

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**29 June 2009**

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**Notice** is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 29 June 2009.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Special Council Meetings 19 May 2009, 15 June 2009, 16 June 2009 and 22 June 2009 and Ordinary Council Meeting 25 May 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 Peulich to present a petition on the Concrete Crushing Plant and ‘Mt Heatherton’.
- 5. Presentation of Awards**  
The Mayor will present a Certificate of Appreciation to Nina Earl for her contribution to the City of Kingston.  
At the Australian Reporting Award 2009, the City of Kingston received a Gold Award.  
At the Keep Australia Beautiful Sustainable Cities and Clean Beach Challenge Awards, five of the City of Kingston’s seven project submissions were named as finalists, with the Industry Stormwater Project receiving the Pam Keating Environmental Innovation Award.  
The Mayor will formally recognise members of the City of Kingston’s Youth Consultative Committee for their contribution to the City.
- 6. Reports from Village Committees**  
A report on issues arising out of the Village Committee meetings in June 2009 is attached. Page 3
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
- 9. Environmental Sustainability Reports**

L 81	Town Planning Application Decisions – May 2009	Page 7
L 82	KP959/08: 7 Keiller Avenue, Parkdale	Page 16
L 83	KP882/08: 42-44 Westley Street, Carrum	Page 33
L 84	KP245/09: 999 Nepean Highway, Moorabbin (75 Dwellings)	Page 50
L 85	Amendment C99 to the Kingston Planning Scheme – 1233-1237 Nepean Highway and 60-64 Matthieson Station Street, Highett	Page 102
L 86	Joint Application between Council and Melbourne Water for Commonwealth Government funding to construct the proposed Namatjira Park Wetlands and storm water harvesting facility	Page 107
L 87	Contract 09/8: Essential Safety Measures (ESM) Maintenance at Council Buildings	Page 110
- 10. Community Sustainability Report**

L 88	Chelsea Community Renewal Annual Update & Future Directions	Page 115
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**11. Organisational Development and Governance Reports**

L 89 City Historian Annual Report

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L 90 Expenditure of Ward Fund Schedule

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**12. Corporate Services Reports**

L 91 Formation of a Section 223 Committee re the Proposed Discontinuance and Sale of Road adjoining 1&2/20 Mentone Parade and 4/1, 8/1, /4/5 and 5/7 Palermo Street, Mentone

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**13. Notices of Motion**

**14. Urgent Business**

**15. Items in Camera**

***Organisational Development and Governance Reports***

L 92 Personnel Matter

**6. Reports from Village Committees**

**PRESENTATION OF VILLAGE COMMITTEE REPORTS**

**6(a) Cheltenham Village Committee  
Chairperson - Joe Astbury  
*Report of Meeting held on 2 June 2009***

**Highlight** Steve Perumal's presentation of the concept plan for Stanley Avenue, Cheltenham.

**6(b) Mordialloc Village Committee  
Chairperson - Allan Locke  
*Report of Meeting held on 2 June 2009***

**Highlight:** Steve Perumal's presentation on Attenborough Park.

**6(c) Mentone/Parkdale Village Committee  
Chairperson - Reg Marlow  
*Report of Meeting held on 2 June 2009***

**Highlight:** Appreciation of the beautiful works carried out at the Keith Styles War memorial.

**6(d) Clayton South Village Committee  
Acting Chairperson – Norm Bury  
*Report of Meeting held 2 June 2009***

**Highlight:** Green Wedge Strategic Plan – The Mayor, Cr Athanasopoulos, noted that the State Government has allocated \$1million to develop a strategic plan for the Green Wedge.

**6(e) Patterson Lakes/Carrum Village Committee  
Chairperson - Glen Baker  
*Report of Meeting held on 3 June 2009***

**Highlight:** Nil.

**6(f) Clarinda / Oakleigh South Village Committee  
Chairperson – David Catchpool  
*Report of Meeting held 3 June 2009***

**Highlight:** Attendance of the Mayor, Cr Arthur Athanasopoulos, at the meeting.

**6(g) Aspendale/Edithvale/Aspendale Gardens Village Committee  
Chairperson - Kevin Griffiths  
Report of Meeting held on 4 June 2009**

**Development of Nursery in the Green Wedge**

**Village Committee Recommendation**

That the Aspendale, Edithvale, Aspendale Gardens, Waterways Village Committee and the Defenders of the Green Wedge be informed of any applications that have been proposed for development within the Green Wedge before any planning approvals are granted by Council.

**Officers Comment**

Councils current practice is to refer all planning applications which are being advertised to the village committee on a fortnightly basis which are in existence in the area the committee covers. Anyone interested in tracking the process of planning matters is encouraged to utilise the 'on line' register of all planning applications which is available from Council's website.

Given the statutory role of Council in determining planning applications under State Government legislation, and the need for Council to be seen to be acting objectively, Council's Village Committee Policy specifically states:

*"However, Village Committees are not to receive presentations on statutory planning issues which are being or will be considered by Council. Council considers and determines such matters only in accordance with applicable Planning and Environment legislation and regulations. This statutory process does not provide for any role for Council's Village Committees. Members of Village Committees, however, as individuals in their own right are free to chose whether they would like to support or object to a statutory planning application."*

In order to assist members of the Aspendale/Edithvale/Aspendale Gardens Village Committee, copies of green wedge applications in adjoining Village Committee areas will be circulated to its nominated representative.

**Construction of the Dingley By-Pass**

**Village Committee Recommendation**

that the Village Committee asks Council to meet with government with the objective of convincing them to:

1. add into the Victorian Transport Plan the completion of all sections of the Dingley By-Pass between the South Road Extension and the South Gippsland Freeway (reserves are shown in the Melways); and
2. construct all missing sections of the Dingley By-Pass between the South Road Extension and the South Gippsland Freeway by 2012.

**Officers Comment**

The previous Council formally resolved to advocate for the completion of the Dingley By-pass at the earliest possible time..

**Highlight: Community Grants Funding**

**6(h) Chelsea/Chelsea Heights/Bonbeach Village Committee**  
**Acting Chairperson – Leanne Stray**  
*Report of Meeting held on 10 June 2009*

**Draft Budget Community Consultation**

**Village Committee Recommendation**

That Council review their community engagement strategy for draft budget consultation.

**Officers Comment**

Council draws to the Village Committee's attention the extensive measures taken to seek community comment on the draft budget and Council Plan. These measures include:

- Press Releases to the Local newspapers;
- Kingston *Your City* newspaper major feature;
- Budget and Council Plan available for inspection at all Libraries and Customer Service Centres;
- Budget and Council Plan available on Council's website;
- Three publicly advertised open Community Meetings;
- Attendance at the meetings by the Mayor, Ward Councillors, CEO and other senior staff;
- Invitations to those meetings to all Village Committee Members; and
- Promoting the budget and Council Plan on the Council Radio Hour on Southern FM.

While Council believes that these measures are a robust community engagement strategy, it would welcome any further suggestions that the Committee may wish to put forward to add to the above consultation strategies.

**Residents Rates Discount for Early Payment**

**Village Committee Recommendation**

The draft budget include a discount for residents paying their rates early.

**Officers Comment**

The offer of a discount for early payment of rates (2% for payment approximately 5 months early) was discontinued in 2001/02. This decision followed a low take up of the offer and adverse comment over a number of years from the community that the discount was of an insufficient amount to be attractive. Further the scheme did not generate sufficient cashflow by way of additional interest income to offset the cost of the discount. Following the decision taken in 2001/02 no feedback has been received from the community that they are seeking such a discount scheme. Given the current low interest rates, it is even more unlikely that such a scheme would not be at a net cost to the community.

The 2001/02 Council made the decision that the ratepayers eligible for the pensioner rebate deserved of additional support and introduced a Council Rate Rebate of \$15. This was increased to \$40 in 2003/04 and has been further increased to \$60 in 2009/10.

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**9. Environmental Sustainability Reports**

**L 81**

**Town Planning Application Decisions – May 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 May 2009.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	77	72
Notice of Decision	17	16
Refusal to Grant a Permit	5	5
Other - Withdrawn (5) - Prohibited (0) - Permit not required (3) - Lapsed (6)	7	7
<b>Total</b>	<b>106</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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<b>Planning Decisions May 2009</b>						
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP100/09	57 BEATRICE STREET CHELTENHAM, VIC 3192	20-Feb-09	18-May-09	DWELLING / REMOVAL OF EASEMENT	Permit Lapsed	
KP1008/07	44 BLANTYRE AVE CHELSEA, VIC 3196	20-Dec-07	5-May-09	2 DWELLINGS	Notice of Decision	
KP1009/08	25 MCMILLAN STREET CLAYTON SOUTH, VIC 3169	6-Nov-08	28-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1018/08	37 RALEIGH STREET CLARINDA, VIC 3169	10-Nov-08	26-May-09	THREE (3) DWELLINGS	Notice of Decision	
KP1023/08	292 CHARMAN ROAD CHELTENHAM, VIC 3192	12-Nov-08	15-May-09	B'LD & WORKS - EXTENSION TO EXISTING SHOP + NEW DWELLING / REDUCTION IN CAR PARKING	Permit Issued	
KP1032/08	22 MALLAWA STREET CLAYTON SOUTH, VIC 3169	14-Nov-08	20-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1034/08	75 BROADWAY BONBEACH, VIC 3196	17-Nov-08	28-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1051/08	65-67 TOOTAL ROAD DINGLEY VILLAGE, VIC 3172	19-Nov-08	6-May-09	28 DWELLINGS & REMOVAL OF NATIVE VEGETATION	Notice of Decision	
KP1069/08	1/486 NEPEAN HIGHWAY CHELSEA, VIC 3196	28-Nov-08	26-May-09	B'LD & WORKS - 2 SHOPS & 5 DWELLINGS	Permit Issued	
KP1076/08	24 ARUNTA CRESCENT CLARINDA, VIC 3169	1-Dec-08	21-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1077/08	11 DOVER PLACE PARKDALE, VIC 3195	1-Dec-08	12-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1078/08	29 CHURCH ROAD CARRUM, VIC 3197	1-Dec-08	15-May-09	FOUR DWELLINGS	Permit Issued	
KP1081/08	10 ESPER AVENUE OAKLEIGH SOUTH, VIC 3167	2-Dec-08	27-May-09	TWO (2) DWELLINGS	Notice of Decision	



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KP1085/08	3 TULAR AVENUE OAKLEIGH SOUTH, VIC 3167	4-Dec-08	15-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1089/08	532-534 CLAYTON ROAD CLAYTON SOUTH, VIC 3169	4-Dec-08	5-May-09	B'LD & WORKS TO WAREHOUSE	Permit Issued	
KP1112/08	702A NEPEAN HIGHWAY CARRUM, VIC 3197	16-Dec-08	8-May-09	ALTS & ADDS - GARAGE & ROOF STRUCTURE	Permit Not Required	
KP1120/08	92 TOOTAL ROAD DINGLEY VILLAGE, VIC 3172	17-Dec-08	28-May-09	B'LD & WORKS - DEPOT	Permit Refused	
KP1122/08	11 NARDOO COURT CLARINDA, VIC 3169	17-Dec-08	18-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1126/08	15 THIRD STREET PARKDALE, VIC 3195	19-Dec-08	27-May-09	TWO (2) DWELLINGS - SBO	Permit Issued	
KP1133/08	258 BALCOMBE ROAD MENTONE, VIC 3194	22-Dec-08	27-May-09	TWO (2) DWELLINGS	Permit Issued	
KP1137/08	10 FLINDERS STREET MENTONE, VIC 3194	22-Dec-08	27-May-09	FOUR DWELLINGS	Notice of Decision	
KP1140/08	81 LATROBE STREET CHELTENHAM, VIC 3192	22-Dec-08	28-May-09	2 LOT SUBDIVISION	Permit Issued	
KP115/09	83-99 KEYS ROAD MOORABBIN, VIC 3189	23-Feb-09	15-May-09	B'LD & WORKS - CREATE ROAD ACCESS	Permit Issued	
KP123/09	62 GOLDEN AVENUE BONBEACH, VIC 3196	2-Mar-09	12-May-09	6 LOT SUBDIVISION	Permit Issued	
KP125/09	136 CHUTE STREET MORDIALLOC, VIC 3195	2-Mar-09	12-May-09	2 LOT SUBDIVISION	Permit Issued	
KP138/09	37 BOURKE STREET MENTONE, VIC 3194	6-Mar-09	8-May-09	2 LOT SUBDIVISION	Permit Issued	
KP143/09	15 WALLINGFORD STREET CHELTENHAM, VIC 3192	12-Mar-09	25-May-09	2 LOT SUBDIVISION	Permit Issued	
KP147/09	300A COMO PARADE WEST PARKDALE, VIC 3195	13-Mar-09	26-May-09	CHANGE OF USE - FITNESS CIRCUIT - CURVES	Permit Issued	
KP152/09	4 OLIVE STREET CLAYTON SOUTH, VIC 3169	13-Mar-09	26-May-09	2 LOT SUBDIVISION	Permit Issued	

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KP161/09	117A MCDONALD STREET MORDIALLOC, VIC 3195	19-Mar-09	18-May-09	18 LOT SUBDIVISION - VARIATION OF EASEMENT	Permit Issued	
KP162/08-A	13 MAUDE ST CHELTENHAM, VIC 3192	29-Dec-08	19-May-09	TWO (2) DWELLINGS	Permit Issued	
KP162/09	282-290 LOWER DANDENONG ROAD MORDIALLOC, VIC 3195	20-Mar-09	11-May-09	B'LD & WORKS - OFFICE	Permit Issued	
KP166/09	3 NEPEAN HIGHWAY MENTONE, VIC 3194	23-Mar-09	27-May-09	B'LD & WORKS - INSTALLATION OF WATER TANKS	Permit Issued	
KP168/09	51 SWAN WALK CHELSEA, VIC 3196	24-Mar-09	5-May-09	ALTS & ADDS - GARAGE/SBO	Permit Issued	
KP169/09	1/430 WARRIGAL ROAD HEATHERTON, VIC 3202	24-Mar-09	7-May-09	ADVT SIGN / ALTS & ADDS TO RETAIL PREMISES	Permit Issued	
KP171/09	1/244 NEPEAN HIGHWAY EDITHVALE, VIC 3196	20-Mar-09	5-May-09	CHANGE OF USE - CAFE	Permit Issued	
KP177/09	432 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP178/09	433 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP179/09	434 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP181/09	440 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP182/09	441 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP183/09	1/442 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP184/09	443 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP185/09	444 NEPEAN HIGHWAY CHELSEA, VIC 3196	26-Mar-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	

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	3196					
KP188/09	5 DRESDEN DRIVE WATERWAYS, VIC 3195	26-Mar-09	18-May-09	ALTS & ADDS - VERANDAH	Permit Lapsed	
KP194/09	469 NEPEAN HWY & 1A NEWINGTON CHELSEA, VIC 3196	27-Mar-09	26-May-09	BOUNDARY RE- ALIGNMENT	Permit Issued	
KP195/09	400 WARRIGAL ROAD HEATHERTON, VIC 3202	30-Mar-09	18-May-09	ALTERATION TO ROAD ZONE CATEGORY 1	Permit Issued	
KP197/09	15 MACK CRESCENT CLARINDA, VIC 3169	30-Mar-09	5-May-09	2 LOT SUBDIVISION	Permit Issued	
KP202/09	56 BEVAN AVENUE CLAYTON SOUTH, VIC 3169	31-Mar-09	11-May-09	THREE LOT SUBDIVISION	Permit Issued	
KP21/09	31 FRIENDSHIP SQUARE CHELTENHAM, VIC 3192	16-Jan-09	4-May-09	TWO DWELLINGS	Permit Issued	
KP212/09	51 LEONARD CLOSE CLARINDA, VIC 3169	2-Apr-09	28-May-09	2 LOT SUBDIVISION	Permit Issued	
KP218/09	316-332 KINGSTON ROAD CLARINDA, VIC 3169	3-Apr-09	14-May-09	ALTS & ADDS - MANSE	Permit Issued	
KP228/09	7/430 WARRIGAL ROAD HEATHERTON, VIC 3202	8-Apr-09	15-May-09	CHANGE OF USE - TRADE SALES	Permit Issued	
KP234/09	22 BLACKWOOD AVENUE MENTONE, VIC 3194	7-Apr-09	12-May-09	2 LOT SUBDIVISION	Permit Issued	
KP235/09	3 KINGSTON ROAD HEATHERTON, VIC 3202	8-Apr-09	13-May-09	2 LOT SUBDIVISION	Permit Issued	
KP238/09	165A LOWER DANDENONG ROAD MENTONE, VIC 3194	9-Apr-09	21-May-09	ALTS & ADDS - FRONT FENCE	Permit Issued	
KP253/09	71 RAE AVENUE EDITHVALE, VIC 3196	21-Apr-09	15-May-09	B'LD & WORKS - INGROUND SWIMMING POOL	Permit Not Required	
KP255/09	19 THIRD STREET CLAYTON SOUTH, VIC 3169	21-Apr-09	18-May-09	2 LOT SUBDIVISION	Permit Issued	

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KP256/09	9 FOURTH AVENUE ASPENDALE, VIC 3195	21-Apr-09	22-May-09	ALTS & ADDS TO DWELLING / SBO	Permit Issued	
KP262/09	125 BEACH ROAD PARKDALE, VIC 3195	20-Apr-09	4-May-09	REALIGN BOUNDARY	Permit Not Required	
KP269/09	6 WREN ROAD MOORABBIN, VIC 3189	28-Apr-09	20-May-09	5 LOT SUBDIVISION	Permit Issued	
KP270/09	13 LORIKEET LANE WATERWAYS, VIC 3195	28-Apr-09	15-May-09	DWELLING	Permit Issued	
KP271/09	4 MULGA LANE WATERWAYS, VIC 3195	28-Apr-09	21-May-09	DWELLING	Permit Issued	
KP272/09	8 BLACK SWAN LANE WATERWAYS, VIC 3195	28-Apr-09	21-May-09	DWELLING	Permit Issued	
KP282/09	7 MOONRISE CLOSE WATERWAYS, VIC 3195	30-Apr-09	21-May-09	DWELLING	Permit Issued	
KP311/09	11 DELVILLE AVENUE MENTONE, VIC 3194	15-May-09	27-May-09	2 LOT SUBDIVISION	Permit Issued	
KP312/07- A	11 HORSCROFT PL MOORABBIN, VIC 3189	1-May-09	26-May-09		Permit Issued	
KP314/08	67 ALBENCA ST MENTONE, VIC 3194	28-Mar-08	12-May-09	3 DWELLINGS	Permit Issued	
KP334/08- A	12 CASCO PL DINGLEY VILLAGE, VIC 3172	10-Mar-09	27-May-09	ALTS & ADDS - DETACHED STUDIO / EXTEND DECKING OVER EASEMENT	Permit Issued	
KP376/08	45 RHODA ST DINGLEY VILLAGE, VIC 3172	17-Apr-08	11-May-09	2 DWELLINGS	Permit Issued	
KP420/08- A	54 BARKLY STREET MORDIALLOC, VIC 3195	24-Apr-09	22-May-09		Permit Issued	
KP425/07- A	22 BROWNFIELD STREET PARKDALE, VIC 3195	15-May-09	21-May-09	ALTERATIONS & ADDITIONS	Permit Issued	
KP426/08	1/92 PARKERS RD PARKDALE, VIC 3195	5-May-08	26-May-09	SIGNAGE	Permit Issued	
KP427/08	1720 BEACH PARK RESERVE CARRUM, VIC 3197	5-May-08	15-May-09	B&W - RENOVATION & FLAG POLES	Notice of Decision	

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KP43/09	2.01/999 NEPEAN HIGHWAY MOORABBIN, VIC 3189	28-Jan-09	29-May-09	12 LOT SUB - SECTION 32	Permit Issued	
KP462/08	8 JAPADDY STREET MORDIALLOC, VIC 3195	19-May-08	12-May-09	B&W - VEHICLE STORAGE - LSIO	Permit Issued	
KP475/08	5 JOHNSTON STREET MENTONE, VIC 3194	19-May-08	7-May-09	2 DWELLINGS	Permit Issued	
KP538/08-A	1/4 LILLIPUT LANE EDITHVALE, VIC 3196	10-Mar-09	25-May-09	CONSTRUCT EXTENSION (ROOF TOP DECK) TO EXISTING DWELLING	Notice of Decision	
KP541/08	23/94-102 KEYS ROAD CHELTENHAM, VIC 3192	6-Jun-08	13-May-09	DAY AND OVERNIGHT CARE OF DOGS AND DEVELOPMENT OF A CARETAKER RESIDENCE	Permit Refused	
KP551/08	128-130 WHITE STREET MORDIALLOC, VIC 3195	10-Jun-08	27-May-09	TWENTY ONE (21) APARTMENTS	Notice of Decision	
KP57/09	147 STATION STREET ASPENDALE, VIC 3195	3-Feb-09	26-May-09	ALTS & ADDS - REAR EXTENSION TO MEDICAL CENTRE	Permit Issued	
KP59/09	2 JEAN STREET CHELTENHAM, VIC 3192	3-Feb-09	14-May-09	THREE (3) DWELLINGS	Permit Lapsed	
KP605/08	3 HAROLD STREET BONBEACH, VIC 3196	24-Jun-08	21-May-09	THREE (3) DWELLINGS	Permit Issued	
KP619/07-A	25-27 NEPEAN HWY ASPENDALE, VIC 3195	14-May-09	28-May-09	ELEVEN (11) LOT SUBDIVISION AND COMMON PROPERTY	Permit Issued	
KP65/09	1/681-683 NEPEAN HIGHWAY CARRUM, VIC 3197	6-Feb-09	18-May-09	ALTS & ADDS - ROOF TOP DECK	Permit Issued	
KP68/09	2-6 CHURCH ROAD CARRUM, VIC 3197	6-Feb-09	14-May-09	ALTS & ADDS - ADMINISTRATION BUILDING	Permit Issued	
KP685/08	2/192 MCLEOD ROAD PATTERSON LAKES, VIC 3197	22-Jul-08	11-May-09	DWELLING ALTERATIONS AND ADDITIONS ON A LOT LESS THAN 300 SQUARE METRES	Permit Issued	
KP726/08	27 CROWN ROAD BONBEACH, VIC	5-Aug-08	13-May-09	TWO DWELLINGS	Notice of Decision	

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KP728/08	8 CHURCH ROAD CARRUM, VIC 3197	6-Aug-08	19-May-09	TWO (2) DOUBLE STOREY DWELLINGS	Notice of Decision	
KP74/09	95-97 WHITE ST & 118-122 CHUTE MORDIALLOC, VIC 3195	6-Feb-09	5-May-09	SECTION 32 PLAN - CONSOLIDATION	Permit Issued	
KP770/08	1 ALLEYNE AVENUE BONBEACH, VIC 3196	13-Aug-08	25-May-09	THREE (3) DWELLINGS	Permit Issued	
KP777/08	335-337 NEPEAN HIGHWAY PARKDALE, VIC 3195	15-Aug-08	7-May-09	ERECT A NEW 15 METRE HIGH TELECOMMUNICAT ION TOWER	Permit Issued	
KP807/08	13 BONDI ROAD BONBEACH, VIC 3196	27-Aug-08	12-May-09	FIVE (5) DWELLINGS	Notice of Decision	
KP809/08	50 ELLA GROVE CHELSEA, VIC 3196	27-Aug-08	12-May-09	THREE (3) DWELLINGS	Notice of Decision	
KP82/09	1361 NEPEAN HIGHWAY CHELTENHAM, VIC 3192	13-Feb-09	18-May-09	MEDICAL (DAY PROCEDURE) CENTRE WITH A REDUCTION IN CAR PARKING REQUIREMENTS AND ALTERATION TO A CROSSOVER TO A ROAD IN A ROAD ZONE CATEGORY 1	Permit Lapsed	
KP844/08	1A GOLDEN AVENUE CHELSEA, VIC 3196	10-Sep-08	28-May-09	FIVE (5) DWELLINGS WITH BASEMENT CAR PARKING	Permit Refused	
KP864/08	3/5 SOPHIA AVENUE ASPENDALE, VIC 3195	16-Sep-08	11-May-09	DWELLING ALTERATIONS AND ADDITIONS ON A LOT LESS THAN 300M2 AND OVER COMMON PROPERTY	Permit Issued	
KP879/08	19 BELLE CRESCENT MORDIALLOC, VIC 3195	23-Sep-08	7-May-09	DWELLING ALTERATIONS AND ADDITIONS ON A LOT LESS THAN 300 SQUARE METRES - LIVING ROOM	Permit Refused	
KP911/05- B	200-208 BOUNDARY ROAD BRAESIDE, VIC 3195	6-Mar-09	1-May-09		Permit Issued	
KP918/08	10 WARRIGAL ROAD PARKDALE,	2-Oct-08	28-May-09	TWELVE (12) DWELLINGS	Permit Refused	

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	VIC 3195					
KP933/08	11 MALLAWA STREET CLAYTON SOUTH, VIC 3169	7-Oct-08	28-May-09	TWO (2) DWELLINGS	Notice of Decision	
KP953/08	5 EULINGA AVENUE ASPENDALE, VIC 3195	16-Oct-08	28-May-09	TWO (2) DWELLINGS	Permit Issued	
KP962/08	238 CENTRE DANDENONG ROAD DINGLEY VILLAGE, VIC 3172	17-Oct-08	13-May-09	FIVE (5) DWELLINGS	Notice of Decision	
KP971/08	128-130 PARKERS ROAD PARKDALE, VIC 3195	21-Oct-08	12-May-09	ALTS & ADDS TO CHURCH	Notice of Decision	
KP978/08	3 JOYCE STREET CARRUM, VIC 3197	23-Oct-08	28-May-09	FOUR (4) DWELLINGS	Notice of Decision	
KP991/08	3 CHURCH ROAD CARRUM, VIC 3197	2-Oct-08	25-May-09	TWO (2) DWELLINGS	Notice of Decisions	

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**Planning Application KP959/08: 7 Keiller Avenue, Parkdale**

<b>Applicant:</b>	Cultured Building Designs	
<b>Location:</b>	No. 7 (Lots 1 & 2 on TP677290W) Keiller Avenue, Parkdale	
<b>Melways Ref:</b>	87G7	
<b>Proposal:</b>	Two (2) Dwellings (Comprising the construction of a new double-Storey at the rear of the existing dwelling, which is to be extended).	
<b>File Number:</b>	KP959/08	
<b>Planning Officer:</b>	Girija Shrestha Author: Sherie Kirby	
<b>Objections:</b>	Five (5) Objections	
<b>Zoning:</b>	Residential 3	
<b>Kingston Planning</b>	Clause 12	Metropolitan Development
<b>Scheme Ordinance</b>	Clause 14	Settlement
	Clause 16	Housing
	Clause 18	Infrastructure
	Clause 21.03:	Land Use Challenges for the New Millennium
	Clause 21.04:	Strategic Framework Plan
	Clause 21.05:	Residential Land Use
	Clause 22.05:	Moorabbin Airport Environs Policy
	Clause 22.11:	Residential Development Policy
	Clause 32.06:	Residential 3 Zone
	Clause 55:	Two or More Dwellings on a Lot (ResCode)
	Clause 65:	Decision Guidelines
	Clause 66:	Referrals
<b>Residential Policy Area</b>	*Incremental Change Area	
<b>Neighbourhood Character Area</b>	25	
<b>Decision by</b>	7 <sup>th</sup> June, 2009	
<b>Net Days</b>	75 days	
<b>Considered Plan Reference Date Received</b>	15 <sup>th</sup> April, 2009	

**DEVELOPMENT ASSESSMENT TABLE:**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	40 square metres, with a minimum width of 5 metres to be provided to the side or rear of a dwelling, plus an additional 20 square metres of private open space with a minimum width of 3 metres for each additional bedroom over two bedrooms.	Does not comply.  Dwelling 1 comprises a three (3) bedroom dwelling and, therefore, should be provided with 60 square metres of side or rear private open space, but, is only provided with 46 square metres.



