, General Manager Corporate Services

Authorised By: John Nevins, Chief Executive Officer

1. Purpose

The purpose of this report is to consolidate the Operating and Capital Budget forecasts for the 2007/08 financial year and to seek the endorsement of Councillors for the amendments to the adopted budget.

2. Background

An extensive review of the adopted 2007/08 Budget has been undertaken by Managers and Team Leaders to ascertain whether any adjustments are necessary to reflect changed expenditure or income outcomes for the year.

Whilst there are a number of items and changed expenditure and income, and minor variations to the capital program, none of the items represent a significant or material variance in the context of Council's \$122 million adopted Budget and therefore no statutory process needs to be completed in order to ratify the changed outcomes. It is proposed that a further review be undertaken by Managers and Team Leaders after the first quarter of 2008 that is 9 months into the financial year to further refine the year end position.

3. Operating Budget

The forecast for the 12 months to 30th June 2008 is now a surplus of \$675k that is \$322k favourable compared to budgeted surplus of \$353k. The key year-to-date variances against budget are detailed below:

Budget Variances Summary

Category	Total November Forecast Variance \$
(a) Rates	250,000 F
(b) Grants & Subsidies	109,300 F
(c) Contributions, Reimbursements & Donations	6,000 U
(d) User Fees & Charges	169,400 U
(e) Interest Income	225,000 F
(f) Other Income	55,900 F
(g) Employee Costs	386,000 F
(h) Materials, Contracts & Other	529,600 U
(i) Bad & Doubtful Debts	Nil
(j) Depreciation & Amortisation	Nil
(k) Interest / Borrowing Costs	Nil
(j) Proceeds from Disposal of Assets	Nil
Operating Surplus /(Deficit)	322,000 F

a. Rates Income

Forecast Variance - \$250,000 favourable

Rates are forecast to be \$0.25m favourable to budget of \$73.3m. This favourable forecast is due to the greater than expected number of supplementary valuations that are expected to be processed during 2007/08, which consequently has a permanent effect on rate revenue and will flow forward to the calculation of the base amount in 2008/09 and subsequent years.

b. Grants and Subsidies

Forecast Variance - \$109,300 favourable

The full year forecast is \$23.9 million, \$0.1 million is marginally favourable to budget. This is spread across numerous programs.

c. Contributions, Reimbursements and Donations Income

Forecast Variance - \$6,000 unfavourable

Contributions, Reimbursements and Donations are forecast to be \$2.0 million for the full year which is \$6k unfavourable to budget.

d. User Fees and Charges Income

Forecast Variance - \$169,410 unfavourable

Forecast User Fees and Charges total \$21.7 million which are \$0.1 million unfavourable to the adopted budget of \$21.6 million. The variance is a combination of minor favourable and unfavourable variances across all the Divisions.

e. Interest Income

Forecast Variance - \$225,000 favourable

As noted above the forecast for Interest Income totals \$1.5 million which is \$0.2 million favourable when compared to a budget of \$1.3 million.

f. Other Income

October Year to Date Variance - \$74,500 favourable

Other Income totals \$0.2 million and is \$0.1 million favourable variance. This is due to CEG'S (Culturally Equitable Gateways Strategy) contribution from Casey and Greater Dandenong for 2007/08 of \$0.09 million not budgeted for. This will be offset by increased expenditure on the CEG's program during 2007/08.

g. Employee Costs

Forecast Variance - \$386,817 favourable

Salaries are forecast to be \$48.1 million which is \$0.3 million favourable to budget of \$48.4. This due to staff vacancies that occur while recruitment processes are completed.

h. Materials, Contracts and Other

Forecast Variance - \$ 529,600 unfavourable

Total Materials, Contracts & Other are forecast to be \$58.8 million, that is, a net \$0.5 million unfavourable to budget across all divisions. The variances are minor in nature and do not represent any on going issues for Council.

Summary Operating Budget Forecast

The operating Budget forecast for the full year to 30 June 2008 is \$322,000 favourable.

4. Capital Budget Forecast

Attachment 1 details the projects within the capital budget that are forecast to be at variance to the formally adopted budget. Council at the 25th February 2008 Council Meeting also formally approved a \$50,000 grant to Berendale and \$44,000 for the Dingley Netball Courts renewal.

In summary this includes:

- \$1.047m of projects that will be carried forward to 2008/09 – the funds from these projects will be utilised basis to allow \$1.039m of projects to be brought forward from 2008/09. The road program being used as a balancing item is the overall cash position;
- New or existing projects requiring additional funding totalling \$937,325;
- Net additional income to part fund capital works of \$160,000; and
- Reduced expenditure, due to revised scope, of projects totalling \$450,000.

This results in a net capital budget cash shortfall of \$319,325, which will be funded by the better than adopted 2007/08 operating budget result.

