

**City of Kingston
Ordinary Council Meeting**

Agenda

27 April 2009

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 27 April 2009.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 23 March 2009.
- 3. Foreshadowed Declaration by Councillors or Officers of any Conflict of Interest**
[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]
- 4. Petitions**
Cr Bauer will table a petition from Ron Fitch to have the Chelsea Skate Park renamed in honour of Ryan Fitch.
- 5. Presentation of Awards**
Presentations are being arranged for the retiring members of the Village Committees.
- 6. Reports from Village Committees**
A report on issues arising out of the Village Committee meetings in April 2009 is attached. Page 3
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
- 9. Environmental Sustainability Reports**

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L 43	Climate Change Charter for the Association of Bayside Municipalities	Page 88
- 10. Organisational Development and Governance Reports**

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L 49	Quarterly Report to Council Plan	Page 106
L 50	Mayoral and Councillor Allowances	Page 109
- 11. Corporate Services Reports**

L 51	VicRoads Compulsory Acquisition of Council Land corner Westall Road and Rowan Road, Dingley Village	Page 113
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12. Notices of Motion

L 52 Notice of Motion
Cr Staikos: Dust problem / northern non-urban area (Green Wedge) Page 117

L53 Notice of Motion
Cr Shewan: Bowen Road – works Page 118

13. Urgent Business

14. Items in Camera

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6(a) Cheltenham Village Committee
Chairperson - Joe Astbury
Report of Meeting held on 7 April 2009

Highlight City of Kingston's maintenance crews response to a report of graffiti.

6(b) Mordialloc Village Committee
Chairperson - Allan Locke
Report of Meeting held on 7 April 2009

Highlight: The condition and appearance of the Walter Galt Reserve.

6(c) Mentone/Parkdale Village Committee
Chairperson - Reg Marlow
Report of Meeting held on 7 April 2009

Toilet Block in Parkdale

Recommendation to Council

That:

- when refurbishment occurs, Council considers conversion of the shower cubicle to an additional ladies' toilet; and
- when review of priorities for Public Toilets is completed, this Village Committee is advised of the outcome, particularly in relation to this toilet block.

Officers Comment

The Village Committee's request is noted. This location is not on Council's priority list, but when it does, consideration will be given to incorporate the Village Committee's requests.

Status of Nylex Clock

Recommendation to Council

That Council place pressure on the developer of the Nylex site to ensure that the iconic Nylex clock is operational as soon as possible.

Officers Comment:

Council Officers understand that the relocation of the Nylex clock cannot occur until the development of the Nylex Site is completed. The redevelopment of the former Nylex site has been delayed for reasons understood to relate to the existing economic climate and some site matters that the developer has been liaising with VicRoads and Melbourne Water regarding.

Council has previously sought and received funding from Heritage Victoria to support the restoration of the Nylex clock once the site was redeveloped. It is understood however that due to the delay in commencing the development Heritage Victoria have advised that funding

may now be reallocated and a future application would need to be resubmitted for Heritage Victoria assistance with this project once the development commences.

Replacement of Footpath in Mentone Shopping Centre

Recommendation to Council

That Council ensures wheelchair and pram access is provided at kerbs when this footpath is replaced and that these pram crossings align with the opposite side of the road.
That Council be vigilant with the quality of the contractor engaged to ensure a high standard of workmanship and that they stand-by their work.

Officers Comment

The Village Committee's recommendation is supported.

Vandalism of Signs

Recommendation to Council

That Council erects signs by using concrete to fix them into the ground to ensure that they cannot be easily removed.

Officers Comment

It is agreed the current fixing into the ground using metal spiked ground anchors has not been highly effective, particularly in sandy areas and in drought conditions where the anchor fixing can be manipulated and dislodged in the dry soil. This has recently been identified by officers and as such the specification will be changed to provide for concrete fixing.

6(d) Clayton South Village Committee

Chairperson - David Oates

Report of Meeting held 7 April 2009

Highlight: Nil.

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

Acting Chairperson - Nigel McGillivray

Report of Meeting held on 8 April 2009

Kingston Your City (KYC) Planning Permit Information

Recommendation to Council

That the planning permit decisions page of KYC which was omitted from the April edition be re-included in the next and future editions.

Officers comment.

The April edition of Kingston Your City (page 14) carried a red banner at the bottom of the page advising readers that residential planning decisions can now be viewed on Council's website in a very user friendly format

(<http://www.kingston.vic.gov.au/townplanning/townplanningregister.asp>).

The May edition of KYC will again feature the banner at the top of the page and also advise residents that:

“PLANNING DECISIONS

Residential planning decisions that previously appeared on this page can now be viewed on the Planning Register on Council’s website at www.kingston.vic.gov.au/townplanning Community members can gain access to the internet by joining Kingston Libraries and making a booking to use a free PC.

Alternatively, you can obtain a printed version of the planning decisions from any of Kingston’s libraries or Customer Service Centres, or by requesting that a print-out to be posted to you by calling Council’s Customer Service Hotline on 1300 653 356 or by sending an email to info@kingston.vic.gov.au If you would like a pdf file of the planning decisions emailed to you, contact Lisa Materowski at the City of Kingston on 9581 4985 or email lisa.materowski@kingston.vic.gov.au.”

By assisting requests in this manner we are able to free up nearly an entire page of KYC to provide access to community groups, schools, community centres, village committees and other community organisations who are increasingly asking for the opportunity to promote their events and initiatives. We will, of course, monitor this transition and discuss its rationale with readers.

6(f) Patterson Lakes/Carrum Village Committee
Chairperson - Glen Baker
Report of Meeting held on 8 April 2009

Advocate re infrastructure to support increased population densities

Recommendation to Council:

“That Council should advocate to the appropriate service authorities and the State Government in a proactive manner (e.g. gas, water, sewerage, public transport) to ensure that existing infrastructure is able to support the increased population densities created from new planning proposals.”

Officers Comment:

As a matter of process agencies (gas/water/electricity) are referred applications for new development as part of the Planning / Building phase of an applications consideration. As part of this process the owners/developers of land liaise with the relevant agencies as to any expectations relating to service upgrades or the payment of contributions for service upgrades to ensure sufficient service capacity is maintained for a specific area.

Further it is understood that all agencies undertake regular strategic planning to ensure that anticipated urban growth is matched with the required upgrades in infrastructure. This requires the agencies to consider assumptions regarding population growth across the entire metropolitan area including inner, middle and outer municipalities. It is Councils understanding that the relevant agencies rely on the Victoria in Future 2008 Population Forecasts produced by the State Government to assist in understanding relative growth in different areas.

- 6(g) Clarinda / Oakleigh South Village Committee**
Chairperson - David Catchpool
Report of Meeting held on 8 April 2009

Highlight: Presentation from Steve Perumal on proposed park development at Bemboka Reserve.

- 6(h) Aspendale/Edithvale/Aspendale Gardens Village Committee**
Chairperson - Kevin Griffiths
Report of Meeting held on 9 April 2009

Highlight: Green Wedge Bus Depot.

9. Environmental Sustainability Reports

L 37

Town Planning Application Decisions – March 2009

Approved By: Tony Rijs – General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of March 2009.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	66	71
Notice of Decision	14	15
Refusal to Grant a Permit	1	1
Other - Withdrawn (5) - Prohibited (0) - Permit not required (3) - Lapsed (6)	12	13
Total	93	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

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Planning Decisions March 2009						
APPL. No.	PROPERTY ADDRESS	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP1000/08	8/123 CHESTERVILLE ROAD HIGHETT, VIC 3190	31-Oct-08	23-Mar-09	ALTS & ADDS TO OFFICE/WAREHO SE	Permit Issued	
KP101/09	1 TAYLOR AVENUE ASPENDALE, VIC 3195	23-Feb-09	24-Mar-09	ALTS & ADDS TO DWELLING	Permit Issued	
KP1026/08	21 FRIENDSHIP SQUARE CHELTENHAM, VIC 3192	12-Nov-08	30-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP103/09	32-54 ROSS STREET HEATHERTON, VIC 3202	23-Feb-09	5-Mar-09	B'LD & WORKS - REPLACE EXISTING SCOREBOARD	Permit Not Required	
KP1041/08	668 NEPEAN HIGHWAY CARRUM, VIC 3197	18-Nov-08	20-Mar-09	ADVT SIGNS	Permit Lapsed	
KP1044/08	2-4 LANGSLOW ROAD ASPENDALE GARDENS, VIC 3195	18-Nov-08	17-Mar-09	SERVICE STATION - INSTALLATION OF GAS REFUELLING FACILITY	Permit Issued	
KP1057/08	11/227 THAMES PROMENADE CHELSEA HEIGHTS, VIC 3196	18-Nov-08	25-Mar-09	ALTS & ADDS - REAR VERANDAH	Permit Issued	
KP1059/08	20 AVON STREET MOORABBIN, VIC 3189	21-Nov-08	25-Mar-09	4 LOT SUBDIVISION	Permit Issued	
KP1091/08	9 THE STRAND CHELSEA, VIC 3196	5-Dec-08	30-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP1094/08	41 EULINGA ROAD CLARINDA, VIC 3169	5-Dec-08	11-Mar-09	2 LOT SUBDIVISION	Permit Issued	
KP1102/08	16-24 CHILDERS STREET MENTONE, VIC 3194	10-Dec-08	25-Mar-09	B'LD & WORKS TO SCHOOL	Permit Issued	
KP1103/08	28 ROBERT STREET PARKDALE, VIC	11-Dec-08	30-Mar-09	2 LOT SUBDIVISION	Permit Issued	

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	3195					
KP1107/08	5/201-205 THAMES PROMENADE CHELSEA HEIGHTS, VIC 3196	15-Dec-08	17-Mar-09	ALTS & ADDS TO HAIR SALON TO INCLUDE CAFE	Permit Lapsed	
KP1114/08	MEDIUM/803 FORESHORE CITY OF KINGSTON, VIC 3192	15-Dec-08	3-Mar-09	B'LD & WORKS - BOATSHED	Permit Issued	
KP1116/08	4/62-63 BEACH ROAD MENTONE, VIC 3194	15-Dec-08	24-Mar-09	ALTS & ADDS - GARDEN SCREEN	Permit Not Required	
KP1118/08	222-223 STATION STREET EDITHVALE, VIC 3196	17-Dec-08	25-Mar-09	4 LOT SUBDIVISION	Permit Issued	
KP1119/08	107-109 MCLEOD ROAD PATTERSON LAKES, VIC 3197	17-Dec-08	6-Mar-09	REDUCTION IN CAR PARKING	Permit Issued	
KP1123/08	2 RANLEIGH COURT MOORABBIN, VIC 3189	18-Dec-08	30-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP1131/08	86 GLADESVILLE BOULEVARD PATTERSON LAKES, VIC 3197	19-Dec-08	2-Mar-09	ALTS & ADDS - STAIRS TO EXISTING BASEMENT	Permit Withdrawn	
KP1136/08	15 CAMP STREET CHELSEA, VIC 3196	22-Dec-08	25-Mar-09	ALTS & ADDS - DWELLING	Permit Lapsed	
KP1142/08	3 DICKENS STREET PARKDALE, VIC 3195	22-Dec-08	18-Mar-09	3 LOT SUBDIVISION - STAGED	Permit Issued	
KP1149/08	1/138 CHARMAN ROAD MENTONE, VIC 3194	23-Dec-08	3-Mar-09	ALTS & ADDS - FENCE	Permit Issued	
KP1155/08	30-32 NELSON STREET MOORABBIN, VIC 3189	24-Dec-08	30-Mar-09	B'LD & WORKS - FACTORY/WAREH OUSE	Permit Issued	
KP1157/08	9 COOLAC STREET CHELTENHAM, VIC 3192	30-Dec-08	11-Mar-09	2 LOT SUBDIVISION	Permit Issued	
KP129/09	13 MITTA AVENUE	4-Mar-09	17-Mar-09	ONE DWELLING	Permit Issued	

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	WATERWAYS, VIC 3195					
KP132/09	11 MITTA AVENUE WATERWAYS, VIC 3195	5-Mar-09	31-Mar-09	ONE DWELLING	Permit Issued	
KP137/09	32 BALMORAL DRIVE PARKDALE, VIC 3195	10-Mar-09	11-Mar-09	B'LD & WORKS - RECONSTRUCT EXISTING GARAGE	Permit Issued	
KP18/09	472 HAUGHTON ROAD CLAYTON SOUTH, VIC 3169	13-Jan-09	27-Mar-09	4 LOT SUBDIVISION	Permit Issued	
KP22/09	19 PINEHURST WAY HEATHERTON, VIC 3202	19-Jan-09	23-Mar-09	INSTALLATION OF SATELLITE DISH	Permit Lapsed	
KP25/09	251-253 CHARMAN ROAD CHELTENHAM, VIC 3192	16-Jan-09	19-Mar-09	ALTS & ADDS - REPLACE SHOP FRONT WINDOWS + ADVT SIGNAGE	Permit Issued	
KP28/09	19 BOUNDARY ROAD MORDIALLOC, VIC 3195	20-Jan-09	31-Mar-09	CHANGE OF USE - MOTOR VEHICLE SALES	Permit Issued	
KP297/08	31 WOODBINE GR CHELSEA, VIC 3196	25-Mar-08	25-Mar-09	CHANGE OF USE - CHILD CARE CENTRE	Notice of Decision	
KP357/08	LOT G, 310 - 312 GOVERNOR ROAD BRAESIDE, VIC. 3195	10-Apr-08	24-Mar-09	33 NO. WAREHOUSES / CAR PARKING - LSIO	Permit Issued	
KP36/09	17 BRADSHAW STREET MORDIALLOC, VIC 3195	22-Jan-09	17-Mar-09	SBO - ALTS & ADDS TO DWELLING	Permit Issued	
KP37/09	25 WHITE STREET PARKDALE, VIC 3195	23-Jan-09	10-Mar-09	11 LOT SUBDIVISION	Permit Issued	
KP380/08	5 FLETCHER ST MOORABBIN, VIC 3189	21-Apr-08	10-Mar-09	2 DWELLINGS - SBO	Permit Issued	
KP382/05- A	1 LEWELLIN GR CARRUM, VIC 3197	24-Mar-09	24-Mar-09	Two dwellings	Permit Issued	
KP40/09	72 FRASER AVENUE EDITHVALE, VIC 3196	23-Jan-09	26-Mar-09	3 LOT SUBDIVISION	Permit Issued	
KP41/09	40 LOCHIEL AVENUE	28-Jan-09	3-Mar-09	SBO - ALTS & ADDS TO	Permit Issued	

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	EDITHVALE, VIC 3196			DWELLING		
KP42/09	208 STATION STREET EDITHVALE, VIC 3196	28-Jan-09	11-Mar-09	3 LOT SUB	Permit Issued	
KP429/08	10 CHANDLER STREET PARKDALE, VIC 3195	5-May-08	11-Mar-09	2 DWELLINGS	Notice of Decision	
KP465/08	6 ALLEYNE AVENUE BONBEACH, VIC 3196	20-May-08	27-Mar-09	3 DWELLINGS	Permit Issued	
KP47/09	38-40/171 NEPEAN HIGHWAY MENTONE, VIC 3194	30-Jan-09	25-Mar-09	B'LD & WORKS - INTERNAL STAIRS + DOOR OPENING	Permit Issued	
KP48/09	41-43 KINGSTON ROAD HEATHERTON, VIC 3202	30-Jan-09	10-Mar-09	5 LOT SUB	Permit Issued	
KP505/08	104 BERNARD STREET CHELTENHAM, VIC 3192	28-May-08	3-Mar-09	4 DWELLINGS	Permit Issued	
KP51/09	5 WILLIAMS STREET MENTONE, VIC 3194	2-Feb-09	17-Mar-09	2 LOT SUBDIVISION	Permit Issued	
KP511/08	13 BATH STREET CHELSEA, VIC 3196	29-May-08	13-Mar-09	CHANGE OF USE AND CARPARK, MINOR AMENDMENTS TO SAFEWAY BUILDING AND REDUCTION IN CAR PARKING REQUIREMENTS.	Permit Issued	
KP52/09	34 BOURKE STREET MENTONE, VIC 3194	2-Feb-09	3-Mar-09	3 LOT SUBDIVISION	Permit Issued	
KP529/08	9 CARRIER AVENUE PARKDALE, VIC 3195	2-Jun-08	2-Mar-09	TWO (2) DWELLINGS	Notice of Decision	
KP530/08	28 WORDSWORTH AVENUE CLAYTON SOUTH, VIC 3169	3-Jun-08	27-Mar-09	FOUR (4) DWELLINGS	Permit Issued	
KP55/09	101 BERRY	3-Feb-09	26-Mar-09	3 LOT	Permit Issued	

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	AVENUE EDITHVALE, VIC 3196			SUBDIVISION		
KP554/08	43 CLAY STREET MOORABBIN, VIC 3189	11-Jun-08	26-Mar-09	TWO (2) DWELLINGS	Notice of Decision	
KP596/08	6 JOFFRE AVENUE EDITHVALE, VIC 3196	19-Jun-08	10-Mar-09	TWO (2) DWELLINGS	Notice of Decision	
KP619/05- A	53 BERRY AVE EDITHVALE, VIC 3196	22-Jan-09	20-Mar-09	2 dwellings and 2 lot subdivision	Permit Issued	
KP622/08	11 DELVILLE AVENUE MENTONE, VIC 3194	30-Jun-08	18-Mar-09	TWO (2) DOUBLE STOREY DWELLINGS	Notice of Decision	
KP63/09	4/9 STAWELL STREET MENTONE, VIC 3194	4-Feb-09	23-Mar-09	ALTS & ADDS - BEDROOM	Permit Withdrawn	
KP66/09	44 COORONG CIRCLE WATERWAYS, VIC 3195	6-Feb-09	10-Mar-09	DWELLING	Permit Issued	
KP673/08	346-348 HIGHETT ROAD HIGHETT, VIC 3190	17-Jul-08	25-Mar-09	MULTY-STOREY MIXED USE DEVELOPMENT	Notice of Decision	
KP675/08	5/2 ALFRED STREET HIGHETT, VIC 3190	18-Jul-08	10-Mar-09	DWELLING ALTERATION AND ADDITIONS ON A LOT LESS THAN 300 SQUARE METRES	Notice of Decision	
KP676/08	1161 NEPEAN HIGHWAY HIGHETT, VIC 3190	21-Jul-08	16-Mar-09	THREE (3) DWELLINGS	Notice of Decision	
KP677/08	10 WRIGHT STREET CARRUM, VIC 3197	21-Jul-08	10-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP693/08	1458 CENTRE ROAD CLAYTON SOUTH, VIC 3169	23-Jul-08	23-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP70/09	2/1 FRANKLIN STREET MOORABBIN, VIC 3189	9-Feb-09	4-Mar-09	ALTS & ADDS - WINDOW	Permit Not Required	
KP701/08	4 ELORA ROAD OAKLEIGH SOUTH, VIC 3167	25-Jul-08	6-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP720/08	19 RUVINA STREET	1-Aug-08	25-Mar-09	USE - SWIM SCHOOL	Permit Issued	