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<b>Car Parking</b>	ResCode requires: <ul style="list-style-type: none"> <li>• One (1) car space per one or two bedroom dwelling.</li> <li>• Two (2) car spaces for each dwelling comprising three or more bedrooms.</li> </ul>	Complies –  Dwelling 1 has 2 car spaces within a double garage and Dwelling 2 has 2 car spaces, 1 within a single carport and 1 tandem space.
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable.  The existing dwelling (Dwelling 1) is to be retained.
<b>Site Coverage</b>	Maximum 60%.	Complies.  43% site coverage.

**EXISTING CONDITIONS:**

The subject site is situated on the south side of Keiller Avenue, Parkdale, approximately 84 metres west of its intersection with Warren Road. The land is regular in shape with a frontage width of 15.85 metres to Keiller Avenue, a depth of 41.76 metres and an overall area of 662m<sup>2</sup>. The topography of the land is relatively flat with a slight fall of approximately 700mm from the site's front (north) property boundary to the site's rear (south) property boundary. A number of established trees exist within the rear private open space area of the existing dwelling, including a seven (7) metre high Eucalyptus tree. A 2.44 metre wide easement is contained within the site and is located adjacent to the site's south (rear) property boundary.

At present, the land is occupied by a single-storey, weatherboard dwelling set back a minimum distance of 7.6 metres from the site's Keiller Avenue frontage. A single car, clad, garage, also exists at the rear of the existing dwelling. The surrounding land is developed for residential purposes and existing development comprises mostly single-storey dwellings, with a scattering of double-storey dwellings.

The site is located within reasonable proximity to local shops, schools and public reserves. Walter Galt Reserve and the Don Tatnell Leisure Centre are located approximately 450 metres south of the subject site, on Warren Road. Parkdale Secondary College is approximately 250 metres south-west of the subject site, whilst Parktone Primary School is situated approximately 150 metres to the west. Parkdale Railway Station is located approximately 1.6 kilometres to the south-west of the subject site.

**RESTRICTIVE COVENANTS:**

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The applicant has signed a statutory declaration stating that there are no covenants or restrictions registered on the current Certificate of Title for the subject site.

**SITE HISTORY:**

Council records indicate that no Planning Permits have issued for the subject site.

**PROPOSAL IN DETAIL:**

(The plans for consideration are those received by Council on 15<sup>th</sup> April, 2009).

It is proposed to construct a new, double-storey dwelling at the rear of the existing dwelling to be retained, but extended, on this site. The existing dwelling would be extended at the ground level, together with the construction of a first floor level addition.

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (Excluding (Rear Garage / Carport Areas)</b>	<b>Private Open Space Area (Total)</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	175m <sup>2</sup>	46m <sup>2</sup>	3	2
2	156m <sup>2</sup>	40.1m <sup>2</sup>	2	2

Building materials and colours have been nominated as:

Roof:	Concrete tiles (terracotta, reddish-brown colour).
Walls:	Face brickwork (reddish-brown colour).
Garage door/s:	Details not specified.
Windows:	Aluminium window frames (cream colour).
Driveways:	Concrete (colour not specified).
Front fencing:	A new, 1.8 metre high brick fence with wrought iron infill.
Boundary fences:	All existing fencing along the site's east (side), west (side) and south (rear) property boundaries would be retained as a part of the development (where appropriate).

The existing dwelling (referred to as Dwelling 1) would be extended at ground level, allowing for a new living room area at its front which would result in the façade being flush with existing the front setback of Bedroom 1. It would also be extended upwards creating a first floor level of approximately 60m<sup>2</sup>, which would contain 2 bedrooms, a multi purpose room and a bathroom. The existing room known as Bedroom 3 at the rear of the dwelling would be converted into an “alfresco” area adjacent to the site's rear private open space area.

A double car garage would be provided for Dwelling 1, whilst Dwelling 2 would be provided with a single carport and a tandem car parking space in front. All vehicles would be provided with adequate reversing areas to allow egress from the site in a forwards direction.

All existing vegetation would be removed from the subject site.

The proposed development would result in a site coverage area of 43%.

**AMENDMENTS PRIOR TO NOTIFICATION OF APPLICATION:**

Amended plans were received by Council on 21<sup>st</sup> November, 2008, showing minor modifications made in response to Council's request for further information made on 24<sup>th</sup> October, 2008.

The amended plans were accepted and 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 public notice on site for fourteen (14) days. Five (5) objections were received to the application with the main grounds of concern summarised under the following headings:

- Non-Compliance with Council's Residential Development Policy;
- Minimal private open space area for Dwelling 1;
- Overshadowing;
- Overlooking/loss of privacy; and
- Lack of on-site car parking.

**PRELIMINARY CONFERENCE:**

A preliminary conference meeting was held at Council's Cheltenham Office on 12<sup>th</sup> February, 2009, with the applicant, owners, objectors and Council Planning Officer in attendance.

The above issues were discussed at length. However, no resolution was reached.

**AMENDMENTS AFTER THE NOTIFICATION OF THE APPLICATION:**

On 15<sup>th</sup> April, 2009, amended plans were received by Council from the applicant showing design modifications to the proposal comprising:

- The first floor level for Dwelling 2 reduced to one (1) bedroom;
- The roof form for Dwelling 2 modified accordingly

- Internal modifications to the lounge room, the addition of a ground floor bedroom and reconfiguration of the kitchen and bathroom of Dwelling 2..

A copy of the amended plans were circulated to each of the objectors/submitters to the application allowing further comments to be lodged with Council within a fourteen (14) day period. Two (2) additional letters were received in response to the amended plans which essentially reiterated the initial concerns raised by the respective objectors.

**PLANNING SCHEME PROVISIONS:**

A Planning Permit is required to develop land for two (2) or more dwellings on a lot and also to extend a dwelling on a lot with more than one (1) dwelling, pursuant to Clause 32.06 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 subject land is zoned Residential 3. The site is located in an “Incremental Housing Area”, as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

The land is also designated within the Moorabbin Airport Environs Policy area, pursuant to Clause 22.05 of the Scheme. An application to use land for sensitive purposes (including accommodation) must be referred to the Moorabbin Airport Corporation for consideration.

No overlay controls affect the subject site.

**REFERRAL:**

Pursuant to Clause 22.05 (Moorabbin Airport Environs Policy) of the Kingston Planning Scheme, any application to construct or carry out buildings and works on land within the designated policy area must be referred to the Moorabbin Airport Corporation, (MAC). The MAC responded to Council advising that it has no objection to the proposal.

To date, no reply has been received, however, Council will anticipate the comments of MAC and include likely conditions, on any permit issued.

The application was also referred to the following Council departments:

- Ø Development Engineer; and
- Ø Vegetation Management Officer.

The responses received by both of those departments require standard conditions to be included on any permit issued.

**DISCUSSION:**

**Kingston Planning Scheme Provisions:**

**Clause 12: Metropolitan Development**

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

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

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

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

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

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

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

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

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

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

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

It is considered that this application, arguably, meets these objectives.

**Clause 21.05 Municipal Strategic Statement - Residential Land use**

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

*Incremental Housing Change Area*

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

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

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

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

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and "encourage" only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly

single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.

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

It is considered that the proposed development is arguably consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal could create an adequate standard of amenity for the future occupants of the existing and proposed dwelling, but its double storey rear dwelling may have some adverse impact on occupants of existing dwellings in the immediate area due to its bulk and mass at first floor level.

The average lot size within this area has been calculated to be 694.9m<sup>2</sup>, the subject site has an area of 661.9 m<sup>2</sup>, and, therefore, this proposal does not meet the minimum "average lot size".

**Clause 22.05: Moorabbin Airport Environs Policy**

The key objectives of this policy are:

- To identify areas which are or will be subject to high levels of aircraft noise, including areas of land for uses sensitive to aircraft noise will need to be restricted.

- To assist shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.

It is policy (amongst other things) that “*new buildings be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS2021- 1994, Acoustics- Aircraft Noise Intrusion – Building and Siting Construction, issued by the Standards Association of Australia, to the satisfaction of the Responsible Authority*”.

A condition of any Planning Permit issued for the proposed development should require that this Australian Standard be met.

### **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;
- Site landscaping;
- Built form, siting and scale of development;
- Car parking and vehicle access;
- Stormwater run-off mitigation and quality management; and
- Heritage features.

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.

Council officers have considered the siting and design of the proposed double-storey dwelling at the rear of the site. It has arguably been designed, then redesigned in a manner which reduces its impact on the existing dwellings to the east, west or south. The particular areas of ResCode compliance will be discussed in further detail in the following sections of this report.

Further, the Policy aims to ensure that new development is responsive to the character elements identified in the *Kingston Neighbourhood Character Guidelines – May 2000*,



*revised February 2003*, particularly those identified as making a *major* or *critical* contribution to neighbourhood character.

The land is located within Area No. 25 of the Neighbourhood Character Guidelines, which identifies detached building footprints as being “typical” for the profile area. The only major characteristic identified for this area is the “other building features”, being windows on corners and porches.

Council officers consider that the existing (modified) and proposed dwelling should generally be consistent with the only major built form characteristic identified within this Neighbourhood Character Profile Area, though to the proposed rear dwelling is not typical of the area, and although it’s first floor area is relatively small, it would be clearly visible from certain aspects surrounding the site.

**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 to construct two or more dwellings on a lot.

*Schedule*

Schedule 1 to the Residential 3 zone imposes higher requirements for new multi-dwelling developments (being private open space, site coverage and front fencing) in areas identified for “Incremental Change”, under Council’s Municipal Strategic Statement (MSS).

Two (2) major requirements under this Schedule have not been met, those being private open space and front fence height. The Schedule suggests that the minimum private open space and dimensions for proposed dwellings with three (3) bedrooms with a maximum area of 60m<sup>2</sup>. There is also some legitimate argument that the existing, but extended Dwelling 1, contains four (4) bedrooms, which would then require it to have 80m<sup>2</sup> of side/rear private open space. Dwelling 1 would comprise a minimum of three (3) bedrooms, but has only 46m<sup>2</sup> of private open space. This will be further discussed under the following section of this report.

With respect to the proposed front fencing, the Schedule to the zone suggests that front fencing along streets (with the exception of main roads) should not exceed 1.2 metres in height. The amended plans show that a 1.8 metre high brick pier fence with wrought iron infill is proposed along the site’s Keiller Avenue frontage. Whilst the current owners state that the reason for a high front fence is to secure a large dog, Council officers consider that a fence of this height is not acceptable in this streetscape, and that a 1.2 m high fence should be more consistent with existing fences and no front fences in this street.

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

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 would satisfy most of the relevant objectives and standards of ResCode, with the areas of non-compliance being identified as follows:

*Clause 55.05-3 – Street Setback Objective*

The objective under this Clause is “*to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site*”.

The proposed minimum front building setback for Dwelling 1 would be reduced from its existing setback of 7.6 metres to 7.5 metres as a result of the ground level extension. However, Council officers consider that this minor reduction should be reasonable as it should not adversely impact on the front setback of the existing dwelling when viewed from Keiller Avenue.

*Clause 55.05-4 – Private Open Space Objective*

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

As previously discussed, Dwelling 1 would be provided with a total of 46m<sup>2</sup> of private open space whereas a minimum of 60m<sup>2</sup> is required under the variation to Standard B28 under the Schedule to the Residential 3 zone.

Council officers consider that the “alfresco” area nominated for Dwelling 1 should be removed to allow for additional secluded private open space given that this dwelling would contain three (3) bedrooms. Further, the proposed “family room” area should be reduced in area to allow for an increased length of the secluded private open space area to a minimum of 6.5 metres.

The proposed modifications would allow for approximately 55 square metres of secluded private open space for this dwelling and could be required as a condition of any permit issued. Although the area and dimensions of the proposed private open space area for Dwelling 1 would still be less than that required under the Schedule to the zone, Council officers believe that it would be more likely to allow for an adequate area for the recreation and service needs of any future residents.

There is also the question raised earlier in this report as to whether Dwelling 1 has 3 or 4 bedrooms. At its first floor level, a multi purpose room is shown with a full length linen storage facility along its south wall. This could just as readily be used as a bedroom, impacting on the amount of private open space required for this dwelling, i.e. requiring an additional 20m<sup>2</sup>. (80m<sup>2</sup> in total)

*Clause 55.06-2 – Front Fences Objective*

The objective of this Clause is “*to encourage front fence design that respects or preferred neighbourhood character*”.

The amended plans show that a 1.8 metre high brick pier fence with wrought iron infill would be constructed along the site’s Keiller Street frontage. The Schedule to the Residential 3 zone suggests that the maximum front fence height should be 1.2 metres where land fronts a public street (with the exception of a main road). Council officers acknowledge that the intent of the height of the proposed fence maybe for the purpose of securing a large dog within the front

yard of the site. However, it is considered that the height of the fence should be reduced to a maximum of 1.2 metres in accordance with the Schedule to the zone, and to be more consistent with the streetscape,

This could be required as a condition of any permit issued for the proposed development.

**Clause 55.0, 6-1 Design Detail**

Although the upper level of dwelling 2 is reasonably small, it would still be clearly visible from much of its surroundings. On one hand, it can be said it respects the neighbourhood character of the area, though on the other, it is not typical of most “backyard settings” in the area.

**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 arguably meets the requirements as set out in this Clause of the Planning Scheme.

**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.

Council officers consider that the proposed development generally satisfies the relevant design techniques and suggestions outlined in this document, but a case could be made for it not satisfying these guidelines.

**RESPONSE TO GROUNDS OF OBJECTION:**

The following comments are offered in relation to the main grounds of objection, being overshadowing, overlooking and noise.

- Non-Compliance with Council’s Residential Development Policy;
- Private open space area for Dwelling 1;
- Overshadowing;
- Overlooking/loss of privacy; and
- Lack of on-site car parking.

*Non-Compliance with Council’s Residential Development Policy*

A number of objections received raised concerns relating to the proposal’s non-compliance with Council’s policy, namely in relation to the construction of a double-storey at the rear of a site and also the average lot size for the area.

Council officers acknowledge that the Policy allows for the construction of a new, double-storey dwellings at the rear of a site where such dwellings have been designed and sited in a sensitive manner with minimum off-site impacts to all adjoining dwellings. Specifically, the upper floor area for Dwelling 2 should not generate any excessive overshadowing or overlooking opportunities to the detriment of the surrounding properties.

The matter of compliance with Council's calculated "average lot size" for the Parkdale area was also raised through the objections. Council officers concede that the proposed development would not meet the minimum "average lot size" calculated for this area, being 33m<sup>2</sup> short of meeting the average lot size in the area.

*Private Open Space Area for Dwelling 1*

One (1) of the objections received raised concerns regarding the amount of private open space area for Dwelling 1 and how it fails to satisfy the minimum required under the Schedule to the Residential 3 zone.

Council officers again concede that the minimum area and dimensions for the secluded private open space area for Dwelling 1 is not met. However, a reduction in the floor area for the nominated family room area and the deletion of the "alfresco" area would allow for an improved outdoor area for this dwelling, which however, this falls short of the required 60m<sup>2</sup>, but only by 5m<sup>2</sup>. This does not take into account the possibility of Dwelling 1 have four (4) bedrooms.

*Overshadowing*

Concerns relating to overshadowing generated by the proposed development have been raised from the adjoining property owners to the east and west of the site. Whilst the proposed development would result in some additional shadowing in the morning and afternoon (based on shadow diagrams for 23<sup>rd</sup> September), Council officers do not believe the additional loss of sunlight, would be overly significant to those respective properties, but nonetheless, the additional shadow is cast at certain times as a direct result of the proposal cannot be substantiated in this instance .

*Overlooking/Loss of Privacy*

An objection based on the potential overlooking from the upper floor windows of the proposed development cannot be substantiated in this instance given that all habitable room windows at the first floor level would be screened to a minimum height of 1.7 metres above the first floor finished floor level (where within 9 metres of an existing habitable room window on an abutting property). While this addresses the overlooking issues it results in a poor internal amenity for future residents.

*Lack of On-Site Car Parking*

Concerns relating to inadequate on-site car parking area cannot be substantiated in this instance as two (2) car parking spaces would be provided for each dwelling. This would exceed the minimum required under the relevant section for car parking provision under Clause 55 (ResCode).

**RECOMMENDATION:**

Should Council choose to support this application, that a Notice of Decision to Grant a Permit be issued for the development of this site for the construction of two (2) 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 received by Council on 15<sup>th</sup> April, 2009, but modified to show:
  - a) the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i) an associated planting schedule showing the proposed, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - ii) the delineation of all garden beds, paving and grassed areas throughout the development;
    - iii) all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv) a range of plant types from ground covers to large shrubs and trees;
    - v) adequate planting densities (i.e. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi) the provision of two (2) suitable medium-sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the rear private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - vii) sustainable lawn areas and plant species taking water restrictions into consideration all trees provided at a minimum of two (2) metres in height at time of planting;
    - viii) all trees provided at a minimum of two (2) metres in height at the time of planting;
    - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x) the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b) the deletion/removal of the proposed “alfresco” area for Dwelling 1;
  - c) the deletion of the “cloak” area for the proposed meals area and the “entertainment” area for the proposed lounge room for Dwelling 2 to allow for the creation of an open connection between the two areas;

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- d) the depth of the secluded private open space area for Dwelling 1 (when measured from north to south) increased to a minimum of 6.5 metres;
  - e) the proposed front fence reduced in height to a maximum of 1.2 metres with wrought iron infill; type fence;
  - f) the first floor west facing window of the bedroom of dwelling 2 deleted with no window of this dwelling at first floor level to face west.
  - g) the location of any externally located heating/cooling units, service meters, etc.; and
  - h) the provision of a colour, finishes and building materials schedule (including colour samples) for all external elevations of all dwellings, driveways, front fence and garage. This surface material of all driveways / accessways and car parking spaces nominated in an all weather coloured concrete seal coat:
    - i) the door of each garage nominated as a panel-life door or similar;
    - j) all windows shown with frosted glazing nominated as being fitted with obscure glazing;
    - k) the stairwell window of Dwelling 1 nominated as being fitted with fixed obscure glazing;
    - l) the first floor area of Dwelling 2 further reduced in size and increasing as being fitted with fixed obscure glazing.
2. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
  3. Prior to the occupation of the dwelling 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.
  4. Before occupation of the dwelling 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 the dwelling 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. Before the development hereby approved 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 an impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

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8. The development of the site must be provided with stormwater works which will incorporate the use of water sensitive urban design principles to improve stormwater run-off 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 bio-retention system, rainwater tanks connected for re-use and a detention system.
9. Construction on the site shall 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 the dwellings hereby permitted or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
12. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
13. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
14. Prior to the occupation of the dwelling hereby approved, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - i. Constructed to the satisfaction of the Responsible Authority.
  - ii. Properly formed to such levels that they can be used in accordance with the plans.
  - iii. Surfaced with an all-weather coloured concrete, seal-coat to the satisfaction of the Responsible Authority.
  - iv. Drained and maintained to the satisfaction of the Responsible Authority.Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

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16. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. External clothes drying facilities must be provided for each dwelling.
18. 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 is not started within two (2) years of the date of issue.
  - The development is not completed within one (1) year from 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.

Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.

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

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

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

**OR**

**B** Should Council resolve not to support the application, that a Notice of Refusal to Grant a Permit be issued on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposed does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-2 Residential Policy Objectives, Clause 55.03-8 Landscaping Objectives; Clause 55.04-6 Overlooking Objective, Clause 55.05-4 Private Open Space Objective, Clause 55.06-1 Design Detail and Clause 55.06-2 Front Fence Objective.



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**Planning Application KP882/08: 42-44 Westley Street,  
Carrum**

<b>APPLICANT:</b>	Neil Fletcher Design Pty Ltd
<b>ADDRESS OF LAND:</b>	No.42-44 (Lot 14 on PS006790) Westley Street, Carrum
<b>Melway Ref:</b>	97F7 & 97E7
<b>PROPOSAL</b>	Six (6) dwellings
<b>CONTACT OFFICER:</b>	Helen Walker
<b>FILE NO:</b>	KP882/08
<b>ZONING:</b>	Residential 3
<b>OVERLAY:</b>	Special Building Overlay
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing  <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 44.05: Special Building Overlay Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Incremental Housing Change <u>Area 6:</u> Average lot size: 578.1m2 (development density: 1 dwelling per 1:289.05m2 of site area) <u>Proposal Area:</u> 1544.6m2 (proposed development density: 1 dwelling per 257.43m2 of site area)
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 81
<b>DECISION BY:</b>	8 June 2009
<b>NETT DAYS:</b>	81

**Development Assessment Table**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m <sup>2</sup> , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m <sup>2</sup> is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 70m <sup>2</sup> of which 46m <sup>2</sup> is secluded private open space  Dwelling 2 – 64.3m <sup>2</sup> of which all is secluded private open space  Dwelling 3 – 40m <sup>2</sup> of which all is secluded private open space  Dwelling 4 – 68.3m <sup>2</sup> of which 44.3m <sup>2</sup> is secluded private open space  Dwelling 5 – 61m <sup>2</sup> of which all is secluded private open space  Dwelling 6 – 41.6m <sup>2</sup> of which all is secluded private open space
<b>Car Parking</b>	Two (2) spaces for each 3 bedroom dwelling.	All dwellings have two (2) car spaces – one (1) in a single garage and one (1) in tandem  One (1) additional visitor car parking space is proposed
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Dwelling 1 – 6.42 metres  Dwelling 4 – 7.77 metres
<b>Site Coverage</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: Maximum 50%	Site coverage is 43.4%

**EXISTING CONDITIONS:**

The subject site comprises two (2) allotments located on the south-west side of Westley Street in Carrum. The proposal also proposes uses land presently designated as a right-of-way and which abuts the south-eastern boundary of No.44 Westley Street. Both lots are rectangular in shape with a combined (including the right-of-way) frontage width of 27.18 metres, and a maximum depth of 56.31 metres, resulting in an overall area of 1,544.6m<sup>2</sup>. The site is

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essentially flat. Vehicle access to the site is via a single width crossover located at the north-west end of the frontage, with the right-of-way having its own direct vehicular access.