Supplementary Carry Forward from 2006/07

The supplementary carry forward projects that were at variance from the amounts assumed in the adopted budget are detailed below.

These are minor variations to projects totalling \$247,750 which had either progressed further or not as far as predicted, as at 30 June 2007, when the budget was adopted are as follows:

Corporate Business System Review	66,500
Library Strat – Parkdale – Automatic Doors	13,000
Walter Galt Reserve Pavilion Upgrade	(5,000)
Yet Keiu Sea Scout Hall	(3,000)
Beasley Reserve Pavilion	(1,000)
Patterson Lakes Community Centre Redevelopment	4,000
Arts and Culture – Guns in Main St, Mordialloc (+ \$3k grant)	7,000
Kingston Industrial Development Strategy	(33,000)
Shopping Centre enhancement program	(11,000)

**City of Kingston
Ordinary Council Meeting**

Agenda	31 March 2008
Carrum Activity Precinct (inc Station Street improvements)	(11,500)
Mordialloc Structure Plan – Stg 1 Bay to Rail Project	(29,000)
Playground Improvements	15,250
Foreshore Infrastructure Renewal	112,000
Ticket Machine Replacements	17,000
Renewal Programs Identified Through Audit	26,000
- Ess Services – Non Compliant Door Furniture	
- Various Roofing Replacements	
- Various Structural Underpinning	
OH&S Improvement Program	(33,000)
-Working at Heights Treatments	
-Hazardous Materials Management	
Oakleigh Room Doors	10,000
Kingston Hall Essential Safety	(11,000)
ROADS PROGRAM (Various Works)	115,000

These projects are fully funded from a higher than budgeted cash holding at 30 June 2007.

5. Conclusion

In summary the forecast Operating Budget is expected to result in a \$322,000 favourable to budget variance as at 30 June 2008. This translates to a favourable cash position of the same amount when compared to the adoption budget.

The forecast new or existing projects together with the projects to be brought forward from 2008/09 to 2007/08 in the Capital Budget requiring additional funding total of \$319.325.

Overall the cash position of Council as at 30 June 2008 is now forecast to be approximately equal to that assumed in the adopted budget.

Recommendation

That Council:

1. Note the above report; and
2. Endorse the forecast financial position as at 30 June 2008.

Attachments: 1. 2007/08 Capital Works Forecast
2. Income Statement

**K 42 Tenders for Contract No. 07/116 – Provision of General Legal Services
(not including Planning and Building Law)**

Author: Paul Franklin, General Manager Corporate Services

Introduction

This report seeks Council's acceptance of a tender for Contract No. 07/116 for the provision of legal services to Council between April 2008 and March 2011 with the option of one 3 year extension to March 2014.

The tender noted that Council reserved the right to appoint either:-

1. A panel of suppliers across all areas;
2. A panel of suppliers for each specialist area; or
3. One supplier.

The tender was very specific in not guaranteeing that any or all of the appointed tenderers will receive requests for legal advice associated with this contract.

Summary of Services Requested

The tender sought the provision of legal advice and representation on the full range of Council's services including local government law generally and expertise in the following areas:-

- Contracts
- Advice on the interpretation of legislation
- Insurance / public liability
- Elections
- Property / conveyancing / leasing / licence agreements
- Discontinuance and / or sale of Right of Ways and Roads
- Rating law (including special rates and charges)
- Instrument of delegation and authorisations
- Freedom of Information
- Industrial Relations advice
- Employment contracts
- Workcover
- Street Schemes
- Road closures
- Drafting and Enforcement of Local Laws
- Health and Food Control
- Local Laws
- National Competition Policy

Tenderers were also asked to demonstrate not only a comprehensive knowledge of the various Acts that can affect Council, but also a history of providing successful representation and quality advice in these areas.

Tenders Received

Tenders were advertised in The Age on Saturday, 10 November 2007 and closed at 2.00pm on Thursday, 29 November 2007.

Tenders for the full range of services were received from the following three (3) tenderers:-

- Hunt & Hunt
- Russell Kennedy
- Maddocks – separate arrangements were noted in respect of sole supplier and panel member tender outcomes.

Tenders for specialist areas only were received from:-

- Kelly Hazell - Contract preparation and Litigation only
- FOI Solutions - Freedom of Information Law only
- Fisher Cartwright Berriman - Employment Law only

Evaluation Panel

The tenders were assessed by:-

- Paul Franklin, General Manager Corporate Service
- Trevor McCullough, General Manager, Community Sustainability

Evaluation Criteria

The evaluation criteria were applied in a two step process.

- Financial viability Pass / Fail
- Resources available & committed Yes / No
- Insurances Yes / No

- Capacity - Range of Services 25%

- Capability - Demonstrated Local Government Experience 25%

If tenders did not score over 40% at this point they were excluded from further consideration as they did not demonstrate sufficient capability and / or capacity to undertake the work required by Council.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Those that progressed to this stage were then assessed on the quality of their advice and representation.