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	ASPENDALE, VIC 3195					
KP723/07	18 PERRY ST MOORABBIN, VIC 3189	14-Sep-07	31-Mar-09	3 DWELLINGS	Permit Issued	
KP724/08	36 BRIDGES AVENUE EDITHVALE, VIC 3196	5-Aug-08	10-Mar-09	TWO DWELLINGS	Notice of Decision	
KP757/08	306-308 CHESTERVILLE ROAD MOORABBIN, VIC 3189	8-Aug-08	25-Mar-09	BUILDINGS AND WORKS - RELOCATION OF OFFICES TO FIRST FLOOR AND INSTALLATION OF FACTORY OUTLET AREA	Permit Issued	
KP768/08	121 MCDONALD STREET MORDIALLOC, VIC 3195	12-Aug-08	16-Mar-09	17 LOT SUBDIVISION	Permit Issued	
KP773/07- A	91-185 KINGSTON RD HEATHERTON, VIC 3202	11-Feb-09	6-Mar-09	CLEAN FILL	Permit Issued	
KP793/08	15 WALLINGFORD STREET CHELTENHAM, VIC 3192	21-Aug-08	11-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP795/08	6/116 NEPEAN HIGHWAY ASPENDALE, VIC 3195	25-Aug-08	3-Mar-09	THREE (3) DOUBLE STOREY DWELLINGS	Permit Issued	
KP813/08	1438 CENTRE ROAD CLAYTON SOUTH, VIC 3169	28-Aug-08	3-Mar-09	EIGHT (8) DWELLINGS	Permit Issued	
KP836/08	17 PARK STREET MORDIALLOC, VIC 3195	5-Sep-08	31-Mar-09	TWO (2) DWELLINGS	Permit Issued	
KP837/08	58-60 ALEX AVENUE MOORABBIN, VIC 3189	4-Sep-08	3-Mar-09	CHANGE OF USE AS CAFE AND ASSOCIATED BUILDING WORKS	Permit Issued	
KP849/08	68 VALETTA STREET CARRUM, VIC 3197	11-Sep-08	27-Mar-09	FOUR (4) DOUBLE STOREY DWELLINGS	Notice of Decision	
KP85/09	2/21 LAURA STREET CLAYTON SOUTH, VIC 3169	13-Feb-09	17-Mar-09	ALTS & ADDS - RUMPUS ROOM/CARPORT/ VERANDAH	Permit Withdrawn	

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KP856/08	229 BEACH ROAD MORDIALLOC, VIC 3195	15-Sep-08	17-Mar-09	USE AND DEVELOPMENT OF THE FUNCTION CENTRE, DEVELOPMENT OF A RESTAURANT AND REDUCTION IN CAR PARKING REQUIREMENTS.	Permit Issued
KP872/08	7 WELLWOOD ROAD BONBEACH, VIC 3196	18-Sep-08	27-Mar-09	TWO (2) DWELLINGS AND TWO (2) LOT SUBDIVISION	Permit Issued
KP89/04-B	6 ROSELLA RD PARKDALE, VIC 3195	21-Jan-09	17-Mar-09	TWO DWELLINGS	Permit Issued
KP901/08	75-83 WOODLANDS DRIVE BRAESIDE, VIC 3195	25-Sep-08	13-Mar-09	2 LOT SUBDIVISION	Permit Issued
KP905/08	124 NEPEAN HIGHWAY ASPENDALE, VIC 3195	26-Sep-08	26-Mar-09	6 LOT SUBDIVISION / CREATE EASEMENT	Permit Issued
KP919/08	73 BARKLY STREET MORDIALLOC, VIC 3195	3-Oct-08	26-Mar-09	THREE (3) DOUBLE STOREY DWELLINGS	Notice of Decision
KP92/09	42-46 FAIRCHILD STREET HEATHERTON, VIC 3202	18-Feb-09	31-Mar-09	ALTS & ADDS TO WAREHOUSE/OFFICE	Permit Issued
KP935/08	422-440 WARRIGAL ROAD HEATHERTON, VIC 3202	7-Oct-08	16-Mar-09	TWO (2) OFFICE BUILDINGS AND ASSOCIATED CAR PARKING	Permit Issued
KP936/08	1/56 OAKES AVENUE CLAYTON SOUTH, VIC 3169	7-Oct-08	24-Mar-09	TWO (2) DWELLINGS	Notice of Decision
KP940/08	409 NEPEAN HIGHWAY CHELSEA, VIC 3196	9-Oct-08	30-Mar-09	BUILDINGS AND WORKS - ALTERATIONS TO GROUND FLOOR RETAIL SHOP	Permit Issued
KP950/08	1040 NEPEAN HIGHWAY MOORABBIN, VIC 3189	14-Oct-08	25-Mar-09	TWO (2) DWELLINGS	Permit Refused
KP953/08	5 EULINGA AVENUE	16-Oct-08	24-Mar-09	TWO (2) DWELLINGS	Notice of Decision

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	ASPENDALE, VIC 3195					
KP96/09	19 CLARE STREET PARKDALE, VIC 3195	19-Feb-09	13-Mar-09	2 DWELLINGS	Permit Withdrawn	
KP963/08	161 PARK ROAD CHELTENHAM, VIC 3192	17-Oct-08	4-Mar-09	ADVERTISING SIGNS - REPLACEMENT OF SIGNS	Permit Issued	
KP970/08	1/28 TAUNTON DRIVE CHELTENHAM, VIC 3192	21-Oct-08	10-Mar-09	B'LD & WORKS TO FACTORY	Permit Issued	
KP99/09	2/78 EDITHVALE ROAD EDITHVALE, VIC 3196	20-Feb-09	30-Mar-09	ALTS & ADDS - FENCE	Permit Not Required	

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Planning Application KP1051/08: 65-67 Tootal Road, Dingley Village

APPLICANT	AR Project Consultants Pty Ltd – Architects
ADDRESS OF LAND	No.65-67 (Lot 1 on TP517832H & Lot 2 on TP000384R) Tootal Road, Dingley Village
PROPOSAL	Twenty Eight (28) Dwellings
PLANNING OFFICER	Sebastian Lorenzo
REFERENCE NO.	KP1051/08
ZONE / OVERLAYS	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Medium Density Housing <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 44.05: Special Building Overlay Clause 55: Two or More Dwellings on a Lot Clause 65: Decision Guidelines
DECISION DATE BY	18 th April, 2009
STATUTORY DAYS	56 days as of 14 th April, 2009
CONSIDERED PLAN REFERENCES/DATE RECEIVED	22 nd January, 2009 and 31 st March, 2009

The main issues associated with this application as outlined by the objectors can be summarised into five (5) main points as follows:

- Privacy Concerns;
- Overshadowing;
- Vegetation Concerns;
- Car Parking and traffic concerns; and
- Overdevelopment.

SITE & SURROUNDS:

The subject site is located on the east side of Tootal Road, Dingley Village. It comprises of two (2) allotments and is known as No.65 & No.67 Tootal Road, Dingley Village. The site is irregular in shape and has a frontage width of approximately 81 metres to Tootal Road, a maximum depth of approximately 103 metres and an overall site area of approximately 7674m².

Council records indicate that the land had been used for a dairy for a number of years. The subject site is currently occupied by two (2) dwellings and five (5) substantial structures used for the former dairy. There are also other structures including outbuildings and internal driveways / roads. There are a number of large trees on the subject site. The issue of vegetation will be discussed in more detail later in this report.

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The subject site is zoned Residential 3 Zone. The site is also partly covered by a Special Building Overlay in relation to drainage / flooding. Surrounding land is also zoned Residential 3 and is mainly used and developed for residential purposes except for the property adjoining the subject site to the south-west which is used for commercial / retail purposes and is also zoned Residential 3.

PROPOSAL:

It is proposed to demolish the existing buildings / structures on site and construct twenty-eight (28) double storey dwellings on this site.

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11-Residential Policy Requirement
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m ² , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m ² is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Each of the proposed dwellings are provided with a minimum of 40m ² of secluded private open space with a minimum dimension of 5 metres. In some instances, the additional private open space is located towards the side rear or front of the proposed dwellings	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
Car Parking	One (1) car space for each two (2) bedroom dwelling and two (2) car spaces for each three (3) or more bedroom dwelling.	Each dwelling is provided with at least two (2) car spaces in accordance with Council's requirements. Five (5) visitor car spaces have also been provided on site as part of the proposed development.	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.	Each dwelling is proposed to be set back a minimum of 5 metres from the site's front, side and rear property boundaries.	As per ResCode
Site Coverage	Incremental Housing Change requirements – Schedule to the	Site coverage is approximately 38%	As per the Schedule to the Residential 3

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	Residential 3 Zone: Maximum 50%		Zone for Incremental Housing Change Areas
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Access to the subject site will be in the form of two (2) new crossovers along the site's Tootal Road property frontage. It is proposed that the internal road will be provided as a one way driveway so as to allow better flow within the development as well as improved safety and vehicle movements to and from the subject site.

TITLE DETAILS:

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

RELEVANT HISTORY:

There is no relevant planning history relating to this site.

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION:

Amendments to the application were made by the applicant on 22nd January, 2009. The amendments were largely made in response to Council further information letter dated 9th December, 2008.

Council decided to approve the amendments.

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. Seven (7) objections to the proposal were received. The valid grounds of concern may be summarised as follows

- Privacy Concerns;
- Overshadowing;
- Vegetation Concerns;
- Car Parking and traffic concerns; and
- Overdevelopment.

PRELIMINARY CONFERENCE:

A preliminary conference was held on Thursday 26th March, 2009, where the above concerns / objections were discussed.

A number of concerns / objections were clarified and a response was prepared by the applicant. In particular, the applicant has agreed to make all first floor windows which face an adjoining dwelling to the north or west of the subject site highlight windows (i.e. window

sills raised at least 1.7 metres above their respective first floor finished floor level) instead of providing screening treatments such as obscure glazing.

Furthermore, the applicant has redesigned the orientation of dwelling 20 in order to satisfy the concerns of an objector. A copy of the redesigned dwelling 20 has been considered by the objector in question, who has advised no objection to the proposed redesign of this dwelling. However, it should also be noted that the objector still has concerns with other elements of the proposal. It is therefore considered that the revised plan be formally substituted with the previously considered plan, to form part of this application and that a condition requiring dwelling 20 be redesigned in accordance with the sketch submitted by the applicant on 31st March, 2009 be included as part of any permit issued.

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION & RE-NOTIFICATION:

As already stated, following the preliminary conference and discussions with Council Officers, the applicant submitted an amended sketch of dwelling 20 on 31st March, 2009 showing dwelling 20 redesigned. It is noted this sketch has been considered by the objector who raised concerns with respect to this dwelling and who has since advised of no objection to the redesign of dwelling 20. However, it should also be noted that the objector still has concerns with other elements of the proposal and therefore, all objections still stand.

PLANNING SCHEME PROVISIONS:

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.06-4 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 'Incremental Change Area' as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

REFERRAL

The application was referred to Melbourne Water who advised of **no objection** to the proposal subject to the inclusion of suitable conditions being placed on any permit issued.

The application was referred to the following internal departments within Council (where appropriate amended applications have been re-referred):

- Council's Development Engineer who advised of **no objection** to the proposal, subject to the inclusion of a number of conditions on any permit issued.
- Council's Vegetation Management Officer who advised of **no objection** to the proposed vegetation removal or landscape plan provided as part of the application.

- Council's Traffic Engineers who advised of **no objection** to the proposal, subject to the inclusion of a number of conditions on any permit issued.

Relevant Policies

State Planning Policy Framework (SPPF)

Clause 12 (Metropolitan Development)
Clause 14 (Settlement)
Clause 16 (Housing)
Clause 19 (Particular Uses and Development)

Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use)

Zoning

The site is located in the following Zone:

Clause 32.06 (Residential 3 Zone)

Overlays

Clause 44.05: Special Building Overlay.

Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings)

General Provisions

Clause 65 (Decision Guidelines)

Other

Neighbourhood Character Area Guidelines (Incorporated Document). The land is located within Area 50 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. Any areas of non-compliance are discussed in the following sections of this report.

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 meets these objectives.

Clause 21.05 MSS - Residential Land use

Incremental Housing Change Area

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

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

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

- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

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

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (incremental housing change areas). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure 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. Protect areas/elements in the built form and natural landscape which have an identified and valued character.
- Recognise the five areas of ‘special character’ identified in Kingston’s Neighbourhood Character Study and ensure that development proposals respond to all identified major or critical elements in such a way that any new development does not detract from the special character of these areas.
- Protect areas/buildings of recognised historical/cultural significance.
- Encourage the retention of existing buildings which can be recycled and which contribute to the character of the surrounding neighbourhood.

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 each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the proposed development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

Average lot size within this area has been calculated to be 595m². It is considered that the proposal fails to meet the average lot size calculation of 297.5m² per dwelling as the site has an area of 7674m². This would allow for an average lot size of 274m² per dwelling. While the proposal fails to meet the average lot size guideline, it is considered the proposed development is not an overdevelopment of the site as demonstrated by the general compliance with Council's Residential Development Policy and Clause 55 (ResCode). These policies are discussed in more detail within this report.

It should be noted, that while the proposal does not meet the average lot size calculation, it is considered that the proposal should be considered on its merits in relation to Planning Policy rather than an average lot size calculation.

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 is generally in accordance with these requirements. There are however some areas of non-compliance which are as follows:

- It is policy to encourage the two storey component of new medium density housing to be located towards the front of the site. In this instance, it is proposed to construct twenty-eight (28) double storey dwellings throughout the site. Furthermore, it is also policy that any upper storey components towards the rear of the sites should be sensitively designed to avoid unreasonable adverse amenity impacts on neighbours. In this instance, while it is proposed to locate two storey dwelling towards the rear of the site, it is considered that the proposal does not provide unreasonable amenity impacts to adjoining properties. This is demonstrated by the following;
 - each dwelling is set back from the site's side and rear property boundaries by a minimum of 5 metres;
 - all first floor windows which face an adjoining property / dwelling (as discussed above) will be provided as highlight windows with a sill height of 1.7 metres above the first floor finished floor level;
 - there is very minimal impact from overshadowing with the majority of all shadow caused by the development to fall within the site itself;
 - no walls are proposed to be located along the site's side or rear property boundaries;
 - dense screening planting is proposed throughout the development;
 - there is a mix of the types / layouts of the dwellings rather than one uniform design;
 - the first floor component of the majority of dwellings are set in from the ground floor building envelope, although this is not always the case;

Therefore, while the proposal seeks to construct two storey dwellings to the rear of the site, it is considered that the proposal does not propose unreasonable amenity impacts to adjoining properties / dwellings.

Clause 32.06: Residential 3 Zone: The purpose of the Residential 3 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

Schedule: The proposal meets the additional requirements listed in the Schedule to the Residential 3 zone.

Clause 44.05: Special Building Overlay: The purpose of this overlay control is to:

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

As previously discussed, the application has been referred to Melbourne water who advised of no objection to the proposal subject to the inclusion of suitable conditions being placed on any permit issued.

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 55.02 - Neighbourhood Character & Infrastructure:

Standard B2 Residential Policy – as discussed above, it is considered that while the proposal seeks to develop double storey dwellings towards the rear of the site, the amenity implications of the proposal on adjoining properties / dwellings are considered minor in nature and the proposal does not unreasonably impact on adjoining properties / dwellings.

Clause 55.03 - Site Layout and Building Massing:

Standard B13 Landscaping - Landscape plans were referred to Council's Vegetation Management Officer who advised of no objection to the proposal. It is noted that the submitted landscape plan has been considered by Council's Vegetation Management Officers who advise no amendments or conditions are required as part of any permit issued.

Clause 55.05 - On-Site Amenity and Facilities:

Standard B28 Private Open Space – The subject site has been identified within an Incremental Change Area. The schedule to the residential 3 zone requires that in these areas, a minimum area of 40 square metres is required to be provided at the side or rear of a dwelling, with a minimum dimension of 5 metres at ground level. Where a dwelling has more than 2 bedrooms, an additional ground level open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom (to a maximum of 80m²).

As noted above, each dwelling is provided with a minimum of 40 square metres of secluded private open space to the side or rear of a dwelling with appropriate access from a living room. As the majority of dwellings (24 of the 28 dwellings) are three (3) bedroom dwellings, an additional 20 square metres of private open space is required to be provided.

For these dwellings, it has been attempted to provide the full additional 20 square metres of private open space at the side or rear. However, in some instances, this is not achievable and a minimal amount of private open space has been located within the front yard of the proposed dwellings. It is noted that a number of dwellings (dwellings No.3, 4, 5, 7, 9, 11, 12, 13, 16, 17 and 26) do not satisfy the location component of the private open space requirements of this Standard. Each dwelling is provided with over 55m² of private open space to the side or rear with a minimum dimension of 5 metres, good solar access and access from a living room / meals area. For these dwellings, the remaining 5m² of private open space as required under this Standard for a 3 bedroom dwelling has been provided within the front setback area from the common driveway. It is considered that providing a minimal amount of private open space within the front yard of each dwelling in order to achieve the private open space requirements of this Standard is appropriate. Furthermore, having regard to the design of the proposed development, the Decision Guidelines of this Standard and the amount of secluded private open space provided for each dwelling, it is considered a slight variation to this standard is appropriate.

Clause 55.06 - Detailed Design:

Standard B31 Design Detail – As discussed above, the first floor component of the majority of dwellings is set in from their respective ground floor building envelope. While this is not always the case, it is considered that the proposal, through the use of various materials, colours and designs has achieved a high level of articulation which reduces any potential visual bulk / mass impacts attributed by the development. It is considered appropriate to provide a suitable condition requiring the applicant to provide a full colour and buildings material schedule as part of any permit issued.

Response To Grounds Of Objection:

Privacy / Overlooking Concerns: As previously mentioned, concerns were raised regarding a loss of privacy from the first floor windows of the proposed dwellings. It is considered that any first floor windows which have the potential for overlooking should be screened in accordance with the ResCode requirements of Clause 55. It is noted that the applicant has advised Council officers that they are happy to provide all first floor windows as highlight windows, with a minimum sill height of 1.7 metres above the first floor finished floor level of their respective dwelling. Accordingly a condition to this effect should included on any permit issued.

It is also noted concerns regarding overlooking of the adjoining property to the south of the subject site were also raised. This site is currently used for a gymnasium and directly abutting the subject site is part of the car park and access to the gymnasium. Council considers that there is no unreasonable amenity impacts on the adjoining property to the south with regards to overlooking as the area most likely to be affected by any overlooking is used and developed for a car park (i.e. not private open space or habitable room windows of a sensitive use).

Overshadowing: Concerns were raised with the potential for overshadowing of the proposal to adjoining properties to the east of the subject site, particularly in the afternoon hours of the day. Council considers that the majority of the shadow cast by the proposed development falls within the site itself. However, some shadow does impact on adjoining properties, particularly in the afternoon hours of the day. However, any impact is considered to be minor in nature and the proposal is considered to adequately satisfy the overshadowing provisions of the Kingston Planning Scheme.

Vegetation Concerns: Concerns were raised regarding the loss of vegetation and the proposed species to be planted on the subject site. It is noted that the proposal has been reviewed by Council's Vegetation Management Officers who have advised of no objection to the removal of existing vegetation and have provided comments regarding the proposed landscape plan submitted by the applicant. It is considered that the landscape plan provided by the applicant is satisfactory and provides a variety of native species of vegetation including ground covers, shrubs, plants and trees. Given the proposal seeks to remove a number of trees from the site, it is considered the proposed landscape plan will provide a sufficient amount of new native vegetation as part of the overall development of the site.

Although the landscape plan provided and the proposed removal of existing vegetation is considered appropriate in this instance, it is considered that there could be scope to retain some established vegetation located towards the front (Tootal Road property frontage) of the

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site. This could be achieved by dwelling 1 and dwelling 2 being redesigned and / or deleted from the proposal. This would provide for the retention of tree number 2 (Southern Mahogany Gum), 5 (Monterey Cypress) and 7 (Southern Mahogany Gum) as identified in the Constructive Arboculture Arborist Report dated September, 2008. It is considered that any redesign to dwelling 1 or dwelling 2 should not further encroach on the site's front (west), side (north) or rear (east) property boundaries. It is considered that this can be included as a suitable condition on any permit issued.