The subject site does not contain any significant vegetation, and there are no existing street trees within the Westley Street naturestrip.

The site is currently vacant.

The site is located within an established residential area, with surrounding residential development comprising both brick and weatherboard single and double storey development. Roof styles are varied, and include complex hip and hip and gable roofing, the majority of which are tiled, with some iron roofing also present. There is no predominant fencing style in the neighbourhood.

**PROPOSAL IN DETAIL:**

It is proposed to construct six (6) dwellings on the land comprising four (4) double storey and two (2) single storey dwellings.

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	145.4m <sup>2</sup>	70m <sup>2</sup> of which 46m <sup>2</sup> is secluded private open space	3	2
2	142.9m <sup>2</sup>	64.3m <sup>2</sup> of which all is secluded private open space	3	2
3	89.2m <sup>2</sup>	40m <sup>2</sup> of which all is secluded private open space	2	2
4	165.8m <sup>2</sup>	Dwelling 4 – 68.3m <sup>2</sup> of which 44.3m <sup>2</sup> is secluded private open space	3	2
5	146.1m <sup>2</sup>	Dwelling 5 – 61m <sup>2</sup> of which all is secluded private open space	3	2
6	91.4m <sup>2</sup>	Dwelling 6 – 41.6m <sup>2</sup> of which all is secluded private open space	2	2

Building Materials and colours have been nominated as:

Roof:	Concrete roof tiles (brown)
Walls:	Ground floor brick veneer (brown) First floor lightweight Styrofoam render finish (grey/brown)
Garage doors	Panel lift (light brown)
Windows:	Anodised aluminium
Driveways:	Concrete
Front fencing:	1.2m high painted pickets (cream)
Boundary fences:	Paling

The proposal would result in a site coverage of 43.4%, and a site permeability of 37.1%.

### **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**

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 20<sup>th</sup> February, 2009. The amendment includes:

- Dimensions and other minor notations and additions to the Neighbourhood and Site Description Plan, Design Response Plan, Site Layout Plan and Elevation Plans;
- Redesign of the first floor level of dwellings 1, 2 and 5 to create greater articulation and setback to neighbouring boundaries and the ground floor footprint; and
- Garages to dwellings 1 and 4 located a minimum 1 metre behind the front façade of these dwellings.

Council decided to allow 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. Nine (9) objections to the proposal were received.

The grounds of objection may be summarised as follows:

- Traffic congestion
- Mess from the construction
- Devaluation of property (invalid planning ground)
- Overdevelopment of the site
- Overshadowing
- Not in keeping with neighbourhood character/ bulk and mass

**PRELIMINARY CONFERENCE**

A preliminary conference was held on the 15<sup>th</sup> April, 2009, where the above issues were discussed. There were no resolutions reached at the meeting, and accordingly, all objections still stand.

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

No amendments made.

**PLANNING SCHEME PROVISIONS**

A planning permit is required to develop land for two 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.

**REFERRAL**

The application was referred to the following external authority pursuant to Section 55 of the Planning And Environment Act. Where appropriate, amended applications under Section 50, S50A and S57C of the Act have been re-referred. The referral response below relate to the current application only:

§ Melbourne Water

No objection was received from Melbourne Water.

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

§ Property Services

§ Vegetation Management Officer

§ Development Engineer

Council's Development Engineer and Vegetation Management Officer advised of no objection, subject to the inclusion of a number of conditions on any permit issued. Council's Property Services Officers require the applicant to purchase the right-of-way that is incorporated into the proposal from Council This will be a condition of any approval 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.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.



- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is generally consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal should create 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 should have minimal impact on the existing streetscape character, and the broader local neighbourhood character, particularly if the 2 middle dwellings (dwellings 2 and 5) are redesigned to be single storey dwellings.

Clause 22.11 of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. The average lot size within this area (Area 6) has been calculated to be 578.1m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 289.05m<sup>2</sup>. The subject site has an overall site area of 1,544.6m<sup>2</sup> and the development density would be calculated at 1 dwelling per 257.43m<sup>2</sup>. However, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone Schedule requirements.

**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.

**Clause 32.01: 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**

It is considered that the proposed development satisfies the requirements of this overlay. The proposal has been referred to Melbourne Water in accordance with Clause 44.05-5.

**Clause 55: ResCode**

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal satisfactorily meets the requirements of ResCode, however, should dwellings 2 and 5 become single storey dwellings it should exceed ResCode requirements. There are, however, some areas of non-compliance which are as follows:

**Clause 55.02 - Neighbourhood Character & Infrastructure**

**Standard B1 Neighbourhood Character** - The site is located within Character Area No.81 of Council's Neighbourhood Character Guidelines (revised February 2003). Within this area, the following characteristics are considered to make "major" contributions to the streetscape:

- Roof shape, with most rooves being simple hipped, complex hipped, simple gabled, complex gabled and combination; and
- Materials, with various roof materials and colours, and mainly white or pastel weatherboard walls or render.

The proposed hipped roof forms proposed are considered appropriate within the streetscape and broader neighbourhood character. Similarly, the part brick and part render external walls should blend with existing residential development on abutting and surrounding properties. Overall, the proposal achieves compliance with the Neighbourhood Character Guidelines, if dwellings 2 and 5 become single storey dwellings.

Furthermore, Councils Residential Development Policy (Clause 22.11) 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. It is noted that dwellings 1 and 5 at the front of the site, and dwellings 2 and 5 towards the middle of the site are all double storey, with dwellings 3 and 6 at the rear of the site being single storey. It is further noted that the upper level of all double storey dwellings have been somewhat articulated and recessed in from the level below, to provide some visual interest, and reduce perceived visual bulk. Whilst it is acknowledged that all dwellings maintain visual interest, given that dwellings 2 and 5 are situated at the middle of the site, it is, considered appropriate to require their upper level to be deleted. This way, the only double storey dwellings proposed are located at the front of the site. Subject to this modification, it is considered that the proposal adequately meets and responds to Council's Policy, and is consistent with the streetscape and broader neighbourhood character.

Three (3) crossovers are proposed for the site, which are spaced evenly across the site frontage. This arrangement is considered appropriate in the context of the streetscape and neighbourhood character. The spacing of the crossovers further maximises the ability for street parking.

**Standard B2 Residential Policy** – As highlighted above, Councils Residential Development Policy (Clause 22.11) 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. As discussed, wellings 2 and 5 which are located towards the middle of the site are both double storey, and a condition on any approval issued will require that the first floor level of both of these dwellings be deleted.

It is further noted that the site is located within an area specified for "Incremental Change", where housing change anticipated 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 average lot size for this area (area 6) is 578.1m<sup>2</sup> (1:289.05). The (combined) lot size is 1,544.6m<sup>2</sup> and the average density proposed by this proposal is 1:257.4m<sup>2</sup>. The proposal, is therefore, not in accordance with this aspect of Council Policy. However, it is demonstrated

that the proposal is consistent with all other aspects of Council's Policy, and the provisions of Clause 55 of the Kingston Planning Scheme, and as such the proposal is justified.

**Standard B5 Integration with the Street** – the deletion of the upper level of dwellings 2 and 5 (as highlighted) should improve the integration of the development with Westley Street. The development should not be a dominant element within the streetscape, and should blend well with abutting and surrounding residential development.

**Clause 55.03 - Site Layout and Building Massing**

**Standard B6 Street Setback** - requires that any new dwelling on this allotment should be setback 7.78 metres from the site frontage. The dwelling on land abutting to the north-west is setback about 12.56 metres from its Westley Street frontage, and dwelling on land to the south-east, 3 metres from the Westley Street frontage. Dwelling 1 in the proposed development would have a varied frontage setback between 6.42 metres and 6.72 metres, and dwelling 4 a varied frontage setback between 7.55 metres and 7.77 metres. Given the setback of abutting dwellings, and other dwellings within Westley Street, the proposed setbacks are considered reasonable. It is also noted that the garage of the front dwellings (dwellings 1 and 4) would be set back from the front wall of the respective dwellings.

**Clause 55.04 - Amenity Impacts**

**Standard B17 Side and Rear Setbacks** – it is considered that all dwellings achieve reasonable side and rear boundary setbacks. The upper level of the double storey dwellings at the front of the site are provided with generous setbacks from abutting properties and dwellings.

**Standard B18 Walls on Boundaries** – boundary construction is proposed for both side and rear boundaries. This construction would be appropriate located given the location of dwellings and outbuildings on abutting properties. From a streetscape perspective, the boundary construction is considered reasonable, and should have adverse visual impact.

**Standard B21 Overshadowing Open Space** – any overshadowing created by the proposed dwellings satisfies ResCode provisions, and is not considered to be at a level detrimental to the abutting properties.

**Standard B22 Overlooking** – the upper level windows of dwellings that face abutting properties would have part obscure glazed windows and/or be highlight windows so as to avoid any overlooking into abutting properties.

**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, as required to be amended, 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 81 of the Neighbourhood Character Guidelines. The proposals compliance with these Guidelines has been discussed at Section Clause 55 (Neighbourhood Character) of this report.

**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**

It is considered that the majority of the objectors concerns with regard to neighbourhood character/ bulk and mass, overdevelopment and overshadowing have been adequately addressed in the ResCode section this report. However, with respect to the other valid grounds of objection the following comments are made:

- *Traffic congestion*: it is considered that the surrounding road network would be able to adequately accommodate any additional vehicle movements that are generated by the new dwellings, and accordingly, the proposal does not raise any traffic concerns.

- *Mess from the construction*: standard Conditions of any permit issued during construction regarding amenity can be placed on any approval issued. There is no evidence to suggest that this development would result in any excessive mess from the building construction.

**General Comment**

The proposed development as required to be amended, 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, 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 six (6) 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 26<sup>th</sup> February, 2009, but modified to show:
  - a. the provision of an improved landscape in accordance with the submitted development plan and the City of Kingston Landscape Land Checklist, with such plans to be prepared by a suitably qualified landscape professional
    - i). an associated planting schedule showing the proposed, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - ii). the delineation of all garden beds, paving and grassed areas throughout the development;
    - iii). all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv). a range of plant types from ground covers to large shrubs and trees;
    - v). adequate planting densities (i.e. plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi). the provision of two (2) suitable medium-sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the rear private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - vii). sustainable lawn areas and plant species taking water restrictions into consideration all trees provided at a minimum of two (2) metres in height at time of planting;
    - viii). all trees provided at a minimum of two (2) metres in height at the time of planting;
    - ix). medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x). the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b. the first floor level of proposed dwellings 2 and 5 completely deleted, and these dwellings redesigned to be single storey dwellings; with their private open space to fully meet the requirement of the Schedule to the Residential 3 Zone and their car parking to satisfy ResCode requirements;
  - c. the minimum floor levels for dwellings 1-5 (inclusive) nominated as 1.96 metres AHD (note: the applicable flood level for the property is 1.66 metres AHD);

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- d. the minimum floor level for the garages of dwellings 1-5 (inclusive) nominated as 1.81 metres AHD (note: the applicable flood level for the property is 1.66 metres AHD);
  - e. the driveway, from near the front of the site through the rear of dwelling 1, reduced to 2.6 metres in width, with the additional areas created provided as landscaping;
  - f. the guttering pertaining to all garages on a site property boundary nominated as being contained wholly within the title property boundary of the subject land;
  - g. the provision of a building materials and colour schedule (including samples) for all external elevations to the dwellings.
  - h. the provision of a 3 metre wide vehicle crossover nominated with the vehicle crossing having a note stating “vehicle crossing constructed to Council’s standards – industrial strength”;
  - i. front fencing clearly nominated, with any such fencing to be no higher than 1.2 metres;
  - j. the location of mailboxes and external air conditioning units clearly nominated for each dwelling;
  - k. the driveway for each dwelling clearly delineated, and the surface material of all driveways / accessways and car parking spaces nominated as being coloured concrete;
  - l. all boundary walls nominated as no higher than an average 3 metres; and
  - m. all dwellings provided with 450mm wide eaves;
  - n. the provision fully workable turning / reversing areas for all car parking spaces; and
  - o. the front 1.2m high picket fences for dwellings 1 and 4 to be painted in a colour complimentary to the dwellings, with these fence to be on the site’s front property boundary;
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 commencement of development and/or use approved by this permit, the 3.05 metre wide right-of-way along the south-east property boundary of No.44 Westley Street must be purchased from Council by the developer/ site owner, to Council’s satisfaction.
  4. **Condition required by Melbourne Water:**
    - a) No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water’s drains or watercourses.
  5. 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.

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6. 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.
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. 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.
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. 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.
14. 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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15. Prior to the occupation of the dwellings 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.
16. 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.
17. 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.
18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
19. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
20. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
21. External clothes drying facilities must be provided for each dwelling.
22. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
23. 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 is not started before two (2) years from the date of this permit
  - The development is not completed before two (2) years 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:** Any modifications to the stormwater pit located in the front of the development must be to Council's current Standards.

**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:** Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

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 136221.

**In the event that Council wish to oppose the application, it can do so on the following grounds:**

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-2 Residential Policy Objectives, Clause 55.03-1 Street Setback Objective, Clause 55.03-8 Landscaping Objectives; Clause 55.03-9 Access Objectives; Clause 55.03-10 Parking Location Objectives and Clause 55.06-1 Design Detail.

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**Planning Application KP245/09: 999 Nepean Highway,  
Moorabbin (75 Dwellings)**

<b>APPLICANT:</b>	Kingsgate Moorabbin 2 Pty Ltd
<b>CONTACT:</b>	Contour Consultants Australia Pty Ltd
<b>ADDRESS OF LAND:</b>	Part No. 999 (Lot 2 on PS 531995K) Nepean Highway, Moorabbin
<b>Melway Ref:</b>	77D5
<b>PROPOSAL</b>	Seven (7) storey building comprising 75 dwellings
<b>CONTACT OFFICER:</b>	Jennifer Pippo
<b>FILE NO:</b>	KP245/09
<b>ZONING:</b>	Clause 34.02 – Business 2 Zone Clause - Road Zone Category 1
<b>OVERLAY(S):</b>	Clause 43.01 – Heritage Overlay (79, 80 & 126)
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<p><u>State Planning Policy Framework</u>            Clause 12: Metropolitan Development            Clause 14: Settlement            Clause 15: Environment            Clause 16: Housing            Clause 17.01: Activity Centres            Clause 18: Infrastructure</p> <p><u>Local Planning Policy Framework</u>            Clause 21.03 Land Use Challenges for The New Millennium            Clause 21.04: Vision            Clause 21.05: Residential Land Use            Clause 21.06: Retail and Commercial Land Use            Clause 21.12: Transport, Movement and Access            Clause 21.13: Heritage</p> <p><u>Particular Provisions</u>            Clause 52.06: Car Parking            Clause 52.29: Land Adjacent to a Road Zone            Clause 52.34: Bicycle Facilities            Clause 52.35: Urban Context Report &amp; Design Response for Residential Development of Four or more storeys            Clause 52.36: Integrated Public Transport Planning</p> <p><u>General Provisions</u>            Clause 65: Decision Guidelines</p>
<b>DECISION BY:</b>	24 July 2009
<b>STATUTORY DAYS:</b>	35 days @ 29 June 2009

**1.0 KEY ISSUES RELATING TO THIS APPLICATION**

- Traffic considerations (access and parking)
- Amenity impact (internal and external)

- Urban design (scale and built form)
- Proposed use of the land – ‘Affordable Housing’
- Vegetation/landscaping considerations

For the purpose of this Council Report, any reference made to ‘the subject site’ or ‘subject Land’ relates specifically to Lot 2 on PS 531995K at No. 999 Nepean Highway, Moorabbin, unless specified otherwise.

## **2.0 PROPOSAL**

- 2.1 It is proposed to construct a **seven (7) storey** building on this site to be used for **accommodation (75 dwellings)** comprising:

§ Ground Floor: 37 public car parking spaces

§ 1<sup>st</sup> Floor: 6 public car parking spaces and 26 resident car parking spaces

§ 2<sup>nd</sup> – 6<sup>th</sup> Floor (inclusive): 75 units (ranging from 1 and 2 bedrooms)

- 2.2 The proposed development is intended to be used for the purpose of ‘affordable housing’ with the accompanying support and management of Port Phillip Housing Association (PPHA).
- 2.3 As stipulated by the Permit Applicant, all persons who occupy the proposed dwellings are sole persons or families on low incomes who would be required to meet eligibility criteria for community rental housing as determined by the Housing Registrar (DHS).
- 2.4 Accordingly, potential tenants need to apply to the Operator (i.e. PPHA) and prior to determining their eligibility they must satisfy “Asset” and “Income” criteria. Thus, tenants are required to sign lease agreements that specify strict occupancy criteria. It is understood that any breaches of this can result in cancellation of their lease agreement.
- 2.5 As outlined above, the ground (grade level) and first floor level of the building is to be used for car parking. A total of 69 car parking spaces are to be provided on the site of which 37 spaces are to be located on the ground level and 32 spaces on the first floor level. The allocation of these car parking spaces is explained further in the body of the report but essentially the forty three (43) spaces need to be retained for use by the Kingston City Hall and Kingston Arts Centre.
- 2.6 The remaining five (5) levels will be used for accommodation, each level containing 15 units. Each of five (5) residential levels will comprise of eleven (11), one (1) bedroom units, with the remaining four (4) units on each level containing two (2) bedrooms. This equates to fifty five (55), one (1) bedroom units and twenty (20), two (2) bedroom units. In addition it is understood that on each level particular dwellings have been designed to accommodate resident’s physical disabilities.
- 2.7 In addition to the ground floor car parking spaces, the ground floor component of the development will also include:

- § A waiting room and lobby area, which is located centrally along the site's frontage;
  - § Lift facilities;
  - § Rubbish room; and
  - § Substation and switch-room.
- 2.8 In addition to the thirty two (32) car parking spaces located on the first floor level, bicycle and general storage areas are also proposed, which includes 60 bicycle spaces.
- 2.9 A new 6.145 metre wide accessway (crossover) is proposed along the site's South Road frontage, to the eastern side of the Land's front boundary, which provides access to the ground floor level car parking spaces only.
- 2.10 Access to the first floor level car parking area is proposed via a ramp, which is located to the rear (south) side of the site, accessed via the carriageway easement that straddles the site's west property boundary.
- 2.11 A 91.60m<sup>2</sup> communal courtyard is proposed on the second floor level, to the south-west side of the site.
- 2.12 Each unit includes a private terrace area that generally ranges between 3.15m<sup>2</sup> to 6.43m<sup>2</sup> (excluding the five (5) larger terrace areas that directly face onto the communal courtyard).
- 2.13 The development has an overall height of approximately 24 metres.
- 2.14 The Permit Applicant has advised Council of the following:
- § Once the development is completed, it is intended that PPHA will buy the project from the Land owner at an agreed price based on valuation.
  - § PPHA as the owner of the completed development will then assign a representative to manage the building and its tenancy arrangements
  - § In order for the development proposal to be viable, government funding will need to be obtained. As such, PPHA has made an application for 'Nation Building' government funding; and
  - § A development agreement will be executed between the Land owner and PPHA upon confirmation of the project funding.

The assessment of this application has been determined based upon the above matters and as such conditions are imposed on the Planning Permit to ensure that should the development proceed it occurs based on it providing affordable housing through a recognised Housing Association.

- 2.15 The proposed external building materials, colours and finishes are summarised below:

- § Dark grey cladding
- § Integral colour texture finish
- § Increased texture and darker colour to lower levels of texture finish
- § Warm grey perforated balustrades
- § Dark grey sunshading hoods
- § Dark grey blade screens
- § Featured colour to recessed balcony returns and soffits
- § Aluminium framed glazing
- § Grey / green perforated lining with graphic treatment to South Road (ground level)
- § Grey metal canopy

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site is located on the south side of South Road, Moorabbin. The Land is described as Lot 2 on PS 531995K and forms part of a larger land holding identified at No. 999 Nepean Highway, Moorabbin. Importantly, the site is located within the **Moorabbin Major Activity Centre [MAC]** as defined by Melbourne 2030.
- 3.2 The subject site is irregular in shape with a 38.3 metre wide frontage to South Road and an overall area of approximately 1.189m<sup>2</sup> with an additional 139m<sup>2</sup> of land encumbered by easements. A carriageway easement, identified as E-9, runs along the west side of the subject site (in its entirety), which is in favour of lots specified on PS 531995K. Further to this, another carriageway easement runs along the west side of E-9, providing common property and vehicular access in favour of lots specified also on PS 531995K.
- 3.3 The parent allotment recognised at No. 999 Nepean Highway, Moorabbin is located on the south-east corner of the intersection of Nepean Highway and South Road. The Kingston City Hall, Arts Centre and former City of Kingston Moorabbin Offices, which has now been refurbished into a three (3) storey commercial / office development, and associated car parking all forms part of No. 999 Nepean Highway, Moorabbin.
- 3.4 Currently, the subject Land comprises a car park area to the east side of the Kingston City Hall and Arts Centre. This car park area currently comprises 43 spaces, which is used by both employees and patrons to the Kingston City Hall and Arts Centre.
- 3.5 The surrounding area typically comprises of business and commercial type uses. To the north side of the subject site, on the opposite side of South Road, are several single and double storey shops and offices. A large five (5) storey office building is located on the north-east corner of Nepean Highway and South Road.
- 3.6 The Frankston railway line is located directly to the east side of the subject site; with the Moorabbin railway station located approximately 100 metres to the south-east side of the subject site. The Station Street retail precinct is situated to the eastern side of the Frankston railway line along with associated public car parking.

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3.7 Land to the south side of the site includes the former Moorabbin Council Municipal Offices, which have now been refurbished into a three (3) storey office/commercial building.

3.8 Land to the west side of the site comprises of civic buildings as mentioned earlier, includes the Kingston City Hall and Arts Centre.

**4.0 TITLE DETAILS**

4.1 The Permit Applicant has completed the planning application form declaring that the proposed development **does not breach** any restrictive covenants, section 173 agreements or other obligations listed on the Certificate of Title.

4.2 It must be mentioned that a S.173 Agreement (AE423794S) applies to the Land which, amongst other things, requires the Owner to replace 43 public car parking spaces (**replacement car parking**) for the City Hall and Kingston Arts Centre. In accordance with this agreement, the proposal includes 43 car parking spaces to be allocated to the Kingston Town Hall / Arts Centre.

**5.0 PLANNING CONTROLS**

5.1 The subject site is located within a Business 2 Zone. Land at No. 999 Nepean Highway, Moorabbin is also subject to a Heritage Overlay.

5.2 South Road and Nepean Highway are both identified in a Road Zone Category 1.

**6.0 PLANNING PERMIT REQUIREMENTS**

6.1 Pursuant to Clause 34.02 (Business 2 Zone), a planning permit is required to construct a building or construct and carry out works.

6.2 A dwelling falls within the hierarchy of Accommodation, which is a Section 2 Use within the Business 2 Zone and, therefore, requires a permit.

6.3 Pursuant to Clause 43.01 (Heritage Overlay), a planning permit is required to construct a building or construct and carry out works. Although it is somewhat unclear as to whether or not the property is located within or outside the Heritage Overlay the application has been assessed on the basis that such an overly applies.

6.4 Pursuant to Clause 52.29, a planning permit is required to construct or alter an access to a Road Zone Category 1.

**7.0 RELEVANT HISTORY**

7.1 With regard to Council's consideration of this application, there is no relevant planning history relating to this site.

**8.0 ADVERTISING**

8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers, maintaining a notice on-site for fourteen (14) days and by displaying a copy of the on-site public notice in The Mordialloc Chelsea Leader / The Moorabbin Leader / The Oakleigh Monash Leader / The Independent for two consecutive editions.

8.2 Thirty two (32) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Traffic concerns (access and parking)
- Loss of privacy / amenity concerns
- Overshadowing
- Overdevelopment
- Neighbourhood character
- Urban Design concerns
- Noise concerns
- Rubbish collection
- Non compliance with the intent of the Business 2 Zone and inappropriate location for housing
- Security concerns

8.3 The following objections raised are not valid planning considerations:

- Construction phase
- Introduce socially disadvantaged residents into the area

**9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on Thursday, 4 June 2009 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and approximately ten (10) objectors in attendance. The above-mentioned issues were discussed at length.

9.2 The above concerns were unable to be resolved at the preliminary conference, and the objections still stand.

**10.0 REFERRALS**

10.1 The following referral departments were notified:

*Internal:*

- Council's Urban Design
- Council's Traffic Department
- Council's Development Engineer
- Council's Vegetation Management Officer
- Council's Environmental Planning Department

- Council's Roads & Drains Department
- Council's Waste Management Department
- Council's Heritage Advisor
- Independent Expert Architect

*External:*

- VicRoads
- VicTrack
- Department of Transport

10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued. The 'Planning Consideration' section of this report will further elaborate on comments received from both internal and external referral authorities.