- Quality of Advice 25%
- Quality of representation 25%

These scores were then totalled and scaled to represent 60% of their total score with the remaining 40% being used to determine a relative score for their fee proposal.

Tender Evaluation

The tender process contemplated the possibility of a panel of providers.

Panels of suppliers of legal services have not previously been utilised by Council. A move to such an arrangement will increase the contract management requirement but provide Council with a list of pre-qualified suppliers if second opinions were required or a conflict of interest arose. As panel including specialist suppliers, noting that tenders were received for specialist areas of FOI Law, Employment Law and Contract Law only, would need to be complemented with suppliers who were able to provide the full range of services required by Council without adding any benefit in the assessed quality of the advice and representation to ensure that Council has access to all required areas of legal advice.

For these reasons, the tender evaluation panel did not believe that it was appropriate to further consider panel arrangements that included firms that could only demonstrate relevant local government experience for a limited range of the areas of legal expertise requested. Therefore the evaluation panel made its final evaluation by assessing those tenderers who submitted proposals for the full range of services.

The scores in the following table are summarised from the evaluation:

	Hunt & Hunt	Russell Kennedy	Maddocks	Maddocks (Sole Supplier basis)
Financial viability	Yes	Yes	Yes	Yes
Resources available & committed	Yes	Yes	Yes	Yes
Insurances	Yes	Yes	Yes	Yes
Capacity - Range of Services	25%	25%	25%	25%
Capability - Demonstrated Local Government Experience	16%	20%	25%	25%
Quality of Advice	22%	22%	22%	22%
Quality of representation	22%	22%	22%	22%
Non Fee Criteria (scaled to 60% weighting)	51.0%	53.4%	56.4%	56.4%
Fees (40%)	39.6%	37.7%	34.6%	40.0%
Total	90.6%	91.1%	91.0%	96.4%

A comparison of the relative prices tendered and demonstrated range of service offered and local government experience is provided in the confidential attachment to this report.

Conclusion

At the completion of the evaluation and review process, the Evaluation Panel is of the opinion that whilst a slightly lower cost outcome may be achieved by appointing a sole supplier that the appointment of a panel of suppliers will provide advantage to Council.

Recommendation

That Council:

1. Award Contract 07/116 to a panel of legal firms comprising Hunt and Hunt, Russell Kennedy and Maddocks to a schedule of rates contract at an estimated sum of between \$270,000 and \$285,000 per annum (excluding GST) for an initial 3 year period concluding on 31 March 2011.
2. That the one 3 year contract extension be exercised at the discretion of the Chief Executive Officer or delegate.

(See Confidential Attachment)

**K 43 Tenders for Contract No. 07/117 – Provision of Planning and Building
Law Legal Services**

Author: Paul Franklin, General Manager Corporate Services

Introduction

This report seeks Council's acceptance of a tender for Contract No. 07/117 for the provision of legal services to Council between April 2008 and March 2011 with the option of one 3 year extension to March 2014.

The tender noted that Council reserved the right to appoint either:

4. A panel of suppliers across all areas;
5. A panel of suppliers for each specialist area; or
6. One supplier.

The tender was very specific in not guaranteeing that any or all of the appointed tenderers will receive requests for legal advice associated with this contract.

Summary of Services Requested

The tender sought the provision of legal advice and representation on the full range of Council's Building and Planning services including local government law generally and expertise in the following areas:-

- Advice on the interpretation of legislation
- Planning
- Opinions including matters related to appeals and Panel Hearings
- S173 Agreements
- Development Levies
- Environmental Law
- Building Control
- Drafting and Enforcement of Local Laws

Tenderers were also asked to demonstrate not only a comprehensive knowledge of the various Acts that can affect Council, but also a history of providing successful representation and quality advice in these areas.

Tenders Received

Tenders were advertised in The Age on Saturday, 10 November 2007 and closed at 2.00pm on Thursday, 29 November 2007.

Tenders for the full range of services were received from the following five (5) tenderers:-

- Hunt & Hunt
- Russell Kennedy
- Maddocks – separate arrangements were noted in respect of sole supplier and panel member tender outcomes.
- Garland Hawthorne Brahe
- Moray & Agnew

Tenders for specialist areas only were received from:-

- Home Wilkinson Lowry – VCAT representation only

Evaluation Panel

The tenders were assessed by:

- Paul Franklin, General Manager Corporate Service
- Trevor McCullough, General Manager, Community Sustainability

Jonathan Guttman, Manager, Strategic Planning assisted the panel given his knowledge of this area of law and legal representation.

Evaluation Criteria

The evaluation criteria were applied in a two step process.

