

**City of Kingston
Ordinary Council Meeting**

Agenda

22 March 2010

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 22 March 2010.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 22 February 2010.
- 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**
- 5. Presentation of Awards**
Presentations will be made to retiring Village Committee members
- 6. Reports from Village Committees** Page 2
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Question Time**
- 9. Environmental Sustainability Reports**
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- 10. Community Sustainability Reports**
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M 39 Interfaith Network Committee Nominations Page 55
- 11. Organisational Development & Governance Reports**
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- 12. Corporate Services Report**
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- 13. Notices of Motion**
M 43 Cr Peulich – Dingley Village Dedicated Bus lanes Page 67
M 44 Cr Bauer – Patterson Lakes Water Quality Page 68
- 14. Urgent Business**
- 15. Items in Camera**
M 45 Amendment to Resolution L 167 Ordinary Council 26 October 2009 regarding Proposed Discontinuance and Sale of Road abutting 42-44 Westley Street, Carrum

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6(a) Cheltenham Village Committee
Chairperson - Joe Astbury
Report of Meeting held on 2 March 2010

Highlight: Council voting against the wishes of 61% of people that returned their surveys to VicRoads regarding the No Stopping Zones in Beach Road.

6(b) Mordialloc Village Committee
Chairperson - Allan Locke
Report of Meeting held on 2 March 2010

Highlight: New parking conditions in Main Street

6(c) Mentone/Parkdale Village Committee
Chairperson – Claire Houston
Report of Meeting held on 2 March 2010

Parkdale Foreshore Promenade

Village Committee Motion:

Council advise the Committee on the quality of the completed Parkdale Promenade which appears to be already failing. The Committee further queried the standard of the specification and Council oversight of the project.

Officer Comment:

The Foreshore is Crown land and the Department of Sustainability and Environment are responsible for the works. A letter has already been sent by Council to DSE regarding the works. To date a response has not been received.

Highlight: Parking causing compression under gum trees in Como Parade West, Mentone (Mentone Grammar School)

6(d) Dingley/Heatherton Village Committee
Chairperson – Allan Harris
Report of Meeting held 3 March 2010

Highlight: Unanimous recommendation for new Dingley Village flag design

6(e) Patterson Lakes/Carrum Village Committee

Chairperson – Pat King

Report of Meeting held on 3 March 2010

Highlight: That the Village Committee did not receive more thorough and up to date information in response to items on the MAS.

6(f) Moorabbin/Highett Village Committee

Chairperson – Daniel Leipnik

Report of Meeting held 4 March 2010

Highlight: The scheduling of another strategic meeting for March 25 2010

6(g) Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee

Chairperson – Ken Carney

Report of Meeting held on 4 March 2010

Highlight: Nil

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

Chairperson –Nigel McGillivray

Report of Meeting held on 10 March 2010

Highlight: Great Community Support for the Festivals eg Fun in the Sun

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9. Environmental Sustainability Reports

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Town Planning Application Decisions – February 2010

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 February 2010.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	73	76
Notice of Decision	10	11
Refusal to Grant a Permit	3	3
Other - Withdrawn (2) - Prohibited (0) - Permit not required (1) - Lapsed (6)	9	10
Total	95	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