## **11.0 SUMMARY OF RELEVANT POLICIES**

### **11.1 State Planning Policy Framework (SPPF)**

- Clause 12: Metropolitan Development
- Clause 14: Settlement
- Clause 15: Environment
- Clause 16: Housing
- Clause 17.01: Activity Centres
- Clause 18: Infrastructure

### **11.2 Local Planning Policy Framework (LPPF)**

- Clause 21.03: Land Use Challenges for The New Millennium
- Clause 21.04: Vision
- Clause 21.05: Residential Land Use
- Clause 21.06: Retail and Commercial Land Use
- Clause 21.12: Transport, Movement and Access
- Clause 21.13: Heritage

### **11.3 Particular Provisions**

- Clause 52.06: Car Parking
- Clause 52.29: Land Adjacent to a Road Zone
- Clause 52.34: Bicycle Facilities
- Clause 52.35: Urban Context Report & Design Response for Residential Development of Four or more storeys
- Clause 52.36: Integrated Public Transport Planning

### **11.4 General Provisions**



Clause 65 (Decision Guidelines)

11.5 Neighbourhood Character Area Guidelines (Incorporated Document within Clause 21.05: Residential Land Use)

The subject site is located just outside (to the west) of Character Area 1, which relates to development of residential allotments. Therefore, the Neighbourhood Character Area Guidelines are not considered relevant to the consideration of this application.

**12.0 RELEVANT POLICIES IN DETAIL:**

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant statewide policies for residential development at Clause 11 (Goals and Principles), Clause 12 (Metropolitan Development), Clause 14 (Settlement), Clause 16 (Housing) and Clause 19 (Design and Built Form). Clause 11 requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development.

The provisions of Clause 12 override other strategies in the SPPF where there are strategy differences. Clause 12 essentially reproduces the policy directions of Melbourne 2030 and it outlines objectives and strategies under each policy to achieve the goals of Melbourne 2030. Of specific relevance to the consideration of this application, **it encourages urban consolidation in appropriate locations, including major retail, commercial, administrative, entertainment and residential developments into activity centres.**

Beyond these key policy components broadly outlined through Clause 12.01 it is necessary to recognise that this proposal (through the advancement of Affordable Housing) actively addresses another key plank of Melbourne 2030 which is to create 'A Fairer City'. In particular at 12.06-2 a clear strategy is to:

***Increase the supply of well-located affordable housing by:***

- ***Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.***
- ***Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites and Transit Cities projects.***

Most importantly, the proposal presently before Council, presents the first opportunity whereby Council has before it a Planning Permit Application which is able to address this critically important State Planning Policy.

Clause 14 aims to ensure there is a sufficient supply of land available for residential development to facilitate the orderly development of urban areas.

Clause 16.01-1 aims to encourage residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water-sensitive design principles and encourages public transport use.

Clause 19.03 relates to the Design and Built Form of developments and aims to ensure that developments achieve high quality designs that contribute positively to the urban character of the area.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is nestled within the Moorabbin Activity Centre, which is identified as a 'Major Activity Centre' by Melbourne 2030. The site enjoys convenient and direct linkages to both public transport modes, community facilities and the like.

**Over the past few weeks the Minister of Planning has sought to reinforce the State Governments commitment to projects such as that advanced through this application on the basis of both its consistency with State Policy but also its ability to, through Federal Government funding, assist to stimulate the construction related economy through the economic downturn. Officers believe that this project not only addresses the 'economic stimulus' related considerations but presents a proposal (in a location) which is completely aligned with State Planning Policy as established through Melbourne 2030.**

## 12.2 Local Planning Policy Framework

The Local Planning Policy Framework contains Council's strategic direction, the Municipal Strategic Statement (MSS), which is an extension of direction established by the SPPF, and the local policies that implement the LPPF.

Within Clause 21 (MSS) of the Kingston Planning Scheme, the following six (6) attributes are submitted as being the most relevant to the consideration of the proposal:

- § Clause 21.03 Land Use Challenges for The New Millennium
- § Clause 21.04: Vision
- § Clause 21.05: Residential Land Use
- § Clause 21.06: Retail and Commercial Land Use
- § Clause 21.12: Transport, Movement and Access
- § Clause 21.13: Heritage

After reviewing the relevant strategic directions that emerge from the above-mentioned Clauses, the following can be summarised:

- § **Clause 21.03: Land Use Challenges for The New Millennium** *identifies the need for the Municipality to provide suitable housing stock that meets future housing demands and to sustain an appropriate mix of supporting urban*

*infrastructure. It is further stated that recent pressures for new development, consolidation and medium density housing has resulted in change to the amenity and character of local areas. It is acknowledged that careful management will be required in order to integrate urban consolidation objectives with an understanding of specific character issues applicable to certain neighbourhoods.*

§ Within **Clause 21.04-3: Strategic framework plan** (Clause 21.04 Vision), the subject site is located within a ‘Major Activity Centre’. Council identifies locations for promotion of medium to higher density housing opportunities (Clause 21.04-3), which specifically includes areas designated within Activity Centres.

§ Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:

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

§ Once again in much the same vein as Clause 12.06 in the State Planning Policy which reinforced the need to consider housing for those unable to pursue it through the private housing market, Council’s Local Planning Policy at Clause 21.05-3 (Objective 8) seeks to do likewise. The objective reads:

*‘To recognise and respond to special housing needs within the community’.*

A relevant strategy then seeks that Council:

*Support opportunities for the innovative provision of housing specific to housing needs not well catered for in the mainstream housing market such as aged accommodation and housing for low income groups.*

§ A relevant objective and strategy in **Clause 21.06-3: Retail and Commercial Land Use** includes:

*To protect and strengthen the hierarchy of activity centres within Kingston.*

*This is to be achieved through promoting mixed-use precincts around key activity centres which encourage a broader range of cultural, social, commercial and higher density housing opportunities to complement retail functions of activity centres and enhance their economic vitality.*

The key objectives for the **Moorabbin Activity Centre** found within Kingston's Activity Centre Hierarchy table at Clause 21.06-3 are as follows:

- *Consolidate its food related retailing around the existing supermarket by providing for mixed use reinvestment.*
- *Encourage a substantial new residential population within the centre.*

It is noted that of the five (5) Major and one (1) Principal Activity Centre in Kingston it is only the Moorabbin Major Activity Centre whereby the recently revised Clause 21.06-3 seeks to specifically nominate this centre as a place to 'encourage a substantial new residential population'. This does not discount the importance of residential growth in all of Kingston's higher order centres, but certainly reinforces that in relation to Moorabbin this is a key outcome sought to further assist the vibrancy of the Activity Centre.

§ **Clause 21.12 relates to Transport, Movement & Access.** A relevant objective of this Clause includes:

*To create a safe, convenient and efficient road network based on a functional hierarchy of local and regional road linkages, which meets the transport and freight needs of Kingston's residents, businesses, and through traffic. Further, an important strategy in achieving the abovementioned objective is to ensure that the new development adjacent to major arterial roads seeks to minimise the impact on traffic movements on the adjoining road network and provides:*

- *Safe and efficient access.*
- *Adequate and well-located car parking areas.*
- *A detailed traffic assessment where the development is likely to significantly increase traffic volumes/movement on the adjoining road network.*
- *Details of required intersection treatments where appropriate.*

Please note that an assessment with regard to traffic related matters is provided within the Planning Consideration section of this report.

- § **Clause 21.13 Heritage** seeks to ensure new development adjacent to heritage buildings considers the surrounding heritage context.

Please note that **Clause 22.16 Heritage Policy** relates to lands covered by **Heritage Overlay's** and properties adjoining a heritage place affected by a **Heritage Overlay**. The Kingston City Hall and Arts Centre are both affected by a Heritage Overlay.

- § **Clause 22.11 Residential Development Policy** extends upon the provision contained at Clause 21.05 (Residential Land Use), effectively promoting high-density development around activity centres and locations close to public transport.

In summary the proposal is seen to be strongly consistent with Council's Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for Moorabbin in relation to housing and of a form strongly encouraged but difficult till now to achieve proximate to an Activity Centre.

### 12.3 Particular Provisions

A number of particular provisions are considered relevant to the consideration of this application. They are identified as follows:

- **Clause 52.06 Car Parking** of the Kingston Planning Scheme outlines the parking requirements for a variety of uses. Application of the applicable rate to the proposed development is summarised as follows:

Use	Quantity	Rate	Requirement
Residential	75 units proposed	2 spaces per dwelling (unit)	<b>150 spaces</b>

Notwithstanding the above, Clause 52.06 does allow for a reduction in the standard parking requirements, subject to the Permit Applicant justifying the reduction with reference to decision guidelines, to the satisfaction of the responsible authority.

In the case of the proposed development, a total of twenty-six (26) on-site car parking spaces are proposed, thus the development is seeking a reduction of on-site parking spaces against the provisions of the Kingston Planning Scheme.

Critically, the Permit Applicant has submitted a Traffic Report, prepared by TTM Consultants (Vic) Pty Ltd, which accompanied their planning application. This

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report outlines justification for the reduction sought. Specifically, the report outlines the following:

§ Whilst acknowledging that Clause 55 of the Kingston Planning Scheme does not technically apply as the site is located within a Business 2 Zone, the parking provisions of Clause 55 are deemed more appropriate than those specified at Clause 52.06. Clause 55 requires the following car parking rates:

- One (1) space for each one (1) or two (2) bedrooms dwelling;
- Two (2) spaces for each three (3) or more bedroom dwelling, with once space undercover;
- Visitor car parking at a rate of one (1) space for every five (5) dwellings;
- Studies or studios that are separate rooms must be considered as bedrooms.

Applying the car-parking rate of Clause 55, the following would apply in the case of the proposed development:

Type	No.	Rate	Requirement
Studio	10	1.0 space per dwelling	10
1 Bedroom	45	1.0 space per dwelling	45
2 Bedroom	20	1.0 space per dwelling	20
Visitor		1.0 space per 5 dwellings	15
<b>Total</b>	<b>75</b>		<b>90</b>

The Decision Guidelines provided at Clause 55.03-11 of the Kingston Planning Scheme state the following:

- § **The reduction in the demand for on-site parking in rental housing, managed by not for profit organisations, intended for residents likely to have a low level of car ownership.**
- § The number, type and size of dwellings.
- § **The availability of public transport and on-street parking.**
- § The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- § The reduction of on-street car parking spaces associated with the provision of car parking on the site, particularly for lots of less than 300 square metres.
- § Local traffic and parking management plans and safety considerations.
- § Any relevant local planning policy or parking precinct plan.

The Traffic Report, prepared by TTM Consulting, goes on to say that in the case of the proposed use, that is “Affordable Housing”, a lower parking demand rate is typical as *tenants are generally low income and the expenses associated with car*

*ownership are prohibitive to many low income tenants. Thus, a resident parking demand rate based more on an empirical assessment is appropriate.*

To further elaborate on the above point, the Traffic Report includes a table of on-site car parking provisions and car ownership for existing similar sites around Melbourne. Essentially, this empirical study includes 20 examples taken from Yarra Community Housing and 25 examples taken from Port Phillip Housing Association. In summarising all of these examples taken from both housing associations, the following is found:

<b>Total Units</b>	<b>On-site car parks</b>	<b>Car Ownership</b>	<b>On-site Parking Provision Rate</b>	<b>Parking Ownership Rate</b>
n 782	238	177	0.30	0.23

When applying the findings of the car parking empirical assessment table to that of the proposed development and, more specifically, a car parking ownership **rate of 0.23**, the resident parking demand would equate to **18 car parking spaces for the 75 dwellings (units) proposed.**

The Traffic Report follows on to state (pg.6-7):

*From the Yarra Community Housing table, those sites within 500 metres of a train station generate a parking demand of 0.15 vehicles per unit.*

*The development proposes 26 on-site parking spaces and is therefore providing an on-site parking rate of 0.35 spaces per apartment.*

**§ Permit Applicant’s justification for reduction of on-site car parking**

As outlined earlier, Council can exercise its discretion to allow a reduction of on-site car parking, subject to the Permit Applicant justifying the reduction with reference to decision guidelines specified in Clause 52.06 of the Kingston Planning Scheme.

In response to these decision guidelines, the Permit Applicant (prepared by TTM Consulting – pg. 7) has provided the following justification:

1. *The availability of public transport in the locality*

The site is well serviced by public transport with a Premium Train Station located to the east of the site.

2. *Local amenity including pedestrian amenity*

A typical household will generate vehicle trips on a weekly basis to work, shopping facilities, recreation facilities and other destinations. All of these demand generators are either within walking distance of the subject site or public transport can be used to access these services.

*3. An empirical assessment of car parking demand*

Previous parking demand studies confirm that the proposed use will generate a resident parking demand in the order of 0.23 vehicles per apartment which is significantly less than the rates provided in Clause 55.03-11 of the Planning Scheme.

*4. Any other relevant consideration*

The decision guidelines of Clause 55.03-11 state that before deciding on an application, the Responsible Authority must consider:-

*The reduction in the demand for on-site parking in rental housing, managed by not for profit, organisations, intended for residents likely to have a low level of car ownership.*

Further, consideration of the car parking reduction sought is discussed in Section 13 of this report.

○ **Clause 52.29: Land Adjacent to a Road Zone**

The primary purpose of this Clause is *to ensure appropriate access to identified roads*. As South Road is identified as a Road Zone Category 1 Road and a new crossover/access is proposed to the east side of the site's frontage to South Road, a planning permit is required and the views of VicRoads (the relevant road authority) are required, in this instance.

Accordingly, Council has referred the application to VicRoads, who have advised that they **do not object** to the proposal, subject to conditions to be included on any permit issued. It is important to recognise that the consideration regarding the placement of proposed crossovers to South Road has been given significant consideration by VicRoads, whereby it has determined that the proposed arrangement as advanced by the latest plan to be the optimal arrangement.

○ **Clause 52.34: Bicycle Facilities**

The purpose of this Clause is *to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities*.



Essentially, Clause 52.34 outlines the bicycle requirements for a variety of uses. Application of the applicable rate to the proposed development is summarised as follows:

<b>Use</b>	<b>Quantity</b>	<b>Dwelling Rate</b>	<b>Visitor Rate</b>	<b>Requirement</b>
Residential – 4 or more storeys	75 units proposed	1 space per 5 dwellings (units)	1 space per 10 dwellings (units)	<b>23 spaces</b>

The proposed development complies with Clause 52.34, providing 60 bicycle spaces which well exceeds the required 23 spaces.

- **Clause 52.35: Urban Context Report & Design Response for Residential Development of Four or more storeys**

Pursuant to this Clause, an application for a residential development of four or more storeys must be accompanied by an urban context report and a design response. The Permit Applicant has submitted both of these documents, to satisfy the requirements of this Clause.

- **Clause 52.36: Integrated Public Transport Planning**

Relevant to this application, the intention of this Clause, amongst other things, is *to ensure development supports public transport usage and to ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops.*

Pursuant to this Clause, an application of 60 or more dwellings must be referred to the Director of Public Transport. Accordingly, the application was referred to the Department of Transport whereby they advised Council that they **do not object** to the proposal, subject to conditions to be included on any permit issued.

- **Clause 55: Two or More Dwellings on a Lot & Residential Buildings**

It is acknowledged that the provisions of Clause 55 (ResCode) of the Kingston Planning Scheme **do not technically apply** to an application to construct a four (4) or more storey development. However, mention of certain objectives and standards found within Clause 55 may be raised within this report, where considered appropriate.

### **13.0 PLANNING CONSIDERATION & ASSESSMENT OF KEY ISSUES**

Prior to delving into the planning consideration and focal topics presented below, it should be recognised and germane to note that the subject Land is suitable for development and has intended to be developed for quite a period of time. This can be substantiated during the time of subdivision of No. 999 Nepean Highway, Moorabbin, whereby a Section 173 Agreement was entered into for the subject Land (Lot 2 on PS531995K), which amongst other things, required the Land Owner to replace the 43

public car parking spaces for the City Hall and Arts Centre. Thus, Council and other interested parties were aware of the development potential of this site and believe its development to be most beneficial in order to further both State and Local Planning Policy objectives which are explicit for the Moorabbin Major Activity Centre.

It is Council's position to determine whether the proposal would achieve an "acceptable" outcome having regard to the applicable policies, decision guidelines and the provisions of the Kingston Planning Scheme.

The following is a detailed response to the imperative matters associated with this planning application. It has been decided to address each of these matters in turn, in no particular order, however grouping them under their corresponding theme.

13.1 Proposed Use: 'Affordable Housing' Initiative

Council Officers support the use of the site for a residential building, and more specifically as an 'affordable housing' initiative. It is considered that targeting the proposal towards community housing is strongly consistent with the strategic planning outcomes sought under the State Planning Policy and Local Planning Policy Framework. This report has specifically highlighted in earlier sections elements of this framework which unequivocally make clear the need to provide housing for all income groups in and around designated Major Activity Centres.

It is self evident that property prices have increased substantively in Kingston creating an even greater demand for community housing to remove growing inequities that exist between those who can and cannot afford to live in the inner and middle parts of Melbourne. The experience of Council Officers has been that apartment proposals advanced in Kingston's Activity Centres over recent years have either been approved and not advanced or advanced though at a price point and dwelling size that clearly makes such proposals not affordable for lower to medium income earners.

This application is the first of its kind within the City of Kingston, though it is clear that many municipalities have understood the importance in pursuing housing projects which provide a true diversity in housing forms. Beyond this consideration, the Port Phillip Housing Association have in discussions with Council Officers indicated that many of the proposed dwellings would be specifically leased to 'key workers' who although vital to Kingston's strong manufacturing, service and retail economy are increasingly priced out of living in the municipality due to increasing rental costs. A distinct opportunity this project brings is to provide housing for this group in a service and transport rich location close to a myriad of employment and through Holmesglen TAFE significant education opportunities.

A further important component of this project is beyond its ability to provide housing which is affordable it also provides housing which is of a size that is able to be clearly differentiated from the dominance of 2, 3 and 4+ bedroom dwellings that dominate Kingston's housing mix. Creating smaller dwellings not only assists to address affordability but also provides greater choice to an increasingly disparate range of 'households' within Kingston and neighbouring municipalities.

As the proposed use is deemed to be fitting for the site, given its prime locality, and will assist in achieving the urban consolidation aims of both the State and Local Planning Policy Framework, this then moves the discussion to the fundamental merits of this proposal, these being: the provision of car parking, access and traffic, any unreasonable built form impacts and urban design concerns, external or internal amenity effects and landscaping and pedestrian treatments. Each of these matters shall be addressed in turn.

13.2 Traffic, Access, Parking & S.173 Agreements

**CAR PARKING**

The Permit Applicant has sought a reduction in the car parking provisions. Apart from the location of this site in relation to public transport networks, which are exceptionally good, the main thrust of the Permit Applicant's argument for the reduction in parking sought is that the site is to be used for an 'affordable housing' project with active, on-site management. Accordingly, residential tenancies are to be managed so as to reduce the demand for car parking to the number being provided for.

The Permit Applicant relies on empirical studies of community housing and residential tenancies to demonstrate that the rate of car ownership, and hence demand for car parking is somewhat below that of more conventional development rates. The empirical study submitted within the Traffic Report prepared by TTM Consulting (Vic) Pty Ltd identifies an average car parking ownership rate of 0.23. This rate is considerably less than the requirements stipulated in the Kingston Planning Scheme under Clause 52.06 – Car Parking. Taking the empirical calculation into consideration, a demand of 18 car parking spaces would result as opposed to 150 spaces required under Clause 52.06 or 90 spaces as per Clause 55 (ResCode) of the Scheme.

The site provides a total of 26 car parking spaces for the use and allocation of future residents.

As mentioned earlier within this report, the Permit Applicant relies on the ongoing management of the site via PPHA, to 'proactively' manage the parking demands by limiting only a small percent of residents to be able to own a car. Therefore, and as presented by the Permit Applicant at the Preliminary Conference Meeting held at Council, it is expected that no more than 22 persons (approx.) residing in the development will own a vehicle, with the remaining 4 spaces (approx.) to be unassigned in the event that a resident may acquire a vehicle at a later stage.

In light of the above information and other case examples of similar circumstances that have gone before the Victorian Civil and Administrative Tribunal with favourable outcomes for the Permit Applicant, it is considered appropriate that a lower rate for parking demand be applied to an affordable housing project, whereby this type of use will be overseen, managed and criteria tested with regard to future occupants.

Furthermore, the application has been referred to Council's Traffic Department for review, assessment and comments. Council's Traffic Engineer has supported the analysis undertaken by the external Traffic Engineer in relation to its assessment of parking demand generated for like proposals.

It is agreed that the proposed development, earmarked for 'affordable housing', is likely to generate a lower rate for parking demand than that of the more conventional rates specified in the Scheme.

Given the above traffic analysis is predicated on a particular form of housing it is most important to ensure that in the event that a permit is to issue, Council is protected by a fallback requirement whereby if the use is to ever change, the principles applied to levels of car ownership on the subject land are maintained to Council's satisfaction. As such the conditions outlined in this report relating to the inclusion of a Section 173 Agreement relating to the allocation and management of the car parking are a primary determinant in Council Officers (Traffic and Planning Departments) supporting the proposal.

Council appreciates that the use of a Section 173 Agreement necessarily seeks to regulate the use in a manner which is more restrictive than that normally imposed, however the basis for this is established through the existing Section 173 Agreement which establishes a clear principal around protecting forty three (43) car parking spaces for use of the Kingston City Hall and Kingston Arts Centre. Thus, the following aspects are recommended for inclusion into any Section 173 Agreement relating to the subject land:

- § **A covenant which requires PPHA (or, in the event that PPHA ceases to become or to continue to be the registered proprietor of the Land, another experienced provider and manager of community housing with the written consent of Council) to be the owner of the Land and to manage the building and tenancy arrangements;**
- § **A covenant which states that without the further written consent of the Responsible Authority all persons who occupy the 75 affordable housing dwellings are to be households on low incomes who meet the criteria for affordable housing as determined by the Victorian Office for Housing or similar approved scheme;**
- § **A covenant which requires at any time no more than 21 of the 75 dwellings may be allocated a single car parking space;**
- § **A covenant which requires the lessor to make clear at the time of negotiating a lease whether or not a particular tenant is entitled to a car parking space and that the designated forty-three (43) car parking spaces identified on the endorsed plans to the relevant Planning Permit are for use by patrons to the Kingston Arts Centre and Kingston City Hall only;**
- § **A covenant which states that, if at any time the Land is intended to be made available to be occupied by people other than people who require financial support to meet their housing needs, PPHA (or PPHA's successor, with Council's consent) must prior to selling or leasing the dwelling(s) determine**

**whether or not any of the dwellings will be allocated with a car parking space recognising that the maximum number of allocated spaces for the entire seventy-five (75) dwellings must not exceed twenty one (21) car parking spaces;**

**§ On the basis that any dwelling is sold or leased a separate agreement must be created which clearly indicates on the title or lease whether or not the dwelling is entitled to a car parking space.**

The above matters are reflected through the drafting of the permit condition and will be further refined as part of the development of a Section 173 Agreement to be applied to the subject land.

Additionally, the proposed layout of the ground floor car park area shows a total of 37 car parking spaces, which are accessed from South Road with no thoroughfare between this car park area and other public parking at No. 999 Nepean Highway (under Kingston City Hall). Ongoing discussions between the Permit Applicant, Council's Planning Officer, Council's Traffic Engineer and officers involved in the management of Kingston City Hall have taken place with regards to the possibility of creating access between the ground floor car park and the carriageway easement E-11 (common property).

Although the Permit Applicant has raised some concern with this concept and believes that it may cause a "rat run" within the site, it is considered that linking the ground floor car park with the carriageway easement E-11 would provide a safe, practical and allow for fluid traffic movements between car parking areas. Creating this thoroughfare will avoid vehicles having to exit the proposed ground floor car park onto South Road, to then use the Nepean Highway Service land to access the car parking under the Kingston City Hall.

It is noted that in creating this access, a total of two (2) car parking spaces would be required to be lost. Given the car parking assessment discussed earlier within this report and when weighing up the loss of two (2) spaces in comparison to providing access between the Subject Land and the carriageway easement E-11, it is strongly recommended that creating a continuous two-way access is the more desirable outcome and should, therefore, be required by way of condition(s) on any permit issued.

Further to the above and given the legal obligations of the S.173 Agreement that affects the Subject Land, it is submitted that the loss of two (2) car parking spaces be incurred by the development and not deducted from the forty-three (43) spaces required to be provided for patrons of the Kingston City Hall and Kingston Arts Centre. It is recommended that this be reflected in the applicable conditions on any permit issued. The consequence of this would result in thirty-five (35) spaces provided at the ground level of the subject land for use by the Kingston City Hall and Kingston Arts Centre and eight (8) spaces provided on level one for this purpose.