- | | |
|---|-------------|
| • Financial viability | Pass / Fail |
| • Resources available & committed | Yes / No |
| • Insurances | Yes / No |
| • Capacity - Range of Services | 25% |
| • Capability - Demonstrated Local Government Experience | 25% |

If tenders did not score over 40% at this point they were excluded from further consideration as they did not demonstrate sufficient capability and / or capacity to undertake the work required by Council.

Those that progressed to this stage were then assessed on the quality of their advice and representation.

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

- Quality of Advice 25%
- Quality of representation 25%

These scores were then totalled and scaled to represent 60% of their total score with the remaining 40% being used to determine a relative score for their fee proposal.

Tender Evaluation

The tender process contemplated the possibility of a panel of providers.

Panels of suppliers of legal services have not previously been utilised by Council. A move to such an arrangement will increase the contract management requirement but provide Council with a list of pre-qualified suppliers if second opinions were required or a conflict of interest arose. As panel including specialist suppliers, noting that tenders were received for specialist areas of VCAT representation only, would need to be complemented with suppliers who were able to provide the full range of services required by Council without adding any benefit in the assessed quality of the advice and representation to ensure that Council has access to all required areas of legal advice.

For these reasons, the tender evaluation panel did not believe that it was appropriate to further consider panel arrangements that included firms that could only demonstrate relevant local government experience for a limited range of the areas of legal expertise requested. Therefore the evaluation panel made its final evaluation by assessing those tenderers who submitted proposals for the full range of services and had scored over 40% at stage one of the evaluation. Hunt & Hunt, Garland Hawthorne Brahe and Moray & Agnew did not reach this threshold score and at this point they were excluded from further consideration as they did not demonstrate sufficient capability and / or capacity to undertake the work required by Council.

The scores in the following table are summarised from the evaluation:-

	Russell Kennedy	Maddocks (Panel)	Maddocks (Sole Supplier basis)
Financial viability	Yes	Yes	Yes
Resources available & committed	Yes	Yes	Yes
Insurances	Yes	Yes	Yes
Capacity - Range of Services	25%	25%	25%
Capability - Demonstrated Local Government Experience	20%	25%	25%
Quality of Advice	22%	22%	22%
Quality of representation	22%	22%	22%

Non Fee Criteria (scaled to 60% weighting)	53.4%	56.4%	56.4%
Fees (40%)	40.0%	37.8%	39.9%
Total	93.4%	93.2%	96.3%

A comparison of the relative prices tendered and demonstrated range of service offered and local government experience is provided in the confidential attachment to this report.

Conclusion

At the completion of the evaluation and review process, the Evaluation Panel is of the opinion that the appointment of a panel of suppliers will provide advantage to Council.

Recommendation

That Council:

1. Award Contract 07/117 to a panel of legal firms comprising Russell Kennedy and Maddocks to a schedule of rates contract at an estimated sum of between \$220,000 and \$230,000 per annum (excluding GST) for an initial 3 year period concluding on 31 March 2011.
2. That the one 3 year contract extension be exercised at the discretion of the Chief Executive Officer or delegate.

(See Confidential Attachment)

**K 44 Report Section 223 Committee Hearing
Proposed Sale of Council Land at 640 Nepean Highway, Carrum**

Approved By: Paul Franklin, General Manager Corporate Services
Author: Julian Harvey, Manager Property Services

1. Purpose

To consider the report of the section 223 Committee convened to hear a submission received from Mrs Jantina Labsvirs in response to a public notice placed in local newspapers on 25 February 2008 (*see attachment*).

2. Background

Council at its Ordinary Council Meeting held on 24 September 2007, resolved to apply for a planning permit for subdivision of its site at 640 Nepean Highway, Carrum to create a road and a lot of approximately 730m². Following this to commence statutory procedures for the sale of the property being the resultant lot from the proposed subdivision of the site.

The Plan of Subdivision (*see attachment*) has subsequently been endorsed by Council and a Public Notice of the proposed sale placed in local newspapers. Six submissions were received in response to the notice and one submitter, Mrs Labsvirs, requested to be heard in support of her submission. The other five submitters were under the misapprehension the Council intended to sell not only Lot 1 but also the road known as Old Post Office Lane and their submissions were based on that premise. Two of these withdrew their submissions once the facts were explained but the remaining three still wished the 223 committee to consider their submissions.

3. Section 223 Committee Hearing

On 18 March 2008, a Committee of Council comprising Cr Justin McKeegan (Patterson River Ward), Paul Franklin, General Manager Corporate Services and Julian Harvey, Manager Property Services convened to hear Mrs Labsvirs' submission (*see attachments*)

The Committee also considered written submissions (*see attachments*) from:

Kenneth & IM Allan
P & B Ascott-Evans
L Fazzito & C Reeve

These submitters had based their submissions on the misapprehension that Council intended to sell the road known as Old Post Office lane. They were concerned that access to the foreshore would be blocked and that traffic movement in the local area would be adversely affected. As Council has no intention of selling the road, the

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

Committee considered that the concerns raised in the submissions would not eventuate as the road would remain open.