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Planning Decisions February 2010						
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP-637/2009	1084-1086 Centre Road	OAKLEIGH SOUTH	25/09/2009	1/02/2010	CHANGE OF USE	Permit Issued
KP-652/2009	9 2 York Street	BONBEACH	6/10/2009	1/02/2010	DWELLING EXTENSIONS	
KP-629/2009	41 First Street	CLAYTON SOUTH	22/09/2009	1/02/2010	FOUR (4) DWELLINGS	Permit Issued
KP-819/2009	27 Bethell Avenue	PARKDALE	10/12/2009	1/02/2010	EXTENSION TO A DWELLING	Permit Issued
KP-666/2009	14 Alameda Place	PARKDALE	9/10/2009	1/02/2010	BUILDINGS AND WORKS	Permit Issued
KP-831/2009	8 124-126 Keys Road	CHELTENHAM	16/12/2009	1/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-740/2009	51 Tennyson Avenue	CLAYTON SOUTH	2/11/2009	1/02/2010	FOUR (4) LOT SUBDIVISION	Permit Issued
KP-219/2009	17 Thames Promenade	CHELSEA	3/04/2009	1/02/2010	TWO DWELLINGS	Permit Issued
KP-173/2007	810-834 Springvale Road	BRAESIDE	20/03/2007	1/02/2010	VEHICLE STORE (BUS DEPOT) REMOVAL OF NATIVE VEGETATION AND CREATION OF A NEW ACCESS FROM A ROAD IN A ROAD ZONE CATEGORY 1	Permit Issued
KP-947/2008	150-170 Old Dandenong Road	HEATHERTON	13/10/2008	2/02/2010	ADVERTISING SIGNS	Withdrawn
KP-598/2009	1 Helena Street	CLAYTON SOUTH	8/09/2009	2/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-763/2009	205-207 Nepean Highway	MENTONE	19/11/2009	2/02/2010	ADVERTISING SIGN	Permit Issued
KP-825/2009	18 Perry Street	MOORABBIN	10/12/2009	2/02/2010	THREE (3) LOT SUBDIVISION	Permit Issued
KP-553/2009	19 Elliott Street	CHELTENHAM	17/08/2009	3/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-793/2009	30 Clay Street	MOORABBIN	26/11/2009	3/02/2010	Three (3) Lot Subdivision	Permit Issued
KP-364/2009	552 Nepean Highway	BONBEACH	5/06/2009	3/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-571/2009	314 Nepean Highway	PARKDALE	27/08/2009	3/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-797/2009	5 Dactyl Road	MOORABBIN	30/11/2009	3/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued

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KP-815/2009	87 Fraser Avenue	EDITHVALE	8/12/2009	3/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-806/2009	3 Springs Road	CLAYTON SOUTH	7/12/2009	3/02/2010	NINE (9) LOT SUBDIVISION	Permit Issued
KP-814/2009	3 The Mews	WATERWAYS	8/12/2009	3/02/2010	ONE (1) DWELLING	Permit Issued
KP-25/2010	21 Matthieson Street	HIGHETT	13/01/2010	3/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-1162/2008	1424 Centre Road	CLAYTON SOUTH	31/12/2008	4/02/2010	EIGHT DWELLINGS	Permit Issued
KP-729/2009	426-466 Boundary Road	DINGLEY VILLAGE	6/11/2009	5/02/2010	REFUSE DISPOSAL	Lapsed
KP-626/2009	316-332 Kingston Road	CLARINDA	22/09/2009	5/02/2010	BUILDINGS & WORKS - LIBRARY	Permit Issued
KP-530/2009	16 McLeod Road	CARRUM	11/08/2009	5/02/2010	FIVE DWELLINGS	Permit Issued
KP-616/2009	4 9 Bell Grove	BRAESIDE	18/09/2009	5/02/2010	CHANGE OF USE - FUNERAL DIRECTOR	Permit Issued
KP-739/2009	570 Main Street	MORDIALLOC	2/11/2009	5/02/2010	SEVEN (7) LOT SUBDIVISION	Lapsed
KP-826/2009	547 Station Street	CARRUM	10/12/2009	5/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-1039/2008	119 Warren Road	PARKDALE	18/11/2008	8/02/2010	INSTALLATION OF WATER TANK	Lapsed
KP-834/2008			4/09/2008	8/02/2010	BUILDINGS AND WORKS - OUTDOOR DECK AND SEATING AREA	Lapsed
KP-491/2009	27 Swanpool Avenue	CHELSEA	27/07/2009	8/02/2010	3 LOT SUBDIVISION	Permit Issued
KP-862/2009	157-159 Nepean Highway	MENTONE	23/12/2009	8/02/2010	ALTS & ADDS TO EXISTING RESTAURANT	Permit Issued
KP-743/2009	21 Industrial Drive	BRAESIDE	12/11/2009	8/02/2010	BUILDINGS & WORKS	Permit Issued
KP-786/2009	1418A Centre Road	CLAYTON SOUTH	25/11/2009	8/02/2010	BUILDINGS & WORKS	Permit Issued
KP-17/2010	11 Alleyne Avenue	BONBEACH	7/01/2010	8/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-1038/2008	228 Centre Dandenong Road	CHELTENHAM	18/11/2008	10/02/2010	CHANGE OF USE - MOTOR VEHICLE SALES + SIGNAGE	Notice of Decision
KP-	7 Vincent	EDITHVALE	12/08/2009	10/02/2010	THREE	Notice of