In addition it is recommended that a planning permit condition require a revised plan to detail car parking, traffic management and signage, including:

- the locations and content of clear signage indicating for visitors to the precinct access points to and from the subject land to arterial roads;
- any particular signage required to demarcate those spaces to be allocated to the Kingston Arts Centre and Kingston City Hall and any required traffic parking management signage;
- the signage required to indicate the different height clearance levels between the car parking areas; and
- a device which provides real time information on how many car spaces are available on level 1 from the ground level to prevent vehicles from seeking to access level 1 if the Kingston Arts Centre and City Hall dedicated spaces are occupied.

Based on the recommendations presented above, it is considered that the reduction in parking sought is acceptable.

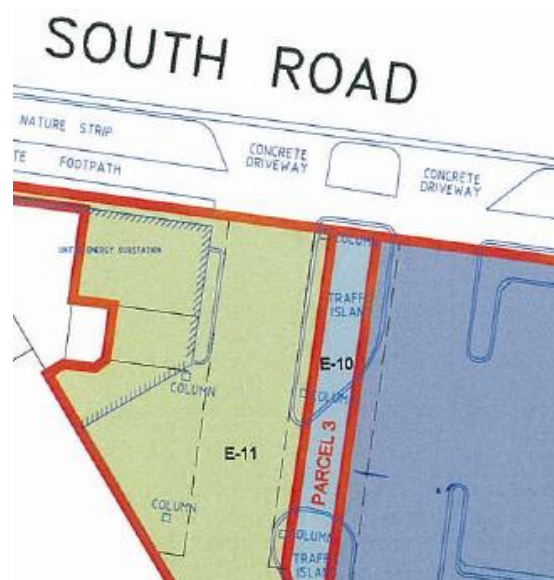
#### **ACCESS & TRAFFIC**

Prior to discussing the planning consideration regarding the proposed access arrangements to the subject site, the following information is raised as context to the conditions which presently apply to the subject land.

1. The Section 173 Agreement that applies to the Land (i.e. Lot 2 on PS 531995K) requires the Land owner to provide 43 'replacement' car parking spaces 'free of charge' to patrons of the Kingston City Hall and Kingston Arts Centre.
2. In reference to point 1, it would appear that the commercial property owners and tenants in the surrounding buildings have no implied rights to view these areas as car parking made available for the commercial purpose of conducting the businesses they undertake.
3. Access to No. 999 Nepean Highway, Moorabbin is currently via separate 'ingress' ('in') and 'egress' ('out') arrangements from South Road (excluding access from Nepean Highway). This is better depicted in the aerial photograph provided below:



4. The western most vehicle access to No. 999 Nepean Highway, used for egress ('out') only, is nominated on the respective plan of subdivision as common property (carriageway easement: E-11), which is understood to be in favour of civic users as well as the commercial owners and tenants of the site.
5. The eastern most vehicle access to No. 999 Nepean Highway, used currently for ingress ('in') only forms part of the subject site (i.e. Lot 2 on PS 531995K) and, therefore, appears to have no rights as a carriageway to the civic buildings, nor the commercial property owners and tenants of No. 999 Nepean Highway, Moorabbin.
6. The right of carriageway to the car park of No. 999 Nepean Highway, Moorabbin is shown on the Title Compilation Plan Overlay Feature and Level as E-11 and noted as Common Property No1 (see picture below).



As outlined earlier within this report, the existing access arrangement is proposed to be altered by providing a new crossover to the east side of the site's frontage, along South Road providing both ingress and egress.

Initially, a two-way access arrangement to the ground floor car park was proposed near the western side of the site's frontage to South Road. The Permit Applicant organised a site meeting with VicRoads to discuss the proposal and gain an insight as to their thoughts on the access arrangement to the site. At this on-site consultation meeting VicRoads raised concerns that east bound vehicles along South Road will likely attempt to enter the site via a right-hand turn through the break/clearance in the centre of the median along South Road, which was considered highly undesirable.

Consequently, the Permit Applicant revised the plans and access arrangements to the development in response to these verbal comments and recommendations received by VicRoads. Accordingly, the development proposes to modify the existing vehicle crossovers, in accordance with consultation with VicRoads, as follows:

- § The western crossover will provide egress (“out”) only from the carriageway easement onto South Road.
  
- § The eastern ingress (“in”) crossover is to be closed / reinstated and relocated to the eastern side of the site’s South Road frontage to provide ingress and egress to the subject site at ground level only. This arrangement will provide access to thirty-five (35) parking spaces, which are for the use of the Kingston City Hall and Kingston Arts Centre only. These spaces will also be linked across the carriageway easement to the car parking area under the Kingston City Hall. The remaining eight (8) spaces (to make-up the 43 spaces required under the S.173 Agreement) are located on the first floor level car park.

The application was formally referred to VicRoads for comments, who have advised that they **do not object** to the proposed development, including the revised access arrangements to the site from South Road.

Neither VicRoads nor Council’s Traffic Engineers have raised concern with regard to the expected increase of vehicle movements to and from the site. The traffic report prepared by TTM Consulting suggests that *‘it would be reasonable to assume that the proposal will generate in the order of 4 vehicle movements per day for each on-site car parking space, that is 26 spaces at 4 vehicle movements per day is 104 vehicle movements per day’*.

When considering the number of additional vehicle movements proposed from the subject land as a consequence of the development this number is very low when compared with a commercial, retail or conventional residential development for the subject land.

It should be noted that the tenants and owners of the surrounding commercial properties have all benefited from the Subject Land by gaining access from South Road to which, it would appear, they have no legal right, as it forms part of the Subject Land and, therefore, is understood to be in private ownership.

Whilst it is acknowledged that the access arrangements to the carriageway easement at No. 999 Nepean Highway is somewhat a separate matter to the consideration and merits of this application, it is apparent that as a result of the development the current access arrangements to No. 999 Nepean Highway will require modifications. After giving careful consideration to all facets surrounding this issue, the following recommendations are made:

- § Carriageway easement E-11 (common property) should be used as it is currently as an **exit only** from South Road and appropriately signalled by Council to notify all motorists.

In conclusion on the matters of traffic, access and car parking it is submitted that:



- § The development is expected to generate around 104 vehicle additional movements per day which can easily be absorbed by the surrounding road network through the access points provided from the subject land (note: traffic volume along South Road is between 31,000 – 41,000 vehicles a day). As identified, should the subject land have been developed for commercial, retail or conventional residential the trip generation from the activities associated with the subject land would have likely been substantially higher. In fact this project by its very design actively seeks to encourage residents (irrespective of whether they own cars or not) to utilise the readily available public transport services immediately adjacent to the land.
- § A new two-way access point be created between the ground floor car parking area and the carriageway easement E-11 to allow vehicles to flow from the proposed ground floor car park area to other parking underneath the Kingston City Hall.
- § As a result of creating the new two-way access point, a total of eight (8) car parking spaces be nominated on the first floor car parking area in favour of the Kingston City Hall and Arts Centre and to ensure that a total of forty-three (43) car parking spaces are provided on the development site, in accordance with the applicable S.173 Agreement.
- § In accordance with the two (2) points mentioned above, a total of twenty-four (24) car parking spaces be provided to the proposed development, in lieu of the twenty-six (26) spaces originally proposed.
- § The twenty-four (24) car parking spaces provided to the residential development is considered appropriate based on the discussion above regarding the importance of a S.173 Agreement being created to ensure the ongoing management of this issue.
- § The provision of bicycle parking is deemed satisfactory.
- § Subject to the discussion had within this section of the report and any recommended permit conditions (including the introduction of a Car Parking, Traffic Management and Signage Plan), the car parking layout is considered appropriate.
- § The site would provide access to all uses associated with the precinct from the proposed eastern crossover on South Road or the Nepean Highway Service Lane and provide egress (“out”) through either the new eastern crossover on South Road, the existing exit point onto South Road or via the Nepean Highway Service lane. This range of ingress and egress opportunities is considered sufficient to provide all parties entering or exiting the site with choice as to how this occurs.

13.3 Urban Design

One of the questions of concern relates to whether a seven (7) storey building is appropriate for the site, especially in the context of its surrounding environs.

Moorabbin Activity Centre is defined as a Major Activity Centre within the Kingston Planning Scheme. As such, it is expected that this area of Moorabbin is likely to experience further development / intensification given the policy thrust at both the State and Local Planning Policy Framework, including Melbourne 2030, which strive to see activity centres as the primary focal points for urban consolidation.

Council Officers and the nearby residents should recognise the development potential of the site. Further to this point, the zoning of the land, its location, size, lack of restrictive built form overlays and enabling planning policy all substantiate the potential for a larger structure or a taller building to be accommodated on this site.

With the site being earmarked for higher density development, the question then turns to nature of the building and its height.

First and foremost, there are no height requirements that affect the subject site or its immediate area. Unlike other activity centres within the Municipality, (i.e. Chelsea, Mordialloc, etc) the area is characterised by an expansive variety of commercial buildings, with limited, if any, intrusion of residential housing stock. This building stock extends from conventional single storey strip shops through to much larger buildings, such the Kingston City Hall which while encompassing 3 levels, is equivalent to a present day 6 storey (approx.) contemporary style building. This is better demonstrated in the photos provided below. Other buildings that define this activity centre include the commercial building on the North East corner of the Nepean Highway and South Road, along with the large building at No. 1001 Nepean Highway (former Tandy building) which is located on the South East corner of Nepean Highway and Station Street. These buildings are illustrated below. These buildings contribute to defining the character of the activity centre.

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Ordinary Council Meeting**

**Agenda**

**29 June 2009**

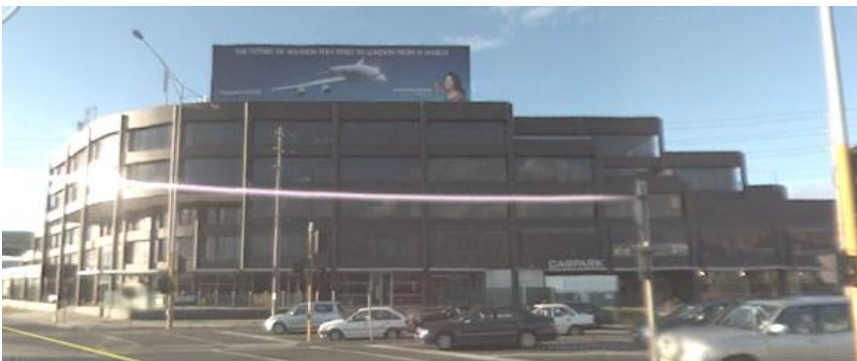
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Kingston City Hall



Refurbished Commercial Building at No. 999 Nepean Highway, Moorabbin



Development on the north-east corner of Nepean Highway and South Road



Development on the south-east corner of Nepean Highway and Station Street – No. 1001 Nepean Highway

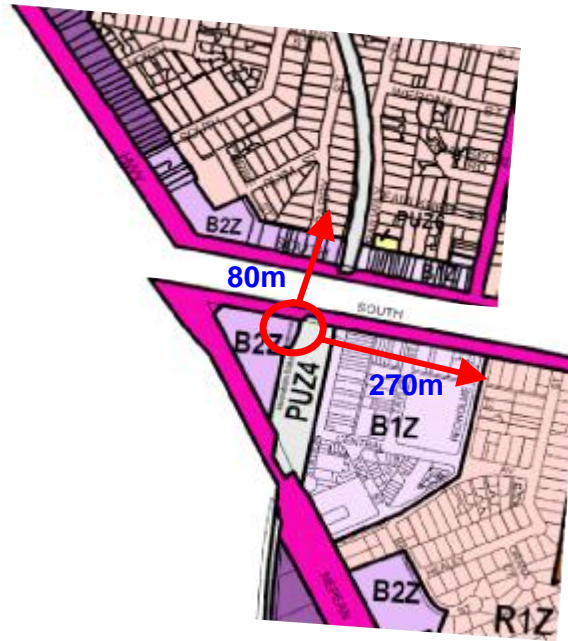
As demonstrated in the streetscape elevation plan provided by the Permit Applicant, the proposal results in a building envelope that is relative to the buildings that define this activity centre. The building, positioned in the core of the activity centre, will not be isolated in nature; rather it will be positioned near buildings of comparable heights and similar scales. It is submitted that this height (approximately 24 metres) is envisaged for this activity centre and is generally consistent with the heights envisaged as part of Council's Structure Planning Work for this precinct of Moorabbin, which envisaged heights of 23 metres noting this was not one of the precincts where, subject to good design, an absolute maximum height was deemed necessary.

Granted this application for a seven (7) storey residential building for affordable housing is the first of its kind within the City of Kingston, it is evident that larger scale developments are currently present within the Moorabbin Activity Centre (i.e. commercial building on the north-eastern corner of Nepean Highway and South Road).

Based on the surrounding built form and above discussion, it is submitted that the proposed seven (7) storey structure is an appropriate design response for the site and compliments its non-sensitive abutments. In fact the subject land is one of the most significant opportunity sites identified in the Moorabbin Activity Centre.

Given the information contained above, it is considered that the scale / height of the proposed building will sit comfortably within the context of the existing building fabric within the Moorabbin Activity Centre. Further the building will also provide much needed passive visual surveillance over the Moorabbin Station, which is a key principal of good urban design.

This then brings the discussion to the site's locality, where it is nestled within a Business 2 Zone of the Moorabbin Activity Centre and does not share an interface with any residential use (refer to zoning map below). The closest residential properties to the subject site are more than 80 metres away to the north (opposite side of South Road), behind the business shopping strip. As such, these properties do not have a clear, unobstructed, view of the subject site. To the east side of the site, the closest residential area is more than 270 metres away.



Proximity of subject site to residential areas/zones.

This matter is vital in consideration of this application. Other activity centres within the City of Kingston are far more compact and often share a closer relationship between the residential / commercial divide. This in turn impacts on the development potential of land within the business zones. This site and activity centre is the opposite, and therefore allows for a building relative to others within the Centre without having an impact on the residential lands that surround the activity centre.

There are, however, a number of external design and cosmetic concerns that were presented to the Permit Applicant at the initial stages following lodgement of the application. Some of the issues have been addressed via the substituted plans received by Council on 6 May 2009. However, there are still considered to be a number of design deficiencies concerning the presentation of the building and urban design elements that have yet to be resolved. Specifically, these being:

#### **NORTHERN ELEVATION (SOUTH ROAD)**

1. A strong connection (particularly at ground level) should be provided between the proposed development and its surrounding built form, particularly the Arts Centre. It was suggested that this could be achieved by the installation of artwork to the building's façade. Although the Permit Applicant has expressed their willingness to investigate and incorporate some form of artwork to the development, at this stage, the plans make no reference to this matter.

Therefore, there appears to be a lost opportunity for the development to provide a strong connection by way of artistic expression. Further to this point, Council's Planning Officer has liaised with Council employees of the Arts Centre on this subject and the consensus was that they too were enthusiastic about the concept

and the possibility of improving the relationship between the development and the Arts Centre.

Accordingly, as it is recognised by both Council and the Permit Applicant that there is a strong opportunity to show a connection between these two synergies, it is submitted that a condition be included on any permit issued requiring the incorporation of artwork graphics to enliven the building's northern façade and provide for an improved connection between the development and the Arts Centre.

#### **EASTERN ELEVATION**

1. The provision of coloured metal hoods or shading elements (retractable screening / shading devices) should be included on at least 80 percent of the east facing windows to add articulation, interest and provide sun protection.
2. It appears on the ground floor plan that the blade screen continues right along the east side of the car park. However, the east elevation plan does not appear to marry-up with the detail shown on the site plan, as the blade screen does not appear to extend right along the east side of the car park, in its entirety. It is suggested that the elevation plan correspond with the details shown on the site plan and that the blade screen extend right along the east side of the car park area and the pedestrian path to provide for a visual barrier between the car park and the pedestrian area though still being sufficiently permeable to provide for passive visual surveillance from the ground level.

#### **WEST ELEVATION**

1. Similarly, the provision of coloured metal hoods or shading elements (retractable screening / shading devices) should be included on at least 80 percent of the west facing windows to add articulation, interest and provide sun protection.

It is recommended that the above concerns be addressed via suitable conditions on any permit issued.

#### **13.4 Residential Amenity & Layout**

Given the location of the site being highly exposed to noise from the Railway Line, South Road and the Kingston City Hall and to a lesser extent Nepean Highway, matters regarding noise attenuation measures were raised with the Permit Applicant at the initial stages of assessment of this application. . The Kingston City Hall has advised that it is keen to ensure that noise testing is undertaken during a significant event at the hall to determine the degree to which the proposed dwellings would need to be suitably attenuated. Council Officers have made it clear to the Permit Applicant that it will be necessary to ensure the building is designed to address all noise related considerations associated with the Kingston City Hall. The Permit Applicant noted these concerns and it was agreed that this matter could addressed via a suitable condition on any permit issued.

Accordingly, it is recommended that the Permit Applicant submit an acoustic report as per a condition in any permit issued, to ensure appropriate noise attenuation measures are incorporated into the design to protect the amenity of future residents.

On each residential level it is strongly recommended that the north to south corridor be provided with a window at its most southern end. This is suggested for two (2) reasons. Firstly, to provide sufficient natural light and secondly, to allow for improved cross ventilation on each level.

This matter was raised to the Permit Applicant following lodgement of the application, however the Permit Applicant believed adequate ventilation would be provided via the stairwell and a raised duct system over the bathroom and bedroom of the most south-eastern unit, on each level.

Council's Urban Designer, the advice sought from an independent expert Architect and Council's Planning Officer are all of the opinion that the current design will not adequately address this issue and will result in poor internal amenity for future occupants. It is therefore advised that in the event that a permit issues a condition requiring the north to south facing corridor, on each residential level, should be provided with a window at its most southern end to provide natural light and assist with cross-ventilation should be included.

### 13.5 Communal Space

Initially, Council's Planning Officer raised concern to the Permit Applicant with regard to the usability of the common space area, which is located on the south-western side of the building on the second floor level. Importantly, the size, orientation, solar access and design (including: furniture, landscaping and facilities proposed) all play a fundamental role to the usability of a common space area.

It is noted that the proposed common terrace area would be more desirable if it was located on the north side of the building, to improve solar access and avoid southerly winds. It is further noted that the north side of the building is exposed to enhanced noise levels from South Road, the railway line and to a less extent Nepean Highway. However, it cannot go without being recognised that the subject site is irregular in shape and, therefore, is constrained, essentially in terms of design layout and design options.

After Council presented its initial concerns with the design of the common terrace area, the Permit Applicant submitted revised plans, which included a more practical and usable common space area. It is acknowledged that an improved layout has occurred and the following justification has been provided by the Permit Applicant for the suitability of this area:

- The open space provides an improved outlook for those dwellings within the development which have their principal outlook towards the rear of the Kingston City Hall building;

- If the open space was relocated to the north side of the development at an upper level, it may provide an outlook for a lesser number of dwellings by virtue of the site orientation and dimensions;
- The size of the open space (91sqm) allows for good planning opportunities and for a range of landscaping options to be considered;
- The open space is easily accessible from all levels of the building, including for people with limited mobility; and
- The open space is protected from noise impacts associated with South Road and the railway line.

The siting of the common terrace area, for reasons outlined above, is deemed appropriate and should be supported. However, it is advised that in the event that a permit issues a condition requiring further design details to be provided, which include landscaping (planter-box or similar), communal furniture designs and facilities (eg. barbeque area) should be included.

Given the location of the communal area, Council believes another fundamental part of the project is to ensure that an area at ground level is provided for passive recreational opportunities. For that reason a landscape plan has been prepared for the land immediately adjacent to the subject land (to the east), which provides some opportunities for residents to utilise this area. A lease arrangement will be required between VicTrack, the Permit Applicant and potentially Council in order to provide for this area to be landscaped in accordance with the plan required as conditions of any permit issued.

### 13.6 Environmental Matters

The Permit Applicant has submitted that *a key objective with the proposed development is to incorporate robust and proven ESD features that serve the objectives of conserving our natural resources, improving resident amenity and sustainability reducing building operation and lifecycle costs.* Features to be included area:

- *No incandescent or halogen down-lighting (typically low energy compact fluorescent light fittings);*
- *Preinstalled kitchen/laundry appliance to the highest rating under Appliance Energy Rating and Gas Energy Rating schemes;*
- *Minimum 5-star energy rating. MAB will seek to exceed this star rating during detailed design.*
- *Passive HVAC principles incorporated, including:*
  - *Natural ventilation to corridors through stairwell 'stack effect' design.*
  - *Openable windows to all living areas and bedrooms.*
  - *Flyscreens on openable windows to encourage natural ventilation.*
  - *Window shading to reduce summer heat and maximise winter sun.*
  - *Rainwater collection for irrigation and/or toilet flushing.*
  - *Centralised bulk gas fired solar boosted hot water.*
  - *AAA Water conserving fittings and fixtures.*
  - *High performance glass acoustic and energy performance.*



- *Daylight to all habitable rooms.*

Energy cogeneration and geothermal systems are not included in the proposal. The Permit Applicant states that *these systems are currently cost prohibitive for an affordable housing project of this scale.*

A solar boosted hot water system is included in the proposal.

Additionally, with regard to clothes drying facilities, the Permit Applicant has advised Council Officers that each unit has been designed to accommodate a stacked washer / dryer arrangement, should the resident wish to install a drying facility.

#### **WATER CONSERVATION**

The Permit Applicant has mentioned that the building will aim to reuse all collected roof water either in irrigation and/or toilet flushing. AAA Water conserving fittings and fixtures are proposed.

As the building occupies the entire site, the Permit Applicant has stated that no water runoff will occur.

#### **LOCAL ENVIRONMENT**

The Permit Applicant notes the following:

*The selected materials will be predominately light in colour to increase heat reflection from the surfaces most exposed to heat loads.*

*MAB is investigating applied finishes that have superior heat resistant properties to achieve further improvements.*

#### **RECOMMENDATIONS**

It is recommended that a condition be included on any permit issued requiring an ESD report to be prepared by a suitably qualified professional and submitted to Council for assessment and approval.

It is recommended that a condition be included on any permit issued requiring a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet/s), which include colours of a light shade with superior heat resistant properties, to increase heat reflection of surfaces most exposed to heat loads finishes, for all external elevations of the development.

### **13.7 Landscaping & Pedestrian Access (public & private realm)**

Initially, concerns were expressed to the Permit Applicant with regards to limited detail provided in association with the public realm and a relationship between that of the development and the Moorabbin Railway Station and civic buildings.

In response to these areas of concern, the Permit Applicant submitted revised plans, including a landscape plan, on 6 May 2009, which largely addressed the inadequacies. The proposed pedestrian access in and around the subject Land demonstrates and clearly defines a safe, convenient and desirable design. It is considered that the landscape plan provides a much-needed connection between the subject development and its surrounding built form, whilst also providing a clear link between the site and the Moorabbin Railway Station as well as the development with the civic buildings.

The landscape plans and associated material was referred internally to Council's Vegetation Management Officer and Council's Co-ordinator Park Projects & Design Environment Department for assessment. The following comments and recommendations were received:

**GENERAL COMMENTS:**

The new landscape plan is acceptable. It provides a safe pedestrian precinct connecting the proposed development to Moorabbin Station. The various landscape elements, including the proposed tree species, furniture, public lighting, garden beds and footpath, are standard Council-specified items.

**COURTYARD TREES:**

There are two trees specified on the western side of the proposed building courtyard. Species have not been proposed for these trees. It is recommended that this be required by way of a condition on any permit issued.

**STREET TREES:**

It appears that four (4) street trees are specified. However, no species selection has been made. Similarly, it is recommended that this be required by way of a condition on any permit issued noting comments by VicRoads in relation to the required setbacks of street trees from crossover to South Road. Consideration will also need to be given to ensuring sufficient space is provided for 'bin storage' for the tenants of the building at 999 Nepean Highway some of who raised the storage of bins in this area at the preliminary conference.

**PATH CONNECTIONS:**

Based on the colour landscape drawing, the proposed pedestrian path is designed to continue down the rear of the proposed development. It is unclear as to the destination point. This raises the following questions:

1. Will this path terminate at a rear access point to the building?

2. Will the proposed path continue through to South Road – along the Arts Centre side of the building? and
3. Does the path connect to an existing arts centre access path?

It is recommended that these queries be addressed by way of a condition on any permit issued.

The application was also referred to Council's Vegetation Management Officer for comment and assessment. Subject to conditions being included on any permit issued, which include the protection of the *Eucalyptus melliodora* (Yellow Box) tree, which is located to the rear of the site during construction, Council's Vegetation Management Officer does not object to the proposal.