Mrs Labsvirs and her representative, Marie McIntosh then spoke to Mrs Labsvirs' submission.

4. Section 223 Committee Report

The Committee has heard and considered the Mrs Labsvirs' submission and reports:

The concerns raised by Mrs Labsvirs relate to the likely development of the land proposed for sale. These concerns include overshadowing, overlooking and parking in the area. The site is likely to be developed if it is sold by Council. The concerns raised in Mrs Labsvirs' submission are best addressed in a planning approvals process at the appropriate time.

Recommendation

That Council note the report of the section 223 Committee and having complied with the requirements of sections 189 and 223 of the Local Government Act, 1989, hereby resolves to sell Lot 1 Plan of Subdivision 615734 known as 640 Nepean Highway, Carrum, by auction or by private treaty and that the Chief Executive Officer or delegate be authorised to accept offers of up to 5% below the market value determined by Council's Valuer.

(See Attachments)

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

**City of Kingston
Ordinary Council Meeting**

Agenda

31 March 2008

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

Planning Decisions February 2008					
APPL. No.	PROPERTY ADDRESS	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP1017/07	37 VENICE ST MENTONE, VIC 3194	21-Dec-07	25-Feb-08	SIGNAGE	PERMIT LAPSED
KP1021/07	20 LEVANTO ST MENTONE, VIC 3194	18-Dec-07	18-Feb-08	CREATE RESERVE	PERMIT LAPSED
KP1022/07	4 WALLUM RD EDITHVALE, VIC 3196	20-Dec-07	29-Feb-08	SECTION 32 PLAN	PERMIT ISSUED
KP126/08	2 OCEAN LA PATTERSON LAKES, VIC 3197	21-Jan-08	29-Feb-08	SINGLE DWELLING - LSIO	PERMIT ISSUED
KP131/07	10/213-223 WELLS RD CHELSEA HEIGHTS, VIC 3196	1-Mar-07	19-Feb-08	MOTOR VEHICLE REPAIRS	PERMIT ISSUED
KP131/08	29 WATERSIDE DR WATERWAYS, VIC 3195	24-Jan-08	7-Feb-08	1 DWELLING	PERMIT ISSUED
KP134/08	44 SPRINGS RD CLARINDA, VIC 3169	24-Jan-08	14-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP135/08	35 SECOND ST CLAYTON SOUTH, VIC 3169	25-Jan-08	15-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP136/08	93 MCLEOD RD CARRUM, VIC 3197	25-Jan-08	22-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP139/08	11 FOUNTAIN CT WATERWAYS, VIC 3195	29-Jan-08	8-Feb-08	1 DWELLING	PERMIT ISSUED
KP14/07	7 KARA GR ASPENDALE, VIC 3195	10-Jan-07	25-Feb-08	4 DWELLINGS	PERMIT ISSUED
KP140/08	13 COORONG CIRCLE WATERWAYS, VIC 3195	29-Jan-08	7-Feb-08	1 DWELLING	PERMIT ISSUED
KP142/08	15 DEEPWATER DR WATERWAYS, VIC 3195	30-Jan-08	7-Feb-08	1 DWELLING	PERMIT ISSUED
KP143/08	13 ALDEN CT CHELTENHAM, VIC 3192	31-Jan-08	14-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP144/08	7 LORIKEET LA WATERWAYS, VIC 3195	31-Jan-08	15-Feb-08	1 DWELLING	PERMIT ISSUED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP145/08	7 DEEPWATER DR WATERWAYS, VIC 3195	31-Jan-08	15-Feb-08	1 DWELLING	PERMIT ISSUED
KP146/08	44 WATERSIDE DR WATERWAYS, VIC 3195	31-Jan-08	7-Feb-08	1 DWELLING	PERMIT ISSUED