Car Parking and traffic concerns: Concerns were raised regarding both traffic, car parking for future residents and visitors and the potential safety impacts of the development. It is considered that the proposal provided adequate on site car parking for residents with all dwelling provided with the minimum car parking requirements as stipulated by the Kingston Planning Scheme. Furthermore, five (5) visitor car parking spaces have also been provided on site in accordance with current requirements.

The proposal has sought to have a one way internal road / driveway to improve vehicle movements to and from the site and improve safety within the development. With regards to the safety implications of the proposal, it is considered that the one way in / out arrangement of the proposed development improves on vehicle and pedestrian safety. Sight lines both in and out of the proposed development are considered good and do not raise safety implications from Council's Traffic Engineers.

Overall, it is considered that the proposal adequately satisfies the requirements of the Kingston Planning Scheme with regard to car parking and traffic. Furthermore, Council's Traffic Engineers have advised of no objection to the proposed development subject to the inclusion a suitable condition limiting the speed within the development to 5km/hour. This should be included as a condition of any permit issued.

Overdevelopment: Concerns were raised regarding the proposal being an overdevelopment for the site and area. It is considered the proposed development is not an overdevelopment of the site as demonstrated by the general compliance with Council's Residential Development Policy and Clause 55 (ResCode). Furthermore, the amenity impacts on adjoining properties / dwellings are considered to be minor and not unreasonable. It is considered the proposal will provide a high level of amenity for the future residents of the development as well as for occupants of existing dwellings in the immediate area.

Other Concerns: Concerns were also raised with regard to the potential for future complaints about the existing gymnasium located on an adjoining property to the south of the subject site. The concern was raised in light of potential future occupants of the development having complaints regarding the use of the site for a gymnasium which operates with a current permit. It is considered that while the gymnasium operates within the scope of the existing planning permit, Council officers would have no concerns with the use continuing. Furthermore, Council has no control over whether or not complaints would surface in the future regarding the existing gymnasium use on the adjoining site and therefore, considers this matter to be a separate issue to the merits of this planning application.

Conclusion:

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

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- 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);
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions). and,
- The independent assessment of the proposal by Planning Vision against the relevant provisions of the Kingston Planning Scheme

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

Recommendation:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for twenty-eight (28) dwellings, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council 22nd January, 2009 and 31st December, 2009, but modified to show:
 - a. dwelling 1 and dwelling 2 redesigned and / or deleted from the proposal so as to retain tree number 2 (Southern Mahogany Gum), 5 (Monterey Cypress) and 7 (Southern Mahogany Gum) as identified in the Constructive Arboculture Arborist Report dated September, 2008, with any redesign to dwelling 1 or dwelling 2 to not further encroach on the site's front (west), side (north) or rear (east) property boundaries;
 - b. dwelling 20 redesigned in accordance with the sketch provided to Council by the applicant on 31st March, 2009;
 - c. the north and east first floor windows of each dwelling which abut the site's north (side) and east (rear) property boundary nominated as highlight windows with a minimum sill height of 1.7 metres above the first floor finished floor level of each dwelling;
 - d. the provision of suitable entry only signage located at the northern most crossover into the site;
 - e. the provision of suitable exit only signage located at the southern most crossover out of the site;
 - f. the provision of suitable signage and / or line marking throughout the site indicating that the driveway is one way only;
 - g. the internal dimension (excluding support piers) of all garages clearly nominated;

- h. a notation on the plans stating that all internal boundary fencing nominated as 1.8 metre high timber paling fences;
 - i. the provision of appropriate 5km/hour speed signs placed opposite dwelling 1 and dwelling 2 and opposite dwelling 18 and dwelling 21;
 - j. the provision of improved pavement / pathway details including materials, colours, finishes and their delineation within the site including any proposed bollards / lighting for safety etc;
 - k. the provision of a variation in colours, materials and finishes (i.e. varied render colours / bricks / weatherboards etc) provided for the development;
 - l. all tandem car spaces nominated with a width of 3 metres and a length of 4.9 metres and clearly delineated through the use of line markings and / or varied materials with all of these spaces provided with a clear reversing area of 5.2 metre;
 - m. the ground floor living areas of dwellings 3, 5, 7, 9, 11, 13 and 14 relocated to the north side of their respective dwelling and all dwellings redesigned accordingly;
 - n. the provision of notations on the plans in accordance with the requirements of Melbourne Water as per Condition 6 of this permit;
 - o. the deletion of the south facing terrace / porch area of Dwelling 27;
 - p. the Finished floor levels of all dwellings nominated at a minimum height of 300mm above the applicable flood level of 21.6 metres to Australian Height Datum;
 - q. the Finished Floor Levels of all garages nominated at a minimum height of 150mm above the applicable flood level of 21.6 metres to Australian Height Datum;
 - r. all buildings and eaves must be clearly nominated as being set back a minimum of 1.5 metres from the outside edge of Melbourne Water's main drain located along the site's south (side) property boundary; and
 - s. provision of a full colour, finishes and building materials schedule (including samples) for all dwellings.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. A Tree Protection Zone (TPZ) must be observed at a distance of the following:
 - Four (4) metres in a radius surrounding the two *Eucalyptus botryoides* (Southern Mahogany Gum) and *Cupressus macrocarpa* (Monterey Cypress) within the front setback from Tootals Road
- Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre (or larger) high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected around the two *Eucalyptus botryoides* (Southern Mahogany Gum) and *Cupressus macrocarpa* (Monterey Cypress) at the distances specified for the TPZ.
4. The following must be observed within the TPZ area (without the further consent in writing of Council's Vegetation Management Officer):

- the existing soil level must not be altered either by fill excavation;
 - the soil must not be compacted or the soil's drainage changed;
 - no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - no storage of equipment, machinery or material is to occur;
 - open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - tree roots must not be severed or injured;
 - machinery must not be used to remove any existing concrete, bricks or other materials;
5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
6. **Conditions Required by Melbourne Water;**
- No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses;
 - Finished floor levels of the dwellings must be a minimum of 300 mm above the applicable flood level;
 - Finished floor levels of the garages must be a minimum of 150 mm above the applicable flood level;
 - Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements;
 - All buildings and eaves must be set back a minimum of 1.5 metres from the outside edge of Melbourne Water's main drain;
 - Amended plans must be submitted to Melbourne Water showing that Melbourne Water's requirements have been met; and
 - Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
7. Before the commencement of any building or works on the land a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must deal with the parking of vehicles during construction, delivery of materials and containment of waste on site.
8. Before the use starts, a Waste Management Plan (WMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority and when approved shall thereafter be complied with. The WMP must include but is not limited to the location, storage and collection of household waste, recycling and garden waste.

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9. 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.
10. 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.
11. 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.
12. 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.).
13. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
14. 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.
15. 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.
16. 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.
17. 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.
18. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.

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19. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
20. 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.
21. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced with an all-weather coloured concrete sealcoat to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
22. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
23. All 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.
24. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
25. External clothes drying facilities must be provided for each dwelling.
26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
27. 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 (2) years of the date of this permit.*
 - The development is not completed before four (4) 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.

Note: It is noted that the development includes eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

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

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- 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.
- Note:** The applicable flood level for the property is 21.6 metres to Australian Height Datum (AHD).
- Note:** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 162645.

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**Planning Application KP1046/08: 21 Hillston Road,
Moorabbin**

APPLICANT:	The Silver Arc
ADDRESS OF LAND:	No. 21 (Lot 10 on PS020055) Hillston Road, Moorabbin
MELWAY REF:	77 F7
PROPOSAL	Two (2) Dwellings
CONTACT OFFICER:	Sebastian Lorenzo
FILE NO:	KP1046/08
ZONING:	Residential 3
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 32.06: Residential 3 Zone & Schedule Clause 43.05: Neighbourhood Character Overlay Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA:	Incremental Change Area
NEIGHBOURHOOD CHARACTER AREA:	Area 4
DECISION BY:	30 th April, 2009
NETT DAYS:	44 days as of 14 th April, 2009
CONSIDERED PLAN REFERENCES/DATE RECEIVED	31 st March, 2009

MAIN ISSUES RELATING TO THIS APPLICATION:

- Neighbourhood character;
- Car parking and traffic;
- Two storey dwelling at rear;
- Vegetation.

DEVELOPMENT ASSESSMENT TABLE:

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m ² , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m ² is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 160.8m ² of which 31.8 m ² is secluded private open space Dwelling 2 – 40m ² of which 40m ² is secluded private open space	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
Car Parking	Two (2) spaces for each 3 bedroom dwelling.	Dwelling 1 – one (1) car spaces – one (1) single carport Dwelling 2 – one (1) car spaces – one (1) single carport	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.	Existing dwelling to be retained. No change in setback.	As per ResCode
Site Coverage	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: Maximum 50%	Site coverage is 36%	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas

EXISTING CONDITIONS:

The subject site is located on the north side of Hillston Road, Moorabbin. It is rectangular in shape with a frontage width of 15.24 metres to Hillston Road, a maximum depth of 44.35 metres, resulting in an overall area of approximately 674.45m². The site is relatively flat with only a very minor slope towards the rear of the site. Vehicle access to the site is via a single width crossover located on the south-west side of the Hillston Road property frontage.

It would appear that two (2) trees have been removed from the subject site without Planning Approval or a Local Law permit. The issue of vegetation removal will be discussed in greater detail, later in this report. The site does not contain any significant vegetation.

The site is currently occupied by a single storey, brick and tiled roof dwelling and associated out buildings.

The street is located within an area designated with a Neighbourhood Character Overlay. Hillston Road has been identified as having distinct characteristics, which include the following characteristics that are considered to have a major contribution to the area:

- Single storey dwellings;
- Building mass located away from property boundaries;
- Single access way;
- Low rubble wall located on front property boundary;
- Complex roof rooves hipped at right angles to the road; and
- Generous landscaped front setbacks.

The issues regarding neighbourhood character will be discussed in more detail at a later stage.

The site is also encumbered by a 1.83 metre wide sewerage and drainage easement along the site's north (rear) property boundary.

PROPOSAL IN DETAIL:

It is proposed to develop the site for two (2) dwellings consisting of the retention of the existing dwelling and the construction of a new double storey "attic" style dwelling to the rear of the subject site.

Key elements of the proposal are as follows:

Dwelling	Floor Area (excluding garage verandah)	Private Open Space	No. of Bedrooms	Car Spaces Parking
1	117.2m ²	31.8m ² of secluded private open space	2	1 (single carport)
2	m ²	40m ² of secluded private open space	2	1 (single carport)

Building Materials and colours have been nominated as:

Roof:	Selected roof tiles
Walls:	Selected bricks
Garage doors	No doors (carports proposed)
Windows:	Aluminium framed
Driveways:	Concrete driveway
Front fencing:	Retain existing low stone front fence
Boundary fences:	Timber paling fences

It should be noted that the garage of the existing dwelling is proposed to be demolished so as to allow for a common driveway along the site's west (side) property boundary.

The proposal would result in a site coverage of 36%, and a site permeability of 38%.

TITLE DETAILS:

The applicant has completed a restrictive covenant declaration form declaring that there is a restrictive covenant on the title but that the application proposed does not breach this covenant. Council has assessed this matter and has previously sought legal advice regarding a covenant of a similar nature, and is therefore of the opinion that the Restrictive Covenant will not be breached by way of the proposed development.

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION:

Amendments to the application were made by the applicant on 2nd February, 2009. The amendments were largely made in response to Council further information letter dated 16th December, 2008.

Council decided to approve the amendments.

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. Five (5) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Neighbourhood Character;
- Car parking and traffic concerns;
- Overdevelopment of area with a new dual occupancy development on this site;
- Vegetation concerns;
- Safety concerns; and
- privacy concerns.

A response to these grounds of objection are discussed at a later stage in this report.

PRELIMINARY CONFERENCE:

A preliminary conference was held on the Tuesday 24th March, 2009 where the above issues were discussed.

No resolutions were made with regard to the concerns / objections discussed.

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION & RE-NOTIFICATION:

Following discussions with Council Officers, the applicant submitted an amended plan on 31st March, 2009 showing the first floor component of dwelling 2 partly contained within the roof form and the removal of the north facing bedroom 2 window of this dwelling. It is noted this plan has not been formally advertised to adjoining property owners / objectors, however, a full assessment of the plans submitted on 31st March, 2009, has been undertaken and this report will relate to these plans as the applicant has formally substituted them for the advertised plan(s).

PLANNING SCHEME PROVISIONS:

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.06-4 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 'Incremental Change Area' as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement. The subject site is also affected by Clause 43.05 – Neighbourhood Character Overlay.

REFERRAL

No external referrals were required in respect of this application.

The application was referred to the following internal departments within Council (where appropriate amended applications have been re-referred):

- Council's Development Engineer who advised of **no objection**, subject to the inclusion of a number of conditions on any permit issued.
- Council's Vegetation Management Officer who advised of **no objection**, subject to the inclusion of a number of conditions on any permit issued.
- Council's Strategic Planning Department who advised of some concerns with regard to the proposed conventional two storey design of dwellings 2, the proposed fence enclosing the private open space area of dwelling 1 and the details of the proposed materials and colour schedule. It was suggested that a number of the concerns raised can be addressed through conditions or further information submitted by the applicant.

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 meets these objectives.

Clause 21.05 MSS - Residential Land use

Incremental Housing Change Area

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

Areas of Special Character

The type of housing change anticipated within these areas will take from in a way that respects and complements the unique character elements within the area.

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

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.

- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

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

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure 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. *Protect areas/elements in the built form and natural landscape which have an identified and valued character.*

- *Recognise the five areas of 'special character' identified in Kingston's Neighbourhood Character Study and ensure that development proposals respond to all identified major or critical elements in such a way that any new development does not detract from the special character of these areas.*
- *Protect areas/buildings of recognised historical/cultural significance.*
- *Encourage the retention of existing buildings which can be recycled and which contribute to the character of the surrounding neighbourhood.*

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 each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the proposed development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

Average lot size within this area has been calculated to be 306.55m² and it is therefore considered that this proposal would meet this strategy as the subject site has an area of 674.45m². This would allow for an average lot size of 337.23m².

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

- The proposal seeks to construct a new two-storey dwelling towards the rear of the existing dwelling. Where a two-storey dwelling is proposed at the rear of the site, this policy specifies that the development should be sensitively designed to avoid any unreasonable amenity issues. Furthermore, this policy does suggest that two-storey dwellings proposed towards the rear of a site should be in the form of an attic style development. It is considered that the proposal is not a true representation of an attic style dwelling, however, through the inclusion of suitable conditions, it is considered the proposal can be modified to respond to this area of concern. This is discussed in more detail at a later stage in this report.

Clause 32.06: Residential 3 Zone: The purpose of the Residential 3 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

Schedule: The proposal **meets** the additional requirements listed in the Schedule to the Residential 3 zone.

Clause 43.05: Neighbourhood Character Overlay: The purpose of the Neighbourhood Character overlay is to ensure that development respects and responds to the preferred characteristics of the defined area. A planning permit is required to construct a building or to construct or carry out works.

Schedule: As dwelling 1 is to be retained and the proposed dwelling is to be located behind the existing dwelling. It is considered that the proposal will continue to present the distinctive

characteristics that are consistent within the area. However, the neighbourhood character consideration of this proposal will be discussed in further detail below.

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 55.02 - Neighbourhood Character & Infrastructure

Standard B1 Neighbourhood Character & Standard B2 Residential Development Policy
– The character of the area has been clearly identified within Schedule 1 of the Neighbourhood Character Overlay. It is considered that the application proposes unobtrusive buildings as the existing dwelling is to be retained and the proposed dwelling is located towards the rear of the site and is of an attic style construction.

It is policy (Clause 22.11) that all new residential developments respond positively to neighbourhood character. In addition, the two-storey component of new medium density housing is strongly encouraged to be located towards the front of the site. However, where the local neighbourhood is characterised by single storey development, such as Hillston Road, Moorabbin, and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from its respective ground level envelope.

In this instance, it is considered that the design of dwelling 2 is not considered to be a true representation of an attic style dwelling. Furthermore, part of the first floor component of dwelling 2 is not set in from the ground floor building envelope. However, it is considered that through the inclusion of suitable conditions requiring the first floor component of dwelling 2 be set in from the ground floor building envelope and that the first floor component be totally located within the roof line of this dwelling.

It is also considered that with the abovementioned amendments, the proposal will not be visually intrusive to the streetscape having consideration to its overall maximum height of 6.9 metres. Dwelling 2 is also located to the rear of the existing dwelling and approximately 32.5 metres from the site's Hillston Road property frontage. Furthermore, it should be noted that Dwelling 2 does not exceed the maximum 7.5 metre height as specified under this standard. Therefore, it is considered that through the inclusion of conditions, as detailed above, as well as the location of dwelling 2 on the subject site, it is considered that the proposal will contribute positively to the existing neighbourhood character.

Standard B5 Integration with the Street – It is proposed to enclose part of the front open space of the existing dwelling with a 1.5 metre high paling fence which is to be set back 7.8 metres (Condition 1d) from the site's Hillston Road property frontage. The fence will provide secluded private open space for the future occupants of the existing dwelling by enclosing a portion of the front open space of this dwelling.

In this instance, it is considered appropriate given the existing layout of Dwelling 1 (i.e. living areas orientated towards the front of the site), and giving consideration to the critical retention of the low stone rubble fence, that the proposed 1.5 metre high fence with its 7.8

metre setback from the site's frontage, and which encloses the private open space area of the existing dwelling is considered appropriate. It should be noted that suitable conditions requiring this front fence to be amended so as to satisfy minimum private open space dimension requirements of the schedule to the Residential 3 Zone (discussed below) and that this fence is constructed in materials which are complimentary to the character of the area, should be included on any permit issued.

Furthermore, it should be noted, that the height and setback of the proposed fence will allow the streetscape to remain relatively unchanged as the existing dwelling will be clearly visible behind the proposed fence. It is considered the provision of a fence enclosing a portion of the front yard is both a practical solution to the requirements of the Kingston Planning Scheme but will also contribute positively the streetscape of Hillston Road.

Clause 55.03 - Site Layout and Building Massing

Standard B13 Landscaping (NCO Variation) – As discussed earlier in this report, concerns have been raised regarding the removal of vegetation from the site without a planning permit or local law permit. Council records indicate that no permits have been issued for the removal of vegetation from the subject site. However, an investigation of the alleged removal of vegetation from the subject site is continuing with a number of Council Officer's and Departments involved. While the alleged illegal removal of vegetation is considered serious, it should be noted that this aspect of the proposed development should not form the basis for a decision on the application. If it is found that vegetation has been removed illegally, then appropriate measures can be taken by Council through the appropriate avenues. It is considered that the application should be decided on its planning merits and cannot be determined based on the alleged removal of vegetation. This is not considered a valid ground of refusal.

It should also be noted that the proposal was referred internally to Council's Vegetation Management Officer's who advised **no objection** to the removal of the remaining vegetation on site, subject to the inclusion of suitable conditions requiring new vegetation be planted as part of the development. It should also be noted that Council's Strategic Planning Department suggest that dense planting be provided in front of the proposed front fence of dwelling 1 which encloses part of the front yard of dwelling 1. It is considered that this can be achieved through a suitable conditions being placed on any permit issued.