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534/2009	Street				DWELLINGS	Decision
KP-775/2009	19 Blackwood Avenue	MENTONE	23/11/2009	10/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-26/2010	9 Lorikeet Lane	WATERWAYS	18/01/2010	10/02/2010	ONE (1) NEW DWELLING	Permit Issued
KP-904/2004	45-47 Tootal Road	DINGLEY VILLAGE	13/12/2004	10/02/2010	SUBDIVISION	Refused
KP-762/2009	524-528 Main Street	MORDIALLOC	18/11/2009	10/02/2010	SIGNAGE	Permit Issued
KP-803/2009	130 Nepean Highway	ASPENDALE	3/12/2009	10/02/2010	BUILDINGS & WORKS	Lapsed
KP-472/2009	1 57-59 Golden Avenue	CHELSEA	17/07/2009	12/02/2010	TEN (10) TOWNHOUSES	Permit Issued
KP-685/2008	2 192 McLeod Road	PATTERSON LAKES	22/07/2008	12/02/2010	DWELLING ALTERATIONS AND ADDITIONS ON A LOT LESS THAN 300 SQUARE METRES	Permit Issued
KP-836/2009	22 Kallay Street	CLAYTON SOUTH	18/12/2009	12/02/2010	INSTALLATION OF SWIM SPA	Permit Issued
KP-654/2009	21 26-28 Roberna Street	MOORABBIN	7/10/2009	12/02/2010	ALTERATIONS AND ADDITIONS	Permit Issued
KP-888/2007/A	48 Chesterville Road	CHELTENHAM	20/11/2009	12/02/2010	MEDICAL CENTRE	Permit Issued
KP-446/2009			8/07/2009	15/02/2010	DEMOLISHING & RE-BUILDING OF BOAT SHED	Permit Issued
KP-1/2010	14-16 Roberna Street	MOORABBIN	4/01/2010	15/02/2010	ALTERATIONS TO EXISTING INDUSTRIAL BUILDING & OFFICE	Permit Issued
KP-822/2009	351-353 Nepean Highway	CHELSEA	14/12/2009	15/02/2010	ADVERTISING SIGN	Permit Issued
KP-849/2009	6 Haines Street	CHELTENHAM	22/12/2009	15/02/2010	THREE (3) DWELLINGS	Permit Issued
KP-832/2009	FLAT 14 Station Street	MOORABBIN	17/12/2009	15/02/2010	ADVERTISING SIGN	Permit Issued
KP-119/2009	1 31 Golden Avenue	CHELSEA	27/02/2009	15/02/2010	FIVE DWELLINGS	Notice of Decision
KP-736/2009	140-144 Cochranes Road	MOORABBIN	11/11/2009	15/02/2010	BUILDINGS AND WORKS	Permit Issued
KP-660/2009	98 McLeod Road	CARRUM	8/10/2009	16/02/2010	THREE (3) LOT SUBDIVISION	Permit Issued