KP149/08	1 LEARMONTH RD PATTERSON LAKES, VIC 3197	5-Feb-08	14-Feb-08	B&W - DISABLED TOILET	PERMIT ISSUED
KP153/07	17 MONTGOMERY ST MORDIALLOC, VIC 3195	9-Mar-07	4-Feb-08	3 DWELLINGS	PERMIT ISSUED
KP153/08	7-31 KEYS ROAD MOORABBIN, VIC 3189	31-Jan-08	28-Feb-08	B&W - FACTORY	PERMIT ISSUED
KP159/08	1 KALIMNA ST CARRUM, VIC 3197	4-Feb-08	14-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP160/08	75 FIELD AVE EDITHVALE, VIC 3196	4-Feb-08	26-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP167/08	21 TEAGUE AVE MENTONE, VIC 3194	7-Feb-08	22-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP168/07	5/182 NEPEAN HWY ASPENDALE, VIC 3195	15-Mar-07	11-Feb-08	ALTERATIONS & ADDITIONS TO UNITS 5 & 6	PERMIT ISSUED
KP168/08	70 ISLAND POINT AVE WATERWAYS, VIC 3195	7-Feb-08	22-Feb-08	1 DWELLING	PERMIT ISSUED
KP170/08	44 COORONG CIRCLE WATERWAYS, VIC 3195	7-Feb-08	22-Feb-08	1 DWELLING	PERMIT ISSUED
KP175/07	8/204 NEPEAN HWY ASPENDALE, VIC 3195	20-Mar-07	20-Feb-08	ALTERATIONS AND ADDITIONS	NOTICE OF DECISION
KP18/08	3 PEACE ST HIGHETT, VIC 3190	14-Jan-08	22-Feb-08	REMOVAL / CREATE EASEMENT	PERMIT ISSUED
KP19/08	39 WARREN RD PARKDALE, VIC 3195	14-Jan-08	15-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP195/08	16 ISLAND POINT AVE WATERWAYS, VIC 3195	18-Feb-08	29-Feb-08	1 DWELLING	PERMIT ISSUED
KP197/07	39 EDWARD ST CHELTENHAM, VIC 3192	28-Mar-07	12-Feb-08	3 DWELLINGS	NOTICE OF DECISION
KP210/08	25 COORONG CIRCLE WATERWAYS, VIC 3195	20-Feb-08	28-Feb-08	1 DWELLING	PERMIT ISSUED
KP280/07	86-102 WHITESIDE RD CLAYTON SOUTH, VIC 3169	27-Apr-07	8-Feb-08	CHANGE OF USE - TRANSPORT TERMINAL	PERMIT ISSUED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP285/07	93 WELLS RD CHELSEA HEIGHTS, VIC 3196	1-May-07	25-Feb-08	CHANGE OF USE - INDOOR RECREATION (BOWLING ALLEY) & LIQUOR LICENCE	PERMIT ISSUED
KP3/08	1/42 STATION ST ASPENDALE, VIC 3195	7-Jan-08	27-Feb-08	ALTS & ADDS - CARPARK / VERANDAH	PERMIT ISSUED
KP321/07	918-928 SPRINGVALE RD BRAESIDE, VIC 3195	14-May-07	20-Feb-08	ADVERTISING SIGNAGE	PERMIT ISSUED
KP367/06	12 PATTY ST MENTONE, VIC 3194	5-Jun-06	19-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP385/02	92-100 GLADESVILLE BLVD PATTERSON LAKES, VIC 3197	18-Jun-02	29-Feb-08	MIXED USE DEVELOPMENT	PERMIT LAPSED
KP422/07	89 SCOTCH PDE BONBEACH, VIC 3196	15-Jun-07	19-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP434/07	3 LATONA ST MENTONE, VIC 3194	21-Jun-07	21-Feb-08	3 DWELLINGS	NOTICE OF DECISION
KP483/07	11 FOWLER ST CHELSEA, VIC 3196	5-Jul-07	19-Feb-08	3 DWELLINGS	PERMIT ISSUED
KP496/07	120 COMO PDE WEST PARKDALE, VIC 3195	10-Jul-07	8-Feb-08	3 DWELLINGS	PERMIT LAPSED
KP5/08	34 HERBERT ST PARKDALE, VIC 3195	7-Jan-08	14-Feb-08	1 DWELLING	PERMIT NOT REQUIRED
KP509/07	100 LATROBE ST MENTONE, VIC 3194	13-Jul-07	26-Feb-08	CHANGE OF SITTING ARRANGEMENTS	PERMIT REFUSED
KP521/07	24 WALKERS RD CARRUM, VIC 3197	18-Jul-07	13-Feb-08	2 DWELLINGS / 2 LOT SUBDIVISION	PERMIT ISSUED
KP534/07	112-114 KEYS RD CHELTENHAM, VIC 3192	24-Jul-07	11-Feb-08	EDUCATION CENTRE - AUTOMOTIVE TECHNOLOGY	PERMIT LAPSED
KP540/07	476-482 NEPEAN HWY CHELSEA, VIC 3196	25-Jul-07	12-Feb-08	7 DWELLINGS	NOTICE OF DECISION