Standard B16 Parking Provision – The proposal adequately satisfies the requirements for car parking. The proposal provides one (1) under cover car parking space for each two (2) bedroom dwelling. However, it is considered that the proposal can accommodate a tandem space in front of each of the proposed single carports. In this instance, given the objectors' concerns with regard to car parking and traffic, it is considered appropriate that a suitable condition requiring the single carports of each dwelling be reduced to 5 metres in length and located directly on the site's east (side) property boundary, with the provision for a tandem car space measuring 2.6 metres in width by 4.9 metres in length be provided in front of each single carport. It is considered that this minor alteration will reduce the car parking and traffic concerns for residents / objectors while providing safe and efficient on site car parking for the future residents of each dwelling. It is also considered that the east end of the carports should not be "open" to address an objector concern. Given that new walls should not be built on boundaries, a suitable boxed woven lattice fence extension should be attached

securely to the existing fence for the width of the carports. A condition on any permit issued can require this.

Clause 55.04 - Amenity Impacts

Standard B17 Side and Rear Setbacks (NCO Variation) – Requires that a new building be set back from one side boundary 1 metre and 3 metres from the other side boundary. Dwellings 1 and 2 comply with the varied side and rear setbacks as set out within the Neighbourhood Character Overlay. While the recommended and discussed location of the proposed single carports for each dwelling as discussed above (Standard B16 Parking Provision) is to locate the proposed carports along the site's east (side) property boundary, it is considered that such a design alteration is appropriate given the issues raised and the means of dealing with them.

Clause 55.05 - On-Site Amenity and Facilities

Standard B28 Private Open Space – The subject site has been identified within an Incremental Change Area. The schedule to the residential 3 zone requires that in these areas, a minimum area of 40 square metres is required to be provided at the side or rear of a dwelling, with a minimum dimension of 5 metres at ground level. Where a dwelling has more than 2 bedrooms, an additional ground level open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom (to a maximum of 80m²).

In this instance, the location and dimension of the private open space for dwelling 1 is not adequately satisfied. The retention of the existing dwelling is a major constraint to the potential development of the site for two (2) dwellings having consideration to the orientation and the internal layout of the existing dwelling. However, the retention of the existing dwelling ensures that the character of the streetscape is also retained, which should be considered as positive attribute of the proposal.

In this instance, having consideration to the constraints of the site, the existing dwelling and the requirements of the Kingston Planning Scheme, it is considered appropriate to locate the secluded private open space of dwelling 1 partly to the side of the existing dwelling and essentially within the front yard of this dwelling and to have it enclosed by a suitable fence. The proposed front fence appears to be located in close proximity to an existing tree within the front setback area of dwelling 1. It is considered that this fence should be set back from the tree so as to reduce any potential health impacts to the existing tree. It is considered that a condition requiring the proposed front fence be set back a minimum one (1) metre further north from the trunk of the existing tree and a minimum 7.8 metres from the site's Hillston Road property boundary. A condition to this effect would create a parcel of private open space of approximately 5.1 metres by 4.63 metre for the future occupants of dwelling 1. It is considered a suitable condition to this effect should be placed on any permit issued.

Clause 55.06 - Detailed Design

Standard B31 Design Detail (NCO Variation) – Requires that the design elements of the proposal reflect the patterns established within the earlier development of the area. The existing dwelling will be retained in its current form on the site.

- **Garages and Carports** – As previously discussed, each dwelling will be serviced by single carports with open sides to minimise the impact of walls on boundaries.
- **Colours, Materials and Finishes** – The façade of dwelling 2 is proposed to be selected brickwork with the provision of selected tiles for the roof. Furthermore, it is considered that a suitable condition requiring the applicant to provide a full colour and materials schedule, including samples which must be approved by the Responsible Authority should be placed on any permit issued.
- **Façade Articulation & Detailing** – It is considered that the proposal satisfies this requirement through the design of dwelling 2. Furthermore, it is considered the inclusion of façade articulation and detailing through the inclusion of a suitable condition requiring the applicant to provide a full colour and materials schedule, including samples which will provide an opportunity to further scrutinise the choice of appropriate materials, colours and façade treatments.
- **Building Footprint** – The proposal adequately satisfies the building footprint of the existing neighbourhood character. Dwelling 1 is existing and to be retained while dwelling 2 is provided with a one (1) metre side setback along the site's east (side) property boundary and a three (3) metre wide side setback along the site's west (side) property boundary.
- **Roof Pitch and Form** – It is considered the design of dwelling 2 does not allow for a maximum roof pitch of 30 degrees, however, the proposed roof form is in accordance with the Neighbourhood Character Overlay provisions of this Standard in that it is a complex hipped roof form.

Overall, it is considered that the proposal satisfies the design detail requirements of the Neighbourhood Character Overlay.

Standard B32 Front Fences (NCO Variation) – it is proposed to retain the existing low rubble wall along the front property boundary. As previously discussed, it is proposed to enclose a portion of the front yard as secluded private open space for the existing dwelling. This fence will be located a minimum 5.5 metres from the site's Hillston Road property frontage.

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 4 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:

Neighbourhood Character & Two Storey Dwelling at the Rear: Concerns were also raised with regards to the neighbourhood character and the proposed two (2) storey dwelling at the rear. Concerns were also raised that the proposed development would compromise the neighbourhood character of the area through the development of dual occupancies with small private open space areas. Concerns were also raised with regards to the proposed fence enclosing part of the front yard of dwelling for the purposes of secluded private open space.

It is considered that the proposed development meets the objectives of the Neighbourhood Character Overlay and associated schedule. While it is acknowledged that dwelling 2 is not a representation of a true attic style dwelling, the proposal can be amended to comply with this area of concern through the inclusion of suitable conditions being placed on any permit issued. Therefore, for the reasons previously outlined it is considered that the proposal reflects the preferred character within the area with regards to setbacks, building massing, design and landscaping.

Vegetation: As previously discussed, concerns have been raised regarding the alleged removal of vegetation from the site. Council records indicate that no permits have been issued for the removal of vegetation from the subject site. However, an investigation of the alleged removal of vegetation from the subject site is ongoing with a number of Council Officers and Departments involved.

Furthermore, it is considered that suitable landscaping conditions requiring appropriate landscaping to be planted on the subject site should form part of any permit issued. Council's Vegetation Management Officers has provided conditions to this effect.

Car Parking and Traffic Concerns: Concerns were raised regarding the impact the proposed development would have on the traffic and car parking on Hillston Road and surrounding street. Objectors were concerned with the accumulative effect of traffic generated from the proposed development and other developments in the immediate vicinity of the subject site. Concerns were raised regarding on street parking and the lack of on site car parking. As discussed above, while the proposal satisfies the minimum car parking requirements of ResCode, in this instance, it is considered that the proposal can easily be made to provide an additional car space for each dwelling on site through a minor amendment to the location of the proposed carports. Furthermore, it is considered that the proposal, subject to the inclusion of suitable conditions as discussed above, should not result in any excessive on street car parking or traffic as the net increase in the number of dwellings on the site is 1.

Other Concerns: Concerns were also raised with regards to the accumulative effect of dual occupancy developments within the area and its impact on dwelling diversity within the area. It is considered that the proposal, if approved, would not create an imbalance of dual occupancy developments within the immediate vicinity of the subject site or in Hillston

Road, Moorabbin. Furthermore, it is considered that the possibility of future developments in Hillston Road, Moorabbin of a similar nature (dual occupancy developments) cannot be considered within the scope of this application.

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 3 zoning and the Schedule to the zone, Neighbourhood Character Overlay, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

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

RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for two (2) dwellings, 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 31st March, 2009, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all tree and shrub planting for the site to comprise 100% advanced plant stock to compensate for the previous removal of vegetation from the land;
 - iv. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;

- v. a range of plant types from ground covers to large shrubs and trees;
 - vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vii. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority.
 - viii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - ix. all trees provided at a minimum of two (2) metres in height at time of planting;
 - x. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. the single car port of each dwelling reduced to a maximum length of 5 metres and relocated directly along the site's east (side) property boundary so as to allow for a tandem car space measuring 3 metres in width by 4.9 metres in length in front of the carport for each dwelling;
 - c. the 3 metre wide by 4.9 metres long tandem car space for each dwelling specified in Condition 1b) of this permit clearly delineated by alternative paving / concrete treatments or line markings;
 - d. the proposed 1.5 metre high front fence enclosing the private open space of dwelling 1 set back 7.8 metres from the site's front (south) property boundary;
 - e. the front fence enclosing the private open space of dwelling 1 nominated as a horizontal slat fence or the like, with this fence provided with a minimum 25% transparency;
 - f. the first floor component of dwelling 2 set in a minimum 1 metre from its ground floor building envelope, with the whole first floor component concealed within the roof form, with the exception of a suitable dormer style screened window to be located along the south side of bedroom 2 on the first floor of this dwelling;
 - g. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
 - h. the provision of a boxed, woven lattice fence extension attached securely to the top of the site's east (side) property boundary fence for the width of the carports for dwelling 1 and dwelling 2; and
 - i. provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of dwelling 2;
- 2. Before the occupation of dwelling 2, the fence extension required under Condition 1 h) of this permit must be erected to Council satisfaction at the full cost of the owner / developer of the site.
 - 3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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4. Before occupation of dwelling 2 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.
5. Before occupation of dwelling 2 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.
6. 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.
7. 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.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. 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.
10. Before the occupation of dwelling 2 hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
12. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
13. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.

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14. Prior to the occupation of dwelling 2 hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
15. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
16. Prior to the occupation of dwelling 2 hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - e. Constructed to the satisfaction of the Responsible Authority.
 - f. Properly formed to such levels that they can be used in accordance with the plans.
 - g. Surfaced with an all-weather coloured concrete sealcoat to the satisfaction of the Responsible Authority.
 - h. 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.
17. 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.
18. 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.
19. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. External clothes drying facilities must be provided for each dwelling.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. 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 (2) years of the date of this permit.*
 - The development is not completed within one (1) year from the commencement of works.*

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

Note: It is noted that the development includes eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

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

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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.

L 40

Planning Application KP715/08: 86 McLeod Road, Carrum

APPLICANT:	Neil Fletcher Design Pty Ltd
ADDRESS OF LAND:	No.86 (Lot 7 on PS 010864) McLeod Road, Carrum
Melway Ref:	97F7
PROPOSAL	Three (3) dwellings
CONTACT OFFICER:	Girija Shrestha
FILE NO:	KP715/08
ZONING:	Residential 3
KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:	<p><u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing</p> <p><u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 44.05: Special Building Overlay Clause 52.29: Land Adjacent to a Road Zone, Category 1 Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines</p>
RESIDENTIAL POLICY AREA:	Incremental Change
NEIGHBOURHOOD CHARACTER AREA:	Area 81
CONSIDERED PLAN	7 th April, 2009
DECISION BY:	6 th June, 2009
NETT DAYS:	21 day @ 27 th April, 2009

Main Issues Relating to this Application

- Neighbourhood character
- Amenity impact (external)

Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m ² , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m ² is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 232m ² of which 46m ² is secluded private open space (2 bedroom dwelling) Dwelling 2 – 72m ² of which 60m ² is secluded private open space (3 bedroom dwelling) Dwelling 3 – 72m ² of which 60m ² is secluded private open space (3 bedroom dwelling)	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
Car Parking	Two (2) spaces for each 3 bedroom dwelling.	Dwelling 1 – two (2) car spaces – one (1) in carport, and one (1) in tandem Dwelling 2 – two (2) car spaces - in double garage Dwelling 3 – two (2) car spaces - in double garage	Adequate car parking for future residents and visitors
Dwelling Setback to Street	Site is a corner allotment – The abutting allotment facing McLeod Road site frontage – 8.0 metres Dwelling 2 - 3 metres Dwelling 3 – 3 metres	Dwelling 1 – existing & remains as is Dwelling 2- 3.0 metres Dwelling 3- 3.0 metres	As per ResCode
Site Coverage	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: Maximum 50%	Site coverage is 40.7%	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas

EXISTING CONDITIONS:

The subject site comprises a 971.4m² rectangular shaped allotment on the south-east corner of McLeod Road and Rigby Street in Carrum. It currently contains a 1940's style, single storey, weatherboard dwelling, with a concrete tiled gable roof. There is also a single storey, weatherboard dwelling at the rear (south-eastern end) of the site. The site is accessible via a

single crossover at north-west corner. The site contains seven (7) established trees, the majority of which are within the site's McLeod Road frontage setback. There are also three (3) existing street trees within the Rigby Street nature strip in front of the site. There appear to be no restrictions listed on the Certificate of Title.

The site is located within an established residential area, with surrounding residential development typically comprising of single storey, brick and weatherboard dwellings, with a scattering of double storey dwellings and multi-dwelling developments, mainly along McLeod Road. Front fencing is varied.

The site is located within close proximity of local services and facilities, being approximately 700m from Carrum Primary School, 750m from the Carrum strip shopping centre and Railway Station and 900m from the Foreshore Reserve.

PROPOSAL IN DETAIL:

It is proposed to retain the existing single storey, weatherboard dwelling at the north-west (front) end of the site and construct two (2) double storey dwellings to its rear, facing Rigby Street. The materials of the proposed dwellings would include face brick and block work at ground level and cement sheet weatherboard at first floor level with pitched concrete tiled rooves.

Dwelling 1 would be provided with a single car port and tandem car parking space in front, accessible via an independent (single width) crossover from Rigby Street, and dwellings 2 and 3 would each have a double garage and tandem car parking space, also accessible via independent crossovers from Rigby Street.

Building Materials and colours have been nominated as:

Roof:	Concrete roof tiles
Walls:	Mix of light weight cladding render finish, Cement sheet weatherboard profile, brick work
Garage doors	Timber panel lift door
Driveways:	Concrete driveway
Front fencing:	1.8m high pailing fence in front of existing dwelling and 0.6m high brick fence in front of dwellings 1 & 2
Boundary fences:	1.8m high pailing fence

As nominated by applicant, the proposal would result in a site coverage of 40.7%, and a site permeability of 40%.

TITLE DETAILS

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

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

Amended plans were received by Council on 3rd November, 2008. Changes and modifications made to the plans / application were predominately made in response to Council's further information letter dated 5th August, 2008.

Following the submission of these amended plans the application proceeded 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. Three (3) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Traffic
- Overshadowing
- Overlooking
- Overdevelopment
- Neighbourhood character and Visual bulk

PRELIMINARY CONFERENCE

- A preliminary conference was held on 20th January, 2009, with the relevant Planning Officer, Ward Councillor, the applicant and three (3) objectors in attendance. The above-mentioned issues were discussed at length.
- The above concerns were unable to be resolved at the conference, and the objections still stand.

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION

An application for amendments pursuant to Section 57A of the Planning and Environment Act 1987 was received on 7th April, 2009. The amendment included:

- greater separation at the first floor level between dwellings 2 and 3 designed to reduce the visual bulk of the double storey dwellings; and
- the windows of each dwelling facing to No. 1 Rigby Street and No. 8 McLeod Road provided with sill heights or obscure glazing up to 1.7m above the finished first floor level, directly below.

Notification of the amended application has been made pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending out the amended plans to the objectors.

As a result of this process, Council has received three (3) re-submissions on the proposed amendments with all previous concerns and one (1) further re-submission who submitted to Council regarding additional concerns about construction and potential damage to the abutting property.

It is noted that all objections to all notification processes are considered in the assessment of this application.

PLANNING SCHEME PROVISIONS

A planning permit is required to develop land for two or more dwellings, pursuant to Clause 32.06-4 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 ‘Incremental Housing Change Area’ as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

The land is also affected by Special Building Overlay. A planning permit is required to construct a building or to construct or carry out works, pursuant to Clause 44.05-1 of the Kingston Planning Scheme.

The land is also adjacent to a Road Zone, Category 1. A planning permit is required to create or alter access to a road in a Road Zone, Category 1, pursuant to Clause 52.29 of the Kingston Planning Scheme.

REFERRAL

The following internal and/or external referral departments were notified:

Internal Council Referrals (where appropriate amended applications have been re-referred)	Advice/Response/Conditions
Drainage Engineer	No objection, subject to the inclusion of nominated conditions on any permit issued.
Vegetation Management Officer	No objection, subject to the inclusion of suitable conditions on any permit issued.
Council’s Tree Co-ordinator	No objection, subject to the inclusion of specified conditions on any permit issued.
Vic Roads	No objection, subject to the inclusion of specified conditions 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

Incremental Housing Change Area

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

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

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

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

- Promote lower density housing in established suburban areas that do not have direct

access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.

- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Ensure 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 specific site context allows for the opportunity for a well-designed, double storey form of development which responds to the established, but evolving character of this locality. The proposal creates an adequate standard of amenity for the future occupants of each 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, and the broader local neighbourhood character.

The average lot size within this area (Area 6) has been calculated to be 578.1m², which results in a suggested development density of 1 dwelling per 289.05m². The average lot size within this area has been calculated to be 578.1m² and it is therefore considered that this proposal would meet this strategy as the subject site has an area of 971.4m².

Clause 22.11 - Residential Development Policy

The proposal has been assessed against the objectives and policy of the Residential Development Policy, which can be summarised under the following headings:

- Housing change
- Neighbourhood character
- Built form, siting and scale of development
- Car parking and vehicle access
- Stormwater run-off mitigation and quality management

It is considered that the proposal satisfies the above relevant requirements.

The “*built form, siting and scale of development*” section of the Policy states the following:

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well-articulated and graduated elevations in order to avoid “box-like” double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

In relation to neighbourhood character, when considering applications for development, Clause 22.11 states that the Neighbourhood Character Guidelines should be applied. This will be discussed in the following section of “Neighbourhood Character Area Guidelines (Incorporated Document).”

In addition, the Residential Development Policy (Clause 22.11) also encourages the double storey component of new medium density housing to be located towards the front of a site, to respond to the character of the local neighbourhood, and should be sensitively designed to avoid unreasonable adverse amenity impacts on neighbours. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.

It is noted that the site is a corner allotment giving the existing and new dwellings a separate street frontage. It is considered that the proposal, whilst incorporating two double storey dwellings at the rear of the site, does exhibit a sensitive design, setting back the first floor appropriately from its ground floor footprint. The new double storey dwellings are attached in their form at the ground floor level and are separated at the first floor level. They are considered to demonstrate a good level of articulation, and overall, should present well to the streetscape.

It is noted that the porch for proposed dwelling 2 protrudes approximately 0.5m into the 3m front setback of this dwelling to Rigby Street. However, in the context of the streetscape and broader neighbourhood character, this setback is considered appropriate.

In conclusion, it is considered that the proposed development would satisfy the above policies under Clause 22.11 of the Kingston Planning Scheme.

Clause 32.06: Residential 3 Zone

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

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

Schedule

Schedule 1 to the Residential 3 zone imposes greater requirements for new multi-dwelling developments (being private open space, site coverage and front fencing) in areas identified for “incremental change” under Council’s MSS. The proposal meets the additional requirements listed in the Schedule to the Residential 3 zone.

Clause 44.05: Special Building Overlay

The purpose of this overlay is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

It is considered that the proposed development satisfies the purpose of the overlay. Council’s Development Engineer has stated no objection subject to inclusion of nominated conditions on any permit issued.

Clause 52.29: Land Adjacent to a Road Zone, Category 1

The purpose of this Clause is to ensure appropriate access to identified roads. It is considered that the proposed development satisfies the purpose of this Clause. VicRoad has stated no objection subject to inclusion of nominated conditions on any permit issued.

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. Some matters relevant to this Clause are discussed in following section:

Traffic Issues

Each dwelling would be provided with at least two (2) on-site car parking spaces accessible from Rigby Street. The existing crossover / vehicle access point at the corner of Rigby Street and McLeod Road will be removed (and the kerb reinstated) as a result of the proposal.