### 13.8 Heritage Comments

The application was referred to Council's Heritage Advisor to obtain formal comments with regard to the proposed development and its impact, if any, on the existing heritage significant sites i.e. the Arts Centre and Kingston City Hall. Council's Heritage Advisor made the following comments:

*The proposed building appears to be situated some distance from the key heritage buildings on the site and would be separated from them by existing modern fabric.*

Accordingly, the advice received is that the proposed works appear to raise no heritage issues.

## **14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS**

### 14.1 Traffic Concerns (access and parking)

It is submitted that extensive discussion and justification has been provided in sections 12.3 - Particular Provisions (Clause 52.06: Car Parking) and 13.2 – Traffic, Access, Parking & S.173 Agreements of this report, which demonstrate support for the proposed development, subject to a number of recommended permit conditions and modifications to the design.

Within the objections received and the views presented at the preliminary conference meeting, concern has been raised with regard to a number of traffic related matters. Specifically, these relate to the following:

#### **ACCESS ARRANGEMENTS TO NO. 999 NEPEAN HIGHWAY FROM SOUTH ROAD**

As discussed earlier, access to No. 999 Nepean Highway, Moorabbin is currently via separate 'ingress' ('in') and 'egress' ('out') arrangement from South Road (excluding access from Nepean Highway).

The vehicle access currently used to access the site from South Road (i.e. the eastern 'in' access from South Road) forms part of the Subject Site and is, therefore understood to be privately owned.

It should be noted that the tenants and owners of the surrounding commercial properties have all benefited from the Subject Land by gaining access from South Road to which, it would appear, that they have no formal right, as it forms part of the Subject Land.

Therefore, it must be acknowledged that the access arrangements to the carriageway easement at No. 999 Nepean Highway are somewhat a separate matter to the consideration and merits of this application. However, it is apparent that as a result of the development the current access arrangements to No. 999 Nepean Highway will require modifications as one (1) of the crossovers to the site will be removed and reinstated as an extension to the naturestrip. Notably, it would appear that irrespective of the application this access could be presently removed.

The position and recommendations with regards to alternative access and traffic movement patterns for all vehicle uses at No. 999 Nepean Highway are outlined in Section 13.2 of this report. Readers are encouraged to revisit Section 13.2 of this report, however in summary; it is recommended that the remaining sole access point from South Road be used as egress "out" only from the site, which retains the existing condition. As identified if a permit is to issue further details regarding car parking, traffic management and signage need to be established, to the satisfaction of Council, to clarify, reinforce and inform motorists of the altered arrangements.

Officers believe that issues between the objectors who occupy land in the No. 999 Nepean Highway commercial building and the Permit Applicant regarding access arrangements and what was or was not understood at the time of purchase is not a matter for the Planning process. That being said, the proposal when completed would retain access both in and out from South Road (via a new crossover) and maintain the existing ability to access the site from the Nepean Highway service road.

#### **REDUCTION IN CAR PARKING SOUGHT BY THE PERMIT APPLICANT**

Whilst the comments and concerns of objectors with regard to the number of car parking spaces proposed by the development are appreciated and acknowledged, it is considered that there are a number of mechanisms available to Council to ensure that the majority of tenants of the proposed development are not car dependent and that an appropriate amount of parking is provided to the development.

As outlined earlier in section 13.2 of this report, it is recommended that should a permit issue a condition be included to require the Land Owner to enter into a S.173 Agreement with Council that imposes a number of covenants that relate to the ongoing use of the land as an affordable housing initiative, the amount of car parking provided to the site as well as the allocation of these spaces to tenants and the maintenance of the car parking areas etc.

With the inclusion of the advised permit conditions specified within this report and with the knowledge that the residential ‘affordable housing’ development is to be occupied by households on lower incomes who meet the criteria for affordable rental housing as determined by the Victorian Office for Housing or a similar approved housing scheme, the reduction in car parking is justified and believed to be appropriate, under these circumstances.

**GENERAL TRAFFIC CONCERNS AS A RESULT OF INCREASED MOVEMENTS**

The development is expected to generate around 104 vehicle movements per day, which can be absorbed by the surrounding road network (traffic volume for South Road varies between 31,000 – 41,000 vehicle movements per day). This increased amount of traffic movements to and from the site is considered negligible in comparison to the large volumes of traffic that South Road currently experiences.

Concerns regarding driveway congestion given the increase of vehicle users proposed by the application are ill-founded and are not supported by substantiated traffic evidence. It is understood that there are many cases evident in Melbourne where commercial buildings experience more substantial vehicle usage than that proposed by way of this Permit Application and often fewer entry and exits points. .

It should be noted that the location of the new crossover to the ground floor car park was subject to VicRoads approval. Further, VicRoads requested that the access point be relocated to the eastern side of the Site’s frontage along South Road, to ensure that no vehicles attempt to enter this area by making a right-hand turn from South Road.

Given the position of the new access and crossover from South Road, it is suggested, by way of a condition included on any permit issued, that appropriate sightlines be demonstrated for vehicles entering and exiting the ground floor car park, to ensure pedestrian safety. It is suggested that this could be achieved by nominating part of the dark grey blade screening to the east side of the access point along with part of the grey/green perforated lining with graphic treatment directly to the west side of the access point, on the ground floor car park plan, to be transparent for 1.5 metres to a minimum height of 1.5 metres from natural ground level or provided with a splay, or similar. These recommended changes are to be noted on the ground floor plan and the northern (front) elevation plan.

Although the objectors have raised concern with regard to the safety of vehicles entering and exiting the proposed access to the ground floor car park from South Road, given its proximity to Station Street and the bridge over the railway line, VicRoads are of the opinion that the location of the access point is appropriate. It is reinforced that this is not the only point of access to the subject land and the Nepean Highway access will be maintained.

14.2 Overlooking / Loss of Privacy & Overshadowing / Amenity Concerns

It must be noted that as the site is located in a Business 2 Zone the requirements of Clause 55 do not technically apply. However, it is acknowledged that these provisions

do provide some guidelines as to what is a reasonable degree of separation to reduce amenity impact from overlooking as well as overshadowing to an acceptable level.

Firstly, it must be recognised that the site does not directly abut any sensitive interfaces – residential properties.

Accordingly, as the site is located in a Business 2 Zone and is directly surrounded by commercial type uses, it is submitted that the proposed development does not unreasonably overlook any sensitive interfaces i.e. residential properties including habitable room windows, secluded private open space areas or the like. Similarly, the proposed development does not directly or unreasonably overshadow any sensitive interfaces.

At the preliminary conference meeting, concern was raised with regard to the potential for laundry to be blown off the proposed residential balconies onto the adjoining commercial properties and also concern relating to the visibility of clotheslines from balcony areas.

Concern relating to clothes blowing off balconies is not a valid planning ground. This issue does not arise where there is a residential to residential interface let along a commercial / residential interface.

In regard to the visibility of clothes on balconies, it is recommended that should a permit issue, a condition requiring the provision of fixed / retractable clothes lines to each dwelling to be nominated on all balconies and to be positioned so that they are not visible from outside the building.

#### 14.3 Overdevelopment

As already confirmed the site is subject to a Business 2 Zone, has no sensitive interfaces, is located within the Moorabbin Activity Centre and abuts commercial development. As the plethora of policy within the Kingston Planning Scheme seeks to channelise more intense development within activity centres, thereby maintaining neighbourhood character within residential areas, boundary-to-boundary development is common and, therefore, expected within land zoned for business purposes. The form of development is an acceptable response in this business zone.

For reasons that have been thoroughly outlined and assessed in earlier sections of this report, and subject to condition recommendations, the following is noted:

- the reduction in car parking is warranted in this instance;
- the proposal complies with the applicable legal obligations of the S.173 Agreement that affects the Land;
- an appropriate level of amenity is provided to each dwelling proposed;
- the proposal does not result in an unreasonable loss of amenity for abutting properties; and
- the cosmetic treatment and urban design elements of the building are considered appropriate.

Based on the above dot points, it is submitted that the proposal does not result in an overdevelopment of the site.

**14.4 Neighbourhood Character**

As referenced throughout this report, Moorabbin is identified as a Major Activity Area and the site is unequivocally located in the centre of the Business 2 Zone. Given the site's business zoning, the requirements of Clause 55 (ResCode) do not apply. Hence, the provisions and starting point of ResCode, i.e. Neighbourhood Character, is not applicable to this application. Although this assessment criterion is not technically applicable, the following comments are made:

The character of the area is typified by a variety of commercial buildings (no residential) ranging from typical single storey strip shops through to buildings that are comparable to an approximate 6 storey contemporary style building. Furthermore, there are other larger developments of four (4) or more levels located within close proximity to the subject site (refer to photographs in Section 13.3 of this report). It is for these reasons that the proposal will sit comfortably in its setting and is considered appropriate.

**14.5 Urban Design Concerns**

It is considered that concerns regarding urban design have been responded to in Section 13.3 of this report.

**14.6 Noise Concerns**

As the site is located in a Business 2 Zone, the use of the land for residential purposes is a Section 2 Use and, therefore, is a discretionary use subject to planning approval.

The development proposed is explicitly for residential use, and, therefore, any noise generated on the site would be that of a residential nature. The type of use proposed is a lot more sensitive in comparison to its surrounding commercial uses. For this reason, it is considered that the proposal will not cause undue noise pollution to the detriment of nearby properties.

**14.7 Rubbish Collection**

The Permit Applicant has sourced advice from JJ Richards & Sons Pty Ltd with respect to rubbish collection from the subject development.

JJ Richards & Sons Pty Ltd has provided the following recommendations / comments for waste removal:

**ALL UN-COMPACTED WASTE**

§ Total number of bins:

- 9 x 1000 litre bins per week for general waste; and
- 4 ½ x 1000 litre bins per week for commingled.

**SUGGEST 2 PICKUPS PER WEEK**

§ Total number of bins per pickup:

- 5 x 1000 litre bins per week for general waste; and
- 3 x 1000 litre bins for commingled.

**NUMBER OF BINS REQUIRED FOR WASTE AREA**

§ 8 x 1000 litre bins (No extra bins required).

§ Bin dimensions:       1.300 mm height  
                                  1.340mm width  
                                  860mm depth

§ Approximate waste area needed to store these bins is 20 square metres. This could be reduced with extra pickups per week.

It is understood that the Permit Applicant proposes waste collection to be undertaken by a private waste contractor. Waste collection from the site is proposed from South Road.

Private waste collection from the site is fully supported. If a permit is to issue, a condition should be included to require a waste management plan to be submitted to the satisfaction and approval of the Responsible Authority.

14.8 Non compliance with the Intent of the Business 2 Zone and Inappropriate Location for Housing

The purpose of the Business 2 Zone is *‘to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies and to encourage the development of offices and associated commercial uses’*.

As presented earlier within this report, it is a key direction of both the State and Local Policy to encourage new residential populations and promote higher density developments in and around key activity centres, to compliment their retail function and long-term economic vitality.

The residential nature of this Application is deemed strongly consistent with both the strategic and policy direction of the State and Local Framework and, therefore, the proposal is considered to meet the purpose of the Business 2 Zone.

Objectors at the preliminary conference meeting raised concern that the development is not located within close proximity to recreational areas (eg. parks). Moorabbin Reserve is located approximately 750 metres south-east of the subject site, on Linton



Street, Moorabbin. Additionally, Halley Park is located approximately 800 metres north of the subject site, on Jasper Road. It should also be noted that a communal terrace is located on the second floor level that provides 91 square metres of recreational space to all future occupants. It is also necessary to consider that given that fifty-five (55) of the dwellings will be one bedroom and twenty (20) will be two bedroom the need for conventional 'large scale' public open spaces will be significantly different than new residential development designed to provide larger dwellings for families.

These parks are accepted to be in reasonable proximity to the subject site and will be available for the recreational needs of future occupants to the subject development. As in similar cases that have gone before the Victorian Civil and Administrative Tribunal, it is considered that the nature of the type of dwellings proposed negates the need to provide large recreational spaces to each dwelling. Small balconies, as those proposed, are an acceptable response for providing private space to meet the amenity needs of residents.

With this said, it should be noted that it is not considered a valid reason that as the development is geared towards affordable housing that these dwellings accept a lesser degree of amenity than that expected for other medium or higher density development and, hence, particular emphasis has been placed on drafting planning permit conditions designed to improve the presentation of the building and the amenity received from it by future residents.

**14.9 Security Concerns & Introduce Socially Disadvantaged Residents into the Area**

Some objectors have raised concerns with regard to vandalism and general safety in relation to the proposed affordable housing development and the expected demographic associated with such a use.

These grounds of objection are irrelevant to the planning merits of this application. Objections of a discriminative nature are not valid and in fact run completely at odds with the many inclusionary principles to be found in State and Local Planning Policy. Further Port Phillip Housing Association is a very well established and highly credentialed housing provider that provides significant support services to ensure the concerns raised by a few objectors do not occur.

**14.10 Construction Phase**

A number of objectors raised concerns in relation to the inconvenience the proposal would cause during its construction phase, particularly with regard to on-site car parking. Subject to approval, the Permit Applicant would be required to submit a Construction Management Plan that details, amongst other things, the construction hours, delivery schedule and routes, site management details, pedestrian and vehicle management, parking provisions and general site management details to Council's satisfaction.

Although the concerns surrounding this issue are appreciated, both Council and the Permit Applicant would endeavour, as best as possible, to minimise any disturbance and/or inconvenience caused to the surrounding community.

**15.0 CONCLUSION:**

15.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.

15.2 The basis of this recommendation to support the proposed development is evidenced by:

- The design and siting of the proposed development to be compatible with the surrounding area;
- Suitability of the site for high density residential development having regard to the policy context and planning provisions;
- Acceptability of the built form of the proposed development, specifically in regard to height;
- Consideration of any external amenity impacts;
- Adequacy of internal amenity;
- Consideration of the provision of car parking and traffic related matters; and
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the State and Local Planning Policy Framework, Business 2 Zone, the relevant particular provisions and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

**17.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for a seven (7) storey building comprising seventy-five (75) dwellings with a reduction in car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and to create access to a Road Zone Category 1 be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 6 May 2009, but modified to show:
  - a. the provision of an improved landscape plan and associated planting schedule for the site and surrounds showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

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- i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
- ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
- iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees;
- v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- vi. sustainable lawn areas and plant species taking current water restrictions into consideration;
- vii. all trees provided at a minimum of two (2) metres in height at time of planting;
- viii. medium to large shrubs to be provided at a minimum pot size of 200mm;
- ix. 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;
- x. all specie types for trees nominated, including the two (2) trees located to the western side of the building and the four (4) street trees located to the northern side of the building and shown to accommodate VicRoads siting requirements, in accordance with Condition 11 of this permit;
- xi. clear delineation of all pedestrian paths, including to the south (rear) and west (side) of the building, in association with Condition 1.h. of this permit;
- xii. improved detail to the southern end of the pedestrian walkway near the Moorabbin Railway Station entrance with this space designed in conjunction with the existing Railway Station entrance and designed in consultation with Council's Urban Designer and VicTrack;
- xiii. the provision of an alternative quality finish for the pedestrian walkway/s (e.g. stained concrete or similar);
- xiv. the provision of landscape, communal furniture and facility (eg. barbeque/s) details for the second floor terrace area;
- xv. the provision of suitable landscape treatment to the west side of the ground floor car park, adjacent to car parking spaces 4 and 5 and in accordance with Condition 1d. of this permit; and
- xvi. the provision of notes in accordance with Conditions 5, 6, 7, 8 and 9 of this planning permit.

- b. all requirements of the Department of Transport, in accordance with Condition 10 of this permit;
- c. all requirements of the VicRoads, in accordance with Condition 11 of this permit;
- d. the provision of a two-way thoroughfare / access created of no less than 5.5 metres in width between the ground floor car park to the carriageway easement (common property E-11) adjacent to car parking spaces 14 and 15, with the creation of this accessway to result in a loss of no more than two (2) car parking spaces from the site;
- e. the provision of detailed car parking, traffic management and signage, which includes:
  - i) fully dimensioned plans which show the crossover widths, all car parking spaces, all access way widths and a full design for the integration of the proposed car park with the existing car parking under the Kingston City Hall;
  - ii) in accordance with Condition 1.d. of this permit, a total of thirty-five (35) car parking spaces located on the ground floor and eight (8) car parking spaces on the first floor (i.e. a total of forty-three (43) car parking spaces) nominated for the use of patrons to the Kingston City Hall and Kingston Arts Centre, as required by Section 173 Agreement (AE423794S);
  - iii) a total of no less than twenty-one (21) allocated car parking spaces nominated for the development and three (3) visitor car parking spaces clearly nominated;
  - iv) the location, content and size of signage both internal and external to the subject land which provides visitors with details of entry and exit points to the subject land;
  - v) full details of signage proposed to demarcate each car space to be allocated to the Kingston City Hall and Kingston Arts Centre;
  - vi) the signage required to indicate height clearances between the different car park levels;
  - vii) the location and details of any statutory signage deemed necessary by Council to be replaced to reinforce parking restrictions for the Kingston City Hall and Kingston Arts Centre car parking spaces;
  - viii) a device which provides real time information to vehicles on the ground floor as to whether any Kingston City Hall or Kingston Arts Centre car parking spaces are available on Level 1;
  - ix) any proposed mechanisms, if deemed necessary, to secure the car parking spaces allocated to the development including how visitor access would be achieved; and
  - x) full details of pedestrian access to and from the eight (8) car parking spaces located on the first floor level, nominated for the use of the Kingston City Hall and Kingston Arts Centre.

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- f. in accordance with Condition 1.d. and 1.e. of this permit, the provision of an improved walkway between the ground floor car park and the carriageway easement (common property E-11);
- g. the provision of artwork graphics along the development's northern (front) façade, essentially at ground level, to enliven the development's presentation to South Road and provide an improved connection between the development and the Arts Centre;
- h. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development with light colour tones to be predominately selected for the external facades of the building to increase heat reflection from those surfaces most exposed to heat loads and, where possible, the selection of applied finishes to the building's façade to be of superior heat resistant properties;
- i. all traffic directional arrows shown along carriageway easement E-11 to be deleted from the site plan(s) and as appropriate addressed in Condition 1e of this permit;
- j. the provision of fixed / retractable clothes drying facilities to each dwelling to be nominated on all balconies to be positioned so that clothes would not be visible from outside the building;
- k. the location of all externally located heating and cooling units, exhaust fans and the like, clearly shown;
- l. a notation on the floor plan(s) stating: "The redundant vehicle crossing must be removed, kerb & channel must be reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority";
- m. a notation on the floor plan(s) stating: 'any new crossover to be designed and built to Council's standard requirements' and in accordance with the plans submitted as part of Condition 1e of this permit';
- n. the dark grey blade screen, directly to the east side of the access point to the ground floor car park and the grey/green perforated lining with graphic treatment, directly to the west side of this access point, to be transparent for at least its first 1.5 metres to a minimum height of 1.5 metres from natural ground level or provided with a splay, or similar, to provide sightlines for vehicles exiting the site;
- o. the respective elevation plan (i.e. north elevation plan), amended in accordance with Condition 1n. of this permit;
- p. the provision of metal hoods or shading elements (retractable screening or shading devices) included and clearly nominated on at least 80 percent of the east and west facing windows to add articulation, interest and provide sun protection;
- q. the notation of dark grey sunshade hoods to be clearly nominated on all elevations plans to correspond with the external finishes schedule;
- r. the provision of noise attenuation measures incorporated into the design, in accordance with the recommendations and findings of the Acoustic Report required by Condition 17 of this permit;

- s. the ground floor plan to correspond with the east elevation plan with the dark grey blade screening to extend, in its entirety, right along the east side of the car park and pedestrian path to provide a visual barrier;
  - t. the north to south aligned corridor, on each residential level, provided with a window at its most southern end (i.e. along the south (rear) elevation) to provide natural light and assist with cross-ventilation to these corridor spaces;
  - u. the access path to the bicycle storage on the first floor level car park clear of any obstructions;
  - v. the surface material of all driveways / accessways and car parking spaces nominated; and
  - w. the finished floor levels, finished ceiling levels and overall height of the building from natural ground level, clearly nominated.
2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  5. A Tree Protection Zone (TPZ) must be observed at a distance of five (5) metres in a radius surrounding the *Eucalyptus melliodora* (Yellow Box) at the rear of the site.
  6. 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 *Eucalyptus melliodora* (Yellow Box) at the distances specified for the TPZ.
  7. The following must be observed within the TPZ area (without the further consent in writing of Council's Vegetation Management Officer):
    - e. the existing soil level must not be altered either by fill excavation;
    - f. the soil must not be compacted or the soil's drainage changed;
    - g. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
    - h. no storage of equipment, machinery or material is to occur;
    - i. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
    - j. tree roots must not be severed or injured; and
    - k. machinery must not be used to remove any existing concrete, bricks or other materials.

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8. 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.
9. The existing asphalt path (within an 8 metre radius of the *Eucalyptus melliodora* (Yellow Box) tree) must be retained in the existing condition unless approved in writing by Council's Senior Vegetation Management Officer.
10. **Conditions required by the Department of Transport**
  - a) The permit holder must take all reasonable steps to ensure that disruption to train operation within the railway corridor is kept to a minimum during the construction of the development. Foreseen disruption to rail operation during construction and mitigation measures must be communicated to Connex and the Director of Public Transport fourteen days (14) prior.
  - b) The permit holder must ensure that all track, overhead power and supporting infrastructure is not damaged or that works do not cause unplanned disruption to rail operations. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to the permit holder.
11. **Conditions required by VicRoads**
  - a) Prior to the commencement of the permitted development amended plans generally in accordance with the submitted plan prepared by Hayball Pty Ltd Ref: SK002 titled -Ground Floor Plan dated 5/5/2009 but modified to the show the following must be submitted to and approved by the Responsible Authority:
    - i. The proposed vehicle crossover widened to at least 6.4m wide as measured at the property boundary and the edges of the vehicle crossover angled at 60 degrees to the road reserve boundary, to improve the entry and exit conditions.
    - ii. The street trees proposed along South Road planted at least 3m away from the edge of the road pavement.
  - b. Prior to the commencement of the use of the permitted development the crossover in accordance with VicRoads condition must be constructed and sealed to the satisfaction of the Responsible Authority.
  - c. Prior to the commencement of the use of the permitted development the existing cross-over which would be redundant must be removed and footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
  - d. All the vehicles associated with the development and use must drive forward when both entering and leaving the declared road reserve.
12. Prior to the commencement of the use and development hereby permitted, the owner of the land must enter into an executive agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority in which it shall be covenanted as follows:

- a) Pursuant to the provisions of Section 181 of the *Planning and Environment Act 1987* this agreement shall be registered with the Registrar of Titles and shall run with the land;
- b) That the requirements contained in the agreement shall form part of any lease of the premises which the owner of the land under this permit may enter into with another party; and
- c) The owner of the land under the permit shall pay the legal costs and be responsible for the preparation and registration of the said agreement

The Section 173 agreement must specifically provide for the following:

- a) Port Phillip Housing Association (PPHA) or, in the event that PPHA ceases to become or to continue to be the registered proprietor of the Land, another experienced provider and manager of community housing with the written consent of Council, to be the owner of the Land and to manage the building and tenancy arrangements;
- b) Without the further written consent of the Responsible Authority, all persons who occupy the 75 affordable housing dwellings are to be households on low incomes who meet the criteria for affordable housing as determined by the Victorian Office for Housing or similar approved scheme;
- c) No more than twenty-one (21) of the seventy-five (75) dwellings are to be allocated a single car parking space;
- d) The lessor to make it clear at the time of negotiating a lease whether or not a particular tenant is entitled to a car parking space and that the designated forty-three (43) car parking spaces identified on the endorsed plans are for use by Kingston Arts Centre and Kingston City Hall Patrons only;
- e) If at any time the Land is intended to be made available to be occupied by people other than people who require financial support to meet their housing needs, PPHA (or PPHA's successor, with the written consent of the Responsible Authority) must prior to selling or leasing the dwelling(s) determine whether or not any of the dwellings will be allocated with a car parking space recognising that the maximum number of allocated spaces for the entire seventy-five (75) dwellings must not exceed twenty-one (21) car parking spaces;
- f) On the basis (subject to the written consent of the Responsible Authority) that any dwelling is sold or leased a separate agreement must be created which clearly indicates on the title or lease whether or not the dwelling is entitled to a car parking space;
- g) The developer/owner/applicant must enter into an agreement with Council and VicTrack to implement the beautification and landscape



works shown on the Landscape Concept Plan(s) – South Road to Moorabbin Railway Station Corridor (received by Council on 6 May 2009 and as amended by Condition 1a. of this permit) prepared by Michael Smith and Associates Landscape Architects and Urban Design at the full cost of the developer/owner/applicant;

- h) The implementation and maintenance responsibilities of all required works to be provided for in the car parking, traffic management and signage plan required as part of Condition 1e. of this permit;
- i) A detailed maintenance schedule outlining the responsibilities of the parties (i.e. ‘who is going to maintain what’) in relation to the ongoing maintenance of the ground floor car parking area;
- j) The method in which Council’s access to the first floor car park spaces will be protected; and
- k) A notation on any future leases granted to residents which clearly recognises the City of Kingston’s unfettered right to use the Kingston City Hall and Kingston Arts Centre for whatever activities it may wish irrespective of the operational elements (noise, number of people etc) associated with such activities.