KP554/07	57 MCMILLAN ST CLAYTON SOUTH, VIC 3169	30-Jul-07	5-Feb-08	9 DWELLINGS / 2 OFFICES	PERMIT ISSUED
KP559/07	4 SWANPOOL AVE CHELSEA, VIC 3196	31-Jul-07	25-Feb-08	12 DWELLINGS	PERMIT REFUSED
KP583/07	47 HILDA ST CHELTENHAM, VIC 3192	7-Aug-07	14-Feb-08	2 DWELLINGS	PERMIT LAPSED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP613/07	8 FIRST ST CLAYTON SOUTH, VIC 3169	13-Aug-07	27-Feb-08	2 DWELLINGS	PERMIT REFUSED
KP628/07	8/94-102 KEYS RD CHELTENHAM, VIC 3192	17-Aug-07	27-Feb-08	ALT & ADDS - MEZZANINE FLOOR & INTERIOR FIT OUT	PERMIT LAPSED
KP636/07	918-928 SPRINGVALE RD BRAESIDE, VIC 3195	20-Aug-07	26-Feb-08	SIGNAGE	PERMIT ISSUED
KP659/07	5 GLENBROOK AVE CHELSEA, VIC 3196	23-Aug-07	15-Feb-08	ALTS & ADDS - CARPORT ON COMMON PROPERTY	NOTICE OF DECISION
KP684/07	4/191 BEACH RD MORDIALLOC, VIC 3195	30-Aug-07	8-Feb-08	ALTS & ADDS - DWELLING / SBO	NOTICE OF DECISION
KP685/07	1337 NEPEAN HWY CHELTENHAM, VIC 3192	30-Aug-07	25-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP695/07	50 PLUMMER RD MENTONE, VIC 3194	4-Sep-07	22-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP702/07	2/266 NEPEAN HWY EDITHVALE, VIC 3196	7-Sep-07	8-Feb-08	CARPARK REDUCTION - TAKEAWAY SHOP	PERMIT ISSUED
KP728/07	21 WHITE ST PARKDALE, VIC 3195	17-Sep-07	11-Feb-08	CHANGE OF USE / SIGNAGE / CAR PARKING	PERMIT ISSUED
KP734/07	70 GLADESVILLE BLVD PATTERSON LAKES, VIC 3197	19-Sep-07	14-Feb-08	SECTION 32 PLAN	PERMIT ISSUED
KP742/07	47 GLENOLA RD CHELSEA, VIC 3196	21-Sep-07	5-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP768/07	GRANGE RD DINGLEY VILLAGE, VIC 3172	1-Oct-07	5-Feb-08	B & W - ERECT SHED	PERMIT ISSUED
KP770/07	109 WHITE ST MORDIALLOC, VIC 3195	1-Oct-07	19-Feb-08	B & W - CLUBHOUSE	PERMIT ISSUED
KP777/07	61-111 ROSEBANK AVE CLAYTON SOUTH, VIC 3169	2-Oct-07	25-Feb-08	13 DWELLINGS / 13 LOT SUB / CREATE RESERVE & RESTTRITION	PERMIT ISSUED
KP794/07	1225 NEPEAN HWY HIGHETT, VIC 3190	8-Oct-07	22-Feb-08	SIGNAGE	PERMIT LAPSED
KP809/07	598-618 MAIN ST MORDIALLOC, VIC 3195	11-Oct-07	5-Feb-08	B & W - SUPERMARKET	PERMIT ISSUED
KP811/07	10 NOWRA ST MOORABBIN, VIC 3189	12-Oct-07	25-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP822/07	61 HERBERT ST PARKDALE, VIC 3195	12-Oct-07	11-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP827/07	59A THE CORSO PARKDALE, VIC 3195	17-Oct-07	15-Feb-08	ALTS & ADDS - ENCLOSE ROOF OVER EXISTING DECK	PERMIT ISSUED
KP833/06	2 KINGSTON ST MORDIALLOC, VIC 3195	9-Nov-06	26-Feb-08	5 DWELLINGS	PERMIT REFUSED
KP84/08	6/18-20 MYOLA ST CARRUM, VIC 3197	17-Jan-08	15-Feb-08	ALTS & ADDS - VERANDAH	PERMIT ISSUED
KP855/07	18 NORLAND ST CHELTENHAM, VIC 3192	25-Oct-07	7-Feb-08	2 DWELLINGS / 2 LOT SUB	PERMIT LAPSED
KP857/07	8-10 BARDOEL CT DINGLEY VILLAGE, VIC 3172	25-Oct-07	19-Feb-08	4 DWELLINGS	PERMIT ISSUED
KP863/07	21 REEVE CT CHELTENHAM, VIC 3192	26-Oct-07	22-Feb-08	2 DWELLINGS	PERMIT LAPSED
KP866/07	133-134 NEPEAN HWY ASPENDALE, VIC 3195	29-Oct-07	19-Feb-08	REDUCTION IN CARPARKING REQUIREMENT	PERMIT ISSUED