Council’s Development Engineer has requested that the crossovers proposed for the existing dwelling and dwelling 2 be combined as a double crossover. This can be required as a condition on any permit issued. This development would result the removal of street located at the site’s Rigby Street frontage. Council’s Street Tree Coordinator has no objection, subject to the inclusion of nominated conditions on any permit issued. Overall, it is considered that the development adequately provides on-site car parking.

The objectors have raised concerns regarding traffic; however, it is considered that the surrounding road network would be able to accommodate any additional vehicle movements that are generated by the new dwellings.

Amenity Issues

Whilst the objectors have raised concerns regarding privacy, the proposed dwellings should not result in any unreasonable overlooking of abutting properties as all upper level windows of the new dwellings are either highlight windows, with a minimum sill height of 1.7m above the first floor finished floor level directly below, or windows fitted with obscure glazing to 1.7m above the first floor finished floor level directly below.

The shadows cast from the dwellings should not cause any detriment to abutting properties, and are in accordance with ResCode guidelines.

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.

Neighbourhood Character Area Guidelines (Incorporated Document):

The land is located within Area 81 of the Neighbourhood Character Guidelines. There are two elements which are considered to be major characteristics in this area, namely, roof shape which states that simple hipped, complex hipped, simple gabled, complex gabled and combination roofs with angles of 15°-20° are considered typical, and building materials with rooves of various colours and materials as well as walls of weatherboard and render in white or pastel colours are typical in this area. The proposed dwellings' building materials include concrete tiled rooves, brick work and blockwork, rendering and cement sheet weatherboard, all of which are considered to be sympathetic to the existing and preferred neighbourhood character. 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

Traffic: It is considered that the surrounding street network should be capable of accommodating the additional traffic movements created as a result of the additional dwellings on the site. Further, each dwelling is provided with at least two (2) on-site car parking spaces, accessible via Rigby Street. In total, six (6) on-site car parking spaces have been provided for the development, which meets the ResCode (Standard B16) requirements. In addition to this, there is the potential for a visitor car space to be provided in front of the garage for dwellings 2 and 3.

Overshadowing: As discussed the submitted shadow diagram indicates that the overshadowing resulting from the dwellings should not cause any detriment to abutting properties, and is in accordance with ResCode guidelines.

Overlooking: The proposed dwellings should not result in any unreasonable overlooking of abutting properties. All upper level windows of the new dwellings are either highlight windows or windows fitted with obscure glazing to 1.7 metres above the first floor finished floor level.

Overdevelopment: The proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking, overshadowing, excessive site coverage lack of private open space, insufficient car parking and poor internal amenity for future residents of the dwellings. For these reasons, Council Officers do not consider the proposal to be an overdevelopment of the site.

Neighbourhood character and visual bulk: It is noted that the site is a corner allotment giving the existing and new dwellings a separate street frontage. It is considered that the proposal, whilst incorporating two double storey dwellings to the rear of the site, but facing Rigby Street, is a sensitive design, and sets back the first floor from its ground floor footprint. The new double storey dwellings are attached in their form, at the ground floor level, with greater separation provided at the first floor level. The dwellings are considered to be well articulated, and overall, should present well to the streetscape, and do not exhibit excessive visual bulk or mass. Further, opposite to the proposal site at No. 84 McLeod Road, VCAT has approved three (3) dwellings which comprise two double storey dwellings and one single storey dwelling. This development has not commenced.

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 3 zoning and the Schedule to the zone, Special Building Overlay and Land Adjacent to a Road Zone, Category 1, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

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

RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings and to remove access to a Road Zone Category 1 on land designated within the Special Building Overlay, 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 7th April, 2009, but modified to show:

- a. the crossovers for dwelling 1 and dwelling 2 combined as one larger vehicle crossover with the alignment of driveway for dwelling 2 ‘flipped’ so that its curve and abutting landscape area are in its south-west side
 - b. the existing street tree within the Rigby Street nature strip in front of the driveway for dwellings 1 and 2 nominated as being removed in accordance with of Condition 3 of this permit;
 - c. the ground floor finished floor level for dwelling 2 and dwelling 3 nominated as 1.76m to the AHD;
 - d. finished floor level for the proposed garage of dwelling 2 and dwelling 3 nominated as 1.61m to the AHD;
 - e. the provision of a water tank clearly nominated for each dwelling;
 - f. the surface material of all driveways/accessways and car parking spaces nominated in an all weather coloured concrete seal coat;
 - g. the garage for dwelling 3 set back 150mm from the site’s south-west (rear) property boundary to allow the existing common fence (to No. 1 Rigby Street) to remain;
 - h. the provision of a notation stating that the south-west (rear) wall garage for dwelling 3 to be constructed only from the subject land and any materials that fall on the abutting property be cleared up immediately;
 - i. all requirements of VicRoads, in accordance with Condition 4 of this permit; and
 - j. an elevation plan of all front fencing, which provides details of height, materials and colours.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Prior to the removal of the tree from the site’s Rigby Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee of \$1169.00 (including GST) for the removal of this existing street tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed, all to the satisfaction of the Responsible Authority.
 4. **Conditions required by Vic Roads:**
 - a) The redundant vehicular crossover on the McLeod Road boundary of the property must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
 - b) Prior to the commencement of works in the McLeod Road reserve the applicant is to receive written consent from VicRoads for those works in, on, or under the McLeod Road reserve in accordance with Section 6 of the Road Management Act 2004.

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5. Prior to the occupation of dwellings 2 & 3 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.
6. Prior to the occupation of dwellings 2 & 3 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.
7. 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 system or bioretention system, rainwater tanks connected for reuse and a detention system.
8. 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.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. 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.
11. Prior to the occupation of dwellings 2 & 3 hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
12. 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.
13. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
14. Prior to the occupation of dwellings 2 & 3 hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.

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15. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
16. Prior to the occupation of dwellings 2 & 3 hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - i. Constructed to the satisfaction of the Responsible Authority.
 - j. Properly formed to such levels that they can be used in accordance with the plans.
 - k. Surfaced in accordance with the endorsed plans under this permit, to the satisfaction of the Responsible Authority.
 - l. 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.

17. 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.
18. 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.
19. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. External clothes drying facilities must be provided for each dwelling.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. 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 (2) years from the date of this permit.
 - The development is not completed before one (1) year from the commencement of works.

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

Note: It is noted that the development includes the garage to be built over an easement. Separate consent from the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building

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Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

3. Summary and Conclusion

Council continues to meet its statutory obligations pertaining to the purchase and analysis of food samples. Attachments 1 - 6 list the food samples taken and an overview the actions taken with non-complying samples for the period.

It should be noted that the failure rate is not indicative of the whole food supply, as sampling is targeted at specific food types and also includes specific complaint samples.

Recommendation

That Council note the report.

Attachments:

- 1: *Samples submitted for analysis April – June 2008.*
- 2: *Actions relating to non-complying samples Apr – June 2008.*
- 3: *Samples submitted for analysis July – September 2008.*
- 4: *Actions relating to non-complying samples July – Sept 2008.*
- 5: *Samples submitted for analysis October – December 2008.*
- 6: *Actions relating to non-complying samples Oct – Dec 2008.*

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Appendix 1

Food Samples submitted for Analysis

April – June 2008

Date submitted	Sample number	Product Description	Result
01/04/2008	INV/08/018	Roast chicken	Comply
02/04/2008	AGQ/08/092	Swab of knife	Comply
02/04/2008	AGQ/08/093	Swab - Ladle	Fail
02/04/2008	AGQ/08/094	Swab - Tub	Fail
02/04/2008	AGQ/08/095	Swab - Freezer door handle	Comply
02/04/2008	AGQ/08/096	Swab - Display fridge door	Comply
02/04/2008	AGQ/08/097	Swab - Chopping board	Comply
02/04/2008	AGQ/08/098	Swab - Display fridge door	Comply
02/04/2008	AGQ/08/099	Swab - Knife	Comply
02/04/2008	AGQ/08/100	Swab - Tub	Comply
02/04/2008	AGQ/08/101	Swab - Freezer door	Comply
02/04/2008	AGQ/08/102	Swab - Blender number 2	Comply
02/04/2008	AGQ/08/103	Swab - Blender number 1	Comply
08/04/2008	INV/08/021	Cheese	Comply
08/04/2008	INV/08/022	Seafood	Comply
15/04/2008	AGQ/08/104	Swab - Plate	Comply
15/04/2008	AGQ/08/105	Swab - Cutting board white	Comply
15/04/2008	AGQ/08/106	Swab - Fridge handle	Comply
15/04/2008	AGQ/08/107	Swab - Knife	Fail
15/04/2008	AGQ/08/108	Swab - Cutlery knife	Comply
15/04/2008	AGQ/08/109	Swab - Plate	Comply
15/04/2008	AGQ/08/110	Swab - Fridge handle	Comply
15/04/2008	AGQ/08/111	Swab - Knife	Comply
15/04/2008	INV/08/023	Shortcrust Pastry	Comply
16/04/2008	INV/08/025	Seafood Marinara	Comply
16/04/2008	INV/08/026	Prawns	Fail
24/04/2008	AGQ/08/112	Swab - Rotary slicer	Comply
24/04/2008	AGQ/08/113	Swab - Food display container (tray)	Comply
24/04/2008	AGQ/08/114	Swab - Chopping board (sandwich bar)	Fail
24/04/2008	AGQ/08/115	Swab - Meat slicer	Comply
24/04/2008	AGQ/08/116	Swab -Black Sushi tray	Fail
24/04/2008	AGQ/08/117	Swab display sushi tray	Comply
24/04/2008	AGQ/08/118	Swab sliding door (display)	Comply
24/04/2008	AGQ/08/119	Swab food container (small)	Comply
24/04/2008	AGQ/08/120	Swab – black display container	Comply
24/04/2008	AGQ/08/121	Swab - sauce bottle	Comply
24/04/2008	AGQ/08/122	Swab - Black tray for kebab preparation	Comply
24/04/2008	AGQ/08/123	Swab - Door handles (under bench fridge)	Comply
24/04/2008	AGQ/08/124	Swab - Food containers	Comply
24/04/2008	AGQ/08/125	Swab - Serving spoon	Comply
24/04/2008	AGQ/08/126	Swab - Stainless steel tray	Comply
24/04/2008	AGQ/08/127	Swab - Coolroom door handle	Fail
24/04/2008	AGQ/08/128	Swab stainless steel food container	Comply
24/04/2008	AGQ/08/129	Swab - chopping board	Fail
24/04/2008	AGQ/08/130	Swab - tongs	Comply
24/04/2008	AGQ/08/131	Swab -Fridge handle	Comply
24/04/2008	AGQ/08/132	Swab - food tray	Comply
24/04/2008	AGQ/08/133	Swab - knife	Comply

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24/04/2008	AGQ/08/134	Swab - vegetable slicer blade	Comply
24/04/2008	AGQ/08/135	Swab - Coolroom door handle	Fail
01/05/2008	INV/08/027	Chicken	Comply
01/05/2008	INV/08/028	Potato gravy	Comply
07/05/2008	AGQ/08/136	Swab - Bain Marie stainless steel tray	Comply
07/05/2008	AGQ/08/137	Swab - Stainless steel tongs	Comply
07/05/2008	AGQ/08/138	Swab - Plate	Comply
07/05/2008	AGQ/08/139	Swab - Stainless steel tongs	Comply
07/05/2008	AGQ/08/140	Swab - Soup bowl	Comply
07/05/2008	AGQ/08/141	Swab - Coffee cup	Comply
07/05/2008	AGQ/08/142	Swab - Plate	Comply
07/05/2008	AGQ/08/143	Swab - Sandwich cutting knife	Comply
07/05/2008	AGQ/08/144	Swab - Coffee cup	Comply
07/05/2008	AGQ/08/145	Swab - Tongs	Comply
07/05/2008	AGQ/08/146	Swab - Plate	Comply
07/05/2008	AGQ/08/147	Swab - Mixing bowl	Comply
07/05/2008	AGQ/08/148	Sliced beef	Comply
08/05/2008	INV/08/029	Cooked fish	Comply
09/05/2008	INV/08/030	Frozen sun dried tomato	Comply
09/05/2008	AGQ/08/149	Ham	Fail
09/05/2008	AGQ/08/150	Roast beef	Fail
15/05/2008	AGQ/08/151	Swab - control	Comply
15/05/2008	AGQ/08/152	Swab - ingredients tub	Comply
15/05/2008	AGQ/08/153	Swab - chest freezer lid	Comply
15/05/2008	AGQ/08/154	Swab - 1 st pizza tray	Comply
15/05/2008	AGQ/08/155	Swab - Coolroom door handle	Comply
15/05/2008	AGQ/08/156	Swab - 3 rd pizza tray	Comply
15/05/2008	AGQ/08/157	Swab - 2 nd pizza tray	Comply
15/05/2008	AGQ/08/158	Swab - cash register surface	Comply
15/05/2008	AGQ/08/159	Swab - coffee froth scraper	Fail
15/05/2008	AGQ/08/160	Swab - hash brown holder	Comply
15/05/2008	AGQ/08/161	Swab - nuggets cooker handle door	Comply
15/05/2008	AGQ/08/162	Swab - coffee spoon	Comply
15/05/2008	AGQ/08/163	Swab - office door handle	Comply
15/05/2008	AGQ/08/164	Swab - eggs cooker	Comply
15/05/2008	AGQ/08/165	Swab - Coolroom door handle	Comply
27/05/2008	INV/08/031	Raw chicken drumsticks	Fail
28/05/2008	AGQ/08/166	Swab - tray	Comply
28/05/2008	AGQ/08/167	Swab - knife	Comply
28/05/2008	AGQ/08/168	Swab - tongs	Comply
28/05/2008	AGQ/08/169	Swab - door handle	Comply
28/05/2008	AGQ/08/170	Swab - chopping board	Comply
28/05/2008	AGQ/08/171	Swab - spoon	Comply
28/05/2008	AGQ/08/172	Swab - plate	Comply
28/05/2008	AGQ/08/173	Swab - door handle	Comply
28/05/2008	AGQ/08/174	Swab - Tray	Comply
28/05/2008	AGQ/08/175	Swab - Bowl	Comply
28/05/2008	AGQ/08/176	Swab - knife	Fail
28/05/2008	AGQ/08/177	Swab - Door handle	Fail
30/05/2008	INV/08/032	Egg plant dip	Fail
02/06/2008	AGQ/08/178	Fettuccini Carbonara	Comply
02/06/2008	AGQ/08/179	Beef and Mushroom Pie	Comply
02/06/2008	AGQ/08/180	Eggplant and tomato casserole	Comply

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02/06/2008	AGQ/08/181	Vegetable frittata and salad	Comply
02/06/2008	AGQ/08/182	Apple cinnamon muffin and custard	Comply
02/06/2008	AGQ/08/183	Apricots and custard	Comply
02/06/2008	AGQ/08/184	Seafood salad	Comply
02/06/2008	AGQ/08/185	Seafood salad	Comply
02/06/2008	AGQ/08/186	Vegetable frittata and salad	Comply
02/06/2008	AGQ/08/187	Vegetable frittata and salad	Comply
02/06/2008	AGQ/08/188	Apple cinnamon muffin and custard	Comply
02/06/2008	AGQ/08/189	Apple cinnamon and custard	Comply
02/06/2008	AGQ/08/190	Apricots and custard	Comply
02/06/2008	AGQ/08/191	Apricots and custard	Comply
02/06/2008	AGQ/08/192	Lime jellied fruit	Comply
02/06/2008	AGQ/08/193	Lime jellied fruit	Comply
02/06/2008	AGQ/08/194	Tiramisu cake	Comply
02/06/2008	AGQ/08/195	Tiramisu cake	Comply
02/06/2008	AGQ/08/196	Mixed sandwiches	Comply
02/06/2008	AGQ/08/197	Mixed Sandwiches	Comply
04/06/2008	INV/08/033	Pork spare ribs	Comply
04/06/2008	AGQ/08/198	Swab - chopping board	Fail
04/06/2008	AGQ/08/199	Swab - under bench fridge handle	Fail
04/06/2008	AGQ/08/200	Swab - vegetable slicer	Fail
04/06/2008	AGQ/08/201	Swab - knife	Fail
04/06/2008	AGQ/08/202	Swab - salad display door	Fail
04/06/2008	AGQ/08/203	Swab - stainless steel tray	Comply
04/06/2008	AGQ/08/204	Swab - utensil	Comply
04/06/2008	AGQ/08/205	Swab - 3 door fridge handle	Comply
04/06/2008	AGQ/08/206	Swab - slicer	Comply
04/06/2008	AGQ/08/207	Swab - salad bar chopping board	Comply
04/06/2008	AGQ/08/208	Swab - Coolroom door handle	Comply
04/06/2008	AGQ/08/209	Swab - plastic container	Comply
04/06/2008	AGQ/08/210	Swab - sandwich bar chopping board	Comply
04/06/2008	AGQ/08/211	Swab - meat slicer	Comply
04/06/2008	AGQ/08/212	Swab - stainless steel tray	Comply
04/06/2008	AGQ/08/213	Swab - Coolroom door handle	Comply
04/06/2008	AGQ/08/214	Swab - knife	Comply
04/06/2008	AGQ/08/215	Swab - black salad tray	Comply
04/06/2008	AGQ/08/216	Swab - food storage container	Comply
04/06/2008	AGQ/08/217	Swab - Coolroom door handle	Fail
04/06/2008	AGQ/08/218	Swab - stainless steel tray	Comply
04/06/2008	AGQ/08/219	Swab - green chopping board	Comply
04/06/2008	AGQ/08/220	Swab - meat slicer	Comply
04/06/2008	AGQ/08/221	Swab - utensil	Comply
04/06/2008	AGQ/08/222	Soft drink (imported)	Fail
04/06/2008	AGQ/08/223	Tamarind	Fail
04/06/2008	AGQ/08/224	Soup stock	Fail
11/06/2008	INV/08/034	Pizza	Comply
27/06/2008	AGQ/08/225	Canned vegetables and steak	Fail
27/06/2008	AGQ/08/226	Chicken and mild Korma soup	Fail
27/06/2008	AGQ/08/227	Cream of chicken soup	Fail
TOTAL	150		
Comply	122		
Fail	28		

**Action on Failed Samples
April – June 2008**

Sample No	Description	Result	Action Status
AGQ/08/093	Swab - Ladle	High Standard Plate Count	Investigation Complete
AGQ/08/094	Swab - Tub	High Standard Plate Count	Investigation Complete
AGQ/08/107	Swab - Knife	High Standard Plate Count	Investigation Complete
INV/08/026	Prawns	High Coliform and High Standard Plate Count	Investigation Complete
AGQ/08/114	Swab - Chopping board	High Standard Plate Count	Investigation Complete
AGQ/08/116	Swab -Black Sushi tray	High Standard Plate Count	Investigation Complete
AGQ/08/127	Swab - Coolroom door handle	High Standard Plate Count	Investigation Complete
AGQ/08/129	Swab - chopping board	High Standard Plate Count	Investigation Complete
AGQ/08/135	Swab - Coolroom door handle	High Standard Plate Count	Investigation Complete
AGQ/08/149	Ham	High Enterobacteriaceae	Investigation Complete
AGQ/08/150	Roast beef	High Enterobacteriaceae	Investigation Complete
AGQ/08/159	Swab - coffee froth scraper	High Standard Plate Count	Investigation Complete
INV/08/031	Raw chicken drumsticks	High Standard Plate Count	Investigation Complete
AGQ/08/176	Swab - knife	High Standard Plate Count	Investigation Complete
AGQ/08/177	Swab - Door handle	High Standard Plate Count	Investigation Complete
INV/08/032	Egg plant dip	High Yeast Count	Investigation Complete
AGQ/08/198	Swab - chopping board	High Standard Plate Count	Investigation Complete
AGQ/08/199	Swab - under bench fridge handle	High Standard Plate Count	Investigation Complete
AGQ/08/200	Swab - vegetable slicer	High Standard Plate Count	Investigation Complete
AGQ/08/201	Swab - knife	High Standard Plate Count	Investigation Complete
AGQ/08/202	Swab - salad display door	High Standard Plate Count	Investigation Complete
AGQ/08/217	Swab - Coolroom door handle	High Standard Plate Count	Investigation Complete
AGQ/08/222	Soft drink (imported)	Fail - Labelling	Investigation Complete
AGQ/08/223	Tamarind	Fail - Labelling	Investigation Complete
AGQ/08/224	Soup stock	Fail – Labelling	Investigation Complete
AGQ/08/225	Canned vegetables and steak	Fail – Labelling	Investigation Complete
AGQ/08/226	Chicken and mild Korma soup	Fail – Labelling	Investigation Complete
AGQ/08/227	Cream of chicken soup	Fail- Labelling	Investigation Complete
There were 28 failed samples this quarter			