13. Prior to commencement of the development hereby permitted, a Site Management Plan (SMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The SMP must establish a set of ‘house rules’ for the building, to be followed thereafter to the satisfaction of the Responsible Authority. The SMP must ensure that a suitably qualified full time manager / supervisor with responsibility to oversee tenant behaviour is available and must detail arrangements, including but not limited to:

- a) the maintenance of the building;
- b) cleaning;
- c) supervision;
- d) management of common areas including noise control measures after hours;
- e) allocation of car parking and bicycle facilities consistent with the conditions of this planning permit;
- f) security of the building/site including the first floor parking area;
- g) allocation and ongoing arrangement of the eight (8) car parking spaces on the first floor level for the fulltime use of Kingston City Hall and the Arts Centre only; and
- h) contact details (i.e. direct telephone number) of the full-time manager provided to Council.

14. Before the commencement of any buildings and 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. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not limited to, the following:

- a) a detailed schedule of works which includes full project timing including when the car parking areas for the Kingston City Hall and Kingston Arts Centre would be released;
- b) traffic management for the Kingston City Hall, Kingston Arts Centre and other commercial activities carried out on the subject land including when or whether any access points would be required to be blocked;
- c) the location for the parking of all construction vehicles and construction worker vehicles during construction;
- d) delivery of materials including details of where materials will be stored and how concrete pours would be managed
- e) proposed traffic management signage for South Road and Nepean Highway (if required) indicating any inconvenience generated by construction;
- f) fully detailed plan indicating where construction hoardings would be located and as relevant the associated approvals required;
- g) times for loading/unloading of materials;
- h) containment of waste on site;
- i) suppression of dust management;
- j) business operations on the site during construction;
- k) site security;
- l) public safety measures; and
- m) construction times, noise and vibration controls.

15. Before the commencement of any buildings and works on the Land, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and thereafter be complied with. The WMP must include but is not limited to:

- a) The supply of bins for both 'general waste' and 'recyclable waste' and demonstrating how the garbage and recycling aspects of the development will operate;
- b) The manner in which waste will be stored and collected including: type, size, number of containers and procedure(s) put in place as to how tenants are required to dispose of waste;
- c) Spatial provision for on-site storage;
- d) Private contractor details; and
- e) The size of the collection vehicle and the frequency, time and point of collection.

- The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless without the written consent of the Responsible Authority.
16. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an ESD report to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for insulation, daylighting, stormwater harvesting, energy efficient internal illumination, energy efficient concepts, glazing and internal ventilation.
  17. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an Acoustic report to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The appointed acoustic consultant must undertake testing on a time indicated by the Responsible Authority to measure the level of noise generated by the Kingston City Hall, Kingston Arts Centre, South Road, and Frankston Railway Line. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and shall thereafter be complied with. The Acoustic report must detail any additional reasonable acoustic measures that can be undertaken to improve the acoustic performance of the development with respect to its immediate surrounds, to ensure and protect the amenity of future residents.
  18. 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 bio retention system, rainwater tanks connected for reuse and a detention system.
  19. 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.).
  20. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  21. Prior to the occupation of any part of the development approved under this Planning Permit, the applicant / owner of the land must complete all works identified on the approved landscape plan and car parking, traffic management and signage plan..
  22. The developer/owner must contact the Responsible Authority and VicRoads and arrange traffic management plans and **WORKS ZONE** for any works that may affect traffic (both vehicular and pedestrian) or parking on South Road or any of the surrounding streets. Works vehicles may not be able to stop in the street fronting the

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- property. The developer will be responsible for the costs of arranging a **WORKS ZONE** and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.
23. Prior to the occupation of the development 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.
24. 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.
25. Prior to the occupation of development 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 in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
26. No garbage bins or waste materials generated by the permitted use shall be deposited or stored outside the site.
27. The waste storage and collection arrangements must be to the satisfaction of the Responsible Authority.
28. Any external lighting must be provided with baffles to the satisfaction of the Responsible Authority so that no direct light is emitted outside the site.
29. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
30. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Kingston Planning Scheme.
31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
32. 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 within two (2) years from the date of permit issue.

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- The development is not completed within four (4) years from the date of permit issue.

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

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

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

In the event that Council wish to oppose the application, it can do so on the following Grounds:

**GROUND'S of REFUSAL for 999 NEPEAN HIGHWAY, MOORABBIN:**

1. The proposal would detrimentally affect the amenity of the neighbourhood.
2. The proposal would prevent the orderly and proper planning of the zone.
3. The proposal would have an adverse effect on the amenity of area.
4. The proposal constitutes an over-development of the site.
5. The proposal would detract from the visual amenity of the locality and the streetscape.
6. The proposal is inconsistent with the relevant provisions of the Kingston Planning Scheme.
7. Inadequate provision has been made for off-street parking to cope with the demands of the proposal.
8. The proposal is inconsistent with the relevant policies under Clause 19.03 (Design & Built Form) of the Kingston Planning Scheme.

**L 85**

**Amendment C99 to the Kingston Planning Scheme – 1231-1237 Nepean Highway and 60-64 Matthieson Street, Hihett**

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

**Author:** Eva Klaic – Strategic Planner

**1. Purpose of Report**

The purpose of this report is to provide an overview of proposed Amendment C99. The report recommends that a request be made to the Minister for Planning to authorise the preparation of the amendment under Section 9(2) of the *Planning and Environment Act 1987* and to proceed with exhibition of the amendment if authorisation is granted. The Amendment would involve the rezoning of land, and the creation of a schedule to the Design and Development Overlay over the subject land.

**2. Background / Proposed Amendment**

Over recent months Council has held discussions with the owners of the following land parcels which make up the land affected by the proposed Amendment:

- 1231 Nepean Highway, Hihett (Currently Podiatry a Clinic)
- 1233 – 1237 Nepean Highway, Hihett (Former Red Rooster restaurant site)
- Part 1239 Nepean Highway, Hihett (Karen Street car park land)
- 64 Matthieson Street, Hihett (Residential Property)
- 62 Matthieson Sreet, Hihett (Residential Property)
- Units 1 and 2, 60 Matthieson Street, Hihett (Residential Property)

The Amendment proposes the rezone to land as follows:

<b>Property Address</b>	<b>Existing Zone</b>	<b>Proposed Zone</b>
1233 – 1237 and Part 1239 Nepean Highway, Hihett	Business 4 Zone	Mixed Use Zone
1231 Nepean Highway, Hihett and, 60 – 64 Matthieson Street, Hihett	Residential 1 Zone	Mixed Use Zone

The Amendment also proposes to include all the land identified above within a schedule to the Design and Development Overlay. A copy of the draft schedule to the Design and Development Overlay is enclosed at *attachment 1* to this report.

Broadly speaking the basis for introducing the Mixed Use Zone is that it will allow for a more appropriate range of land uses adjacent to the Southland Principal Activity Centre than that provided for under the existing Business 4 Zone. This matter is discussed in more detail in subsequent sections of this report.

In order to assist Council in determining how the schedule to the Design and Development Overlay should be developed Council has engaged the services of Urban Design Consultants MGS Architects who have prepared an urban design response for this site which considers its prominent location, its role as a transitional zone at the centres edge and its potential to support the Southland Principal Activity Centre. The urban design report nominates appropriate:

- building heights and setback,
- built form and articulation,
- urban design and landscape requirements,
- active frontages and sensitive edges,
- vehicle access, traffic management and parking,
- pedestrian access, and
- a public space contribution of a plaza to Matthieson Street and Karen Street.

The urban design response will be referenced in the schedule to the Design and Development Overlay and is provided as *attachment 2* to this report.

### **3. Policy Consideration**

The amendment proposal needs to be considered in the context of the relevant State and Local level Planning Policies. This amendment proposal is considered to draw relevance from the following State and Local level planning policies as outlined below:

#### **3.1 State Planning Policy Framework**

##### ***Melbourne 2030 and Clause 12 - Metropolitan Development***

Melbourne 2030 and its supplement Melbourne @ 5 Million examine sustainable long term planning for Melbourne as a whole in order to address the demand of the growing population. These metropolitan planning strategies recognise activity centres and associated transport nodes as opportunity locations for increased density recognising. The scale of change will be dependant on the status of the relevant centre in relation to the Activity Centre hierarchy ie (Principal, Major or Neighbourhood).

The State Planning Policy addresses the role of the various activity centres defining development objectives for a centres prosperity and liveability. Clause 12.01 which seeks to provide for a more compact city, suggests as its objective:

“To facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.”

Subsequent to the statutory changes which have occurred to Clause 12 of the State Planning Policy the release of Melbourne @ 5 million further reinforced the following in relation to metropolitan planning:

“The focus will be on locating more intense housing development in and around activity centres”

***Clause 16 - Housing***

Clause 16 encourages the supply of varied housing types in locations near to activity centres to take advantage of existing infrastructure. The development of this edge of centre site is strategically aligned with State Government initiatives for the location of increased housing density. This important objective presently cannot be met on those components of the land zoned Business 4 given the majority of activities that fall within the definition of Accommodation are prohibited.

***Clause 19 - Particular Uses and Development***

Clause 19 of the State Planning Policy Framework reinforces the importance of development which continues to provide appropriate design outcomes. The proposed draft schedule to the Design and Development Overlay based on the work of Councils urban design consultant facilitates the objectives of this Clause by responding to Clause 19 objective to “*enhance liveability, diversity, amenity and safety*”. This is evidenced through the work reinforcing mix of uses, active frontages to centre facing streets, building articulation, setbacks, landscaping and a public space contribution.

**3.2 Local Planning Policy Framework**

***Clause 21.06 - MSS Retail and Commercial Land Use***

Clause 21.06 aims to reinforce the existing role of the existing retail centres in Kingston by encouraging strategic job creation that will facilitate prosperity, greater employment opportunities and social well being. Also importantly Objective 2 reinforces the role performed by Southland as the Principal Activity Centre.

Objective 5 of Clause 21.06 further provides guidance as to the ‘preferred locations for restricted retailing’ and highlights that a preferred precinct commences at the Southland Principal Activity Centre. Given the relative recent introduction of this clause into the Planning Scheme it is recognised that its intention was not to encourage restricted retailing on the subject land given it has never performed this role, but rather encourage such activities within the existing Southland Shopping Centre. The size of the subject land its immediate residential interface and less than ideal access for high vehicle generating retailing uses help reaffirm why its future role should not be to reinforce restricted retailing.

***Clause 22.01 Local Planning Policies - Cheltenham Business Centre Policy***

Although the Cheltenham Business Centre Policy was developed by the former City of Moorabbin well before the introduction of Melbourne 2030 it still holds some relevance to the policy considerations relating to the proposed Planning Scheme Amendment. Clause 22.01 divides the area known as the Cheltenham Business Centre into precincts encouraging particular land use and amenity outcomes. The land to be affected by this amendment belongs to the Mixed Use - Commercial Support Precinct. The Clause encourages development which strengthens the ‘Cheltenham Business Centre’ and enhances the visual and landscape amenity in this precinct.

Desired appropriate development is described as a quality landmark gateway to the Centre with a high standard of landscaping of the area being of compatible scale with its surrounds. It is considered that the Urban Design response seeks to build upon the outcomes sought through this policy and is a contemporary response to the current policy landscape.



**4. Zoning**

The two larger lots at 1233-1237 and part 1239 Nepean Highway are currently zoned Business 4 Zone, the Scheme describes the purpose of the Business 4 Zone as being:

*“to encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services”*

The Business 4 Zone restricts the scope of land uses permissible in the zone and has only been used over recent times by Council to reinforce its preferred locations for restricted (bulky goods) retailing. Notably the Business 4 zoning precludes key uses encouraged on or edge of activity centres including most forms of Accommodation and limiting the size of office uses to 500 square metres of leaseable floor area.

**5. Exhibition**

Should Council proceed to seek authorisation of Planning Scheme Amendment C99 and should this be granted by the Minister for Planning, Council is required to give notice of an amendment under Clause 19 of the *Planning and Environment Act 1987*. Accordingly, this report recommends that Council seek authorisation from the Minister for Planning and if this is provided place the proposed amendment on public exhibition. It is envisaged that the amendment would be placed on public exhibition for a period of one month and the following statutory processes would be provided for:

- Amendment documentation available at Council’s Cheltenham and office and website.
- Amendment documentation available at Council’s Highett and Cheltenham Libraries
- Notices placed in the Government Gazette and local papers.
- Direct notification to nearby landowners and occupiers.

**6. Discussion**

The subject lands prominent edge of centre location provides great potential for an improved gateway to the regions Principal Activity Centre. Council Officers preliminary discussions have strongly encouraged that properties which make up the subject land be seen as a broader precinct rather than isolated parcels and it is felt that the Urban Design response appropriately assists to achieve this objective.

The location is an important consideration in the manner in which the draft schedule to the Design and Development Overlay has been formed. It is recognised that at this time all that is being sought is to establish the planning principles for the subject land recognising that no development intentions have yet been established. It will be critical that future development at this site is of a high quality nature with sophisticated urban design and landscape response.

Officers consider that the rezoning of land to promote alternate land use activities (particularly those falling within those permissible under the definition of ‘accommodation’) is strongly supported through State and Local Government policy for land with such a relationship to a Principal Activity Centre. Further a future development of land uses such as accommodation, office with some limited street level retail would act as an appropriate transition with neighbouring residential activities.

State and Local Government policy also encourages high quality urban design. The proposed draft schedule to the Design and Development Overlay provides controls to improve the amenity of the area with provisions for appropriate built form and articulation, streetscape and active frontages, pedestrian links and vehicle access and address to the sensitive residential interface.

The subject land also has an immediate (adjacent) interface with the regional bus interchange providing a significant synergy with readily available public transport facilities. Further the outcomes of the Amendment in relation to utilising the subject land more appropriately will add employment opportunities which are also complementary to the objectives of State and Local Government Policy. The Victorian Transport Plan (2008) also identified the possibility of a future Southland Train Station as a long term option and development like that proposed would have strong links with such a component of infrastructure.

It is broadly considered that the Urban Design response appropriately manages the transition between the established residential area and its relationship with the Southland Principal Activity Centre which will continue to evolve to provide a greater array of land use activity.

For the above reasons Council Officers believe that the drafted Planning Scheme Amendment C99 is of strategic importance to the City of Kingston and warrants a request to the Minister for Planning for to provide for its authorisation to exhibit.

**7. Recommendation**

1. That Council resolve to request that the Minister for Planning authorise the preparation of Amendment C99 under Section 9 (2) of the Planning and Environment Act 1987 to rezone land at 1231 – 1237, part 1239 Nepean Highway and 60 – 64 Matthieson Street, Highett inclusive to a Mixed Use Zone and include the land in a schedule to the Design and Development Overlay.
2. That following authorisation, Amendment C99 be exhibited in accordance with Section 19 of the Planning and Environment Act 1987.

Attachments:

1. *Proposed Draft DDO*
2. *Consultants MGS Urban Design Architects Response*



Council officers investigated the possibility that this project could be funded through a Commonwealth Government grant scheme – Water for the Future. Based on the application criteria, it is proposed that Council and Melbourne Water should form a consortium to submit an application to the scheme seeking a matching contribution from the Commonwealth Government. Based on Melbourne Water’s post-tender estimates, the overall project cost is estimated at \$5 million. Melbourne Water agreed to contribute the original budget estimate of \$2.3 million with Council contributing \$200,000.

A draft Memorandum of Understanding (MOU) has been drawn-up to formalise the proposed joint application and it is attached.

### **3. Issues**

The deadline for applications to this initiative is 30 June, 2009.

Based on feedback to Council from local residents following Melbourne Water’s community consultation, there is a significant expectation in the community that the wetlands will be constructed.

The cost to apply for the grant to Council will be \$200,000.

### **4. Options**

1. Council enters into a consortium with Melbourne Water in order to apply for funding from the Commonwealth Government and agrees to contribute \$200,000 towards the project.
2. Council chooses to wait until Melbourne Water revisits the project.

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

- Environmental – the creation of a regional wetlands system using indigenous plants, the provision of habitat to bird and riparian species, the reduction in Council’s demand from the potable water supply.
- Social - the provision of a significant recreational facility in the Clayton/Clarinda precinct with educational opportunities for the study of wetland systems to local schools and an improvement in the turf quality for sport at Namatjira Oval.
- Financial – a reduction in water costs to Council from reduced potable water usage.

### **6. Summary and Conclusion**

Council is considering entering into a consortium with Melbourne Water for the sole purpose of applying for Commonwealth Government funding (Water for the Future) to construct a wetlands and storm water harvesting facility at Namatjira Park/Clayton Flood Retarding Basin. The total project cost is estimated at \$5 million and the grant is based on a matching contribution with Melbourne Water agreeing to contribute \$2.3 million and Council agreeing to contribute \$200,000. A memorandum of Understanding is attached to this report setting-out the terms of the agreement between Council and Melbourne Water.

**7. Recommendation**

That Council supports that:

1. An application be made for Commonwealth Government funding (Water for the Future) in a joint application (consortium) with Melbourne Water under terms outlined in a Memorandum of Understanding.
2. A \$200,000 contribution towards the project in the 2009/2010 Financial Year will be required if the application is successful.

Attachment(s): *Memorandum of Understanding  
Namatjira Park Wetlands - Landscape Concept Plan*

**L 87**

**Contract 09/8: Essential Safety Measures (ESM)  
Maintenance at Council Buildings**

**Approved by:** Tony Rijs - General Manager Environment Sustainability

**Author:** Rob Savoia – Team Leader Building Facilities

**1. Purpose**

To seek approval to appoint contractor/s to undertake the Essential Safety Measures (ESM) maintenance at Council operated and tenanted Buildings in accordance with Part 12 of the Building Regulations – 2006.

**2. Background**

Council has a compliance obligation to undertake Essential Safety Measures (ESM) maintenance at habitable buildings on Council owned or controlled land under Part 12 of the Building Regulations 2006 which is aligned with Council’s Planned Outcome 1 to provide safe, accessible and appropriate infrastructure assets that meet community needs now and in the future.

Tender submissions closed at 2.00 pm Thursday 9 April 2009 with the table below summarizing the twelve tenders received. The projected tender costs over a three year term based on tender evaluation model/s are provided on the confidential attachment.

<b>Tender No. at opening</b>	<b>Tenderer Name</b>	<b>Packages submitted</b>
1	Automatic Fire Protection	A,B and C
2	Fire Protection Services	A,B and C
3	Fire Equipment Services	A,B and C
4	Kline Fire	A,B and C
5	General Lighting Services	B
6	Philip Chun Essential Services	A,B and C
7	T.C.M Solutions	A,B and C
8	Compliance Services	B and C
9	Victorian Emergency Response Safety Training	A,B and C
10	Adapt Essential Services	A,B and C
11	F.X.P Industries	A,B and C
12	City Facilities	A,B and C

**3. Options**

The Contract has been packaged into the three principal components for ESM maintenance as follows:

- **Package A: Fire Equipment Services**
- **Package B: Exit & Emergency Lighting**
- **Package C: Paths of Travel and Egress**

Tenderers were asked to price each as separate packages for both Council managed and tenanted buildings as Council may elect to award separate packages to individual contractors or award as a combined contract.

The Contract pricing has been projected based on part lump sum for the initial inspections in year one together with an annual contract management cost allowance and schedule of unit rates, which are based on quantities from Council's ESM equipment register for the various elements of maintenance within each package for an initial contract term of three years.

In addition to the routine ESM maintenance works the testing regime regularly identifies defective equipment which must be repaired or replaced to ensure compliance with building regulations. Tenderers were also required to provide unit rates for the typical remedial works.

The three year initial term has been based on the cyclic functions with the ESM maintenance regime, with a further two extension options each of three year periods bringing the potential total term to nine years at Council's discretion via delegation to the Chief Executive Officer.

The tender price evaluation has used both the lump sum costs and the unit rates submitted based on the quantities provided together with projected replacement quantities for anticipated replacements to develop a projected total contract value over a three year initial term for each of the three packages.

The calculated projected values from each Tenderer for the initial three (3) year term are shown in the appended table as part of the confidential attachments.

#### **4. Tender Evaluation**

The Tender evaluation Panel comprised the following Building Facilities Team Members:

- Rob Savoia – Team Leader Building Facilities
- Kathy Wei – ESM & Building Services Engineer
- Anthony Ziem – ESM Works Officer

The following tender evaluation criterion was used in accessing the tenders and these were then applied to a tender scoring matrix which is separately appended to this report as part of the confidential attachments:-

<b>CRITERION</b>	<b>DESCRIPTION</b>
<b>Financial Viability</b>	Financial Capacity and Financial Stability.

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CRITERION	DESCRIPTION
<b>Tender Price</b>	Fixed Lump Sum for initial inspections and Contract Management  Schedule of rates for all remedial and reactive maintenance
<b>Service Planning and Delivery</b>	Previous Relevant Experience & Proven Ability to Perform;  Human Resources - Management;  Human Resources - Staff Experience & Qualifications;  Plant & Equipment and Facilities; and  Methodology / Work Plan.
<b>Occupational Health and Safety</b>	Written Company Policy  Independent Certification of OH&S System  OH&S Training  OH&S Inspections  Ongoing Consultations with staff  Ongoing Monitoring of Work Practises & System Use
<b>Commitment to Quality</b>	Quality Plans / Systems;  Quality audit/review procedures; and  Information Management and Reporting Systems.
<b>The Service</b>	Tenderers understanding of Service; and  Tenderers understanding of Council Requirements and Environmental Issues.
<b>Human Resource Management</b>	Human Resource systems and practices;  Industrial Relations record and practices; and  Relationships with Sub-contractors.

On the basis of the Tenderers scoring the highest weighted score the following Tenderers and packages are being recommended to be appointed:



<b>Package Combination</b>	<b>Recommended Tenderers</b>	
	<b>VERST</b>	<b>ADAPT</b>
<b>Package A:</b> Fire Equipment Services	\$224,634.34	
<b>Package B + Package C</b> Exit & Emergency Lighting + Paths of Travel and Egress		\$327,576.00

The total cost to undertake packages A + B + C over three years is projected to be \$552,210.34 which equates to an annual expenditure in the order of \$180,000 p.a.

**Comments on Funds**

The Infrastructure Department's Building Facilities Team has an annual allocation in the 2009/10 Goods & Services budget for ESM maintenance.

From the tender packages to be recommended this level of funding is sufficient to ensure Council meets its compliance obligations for managing the Essential Safety Measures for their Building asset portfolio.

**5. Triple Bottom line Checklist**

- Environmental: The recommended Tenderers have demonstrated sound environmental practices in regards to waste disposal and recycling of equipment used
- Social: A Building regulation statutory compliance must be adhered to ensure that Council's Buildings are safe to be occupied and can be readily evacuated in the event of an emergency which is aligned with Council Plan Outcome 1.
- Financial: The implementation of this service is accounted for in the Infrastructure Department's operational budget.

**6. Summary & Conclusion**

The Council is required under the Building Regulations to undertake Essential Safety Measures Maintenance and the most effective means of undertaking this service is via specialist services providers. Tenders have been sought for the required components of ESM and these have been evaluated to enable service providers to be recommended to undertake the services.

On the basis of the Tenderers scoring the highest weighted score the tender submission from Victorian Emergency Response Safety Training – (VERST) is being recommended for Package A & the tender submission from ADAPT Essential Services Pty Ltd ) is being recommended for combination of Packages B & C.

The facilities to have ESM maintenance undertaken will include both Council controlled and tenanted buildings.

**7. Recommendation**

It is recommended that:

**1. Package A : Fire Equipment Maintenance for Council Managed & Tenanted Buildings**

The part lump sum and part schedule of unit rates tender from Victorian Emergency Response Safety Training Pty Ltd – (VERST) for the projected expenditure of \$224,634.34 excluding GST over three years be accepted for an initial three year period, with an additional two separate three year extension options at the Chief Executive Officer’s discretion for Contract 09/8 Essential Safety Measures.

**2. Packages B + C: Exit & Emergency Lighting Equipment Maintenance + Path of Travel & Exit Door Inspections for Council Managed & Tenanted Buildings**

The part lump sum and part schedule of unit rates tender for Exit & Emergency Light Equipment Maintenance from ADAPT Essential Services Pty Ltd – (ADAPT) for the projected expenditure of \$327,576.00 excluding GST over three years be accepted for an initial three year period, with an additional two separate three year extension options at the Chief Executive Officer’s discretion for Contract 09/8 Essential Safety Measures Maintenance at Council Managed and Tenanted Buildings.