KP870/07	17 GRAHAM RD CARRUM, VIC 3197	30-Oct-07	1-Feb-08	4 DWELLINGS	PERMIT ISSUED
KP877/07	26 RAILWAY PDE HIGHETT, VIC 3190	1-Nov-07	5-Feb-08	CHANGE OF USE - MEDICAL CENTRE PLUS CAR PARKING	NOTICE OF DECISION
KP879/07	MAIN STREET MORDIALLOC, VIC 3195	2-Nov-07	6-Feb-08	CREATE PUBLIC SPACE LINKING THE MORDIALLOC STATION BUILDING TO MAIN STREET	PERMIT ISSUED
KP88/08	84-86 HERALD ST CHELTENHAM, VIC 3192	18-Jan-08	25-Feb-08	SIGNAGE	PERMIT ISSUED
KP881/07	305 KINGSTON RD CLARINDA, VIC 3169	2-Nov-07	19-Feb-08	REFUSE TRANSFER STATION / SIGNAGE	PERMIT LAPSED
KP884/07	61-111 (STAGE 5) ROSEBANK AVE CLAYTON SOUTH, VIC 3169	5-Nov-07	4-Feb-08	STAGE 5A - 3 DWELLINGS - 3 LOTS	PERMIT ISSUED
KP886/06	208 STATION ST EDITHVALE, VIC 3196	24-Nov-06	22-Feb-08	3 DWELLINGS	PERMIT ISSUED
KP889/07	18 BOWMAN ST ASPENDALE, VIC 3195	8-Nov-07	28-Feb-08	2 DWELLINGS	NOTICE OF DECISION
KP89/07	321 - 323 CHARMAN ROAD CHELTENHAM, VIC 3192	12-Feb-07	20-Feb-08	BUILDINGS & WORKS - OFFICES	PERMIT ISSUED
KP89/08	5 THE BOULEVARD PATTERSON LAKES, VIC 3197	18-Jan-08	11-Feb-08	ALTS & ADDS - GARAGE	PERMIT ISSUED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP891/07	46 BOWMAN ST ASPENDALE, VIC 3195	8-Nov-07	25-Feb-08	2 DWELLINGS	PERMIT ISSUED
KP909/07	2 DAHMEN ST CARRUM, VIC 3197	9-Nov-07	13-Feb-08	5 LOT SUBDIVISION	PERMIT LAPSED
KP91/08	12C PATTERSON ST BONBEACH, VIC 3196	18-Jan-08	15-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP914/07	16 LAGOON PL PATTERSON LAKES, VIC 3197	15-Nov-07	11-Feb-08	JETTY	PERMIT ISSUED
KP917/07	1209 NEPEAN HWY HIGHETT, VIC 3190	15-Nov-07	12-Feb-08	USE AND DEVELOPEMENT OF MEDICAL CENTRE, ADVERTISING SIGNAGE, ALTERATION OF ACCESS TO ROAD ZONE CATEGORY 1, REDUCTION IN CAR PARKING REQUIREMENTS	NOTICE OF DECISION
KP923/07	390 NEPEAN HWY CHELSEA, VIC 3196	21-Nov-07	29-Feb-08	LICENCED RESTAURANT	PERMIT ISSUED
KP926/07	1/10 KEMBLA ST CHELTENHAM, VIC 3192	21-Nov-07	5-Feb-08	BAKERY	PERMIT ISSUED
KP929/07	7 THIRD AVE ASPENDALE, VIC 3195	22-Nov-07	6-Feb-08	1 DWELLING - SBO	PERMIT ISSUED
KP940/07	248-264 OSBORNE AVE CLAYTON SOUTH, VIC 3169	26-Nov-07	14-Feb-08	CONSTRUCT FACTORIES & ASSOCIATED CARPARKING	PERMIT LAPSED
KP949/07	1072-1074 CENTRE RD OAKLEIGH SOUTH, VIC 3167	3-Dec-07	5-Feb-08	MEZZANINE FLOOR	PERMIT ISSUED
KP95/08	6 MILAN ST MENTONE, VIC 3194	18-Jan-08	20-Feb-08	2 LOT SUBDIVISION	PERMIT ISSUED
KP961/06	26-30 EULINGA RD CLARINDA, VIC 3169	21-Dec-06	9-Feb-08	10 DWELLINGS	PERMIT ISSUED
KP969/07	1 EDWARD ST MORDIALLOC, VIC 3195	6-Dec-07	6-Feb-08	GARAGE - LSIO	PERMIT ISSUED
KP978/07	13 WETLAND DR PATTERSON LAKES, VIC 3197	10-Dec-07	8-Feb-08	1 DWELLING - LSIO	PERMIT ISSUED
KP982/07	944-954 NEPEAN HWY MOORABBIN, VIC 3189	12-Dec-07	28-Feb-08	B&W - BOWLING CENTRE - SBO	PERMIT ISSUED
KP993/07	944-954 NEPEAN HWY MOORABBIN, VIC 3189	12-Dec-07	27-Feb-08	B&W - BOWLING CENTRE - SBO	PERMIT ISSUED

**City of Kingston
Ordinary Council Meeting
31 March 2008**

Agenda

KP997/07	1/50 MYOLA ST PATTERSON LAKES, VIC 3197	18-Dec-07	5-Feb-08	ALTS & ADDS - FENCE	PERMIT ISSUED
----------	---	-----------	----------	---------------------	---------------