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Appendix 3

Food Samples submitted for Analysis

July - September 2008

Date submitted	Sample number	Product Description	Result
2/7/2008	INV/08/036	Profiterole	Comply
12/8/2008	INV/08/041	Banana Porridge	Comply
15/8/2008	INV/08/042	Lamb souvlaki	Comply
15/8/2008	INV/08/043	Lamb Souvlaki	Comply
15/8/2008	INV/08/044	Milk low fat	Fail
15/8/2008	INV/08/045	Milk extra Frothy	Fail
15/8/2008	INV/08/046	Milk Extra Frothy	Fail
15/8/2008	INV/08/047	Coffee Beans	Comply
15/8/2008	INV/08/048	Portable coffee machine water supply	Comply
15/8/2008	INV/08/049	Coffee m/c outlet water drain	Fail
21/8/2008	INV/08/050	Apricot & Yoghurt muesli	Fail
26/8/2008	INV/08/051	Soup	Comply
27/08/2008	AGQ/08/228	Ham	Comply
27/8/2008	AGQ/08/229	Roast Beef	Comply
28/8/2008	INV/08/052	Uncooked veal	Fail
3/9/2008	AGQ/08/230	Jellied Fruit	Comply
3/9/2008	AGQ/08/231	Beef Chipolata & Vegetables	Comply
3/9/2008	AGQ/08/232	Fried Rice	Comply
3/9/2008	AGQ/08/233	Tuna Pie	Comply
3/9/2008	AGQ/08/234	Vitamised chicken schnitzel/Lasagne	Comply
3/9/2008	AGQ/08/235	Chicken schnitzel & Vegetables	Comply
3/9/2008	AGQ/08/236	Lasagne & Vegetables	Comply
3/9/2008	AGQ/08/237	Lemon Pudding	Comply
3/9/2008	AGQ/08/238	Roast Beef & Vegetables	Comply
3/9/2008	AGQ/08/239	Chicken Schnitzel with Vegetables	Comply
3/9/2008	AGQ/08/240	Cheesecake	Comply
3/9/2008	AGQ/08/241	Strawberry Mousse	Comply
3/9/2008	AGQ/08/242	Strawberry Mousse (Vitamised)	Fail
3/9/2008	AGQ/08/243	Corned Beef & Vegetables	Comply
3/9/2008	AGQ/08/244	Corned Beef & Vegetables (Vitamised)	Comply
3/9/2008	AGQ/08/245	Corned Silverside	Comply
3/9/2008	AGQ/08/246	Vegetable pasta	Comply
3/9/2008	AGQ/08/247	Banana Caramel with Ice Cream	Comply
3/9/2008	AGQ/08/248	Lentil soup	Comply
3/9/2008	AGQ/08/249	Roast Beef with Vegetables	Comply
3/9/2008	AGQ/08/250	Custard	Comply
3/9/2008	AGQ/08/251	Vitamised Meal	Comply
3/9/2008	AGQ/08/252	Soup	Comply
3/9/2008	AGQ/08/253	Main Meal	Comply
3/9/2008	AGQ/08/254	Vitamised Meal	Comply
3/9/2008	AGQ/08/255	Bread Butter Pancake	Comply
3/9/2008	AGQ/08/256	Corned Beef, Gravy & Parsley Pot	Comply
3/9/2008	AGQ/08/257	Vegies	Comply
3/9/2008	AGQ/08/258	Mashed Potatoes	Comply
3/9/2008	AGQ/08/259	Chicken Casserole	Comply
3/9/2008	AGQ/08/260	Pureed Potato & Vegetables	Comply
3/9/2008	AGQ/08/261	Mashed Potato & Vegetables	Comply

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3/9/2008	AGQ/08/262	Rice & Mince Meat	Comply
3/9/2008	AGQ/08/263	Jelly	Comply
3/9/2008	AGQ/08/264	Lunch	Comply
3/9/2008	AGQ/08/265	Spaghetti Bolognese	Comply
3/9/2008	AGQ/08/266	Corned Silverside & Vegetables	Comply
3/9/2008	AGQ/08/267	Tinned Fruit Salad	Comply
3/9/2008	AGQ/08/268	Roast Lamb & Vegetables	Comply
3/9/2008	AGQ/08/269	Thickened Milk Drink	Fail
3/9/2008	AGQ/08/270	Custard Jelly Cream	Comply
3/9/2008	AGQ/08/271	Roast Beef & Vegetables	Comply
3/9/2008	AGQ/08/272	Fruit Salad	Comply
3/9/2008	AGQ/08/273	Mild Chicken Curry & Rice	Comply
3/9/2008	AGQ/08/274	Roast Pork & Vegetables	Comply
3/9/2008	AGQ/08/275	Wine Trifle	Fail
3/9/2008	AGQ/08/276	Roast Chicken & Vegetables	Comply
3/9/2008	AGQ/08/277	Golden Syrup Muffin & Cream	Comply
3/9/2008	AGQ/08/278	Sandwiches	Comply
3/9/2008	AGQ/08/279	Fisherman's pie pureed	Fail
3/9/2008	AGQ/08/280	Ham Sandwich	Comply
3/9/2008	AGQ/08/281	Chicken Sandwich	Comply
3/9/2008	AGQ/08/282	Fruity Chicken Curry	Fail
3/9/2008	AGQ/08/283	Puree Vegetables	Comply
3/9/2008	AGQ/08/284	Vegetable Rice	Comply
3/9/2008	AGQ/08/285	Vitamised Vegetables & Rice	Fail
3/9/2008	AGQ/08/286	Sausages	Comply
3/9/2008	AGQ/08/287	Mash vegetables (plain)	Fail
3/9/2008	AGQ/08/288	Meatloaf	Comply
3/9/2008	AGQ/08/289	Meatloaf Vitamised	Comply
3/9/2008	AGQ/08/290	Pudding & Custard	Comply
3/9/2008	AGQ/08/291	Mixed Vegetables	Comply
3/9/2008	AGQ/08/292	Corned Beef Pumpkin Carrot Parsnip	Comply
3/9/2008	AGQ/08/293	Scalloped potatoes & beans	Comply
3/9/2008	AGQ/08/294	Rice Pudding	Comply
3/9/2008	AGQ/08/295	Lasagne	Comply
3/9/2008	AGQ/08/296	Custard & Fruit	Comply
3/9/2008	AGQ/08/297	Chicken & Vegetable Soup	Comply
3/9/2008	AGQ/08/298	Yoghurt	Comply
3/9/2008	AGQ/08/299	Roast Chicken & Vegetables	Comply
3/9/2008	AGQ/08/300	Vitamised Roast chicken & Vegetables	Comply
3/9/2008	AGQ/08/301	Crème Caramel	Comply
3/9/2008	AGQ/08/302	Roast lamb & Vegetables	Comply
3/9/2008	AGQ/08/303	Vitamised Roast Lamb & vegetables	Comply
3/9/2008	AGQ/08/304	Apple Crumble	Comply
3/9/2008	AGQ/08/305	Irish Stew & Vegetables	Comply
3/9/2008	AGQ/08/306	Vitamised Creme Caramel	Comply
3/9/2008	AGQ/08/307	Vegetable Pattie & Vegetable	Comply
3/9/2008	AGQ/08/308	Bread & Butter Pudding	Comply
3/9/2008	AGQ/08/309	Cheesy Ham & Broccoli Mornay with Beans Carrots	Comply
3/9/2008	AGQ/08/310	Mash Vegetables	Comply
3/9/2008	AGQ/08/311	Spring Salad Soup	Comply
3/9/2008	AGQ/08/312	Roast Beef & Vegies	Comply
3/9/2008	AGQ/08/313	Apricot Crumble	Comply

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3/9/2008	AGQ/08/314	Vegetable & Bacon Pasta	Comply
3/9/2008	AGQ/08/315	Sausage & Veggie Stew & Rice	Comply
3/9/2008	AGQ/08/316	Tuna Patties with Cheese Corn & Carrot	Fail
3/9/2008	AGQ/08/317	Creamy mushroom & Broccoli Pasta	Fail
3/9/2008	AGQ/08/318	Tuna pasta	Comply
3/9/2008	AGQ/08/319	Apple & Custard	Comply
3/9/2008	AGQ/08/320	Roast chicken & vegetables	Comply
3/9/2008	AGQ/08/321	Vitamised Irish Stew & Vegies	Fail
3/9/2008	AGQ/08/322	Cherry Jelly Juice	Comply
3/9/2008	AGQ/08/323	Meatloaf	Comply
3/9/2008	AGQ/08/324	Grilled Ham Steak	Comply
3/9/2008	AGQ/08/325	Plum Pudding	Comply
3/9/2008	AGQ/08/326	Roast Chicken	Fail
3/9/2008	AGQ/08/327	Vitamised Chicken & Vegies	Comply
3/9/2008	AGQ/08/328	Sponge	Comply
3/9/2008	AGQ/08/329	Cabbage Roll	Comply
3/9/2008	AGQ/08/330	Apple & Custard	Comply
3/9/2008	AGQ/08/331	Pizza	Comply
3/9/2008	AGQ/08/332	Rice Pudding	Comply
3/9/2008	AGQ/08/333	Tomato and Onion Soup	Comply
3/9/2008	AGQ/08/334	Roast Turkey	Comply
3/9/2008	AGQ/08/335	Bass Fish	Comply
3/9/2008	AGQ/08/336	Cherry Sponge	Comply
3/9/2008	AGQ/08/337	Frittata	Comply
3/9/2008	AGQ/08/338	Frozen Baby Food	Comply
3/9/2008	AGQ/08/339	Chicken	Comply
3/9/2008	AGQ/08/340	Yoghurt and Apple	Comply
3/9/2008	AGQ/08/341	Vitamised Beef	Comply
3/9/2008	AGQ/08/342	Thai Chicken Rolls	Comply
3/9/2008	AGQ/08/343	Celery & Tuna Pasta Bake	Comply
3/9/2008	AGQ/08/344	Pumpkin pasta	Comply
3/9/2008	AGQ/08/345	Apple Pie	Comply
3/9/2008	AGQ/08/346	Chicken meal	Comply
3/9/2008	AGQ/08/347	Roast Pork	Comply
3/9/2008	AGQ/08/348	Apricot Slice	Comply
3/9/2008	AGQ/08/349	Pea and Ham Soup	Comply
3/9/2008	AGQ/08/350	Sweet Potato, Beans, Ham & Pineapple	Comply
3/9/2008	AGQ/08/351	Banana Custard	Comply
3/9/2008	AGQ/08/352	Vitamised Ham, Pineapple Potato, Carrot & Gravy	Comply
3/9/2008	AGQ/08/353	Bavarian Cream Pie	Comply
3/9/2008	AGQ/08/354	Fisherman's Pie	Comply
3/9/2008	AGQ/08/355	Thickened Apple Drink	Comply
3/9/2008	AGQ/08/356B	Mild Lamb Curry & Steamed Rice, Pureed vegies	Comply
3/9/2008	AGQ/08/357A	Thickened Orange Drink	Comply
11/9/2008	INV/08/053	Tap water	Comply
23/9/2008	INV/08/054	Chicken flavoured noodles	Comply
30/9/2008	INV/08/058	Red bean 6 pack	Comply
TOTAL	146		
Comply	129		
Fail	17		

**Action on Failed Samples
July – September 2008**

Sample No	Description	Result	Action Status
INV/08/044	Milk low fat	Fail – High Standard Plate Count	Investigation Complete
INV/08/045	Milk extra Frothy	Fail – High Standard Plate Count	Investigation Complete
INV/08/046	Milk Extra Frothy	Fail – High Standard Plate Count	Investigation Complete
INV/08/049	Coffee m/c outlet water drain	Fail – High Coliforms	Investigation Complete
INV/08/050	Apricot & Yoghurt muesli	Fail – Foreign object identified as quartz	Investigation Complete
INV/08/052	Uncooked veal	Fail – High Standard Plate Count	Investigation Complete
AGQ/08/242	Strawberry Mousse (Vitamised)	Fail – High Enterobacteriaceae	Investigation Ongoing
AGQ/08/269	Thickened Milk Drink	Fail – High Standard Plate Count	Investigation Complete
AGQ/08/275	Wine Trifle	Fail – High Standard Plate Count	Investigation Ongoing
AGQ/08/279	Fisherman's pie pureed	Fail – High Standard Plate Count	Investigation Complete
AGQ/08/282	Fruity Chicken Curry	Fail – High Standard Plate Count	Investigation Ongoing
AGQ/08/285	Vitamised Vegetables & Rice	Fail – High Standard Plate Count	Investigation Ongoing
AGQ/08/287	Mash vegetables (plain)	Fail – High Standard Plate Count and Enterobacteriaceae	Investigation Ongoing
AGQ/08/316	Tuna Patties with Cheese Corn & Carrot	Fail – High Enterobacteriaceae	Investigation Ongoing
AGQ/08/317	Creamy mushroom & Broccoli Pasta	Fail – High Enterobacteriaceae and Bacillus cereus	Investigation Ongoing
AGQ/08/321	Vitamised Irish Stew & Vegies	Fail – High Enterobacteriaceae	Investigation Ongoing
AGQ/08/326	Roast Chicken	Fail – High Standard Plate Count	Investigation Ongoing
There were 17 failed samples this quarter			

Food Samples submitted for Analysis

October - December 2008

Date submitted	Sample number	Product Description	Result
1/10/2008	INV/08/059	Rice	Comply
1/10/2008	INV/08/060	Salad	Comply
1/10/2008	INV/08/061	Vegetable Stack	Comply
1/10/2008	INV/08/062	Lamb strip's	Comply
3/10/2008	MDU/08/063	Custard (sliced)	Comply
3/10/2008	MDU/08/064	Sustagen (liquid)	Comply
3/10/2008	MDU/08/065	Fruit (sliced)	Comply
3/10/2008	MDU/08/066	Eggs (raw)	Comply
3/10/2008	MDU/08/067	Vitamised Carrot, fish & Potato, gravy, brussel sprouts,	Comply
3/10/2008	MDU/08/068	Apple juice	Comply
3/10/2008	MDU/08/069	Swab, (Bamix vitamiser)	Comply
3/10/2008	MDU/08/070	Swab, (vitamiser blade)	Comply
3/10/2008	MDU/08/071	Swab, (cream piping bag)	Comply
3/10/2008	MDU/08/072	Swab, (robot coupe mixer)	Comply
3/10/2008	MDU/08/073	Swab, (meat slicer)	Comply
3/10/2008	MDU/08/074	Egg mash	Comply
3/10/2008	MDU/08/075	Sandwiches (mixed tomato, asparagus, tuna, chicken, egg, ham)	Comply
3/10/2008	MDU/08/076	Chicken (sliced)	Comply
3/10/2008	MDU/08/077	Salami (sliced)	Comply
3/10/2008	MDU/08/078	Ham (sliced)	Comply
3/10/2008	MDU/08/079	Spinach and Cheese Pastry	Comply
3/10/2008	MDU/08/080	Spinach and Cheese slice	Comply
3/10/2008	MDU/08/081	Spinach Quiche	Comply
8/10/2008	INV/08/063	Banana lollies	Fail
8/10/2008	INV/08/064	Mini-meal apricots yoghurt	Comply
14/10/2008	INV/08/065	Fresh light milk	Fail
14/10/2008	INV/08/069	Chicken	Comply
14/10/2008	INV/08/070	Cream sauce	Comply
14/10/2008	INV/08/071	Pancetta & Bacon	Comply
15/10/2008	INV/08/072	Seafood (raw)	Comply
22/10/2008	MDU/08/021	Honey Chicken	Comply
22/10/2008	MDU/08/022	Chicken rice	Comply
3/11/2008	INV/08/073	Tofu	Comply
6/11/2008	MDU/08/025	Watermelon	Comply
6/11/2008	MDU/08/026	Lamington	Comply
6/11/2008	MDU/08/027	4 sandwiches	Comply
6/11/2008	MDU/08/028	Roast Lamb and vegies	Comply
6/11/2008	MDU/08/029	Roast Lamb and vegies	Comply
6/11/2008	MDU/08/030	Chicken schnitzel and vegies	Comply
6/11/2008	MDU/08/031	Cheese	Comply
6/11/2008	MDU/08/032	Aberdeen sausage	Comply
6/11/2008	MDU/08/033	Vegetable lasagne	Comply
6/11/2008	MDU/08/034	Ham Sandwich	Fail

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6/11/2008	MDU/08/035	½ “fresh Milk” carton	Comply
6/11/2008	MDU/08/036	Strawberry Low fat Yoghurt	Comply
6/11/2008	MDU/08/037	Vanilla & Sultana tea cake	Comply
6/11/2008	MDU/08/038	Poppy seed and orange tea cake	Comply
6/11/2008	MDU/08/039	Fruit Salad	Comply
6/11/2008	MDU/08/040	Hilda Hoppers Jam	Comply
6/11/2008	MDU/08/041	Egg Custard (no bake)	Comply
6/11/2008	MDU/08/042	Roast Lamb (vitamised)	Comply
6/11/2008	MDU/08/043	Peas vitamised	Comply
6/11/2008	MDU/08/044	Roast Pumpkin Vitamised	Comply
6/11/2008	MDU/08/045	Mashed potato	Comply
21/11/2008	AGQ/08/353B	Sliced pineapple	Comply
21/11/2008	AGQ/09/354B	Fruit salad sliced	Comply
21/11/2008	AGQ/08/355B	Rockmelon halved	Comply
21/11/2008	AGQ/08/356A	Chicken Pasta Salad	Comply
21/11/2008	AGQ/08/357B	Fruit Salad	Comply
21/11/2008	AGQ/08/358	Greek Salad	Comply
21/11/2008	AGQ/08/359	Shrimp & Cocktail Salad	Comply
21/11/2008	AGQ/08/360	Sliced paw paw	Comply
21/11/2008	AGQ/08/361	Asian Salad	Comply
21/11/2008	AGQ/08/362	Sliced Apples	Comply
21/11/2008	AGQ/08/363	Garden Salad Classic	Comply
21/11/2008	AGQ/08/364	Garden Salad with cheese	Comply
21/11/2008	AGQ/08/365	Fruit Salad	Comply
21/11/2008	AGQ/08/366	Coleslaw	Comply
21/11/2008	AGQ/08/367	Garden Salad	Comply
21/11/2008	AGQ/08/368	Watermelon	Comply
21/11/2008	AGQ/08/369	Quick bites – tomatoes, carrots, celery	Comply
21/11/2008	AGQ/08/370	Ready to eat pasta	Fail
21/11/2008	AGQ/08/371	Honeydew	Comply
21/11/2008	AGQ/08/372	Greek salad	Comply
21/11/2008	AGQ/08/373	Ham and Cheese Sandwich	Comply
21/11/2008	AGQ/08/374	Danish	Comply
25/11/2008	INV/08/074	Meat/veggie pastie cooked, cooled, reheated, cooled	Comply
25/11/2008	INV/08/075	Meat/veggie pastie cooked, cooled	Comply
26/11/2008	AGQ/08/375	Strawberry Thickened milk	Comply
26/11/2008	AGQ/08/376	Thickened Apple Juice	Comply
26/11/2008	AGQ/08/377	High protein milk Powder	Comply
26/11/2008	AGQ/08/378	Apple Juice	Comply
26/11/2008	AGQ/08/379	Swab scoop	Comply
26/11/2008	AGQ/08/380	Swab – jug	Fail
26/11/2008	AGQ/08/381	Thickening Agent	Comply
26/11/2008	AGQ/08/382	Swab Mixer	Comply
28/11/2008	AGQ/08/383	Watermelon	Comply
28/11/2008	AGQ/08/384	Sliced celery	Comply
28/11/2008	AGQ/08/385	Half Honey Dew	Comply
28/11/2008	AGQ/08/386	Half Cantaloupe	Comply
28/11/2008	AGQ/08/387	Sliced Mushroom	Comply
28/11/2008	AGQ/08/388	Baby Spinach	Comply
28/11/2008	AGQ/08/389	Complete Greek salad	Comply
28/11/2008	AGQ/08/390	Half Pineapple	Comply
28/11/2008	AGQ/08/391	Half paw – paw	Comply