**10. Community Sustainability Report**

**L 88 Chelsea Community Renewal Annual Update & Future Directions**

**Approved by:** Mauro Bolin - General Manager Community Sustainability

**Author:** Tim Bearup, Project Manager, Chelsea Community Renewal

**1. Purpose**

To provide an update to Councillors on the progress of the Chelsea Community Renewal Project over the past 12 months and to provide information regarding planned initiatives for the 2009/10 financial year.

This report relates to strategic action 3.2.1 in the Council plan – Continue to address social disadvantage by developing and implementing specific programs for disadvantaged ‘pockets’ within the municipality.

**2. Background**

Chelsea Community Renewal commenced in July 2007 as a State Government funded initiative in partnership with the City of Kingston. Chelsea is one of eight Community Renewal sites around Melbourne which were established to reduce the impact of inequality and disadvantage in selected areas.

The purpose of Chelsea Community Renewal is to bring residents, businesses and local organisations together to transform their community into a place of opportunity and activity. This is conducted in partnership with Government. Specifically, the program involves engaging residents to achieve:

- On-going community participation in decision making
- New job and learning opportunities
- Increased neighbourhood volunteering and other support
- Up-graded community facilities and open spaces
- Greater participation in cultural, recreational and sporting activities
- Improved feelings of safety and wellbeing.

A Steering Committee, established in March 2008, is the key driving force behind the project. It is made up of six local residents, six representatives from local organisations and representatives from Kingston Council and the Department of Planning and Community Development (DPCD). The Strategic Partnership is a second supporting group which aims to mobilise resources and activities to meet community-identified priorities, and coordinate investments to deliver maximum impact. *Attachment A identifies the members of these respective committees.*

A community consultation was undertaken in April 2008 and over 100 local residents attended. A vast number of suggestions and concerns were raised and documented regarding the six key objective areas mentioned above. The Steering Committee then prioritised this feedback into a Local Action Plan which is utilised to guide the activities of the project. In

order to achieve the plan's objectives, various project groups have been formed. These comprise of community members and are led by a representative from the Steering Committee. These groups explore and progress individual community projects and are accountable to the Steering Committee. *Attachment B identifies projects which have been undertaken from the Local Action Plan.*

### **3. Future Directions and Strategies**

The Steering Committee has a range of initiatives planned for the 2009/10 financial year. A summary of the key projects which have been identified as a priority are:

- **Strategic Planning**  
With the announcement in May 2009 that the Community Renewal Projects will receive State Government funding for a further three years (until June 2013) a longer-term strategic plan for the project will be developed to identify further priorities in the project area.
- **Bicentennial Park Accessibility Enhancements**  
This project consists of three key components: Installation of dual access outdoor gym equipment; Installation of a Liberty Swing; and Rebuild of the toilet amenities. External funding is being sought to support these projects.
- **Community Enterprise – Mobile Café**  
An application has been submitted to DPCD for \$15,000 to undertake a feasibility study into the development of a mobile kiosk/catering business which would focus its services in Bicentennial Park in peak periods. The intention is that this enterprise would have links with a Registered Training Organisation and provide training and employment opportunities.
- **'My Community Life' Website**  
Community Renewal has partnered with the Brotherhood of St Laurence and submitted an application to the Collaborative Internet Innovation Fund to fund 'My Community Life' (MCL) website. This is aimed initially at enhancing access to community events and activities for those isolated in the community. It is anticipated that older people and people with disabilities will access information and community activities, with an emphasis on health promotion from the MCL website.
- **Seniors Activities – 2009 Festival**  
The Seniors Activity Group has commenced its planning process for the 2009 Chelsea / Bonbeach Seniors Month Festival (5<sup>th</sup> – 31<sup>st</sup> Oct). Building on the success of last year's festival, which attracted over 500 Chelsea/Bonbeach seniors, the group intends to expand the range of activities on offer.
- **Rain Gardens Initiative – Residential Properties**  
This is an innovative project being explored by a Project group with the support of Council's Roads and Drains Department. The concept is to take the Rain Gardens design that has been used in public areas and apply it in the fronts of residential properties in order to: improve the vegetation and aesthetics of the area; achieve positive environmental outcomes by removing the impurities from storm water; increase

public interest and awareness of these environmental issues; and enhance community connection through a shared project.

- **Community Gardens Initiative**

A partnership is being established with Swinburne TAFE whereby a number of Community Development students will work together with a local Project Group to undertake this community project. Given the limited open space and high density residential area in Chelsea, the project group and students will work with residents occupying a block of flats to develop community gardens in the form of planter boxes; thus enabling them to share in the produce. This is intended to: address social isolation and create an opportunity for interaction and connection between residents in the block of flats; increase public interest and awareness of these environmental issues; and achieve the environmental outcomes of reducing greenhouse emissions which occurs through food transportation.

- **Marketing/Promotions Strategy for Long Beach Place**

Community Renewal is assisting Long Beach Place in the establishment of a marketing team and development of strategies to effectively promote its activities and opportunities to the broader community.

- **Arts & Culture Initiatives**

A key area that will be explored further in the coming months is arts and cultural opportunities that can be accessible to residents in the Chelsea/Bonbeach area. Community Renewal is partnering with the Kingston Arts and Culture Team to explore potential grant streams and opportunities to support local initiatives.

- **Local Energy Transfer System (LETS) Scheme Initiative**

The possibility of supporting the development of a LETS Scheme in Chelsea/ Bonbeach is currently being explored. LETS is a non-profit community exchange system based on the idea that all people have valuable skills to offer their community. The scheme is similar to a 'barter system' where community members trade in their skills, talents and time to earn community credit. Cash is not exchanged during the process. If deemed viable and appropriate, this system may serve to provide important services to a range of community groups and residents – particularly those with limited financial capacity.

- **Scooter Project – Chelsea Caravan Park**

Chelsea Caravan Park has approximately 200 residents, with the majority being seniors who are living there permanently. There are many who are frail and have mobility difficulties. There are also presently no State Government bus routes in close proximity to the park which serves to isolate many residents from the broader community. To assist in supporting community participation the project is currently developing an initiative to have one or more motorized scooters donated to the Chelsea Caravan Park. This would enable use by senior residents via a booking service enabling them to easily travel to and from the Chelsea shopping area.

- **Supporting Chelsea Retail Business**

Given the economic downturn and the interim impacts of the Safeway developments in Chelsea, the local retail businesses require support. Community Renewal is working

together with Kingston's Economic Development Team to develop and implement strategies aimed at improving their economic viability. To date this has included the provision of free 'shopper-buses', and various promotional activities.

- **Chelsea and Bonbeach Train Stations**

Chelsea Community Renewal will continue to work with the Chelsea Bonbeach Train Station Group and key government departments to explore opportunities to support activities that will improve the safety and aesthetics of these train stations.

**4. Options**

With the extension of funding, Council has the option of continuing to deliver the successful outcomes of Chelsea Community Renewal for the target community.

**5. Triple Bottom Line**

**5.1 Environmental:**

- A number of the projects will serve to achieve positive environmental outcomes in regards to: increased community awareness of environmental issues; reduction in greenhouse production by growing food locally; and improving storm water quality entering the bay.

**5.2 Social:**

- There are a range of positive social outcomes arising from the various Chelsea Community Renewal initiatives including: increased social inclusion; increased civic pride; and increased social connectedness.

**5.3 Financial:**

- The project is funded primarily through DPCD which funds most staff and operational costs. An additional Flexible Funds Grant stream is also accessible to Community Renewal sites via an application process (\$4m over three years shared between eight Community renewal sites). The projects serve to create jobs and learning opportunities and contribute positively to the economic viability of businesses in Chelsea.

**6. Conclusion**

Chelsea Community Renewal has undertaken a range of initiatives since its commencement in July 2007, with many more projects in development for the future. Through the project and its various initiatives, local community members have contributed well over 2,500 hours of volunteer work to activities initiated by the project. The announcement in May 2009 that Chelsea Community Renewal will be funded for a further three years by the State Government until June 2013 will enable the consolidation of early gains and allow the project to utilize the momentum gained to achieve further positive outcomes in partnership with the community.

**7. Recommendation**

That Council resolve to:

1. Note the initiatives that have been implemented by Chelsea Community Renewal over the past 12 months through the significant involvement of community members and key organisational stakeholders.
2. Note the future initiatives to be implemented during the 2009/10 financial year.
3. Note that with the confirmation of a further three years of State Government funding, a longer-term strategic plan for the project area will be developed through continued community engagement and consultation.

Attachments:

- A. Governance Structure – Chelsea Community Renewal
- B. Summary of achievements by Chelsea Community Renewal since March 2008

**Attachment A**

***Governance Structure – Steering Committee***

The Steering Committee, established in March 2008, is the key driving force behind the project. It is made up of six local residents, six representatives from local organisations and representatives from the Kingston Council and Department of Planning and Community Development:

Resident Members

Melanie Ellis	(Chelsea)
Fiona Taylor	(Bonbeach)
Benjamin Lee	(Bonbeach)
Paul Coniglio	(Bonbeach)
Mark Weatherley	(Chelsea)
Bernadine Hasler	(Chelsea)

Organisational Members

Snr Sgt. Chris James	(Chelsea Police Station)
Merarth Tarrant	(Chelsea Community Support Services)
Martin Page	(Bonbeach Primary School)
Caroline O'Donnell	(Chelsea Village Committee)
Lorna Stevenson	(Longbeach PLACE Neighbourhood House)
Alexander Mc Ewan	(Chelsea Bowling Club)

Staff/Councillors

Cr Donna Bauer	Councillor – South Ward, City of Kingston
Cr Trevor Shewan	Councillor – South Ward, City of Kingston
Lenoar Gullquist	Community Engagement Officer – Dpt. Planning and Community Development
Rob Crispin	Manager, Community & Aged Services – City of Kingston
Tim Bearup	Project Manager – City of Kingston
Belinda McDaid	Project Officer – City of Kingston

***Governance Structure – Strategic Partnership***

The Strategic Partnership is a second supporting group which aims to mobilise resources and activities to meet community-identified priorities, and coordinate investments to deliver maximum impact. The Strategic Partnership is made up of key people able to make decisions regarding resources, along with two representatives from the Steering Committee:

Rob Crispin	Manager Community & Aged Services, City of Kingston
Jenny Lindell	Local MP (Carrum)/Speaker of Parliament, Victorian Government
Cr. Donna Bauer	City of Kingston
Cr. Trevor Shewan	City of Kingston
Mark Henderson	Community Engagement Coordinator, Department of Planning and Community Development
Karen O'Neill	Manager Community Programs, Office for Senior Victorians, Department of Planning and Community Development



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Helen Cridland	Executive Officer, Bayside - Glen Eira – Kingston - Local Learning and Employment Network
Chris Fox	Chief Executive Officer, Central Bayside Community Health Service
Sue Moulton	Program Manager, Central Bayside Community Health Service
Chris Whiting	Chairperson, Kingston Inter-Faith Network
Nick Hannett	Coordinator Economic Development, Brotherhood of St Laurence
Judi Gurvich	Regional Network Leader, Department of Education & Early Childhood Development
Darren Rooth	Manager Housing – Southern Region, Department of Human Services
Robyn Downie	Southern Regional Director - Adult, Community & Further Education
Mauro Bolin	General Manager Community Sustainability, City of Kingston
Tony Rijs	General Manager Environmental Sustainability, City of Kingston
Benjamin Lee	CCR Steering Committee Representative - Community Member
Chris James	CCR Steering Committee Representative, Organisational Representative
Tim Bearup	Project Manager Chelsea Community Renewal, City of Kingston

**Attachment B**

**Summary of achievements by Chelsea Community Renewal (CCR) since March 2008**

- **Bulb Exchange** – CCR took advantage of the partnership established between the City of Kingston and Local Energy Transfer System Initiative to assist the Chelsea Gardens Caravan Park residents' committee and Beston Park's management to involve permanent residents in the bulb exchange program.
- **Earth Hour BBQ** – CCR embraced the Earth Hour initiative and obtained 120 signatories to the Chelsea Community Renewal Earth Hour site. CCR also worked with the Chelsea Gardens Caravan Park resident committee to host an Earth Hour BBQ on the same day of the 'bulb exchange'.
- **Chelsea Skate Ramp** – as a result of community concerns and advocacy by the Chelsea/Chelsea Heights/Bonbeach Village Committee regarding the deteriorated skate ramp at Bicentennial Park, the City of Kingston and YMCA submitted a joint application to the State Government that sought matching funding of approximately \$40,000 to replace the existing skate ramp. The application was successful and the new skate ramp has been installed and launched.
- **Chelsea Gardens Resident and Social Group** – CCR assisted with the establishment of a residents' committee at Chelsea Gardens Caravan Park.
- **Family Sports Day Event** – CCR supported a Family Sports Day in June 2008 in partnership with Chelsea Football Club, Bonbeach Football Club, the Edithvale/Aspendale Football Club and the Mornington Peninsula Nepean Football League. More than 200 people attended this free event.
- **Women's Community Lunch** – in recognition of the 100 year anniversary of women's right to vote, a women's lunch was held at the Chelsea Heights Community Centre in June 2008. The event, co-ordinated by the City of Kingston's Community Engagement team, involved presentations from several respected and successful women. CCR promoted the event in the local area and also arranged transport for community members in Chelsea/Bonbeach with mobility/transport needs to ensure they were able to participate.
- **Carers Information Session and Carer's Course** – CCR partnered with Accesscare Southern and Alzheimer's Australia to provide training courses for carers looking after a family member who has been diagnosed with dementia.
- **Information session** – CCR supported the Chelsea Gardens Caravan Park residents' committee to arrange a free information session for park residents explaining 'Wills and Powers of Attorney'
- **Local Emergency Relief** – CCR has assisted in developing a partnership between Chelsea Community Support and Information Services and The Chelsea Salvation Army with the Fair Share/One Umbrella Organisation. This new partnership will

enable the additional distribution of up to 400 free meals per fortnight for local community members in financial hardship.

- **Project Development Workshop** – CCR partnered with South-East Development and Chisholm Institute to provide a Project Development Workshop for community groups in Chelsea in August 2008. This was an opportunity to increase the skills base of community members and organisations in the development of projects.
- **Project Group Tool Kit** – the CCR team developed a project management tool kit for use by the various community-led Project Groups.
- **Community Enterprise Feasibility Study** –the Brotherhood of St Laurence and the DPCD invited groups to submit applications for the development of a community enterprise. Family Life, Longbeach PLACE Inc, Men’s Shed and Chelsea Community Support Service partnered to develop a concept of an up-market Op-shop and furniture restoration shop. An application for \$15,000 (phase one) to conduct a feasibility study has been successful. Phase two will look at funding of \$35,000 for set-up and establishment costs.
- **Seating Project** – Chelsea and Bonbeach community members identified the need for more seating around the residential area, and as a result key locations were identified and 11 seats installed. Further seating is likely to be explored to expand this project.
- **Establishment of the Chelsea Bonbeach Train Station Group** – the group strives to make the train stations and surrounding areas a source of community pride by improving safety and aesthetics. Care groups are also being established at both stations.
- **Community Gardens** – the project group has been identifying existing/proposed community gardens and providing support to enhance community involvement in them.
- **Seniors Festival** – a Seniors Project Group met regularly from August to October 2008, focussing on supporting local community groups to conduct open days and special activities for seniors with 28 local activities held.
- **Mystery Bus Tours for Seniors** – two mystery bus tour events involving more than 60 seniors were held, including a guide from the Historical Society and engaging in local activities.
- **Seniors Mini-Expo** – more than 300 seniors attended the ‘Know your community’ event in October 2008, which featured more than 30 stalls with information from community groups and services.
- **Jobs Pathways** – Due to the impact of transport on local employment opportunities, the project group widely promoted community involvement in the State Government bus review, resulting in a positive attendance of 60 community members at the February 2009 workshop. A bus-survey was also undertaken by the group receiving

130 local responses which was incorporated into a submission on behalf of the Chelsea and Bonbeach community.

- **Universal Access** – this project group has focussed on implementing a Scooter Recharge Scheme in the Chelsea area. The project group has been recruiting local businesses and community venues to make ‘recharge points’ available for motorised scooters due to their limited battery life and the impact this has on the resident’s participation in community life. This initiative was be promoted and launched in May 2009.
  
- **Celebrate Our Community Festival – Choir of Hard Knocks**  
In February 2009, CCR hosted the Chelsea Skate Ramp Launch and Celebrate Our Community Festival. The event further demonstrated the commitment and willingness of the local community to get involved in community strengthening activities. Highlights of the six hour event included the launch of the new Chelsea skate ramp by State Minister Peter Batchelor Minister for Victorian Communities, Jenny Lindell State MP for Carrum and Kingston Mayor Arthur Athanasopoulos. The launch also acknowledged community member’s participation in the development of the project, in particular Maria Reiter who was pivotal in seeking young peoples input into the skate park design.

The Celebrate Our Community Festival was a Waste-Wise event which included over 30 community stalls with many attendees registering their interest in future volunteering opportunities in various community groups. Other highlights during the day included performances on the Southern Poles stage throughout the day by local community performers with the headline act the Choir of Hard Knocks being well received by the community. Over 2000 local residents attended the event with very positive feedback from community members. Attendees also gave generously to the bushfire appeal – raising just over \$1000 for those who had been affected.

- **Kingston U3A Chelsea/Bonbeach Expansion** – CCR has been working with Kingston U3A to expand its classes and activities in the Chelsea and Bonbeach area and subsidising new memberships. A successful launch event was held on 20 March 2009 with over 100 seniors attending and 27 new members from the Chelsea area signing up on the day.
  
- **Vegetation and Aesthetics Group** – the CCR project group has initially focused on supporting the Growing the Future of the Foreshore Program and associated initiatives.
  
- **Youth Employment** – CCR partnered with Youth Connect and were successful in a grant application to commence their New Workforce Partnerships initiative in Chelsea. This ‘Work this Way’ program, commencing in 2009 will support local young people into training and employment.
  
- **Youth Activities** – a CCR project group has been conducting a service/activities mapping exercise to identify what opportunities are available to young people in the

area and any gaps that may exist. This information is being developed into a publication to be distributed.

- **Chelsea Youth Event – Kingston Youth Festival**

This free event was developed by a Project Group within the CCR project with the support of Kingston Youth Services in April 2009. Over 700 young people and family members attended to enjoy a broad range of activities including: Live bands/music, free BBQ & drinks, show-bags, Skate/BMX/Scooter competitions, Mechanical Bucking-Bull, Gladiator Challenge, an X-Box Bus, a local Temporary Tattoo artist, and a Cartoonist.

- **Successful Dementia Grant** – A partnership application developed by CCR in partnership with AccessCare and Positive Ageing was awarded \$49,382 from the Commonwealth Government to operate Dementia community awareness programs and to support early intervention of dementia, supporting residents, their families and their carers.

- **Chelsea Clean Up Day**

Community Renewal has worked with other Kingston Council Departments and the Chelsea Bonbeach Train Station Group to undertake a Community Clean Up Day in Chelsea on 13th June 2009. Approximately 30 people attended and assisted in the removal of graffiti and the revegetation of areas around Bonbeach Train Station.



**L 90**

**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  
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**29 June 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:**

<b>Councillor</b>	<b>Ward</b>	<b>Initiative</b>	<b>Request Date</b>	<b>Amount \$</b>
Mayor, Cr Athanasopoulos	North	<i>Southern Suburbs Soccer Club:</i> Provision of GPS box for security and alarm system at Keeley Park Clubrooms.	19/05/2009	400
Mayor, Cr Athanasopoulos	North	<i>Multicultural Senior Citizens of Kingston and Surrounding Districts Inc.</i> Funding of this year's Public Liability Insurance.	22/05/2009	769.89
Mayor, Cr Athanasopoulos	North	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	500
Cr Staikos	North	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	500
Cr Bauer	South	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	200
Cr Brownlees	Central	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	200
Cr Dundas	Central	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	200
Cr West OAM	Central	<i>Dingley Village Community Centre</i> New carpet at the Centre	11/06/2009	200
Mayor, Cr Athanasopoulos	North	<i>South Oakleigh Wildlife shelter:</i> To provide items required for the operation of the Wildlife Shelter	15/06/2009	500
Cr Staikos	North	<i>South Oakleigh Wildlife shelter:</i> To provide items required for the operation of the Wildlife Shelter	15/06/2009	500



**City of Kingston  
Ordinary Council Meeting**

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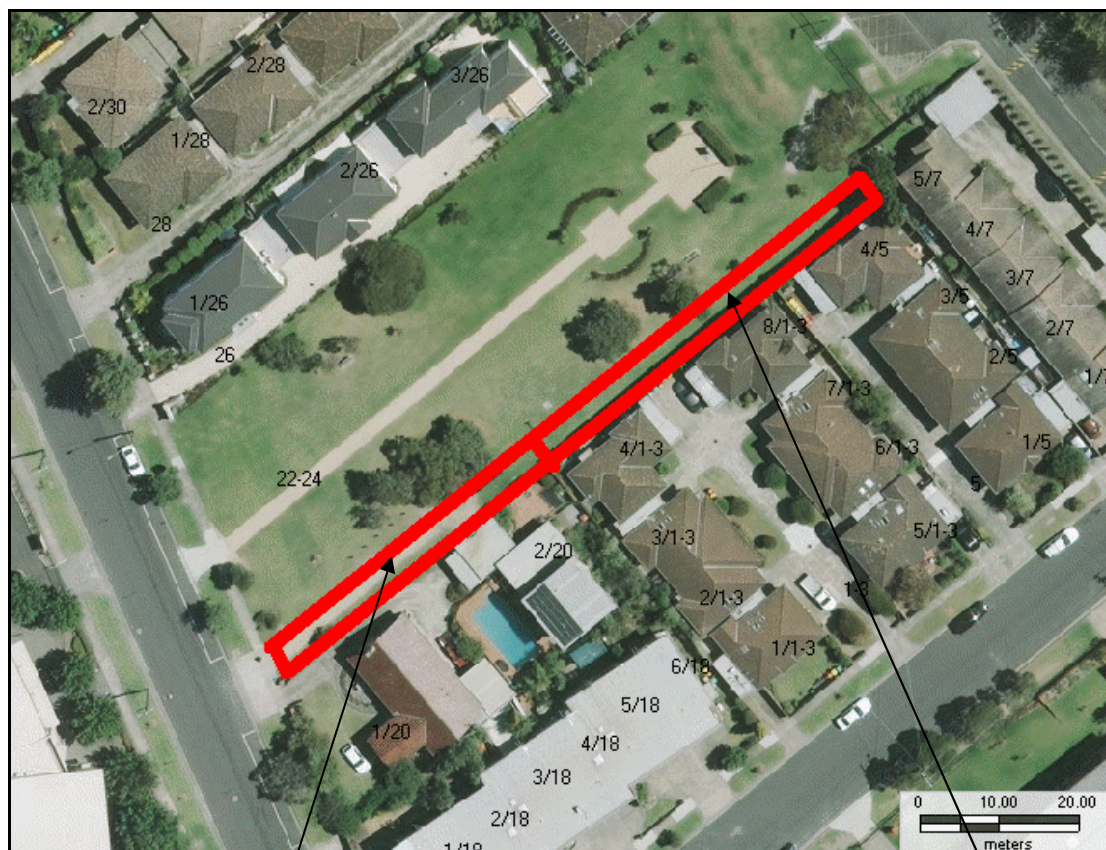
**29 June 2009**

Cr Ronke	South	<b><i>South Oakleigh Wildlife shelter:</i></b> To provide items required for the operation of the Wildlife Shelter	15/06/2009	300
Cr Shewan	South	<b><i>South Oakleigh Wildlife shelter:</i></b> To provide items required for the operation of the Wildlife Shelter	15/06/2009	300
Cr Shewan	South	<b><i>Australian Wildlife Assistance Rescue and Education (AWARE):</i></b> To provide items required for the operation of AWARE	15/06/2009	500
Cr West OAM	Central	<b><i>Australian Wildlife Assistance Rescue and Education (AWARE):</i></b> To provide items required for the operation of AWARE	15/06/2009	500

**Recommendation**

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





Proposed discontinuance  
with land sale to MGGS

Proposed discontinuance with land  
to be retained by Council

The statutory period for receipt of submissions has now elapsed and two submissions have been received; one from the Mentone RSL and one from MGGS.

### 3. Summary and Conclusion

In accordance with section 223 of the Act, Council must provide the submitters with the opportunity to be heard in support of their submissions before Council or a committee of Council.

### 4. Recommendation

That Council resolves:

- to appoint a committee in accordance with section 223 of the Act to hear/consider the submissions received from the Mentone RSL and Mentone Girls Grammar School.
- the committee to comprise Paul Franklin, General Manager Property Services, Julian Harvey, Manager Property Services and Central Ward Councillor, XXXXX.
- that the section 223 committee, upon hearing and considering submissions, prepares a report for Council.

#### Attachments

Public Notice – Proposed Road Discontinuance