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28/11/2008	AGQ/08/392	Pineapple	Comply
28/11/2008	AGQ/08/393	Cabbage	Comply
28/11/2008	AGQ/08/394	Cantaloupe	Comply
28/11/2008	AGQ/08/395	Sliced Ham	Comply
28/11/2008	AGQ/08/396	Sliced Turkey	Comply
28/11/2008	AGQ/08/397	Chicken pieces	Comply
28/11/2008	AGQ/08/398	Roast Beef	Comply
28/11/2008	AGQ/08/399	Chicken pieces	Comply
28/11/2008	AGQ/08/400	Chicken fillet	Comply
28/11/2008	AGQ/08/401	Caesar Salad	Comply
28/11/2008	AGQ/08/402	Spinach	Comply
28/11/2008	AGQ/08/403	Half Pineapple	Comply
28/11/2008	AGQ/08/404	Half Cantaloupe	Comply
28/11/2008	AGQ/08/405	Dried Apricots	Comply
28/11/2008	AGQ/08/406	Mango and Pineapple Bites	Comply
28/11/2008	AGQ/08/407	Sliced Ham	Comply
28/11/2008	AGQ/08/408	Sliced Salami	Comply
28/11/2008	AGQ/08/409	Sliced Ham	Comply
4/12/2008	INV/08/077	Spring rolls	Fail
8/12/2008	MDU/08/050	Chicken partially cooked	Comply
8/12/2008	MDU/08/051	Beef with Black Bean sauce	Comply
8/12/2008	MDU/08/052	Cooked Vegetables	Comply
8/12/2008	MDU/08/053	Special fried rice	Comply
8/12/2008	MDU/08/054	Chicken (cooked)	Comply
8/12/2008	MDU/08/055	Steamed rice	Fail
9/12/2008	MDU/08/056	Leftover Mixed Chinese foods	Fail
TOTAL	121		
Comply	113		
Fail	8		

**Action on Failed Samples
October - December 2008**

Sample No	Description	Result	Action Status
INV/08/063	Banana lollies	Fail – Foreign Object	Investigation Complete
INV/08/065	Fresh light milk	Fail – Odour detected	Investigation Complete
MDU/08/034	Ham Sandwich	Fail – High Coliforms	Investigation Complete
AGQ/08/370	Ready to eat pasta	Fail – Listeria species detected	Investigation Complete
AGQ/08/380	Swab – jug	Fail – High Standard Plate Count	Investigation Complete
INV/08/077	Spring rolls	Fail – Does not comply with Food Standards Code	Investigation Complete
MDU/08/055	Steamed rice	Fail – Coliforms detected	Investigation Ongoing
MDU/08/056	Leftover mixed Chinese foods	Fail – Coliforms detected	Investigation Ongoing
There were 8 failed samples this quarter			

§ The owner of the property has indicated that they oppose the trees addition to the Register of Significant Trees and continues to seek permission to have the tree removed. It is considered that the appropriate forum for this matter to be resolved, subject to the land owner opposing the retention of the tree, is an Independent Planning Panel Hearing. Should the resolution in this report proceed and submissions then be received during exhibition of the Amendment that cannot be resolved, it is likely Council Officers will recommend to Council this matter be considered by an Independent Planning Panel.

3. Options

The options available to Council are as follows:

1. Proceed with seeking interim controls – this option involves Council resolving to continue with the current course of action resolved at the meeting of 27 October, 2008.
2. Seek permanent controls – This option would involve Council indicating that it wishes to replace the previous resolution to seek an amendment to the Schedule 3 of the Environmental Significance Overlay (Register of Significant Trees).

4. Summary and Conclusion

Based on the considerations raised at point 2 of this report, it is now considered appropriate that Council proceed as quickly as possible with attaining authorisation for the amendment and progressing to exhibition phase where the owner will have the opportunity to lodge a submission and to have the matter heard by an independent planning panel. Proceeding in this manner will provide for the quickest resolution of this matter in relation to whether or not the Planning Scheme should be modified to recognise the tree through the Kingston Planning Scheme.

5. Recommendation

That Council:

1. authorise the preparation of Amendment C106 under Section 9(2) of the Planning and Environment Act 1987 to add the tree at 45 Baxter Avenue to the Register of Significant Trees at Clause 42.01 Schedule 3 of the Kingston Planning Scheme.
2. following this authorisation, exhibit Amendment C106 in accordance with Section 19 of the Planning and Environment Act 1987.
3. prior to exhibition of the amendment, make a formal request to Planning Panels Victoria for a pre-set Panel.
4. contact the Owner to meet to explain the above resolution.

Attachment:

Statement of Significance

City of Kingston

Register of Significant Trees – Statement of Significance

45 Baxter Avenue, Chelsea

Tree Ref # T100

Genus/ species: *Phytolacca dioica*

Common Name: Ombu Tree

Significance Criteria Met: Horticultural Value (HV), Rare or Localised (RL) – Only Known Specimen

Location: Rear of existing front dwelling at 45 Baxter Avenue, Chelsea

Tree Attributes

Origin of Species: Exotic

Diameter at Breast Height (DBH)(mm): **Stem 1:** *Approx 1000 / Stem 2:* 0 /

Stem 3: 0

Calculated DBH of Stems (mm): 1000

Circumference at DBH (mm): 3142

Diameter at Base (mm): 2500

Circumference at Base (mm): 7855

Height (m): 9

Canopy Width (m) (North /South): 20 **Canopy Width (East/ West):** 14

Health: *Fair - Good*

Structure: *Fair - Good*

The health and structure of the trees is considered to be fair to good. The tree has a full canopy and is not showing any signs of stress through discolouration of the foliage or a decline in canopy cover. There does not appear to have been any formative pruning measures undertaken in the past and the tree has developed a reasonably well structured broad spreading crown. Little is known regarding the tolerance of the species to local climatic conditions; however, it appears that the tree is drought tolerant and tolerant of poor growing conditions.

Pest and Disease : *No Presence*

Age Class: *Mature*

Approximate Age: *40 – 60 Years*

Useful Life Expectancy: *20 + Years*

Management Recommendations: This tree may only require minor formative pruning and removal of rubbish and debris from the optimal root zone of the tree.

Determination of Structural and Optimal Root Zones:

Structural Root Radius (m): 3.3

Optimal Tree Protection Radius/ Zone (m): 10

Statement of Significance:

The species is a native of South America and very uncommon in cultivation within Melbourne. The species is generally confined to Botanic Gardens and some specialist gardens.

The species is a massive deciduous tree that has a broad spreading canopy to between 15 – 20 metres and can attain a height of around 15 metres. The wood is spongy and is not entirely woody, being able to be cut with a knife.

This tree is significant within the Kingston municipality and meets the significance criteria of Horticultural Value and Rare or Localised as it is the only known specimen within Kingston.

Photographs (45 Baxter Avenue, Chelsea):



Last Inspection carried out in: *November 2008*

This charter will inform the AMB strategic plan and the Annual Action Plan. This charter will be reviewed to ensure that it remains current, timely and responsive to members' needs and the policy directions of the Commonwealth and State Governments.

The ABM Executive has approved the Charter and is now seeking full membership support from the respective Councils for the Charter by 30 April 2009 to enable the ABM to launch the Charter at the Annual Dinner in July.

3. Triple Bottom Line Checklist

Environmental

The ABM would lead an advocacy role for commonwealth/state government guidance on climate change impacts and commonwealth/state government policy to support local government decision making.

Social

The community would see a consistent approach to responding to climate change issues around Port Phillip Bay by the 10 member councils.

Financial

There are no known costs for Council with the introduction of the ABM Climate Change Charter.

4. Summary and Conclusion

The Association of Bayside Municipalities has written to all membership Councils seeking endorsement of the Climate Change Charter.

5. Recommendation

That Council resolve to:

1. support the Association of Bayside Municipalities Climate Change Charter; and
2. write to the Association of Bayside Municipalities advising that Council support the proposed Climate Change Charter.

10. Organisational Development and Governance Reports

L 44

Expenditure of Ward Funds Schedule

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

Author: Jason Stubbs, Manager Governance and Performance Planning

1. Purpose

The purpose of this report is to seek formal Council approval of the expenditure of Ward funds in accordance with the '*Expenditure of Ward Funds Policy*'.

2. Background

The Council, on 23 March 2009, adopted a revised policy for the expenditure of ward funds.

Each financial year during a Council term, Kingston Councillors are allocated \$6,000 in ward funds for utilisation in accordance with the adopted policy. Part 2 of the policy, which outlines the limitations on the expenditure of ward funds, specifies that Councillors may propose that ward funds be allocated for initiatives that aim to:

- "a) assist a recognised community group (including sporting/recreational body, arts/cultural group, charity, youth group, pre-school, playgroup, senior citizens club, historical society, friendship group, environmental group, trader organisation or toy library) which provides a service, program or activity used by or of benefit to Kingston residents;*
- b) assist an individual who is a resident of the City of Kingston to participate in a sporting, recreational or cultural activity, or other pursuit of a personal development nature, or who is in necessitous circumstances;*
- c) Support an event or activity which will be of benefit or interest to residents of the City of Kingston;*
- d) Support the key external themes of enhancement of the physical environment or the development of community well being, identified in the Council Plan."*

It should be noted that the policy also enables a Ward Councillor to propose that his / her ward funds be expended outside of the Councillor's specific ward, provided that the ward funds are expended for the benefit of the Kingston community, and that one or more of the criteria set out above are met.

**City of Kingston
Ordinary Council Meeting**

Agenda

27 April 2009

The table below lists the Councillor requests for the expenditure of ward funds received since the last Ordinary Council Meeting.

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Mayor, Cr Athanasopoulos	North	<i>Clayton South Primary School:</i> Provision of AFL football goal posts to support community use of the oval.	31/03/2009	1,000
Cr Peulich	North	<i>Clayton South Primary School:</i> Provision of AFL football goal posts to support community use of the oval.	31/03/2009	500
Cr Staikos	North	<i>Clayton South Primary School:</i> Provision of AFL football goal posts to support community use of the oval.	31/03/2009	500
Mayor, Cr Athanasopoulos	North	<i>Moorleigh Community Centre:</i> Repair of billiard table for community use at the Centre, due to the high percentage of usage by City of Kingston residents	06/04/2009	500
Cr Bauer	South	<i>Edithvale CFA</i> Provision of a water pump for 2 new water tanks	21/03/2009	500

Recommendation

That Council approve the expenditure of ward funds in accordance with the table of Councillor requests.

3. Issues

The resultant feedback from each of the Village Committees was unanimously to recommend the removal of the section 86 status, in favour of becoming an advisory committee of the Council.

Councillors suggested a less onerous conflict of interest declaration should be made if section 86 status was removed. A draft policy on conflict of interest for Village Committees that could be generally applied to all Advisory Committees is attached. This reduces some of the legislative clauses, particularly in relation to indirect interest of family members and conflicting duties. The deletions are aimed to make declarations clearer. The Local Government Victoria's publication 'Conflict of Interest in Local Government - A Guide' can still be used to support understanding of the Policy.

The proposed policy, as drafted, could be applied to all advisory committees, not just Village Committees. It is worth noting that section 139(2) of the Local Government Act 1989 provides that "An Audit Committee is an Advisory Committee". As part of Council's governance obligations, Council has constituted the Audit Committee under a separate Charter to facilitate specific outcomes as part of its work program.

Should Village Committees become advisory committees, they would become subject to the Assembly of Council provisions which would require Councillors to disclose interests should three or more be in attendance at any meeting.

4. Triple Bottom Line Checklist

- Environmental – Not applicable.
- Social - Village Committees currently support decision making at a local level.
- Financial – Not applicable.

5. Summary and Conclusion

The status of Village Committees as Section 86 committees of Council should be reviewed in relation to the obligations the new Conflict of Interest provisions have on special committee members.

As Council has sought the views of the various Village Committees on the new conflict of interests provisions, and, given the unanimous support from all Village Committees to remove section 86 status in favour of advisory committee status and consequent reduced conflict of interest requirement / obligations, there is no compelling reason not to comply with the request to change the status of Village committees at this time.

A draft policy seeking to match the provisions of the Local Government Act 1989 is attached and would be applied for the purposes of maintaining good governance in decision making by Council. The policy will be reviewed after 6 months operation.

6. Recommendation

That Council:

1. remove the section 86 status of village Committee and designating the village committees as advisory committees; and
2. adopt the draft policy on Conflict of Interest for Advisory Committees to be reviewed after 6 months.

Attachment:

Conflict of Interest for Advisory Committees

Policy No	2009/x
Policy Type	Council Approved – / /2009
Revision and version	This is version 1 of a new policy and supersedes any previous policy or practice
Review Date	October 2009

Conflict of Interest for Advisory Committees

PURPOSE & INTENT

A Council may establish advisory committees for any purpose it sees fit. These advisory committees cannot exercise the power, duty or function of a Council and cannot be delegated any power on behalf of a Council.

Good Governance practices dictate that certain standards of duty, behaviour and probity applies to any such advisory committee.

One such duty is to avoid and/or manage the process of dealing with Conflicts of Interest. The majority of external members of advisory committees are active in their respective communities and as such have ties to other local bodies and organisations that would give rise to the potential for conflicts of interest to arise during discussions that impact on those other bodies or organisations.

Council in support of its Advisory Committees has developed a Council policy with respect to Conflicts of Interest that is consistent with the intent of the identified types and nature of such interests (as outlined in the Local Government Act 1989).

SCOPE

Applies to all advisory committee of the Kingston City Council.

RESPONSIBLE EXECUTIVE

CEO

CONTACT OFFICER

Manager Governance and Performance Planning

RELATED DOCUMENTS

Local Government Act 1989 sections 77 & 78

DELEGATION AUTHORITY

Nil.

DEFINITIONS

Family member means Spouse/partner, mother, father, son, daughter, brother or sister.

POLICY STATEMENT

The purpose of this policy is to regulate the disclosure of conflict of interest with respect to all members of all advisory committees of the Kingston City Council

PROCEDURES

1. Conflict of Interest provisions

- 1.1 Subject to the exception detailed in this Policy, a member of an advisory committee is deemed to have a conflict of interest if they have an interest in a matter under consideration by the advisory committee of the classes detailed below:
- 1.2 A member has a conflict of interest in a matter if there is a reasonable likelihood that:
 - 1.2.1 the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
 - 1.2.2 a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - 1.2.3 the residential amenity of the person will be directly affected if the matter is decided in a particular way.
- 1.3 A member has a conflict of interest by close association in a matter if a family member has an interest of the type detailed in section 1.2 above.
- 1.4 A member has a conflict of interest in a matter because of a conflicting duty if the member is a manager or a member of a governing body of a company, community group or body that has a direct interest in a matter.
- 1.5 A member has a conflict of interest in a matter if the member has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter, eg VCAT.

2. Exception

- 2.1 Members are not deemed to have a conflict if the interest is held as a resident, rate payer or voter and is held in common with other rate payers, voters or residents and the members interest does not exceed the interest of others. This means you do not have more involvement in the issue than other equivalent ratepayers, voters or residents.

3. Disclosure of interest

- 3.1 If a member of an advisory committee has a conflict of interest, that member will be required to:

- declare the class of the conflict of interest; and
- leave the room prior to any formal vote being taken.

- 3.2 At the start of each meeting, or as soon as the member becomes aware of the conflict of interest, members must declare any conflicts of interest they have on agenda items.

4. Penalty

- 4.1 The penalty for not complying with the conflict of Interest provisions of this policy may be that the member's membership of the advisory committee will be forfeited.

- 4.2 Any allegations or suspected issues of non declaration of interest should be notified to the Council's Manager Governance and Performance Planning who will undertake an investigation in line with Council's complaint management process.

DECISION GUIDELINES

The policy is intended to mirror the spirit of the conflict of interest provisions contained in the Local Government Act 1989.

TRANSITION/TRANSLATION ARRANGEMENTS

Nil.

Councillors were requested to consider submitting proposed motions in accordance with the three major themes of the Assembly. The proposed motions are listed in Attachment 1 to this report. The submitted motions are to be ratified by Council on 27 April 2009.

It is worth noting that the Board of the ALGA is not bound by the resolutions arising out of the National General Assembly.

The Mayor, Cr Athanasopoulos, and the Chief Executive Officer will attend the ALGA's National General Assembly of Local Government, and the subsequent meeting of the Australian Council of Local Government.

4. Triple Bottom Line Checklist

- Environmental – Not applicable.
- Social - Not applicable.
- Financial - Not applicable.

5. Recommendation

That Council:

1. ratify the motions (refer to Attachment 1) submitted by the City of Kingston to the ALGA's 2009 National General Assembly of Local Government; and
2. Mayor, Cr Athanasopoulos, and the Chief Executive Officer will represent the Council at the ALGA's 2009 National General Assembly of Local Government.

Attachment:

1. *ALGA Motions – City of Kingston*

Attachment 1

**ALGA - 2009 National General Assembly of Local government – City of Kingston
Motions**

Motion 1

That ALGA calls on the Federal Government to provide economic stimulus by spending on jobs and infrastructure that protects land health and biodiversity and is part of the solution to rather than part of the problem of global warming and climate change, including:

- renewable energy (especially passive solar panels and not by burning native forest timber);
- public transport
- Water conservation, eg
 - stop logging the catchments,
 - provide recycled water from sewage treatment plants to Council and other recreation facilities;
 - recycle stormwater directly or by re-charging aquifers,
 - restore environmental flows to rivers
- retrofitting commercial, government and residential buildings
- permitting Councils to impose tighter ESD provisions than current State requirements (eg ResCode in Victoria.)

Motion 2

2. That ALGA calls on the Federal Government to amend the CPRS to provide for voluntary, household and local and State Government Greenhouse Gas reductions to be quarantined from the cap (unless they are large enough to be traded), so that the CPRS is not a disincentive to voluntary and governmental greenhouse gas reduction projects.

L 48

MAV – State Council - Motions

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

Author: Michael Fry, Team Leader Council Business

1. Purpose

The purpose of this report is to propose motions for consideration at the MAV State Council Meeting to be held on Wednesday 27 May 2009 at 9.30am in the Auditorium at the Sofitel Melbourne.

2. Background

The MAV holds 2 State Council meetings a year. The first one for 2009 will take place on 27 May. The second meeting in 2009 is the Annual General Meeting of the State Council which will be held on Friday 30 October 2009, following the MAV Annual Conference on 29 October.

State Council is a meeting of the MAV membership. Its role is to set the high-level strategic direction of the MAV. Two meetings of State Council are held annually, with special meetings convened if needed.

Councils pay a subscription for full membership of the MAV. This entitles them to appoint a councillor representative to vote at State Council meetings. Only financial member councils can vote on business considered by State Council.

Council is allowed one vote at the State Council meeting. Council's MAV representative (the Mayor, Cr Athanasopoulos,) attends this meeting, usually accompanied by the Chief Executive Officer. Cr Peulich is the Council's substitute representative to the MAV.

3. Issues

The MAV has advised that any motions that Councils wish to have considered at State Council must be submitted to the MAV by **29 April 2009**.

The proposed motions are listed in Attachment 1 to this report.

A full list of motions submitted for the May 2009 State Council meeting will become available in early May.

4. Triple Bottom Line Checklist

- Environmental – Not applicable.
- Social – Not applicable.
- Financial – Not applicable.

5. Recommendation

That Council:

1. consider the motions (refer to Attachment 1) proposed to be submitted by the City of Kingston to the MAV State Council meeting; and
2. note that the Mayor, Cr Athanasopoulos, will attend the MAV State Council meeting on 27 May 2009, accompanied by the Chief Executive Officer.

Attachment:

MAV Proposed City of Kingston Motions – May 2009 State Council

Attachment 1

MAV State Council – May 2009 City of Kingston Motions

MOTION 1

RATING VALUATIONS

Submitted by: City of Kingston

MOTION:

That the Municipal Association of Victoria call upon the Minister for Environment and Climate Change, as the responsible party for the office of the Valuer General, to abandon the proposals put forward in the document “The Future Direction of Rating Authority Valuations in Victoria”.

RATIONALE:

The City of Kingston is concerned about a number of aspects of the proposal contained within the Discussion Paper “The Future Direction of Rating Authority Valuations in Victoria” prepared by the Department of Sustainability and Environment. These concerns are:

- Control of assessment for primary revenue base will be lost – considerable risk to Council revenue
- Reduction in Customer Service
- Increased costs for provisions of valuations over time
- Supplementary valuation timelines – leading to reduced revenues
- Limited access to valuers for rating valuations and other valuations
- No cost savings to Council as majority of work remains with Council
- State Revenue Office contribution to cost of valuations remains uncommitted
- Non rateable properties – assessment and eligibility has not been included in discussion paper
- Information Technology Systems investment has been substantial and is not addressed
- Intellectual Property rights have not been addressed in the paper
- State Government has a vested interest as a Taxing Authority that is less independent than Council as a Rating Authority

The proposal of the State to assume control of rating Valuations is poorly conceived and lacking in genuine sector consultation. The proposal if proceeded with has the potential to seriously jeopardise the independence of Local Government and limit the ability of councils to ensure the equity of their primary revenue source – rates.

MOTION 2

LOBBY STATE AND FEDERAL GOVERNMENTS FOR THE INTRODUCTION OF A TV TAKE BACK SCHEME TO REDUCE THE NUMBER OF TVS GOING TO LANDFILL

Submitted by: City of Kingston

MOTION:

To lobby the Victorian State and Federal Government's for the introduction of a TV Take Back Scheme.

RATIONALE:

An estimated 1.9 million televisions have entered Australia in the last 12 months. With no current systematic recycling scheme for television in Australia, there is an estimated 17 million televisions in landfill or on their way to landfill. With analogue transmission signals scheduled to finish at the end of 2013, this is likely to further increase the turn over and disposal of televisions as people upgrade to digital sets. Televisions contain a wide range of different materials, many of which are toxic, such as lead. Conditions in landfill are such that lead can become mobile and leach out.

- A framework is being established to allow the development of an environmental sustainability program targeted at local industrial businesses.
- The Environment Team has developed the *Responsible Building Site Management in Kingston* booklet to educate local construction businesses on acceptable site management practices.
- Studies examining potential uses for the Northern and Southern Non Urban Areas have been completed. Council will be briefed on the outcomes next Quarter (June 2009).
- A plan has been developed for beautification works for the gateway at the northern end of Nepean Highway. Works are scheduled to commence in August 2009.
- Council has been awarded \$120,000 from the Federal Government as part of the RLCIP grant for the installation of water tanks at Doug Denyer Reserve to irrigate sports fields and for wetland improvements.

Outcome 3: Community Wellbeing

- The Globe-To-Globe and Mordialloc Food and Wine Festival community events have been held successfully. Planning is now underway for the Harvest Festival.
- The Community Grants Program 2008 has been completed with the exception of two outstanding payments that should be resolved in the next Quarter.

Outcome 4: Prosperous Local Economy

- Several Kingston businesses have participated in the Technology Capability Alignment Project (TCAP) resulting in the development of strong relationships with CSIRO and Monash University. The program has now concluded. A formal assessment is underway to determine the most effective mechanism to link local businesses with research institutions.
- The Kingston Community Profile has been updated. The Profile will provide internal and external groups with accurate community information to assist decision-making.

Outcome 5: Professional and Accountable Government

- The implementation of Council's new Corporate Information System is continuing; the Animal Control system has been successfully rolled out. Only the Planning module remains to be installed.

The Quarterly Report to the Council Plan also notes triple bottom line indicators where a specific quarterly figure is available. The 2007/08 Annual Report reports fully on these indicators.

**B) Federal Government funding – Regional and Local Community Infrastructure
Local Award Program**

In December, Council officers submitted an application for \$2.9 million to fund the development of a Regional Soccer Facility at Kingston Heath. In early February, the funding program was upgraded from \$50 million to \$550 million by the Federal Government and Council was required to reaffirm its submission in March. A response is now anticipated by the end of this Quarter.

C) City of Kingston contribution to Victorian Bushfires recovery efforts

Following the recent bushfires in February, 60 employees volunteered to assist in the recovery efforts. Council's Team Leader Environmental Health Services, Dusan Ivanic, and Environmental Health Policy and Projects Coordinator, Robert Beattie, were deployed to Alexandria to assist the local EHO's. Council's tree contractor was deployed to undertake emergency tree works with costs born by the City of Kingston. Council also committed to a donation of \$50,000 to aid bushfire recovery and supported a range of other initiatives to assist communities affected by the tragedy.

4. Triple Bottom Line Checklist

- Environmental – not applicable
- Social - not applicable
- Financial – not applicable

5. Summary and Conclusion

As noted above and in the attached March Quarterly Report, significant progress is being made towards achieving the milestones identified in the Council Plan.

6. Proposed Action

§ That Council resolve to note the Quarterly Report
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Attachment:

1. *Quarterly Report to Council Plan March 2009 quarter*
2. *Standard Statements for the 9 months ending 31st March 2009*

L 50

Mayoral and Councillor Allowances

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

Author: Michael Fry, Team Leader Council Business

1. Purpose

The purpose of this report is to commence the formal review process of Mayoral and Councillor allowances as a Category 3 Council as required in accordance with section 74 of the Local Government Act 1989.

2. Background

Section 74 of the Local Government Act 1989 provides that:

(1) A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 7 months after a general election.

...

(4) A person has a right to make a submission under section 223 in respect of a review of allowances.

This review is a public process and any person has a right to make a submission under section 223 of the Act. The review will determine the allowances that will be payable from the range available for the next four years.

Kingston Council is a Category 3 Council in respect to Mayoral and Councillor allowances. Based on advice from the Department of Planning & Community Development, that Councillors taking the oath of office after the 29 November 2008 general elections are to be paid the allowances paid to the previous council adjusted up by 34.38%, plus the equivalent of the superannuation guarantee contribution of 9%. Councillors current allowance is \$24,188.40 per annum, plus the equivalent of the superannuation guarantee contribution (currently 9%), and the Mayoral allowance is \$72,565.20 per annum, plus the equivalent of the superannuation contribution (currently 9%).

These increases:

- took into account movements in the levels of remuneration of executives within the meaning of the Public Administration Act 2004;
- apply throughout the State;
- are attributed to the fact that there has been no increase in mayoral and councillor allowances since 2000, and, as a consequence, there has been “a serious erosion of the real value of the allowances” (Local Government (Councillor Remuneration Review) Panel Report – January 2008).

Section 73B of the Act also provides that the Minister for Local Government must review of the limits and ranges of Mayoral and Councillor allowances annually. If that review results in a finding that Mayoral and Councillor allowances should be adjusted, the Minister must publish a notice in the Gazette setting out the adjustment factor and the

new limits and ranges of allowances. A Council must increase Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice.

The Mayoral and Councillor allowances comprise two parts:

Part A:

- Lower and upper range limits and levels of allowances applicable to a Councils categories; and

Part B:

- A fixed amount being the equivalent of the superannuation guarantee contribution (currently 9%) to be added to the Part A allowances of Councils entitled to receive Part A.

The current range for allowances for a Category 3 Council (refer to Part A above) is:

- Mayor up to \$77,300
- Councillors \$10,100 - \$24,200

3. Issues

There are two issues:

1. Set the Mayoral and Councillor Allowances:

The Council must determine the allowances paid to the Mayor and Councillor, within the category and range of allowances as detailed above. This must be a public process undertaken in accordance with section 223 of the Local Government Act 1989.

The roles of Councillor and Mayor entail considerable demands; the Mayor fulfils an important leadership role in the Kingston community, and the nature of the role requires a significant time commitment. There is an expectation that the Mayor will be available 7 days per week, representing Kingston on peak bodies and community organisations, and attending Council meetings, external community meetings, civic functions and dealing with ratepayer concerns. Councillors too are required to be responsive to community needs, and to commit considerable time in the execution of their civic responsibilities.

2. Agree on the timelines and section 223 review process:

Before Council determines the Mayoral and Councillor allowances, a public process must be undertaken pursuant to section 223 of the Act, by way of public notice of proposed new allowances. Submissions received as a result of such notice must be considered and any submitter wishing to be heard in support of their submission must be given the opportunity to appear before Council or a Committee determined by Council.

A timeline is proposed under the Options section of this report.

4. Options

1. Set the Mayoral and Councillor Allowances:

**City of Kingston
Ordinary Council Meeting**

Agenda

27 April 2009

The following options are available to Council:

- Retain the allowances as currently in place, or
 - increase/decrease the Mayoral and Councillor allowances within the category and ranges prescribed in the Orders in Council published in the Government Gazette dated 27 November 2008 and detailed above
2. Agree on the timelines and section 223 review process:

Method of Determination - Timeframe

27 April 2008	Council to determine the level of the Mayoral and Councillor Allowances
29 April 2009	Public Notice in the Age newspaper and on Council's website (28 day submission period).
27 May 2009	Closure of submission period
3 June 2009	Special Committee Meeting (comprising three Councillors) to hear submissions on the budget and on Mayoral and Councillor allowances.
22 June 2009	Special Council Meeting – Council to consider a report from the Special Committee Meeting and determine the allowances.

Note that the process needs to be completed by 28 June 2009 (ie. within 7 months of the date of the 29 November 2008 Council elections).

5. Triple Bottom Line Checklist

- Environmental – Not applicable.
- Social - Not applicable.
- Financial – The 2009/10 draft budget has been prepared on the basis of allowing for the maximum allowances within the range permitted.

6. Recommendation

That Council:

1. determine that public notice as specified in section 223 of the Local Government Act 1989, be given of Council's intention to set the Councillors Allowance at \$24,188.40 and the Mayoral Allowance at \$72,565.20, within the Category 3 Council range as stipulated, subject to any change required by Order in Council, plus an amount equivalent to the superannuation guarantee contribution (currently 9%);

**City of Kingston
Ordinary Council Meeting**

Agenda

27 April 2009

2. appoint a Special Committee comprising Councillors Bauer, Brownlees and Dundas to hear any submissions received in relation to the proposed Mayoral and Councillors Allowance, at a meeting on Wednesday 3 June 2009, commencing at 6.00pm;
3. Convene a Special Council Meeting on Monday 22 June 2009, commencing at 6.00pm, to consider a report on any submissions received in relation to the proposed Mayoral and Councillors Allowance.

VicRoads has offered \$650 as fair and reasonable compensation for the land and any detriment suffered by Council (*see attached valuation*).

Given the negligible impact of the acquisition and being mindful of the benefits to users of the roads it is recommended that Council accepts the compensation offered.

4. Recommendations

That Council authorise the Chief Executive Officer or delegate to accept the compensation offered by Vicroads and authorise the Chief Executive Officer or delegate to authorise the required documentation.

Attachments x 2



Department of Sustainability and Environment

Valuer-General Victoria Reference: S113409

Valuer-General Victoria
Level 15, 27, 28, 29 & 30
The Centre Victoria 200
250 King Street Melbourne
Victoria 3000 Australia
Telephone: (03) 9635 2115
Facsimile: (03) 9635 2596
eMail: 90.719.072.304
LVA 256639

CERTIFICATE OF VALUATION

Property Address *Known as land situated on the corner of Rowan Road and Westall Road, Dingley Village being Lot 1 Title Plan No. 190539Q, being more particularly described in Certificate of Title Volume 9745, Folio 635.*

Registered Proprietor *Kingston City Council as Sole Proprietor.*

Instructions *In accordance with a letter from Roads Corporation dated 10 September 2008, Valuer-General Victoria was requested to provide an assessment of compensation pursuant to the provisions of the Land Acquisition and Compensation Act 1986.*

Interest being Assessed *The freehold interest of the registered proprietor in the acquisition of 12m² from the above land, identified as Parcel No. 2 on Roads Corporation Survey Plan No. 21299.*

Date of Inspection *18 September 2008.*

Relevant Date *16 September 2008, being the date of inspection.*

Assessment of Compensation *The amount of compensation, having regard to the relevant provisions of the Land Acquisition and Compensation Act 1986 is assessed at SIX HUNDRED AND FIFTY DOLLARS (\$650).*

Dated *6 October 2008*


CRAEME RAT-JOUR
 Acting Valuer-General
 An appointment made under section 12 of the Valuation Act 1986



1 King's Square, West Melbourne, Victoria 3207 (03 9635 2115)

2. All of the land shown L1 on Diagram 2186 held by the Executive Director being all of the land described in Certificate of Title Volume 07877 Folio 195.

Dated 13 November 2008

RAY TONKIN
Executive Director



Heritage Act 1995
CORRECTION TO
NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I advise that the notice of registration in Victorian Government Gazette 41 – 9 October 2008, page 2143 should be corrected to read as follows:

The Ramsay House
29 Ranelagh Avenue
Mt Eliza
Mornington Peninsula Shire

EXTENT:

1. All of the structure shown as B1 on Diagram 218, held by the Executive Director known as the Ramsay House.
2. All of the land shown L1 on Diagram 2181 held by the Executive Director being all of the land described in Certificate of Title Volume 06114 Folio 797.

Dated 13 November 2008

RAY TONKIN
Executive Director



Heritage Act 1995
CORRECTION TO
NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I advise that the notice of registration in Victorian Government Gazette 37 – 11 September 2008, page 2133 should be corrected to read as follows:

Former St Vincent De Paul Boys Orphanage
Cooff Street and Napier Street and Raglan Street
South Melbourne
Port Phillip City

EXTENT:

1. All the land marked L1 on Diagram 2170 held by the Executive Director, being all of the land formerly described in Certificate of Title Volume 00635 Folio 906.
2. All the buildings and structures marked B1-5 and features marked F1-3 on Diagram 2170 held by the Executive Director.
 - B1 Orphanage building (c. 1857) and additions
 - B2 Timber building (pre 1894)
 - B3 Brick infirmary (1897) and priest's residence and laundry (1925)
 - B4 Brick building (c. 1900)
 - B5 Gymnasium (1958)
 - F1 Grotto (c.1985)
 - F2 'Devotion Plate'
 - F3 Statue and plaque (1954)

Dated 13 November 2008

RAY TONKIN
Executive Director

Land Acquisition and Compensation Act 1986

FORM 7 S. 21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Title Plan 190579Q, Parish of Mondialoo, comprising 12 square metres and being land described in Certificate of Title Volume 9345 Folio 625, shown as Parcel 2 on Survey Plan 21299.

Interest Acquired: That of City of Kingston and all other interests.

Published with the authority of VicRoads.

Dated 13 November 2008

For and on behalf of VicRoads
BERNARD TOULET
Director Property Services

12. Notice of Motion

L 52

**Notice of Motion
Cr Staikos: Dust problem / northern non-urban area
(Green Wedge)**

That the City of Kingston acknowledges the growing dust problem affecting the residents of Clarinda, Clayton South, Dingley Village, Heatherton and Oakleigh South.

That Council officers

- Regularly monitor dust levels in the above mentioned localities
- Investigate toxicity levels in the dust samples collected
- Take prompt control actions against any infringements of permits made by operators in the northern non-urban area (Green Wedge)

And also

- Prepare a report for Councillors regarding the large stockpiles of sand in the TPI site at Heatherton and Clarinda, and require their removal

In light of the growing community concern about the Clarinda Concrete Crusher and landfill operations

- Council establish a Non Urban Area (Green Wedge) / Land Fill Reference Group comprised of relevant stakeholders
- Council officers promptly act to ensure action items in the notice of motion '*Cr West: Prohibiting Cement Crushers in the Green Wedge*' carried by the City of Kingston Ordinary Council Meeting on 22 December 2008 are actioned.

Signed

Cr Steve Staikos

L 53

**Notice of Motion
Cr Shewan: Bowen Road: works**

That:

- The Bowen Roadworks started by relying on a ten-year-old planning permit without notifying all Councillors;
- Considerable material changes happened in the intervening ten years including:
 - the development of Aspendale Gardens on the eastern side of Wells Road and on both sides of Bowen Road;
 - construction of wetlands that have attracted 16 listed rare and threatened waterbird species;
 - relocation of endangered Growling Grass Frogs onto the area; and
- No assessment by Council officers of possible detriment to the amenity of Aspendale Gardens East residents and the threatened bird and frog species habitat, prior to endorsing the detailed plans;
- At the death action by Council to undertake ecological studies and to advise the Federal Environment Minister of the presence of endangered species in the vicinity and to ask him to consider whether there might be a need to require an ecological investigation of the site under the Environment Protection and Biodiversity Convention;
- Very much late action by the developer to halt construction temporarily.

I move that Council:

1. Seeks legal advice to check if there are any legal avenues by which Council can have these works stopped so that consideration can be given of:
 - Whether the project might usefully be amended to:
 - Reduce the impact on the amenity of Aspendale Gardens East residents;
 - Reduce any adverse impact on the bird and frog habitat; and
 - Enhance the benefits of this link between Waterways and Aspendale Gardens communities.
 - Whether Council would have any liability for penalties if it is found that wader bird and frog habitat are damaged by the two weeks of work that has taken place;
2. Any further planning permits more than two years old in the Green Wedge or environmentally significant areas for works worth more than \$20,000 in value should be referred to the elected Councillors for review before being renewed or actioned.
3. Requests the CEO to fill the next vacancy on the planning staff with an environmental planner to avert any future development risks such as we have seen at Bowen Road

Signed

Cr Trevor Shewan