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KP-54/2010	4 Westbridge Court	WATERWAYS	3/02/2010	16/02/2010	SINGLE DWELLING	Permit Issued
KP-659/2009	37 Valetta Street	CARRUM	7/10/2009	16/02/2010	EXTENSIONS TO A DWELLING	Permit Issued
KP-536/2008	50 Clydebank Road	EDITHVALE	4/06/2008	16/02/2010	DWELLINGS ALTERATIONS AND ADDITIONS	Permit Issued
KP-568/2009	632 Nepean Highway	CARRUM	26/08/2009	16/02/2010	ADVERTISING SIGN	Refused
KP-243/2009	1189 Nepean Highway	HIGHETT	16/04/2009	16/02/2010	TWO DWELLINGS	Permit Issued
KP-602/2009	4 23 Glenola Road	CHELSEA	8/09/2009	16/02/2010	Extension to a Dwelling on a Lot less than 300 sqm	Permit Issued
KP-631/2009	33 Mount View Road	HIGHETT	23/09/2009	17/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-939/2008	5 Harding Avenue	BONBEACH	8/10/2008	17/02/2010	FOUR (4) ATTACHED DOUBLE STOREY DWELLINGS	Permit Issued
KP-595/2006/A	370-440 Old Dandenong Road	DINGLEY VILLAGE	23/10/2009	17/02/2010	Plant Nursery / Signage / Water Storage Dam	Permit Issued
KP-355/2009	78-86 White Street	MORDIALLOC	30/05/2009	17/02/2010	SEVENTY ONE (71) DWELLINGS - SBO	Notice of Decision
KP-745/2009	150 Wells Road	CHELSEA HEIGHTS	13/11/2009	17/02/2010	Buildings and works (acoustic fence)	Permit Issued
KP-802/2008	30 Inverness Street	CLARINDA	26/08/2008	17/02/2010	THREE (3) DOUBLE STOREY DWELLINGS	Permit Issued
KP-368/2009	11 Northcliffe Road	EDITHVALE	9/06/2009	17/02/2010	THREE (3) DWELLINGS	Notice of Decision
KP-838/2009	6 18-20 Powlett Street	MOORABBIN	21/12/2009	17/02/2010	MOTOR VEHICLE SALES	Permit Issued
KP-823/2009	6 Simpson Street	MOORABBIN	14/12/2009	18/02/2010	ALTS & ADDS TO FACTORY/WAREHOUSE/OFFICE DUE TO FIRE RESTITUTION	Lapsed
KP-502/2009	78 Elsie Grove	CHELSEA	28/07/2009	19/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-603/2009	34 Clarinda Road	CLARINDA	8/09/2009	22/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-22/2010	29 Pier One Drive	PATTERSON LAKES	15/01/2010	22/02/2010	ONE (1) STOREY DWELLING (3 STOREY)	Permit Issued
KP-59/2010	1 87 Centre Dandenong	CHELTENHAM	9/02/2010	22/02/2010	SECTION 32 PLAN - TWO (2)	Permit Issued

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	Road				LOT SUBDIVISION	
KP-607/2009	10 Melaleuca Drive	CLARINDA	10/09/2009	22/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-63/2010	12 Reuben Street	CHELTENHAM	9/02/2010	22/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-13/2010	2 11 Gipps Avenue	MORDIALLOC	13/01/2010	22/02/2010	Extension to a Dwelling on a Lot less than 300 sqm	Permit Issued
KP-818/2009	3 309-313 Warrigal Road	CHELTENHAM	9/12/2009	22/02/2010	YOGA STUDIO	Permit Issued
KP-68/2010	24 McFarlane Court	HIGHETT	11/02/2010	22/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-40/2010	30 First Street	CLAYTON SOUTH	29/01/2010	22/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-982/2008	Waterside Drive	WATERWAYS	23/10/2008	23/02/2010	2 LOT SUBDIVISION - CREATION OF EASEMENT	Withdrawn
KP-833/2009	BUILDING 39 1486-1550 Centre Road	CLAYTON SOUTH	17/12/2009	24/02/2010	BUILDINGS AND WORKS	Permit Issued
KP-38/2010	3 Rosewarne Avenue	CHELTENHAM	28/01/2010	24/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-658/2009	19 Central Avenue	MOORABBIN	7/10/2009	24/02/2010	TWO (2) DWELLINGS	Notice of Decision
KP-809/2009	2 15 Cross Road	CHELSEA	7/12/2009	24/02/2010	Construct an extension to a dwelling (verandah) on a lot less than 300 square metres	Permit Issued
KP-812/2009	10 Arunta Crescent	CLARINDA	7/12/2009	24/02/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-1019/2008/A	19 John Street	MORDIALLOC	21/12/2009	24/02/2010	TWO (2) DWELLINGS	Notice of Decision
KP-613/2009	13 Friendship Square	CHELTENHAM	15/09/2009	24/02/2010	TWO (2) DWELLINGS	Permit Issued
KP-331/2006	225-249 Old Dandenong Road	HEATHERTON	19/05/2006	24/02/2010	VEHICLE STORE/SHIPPING CONTAINER STORAGE AND EARTHWORKS	Refused
KP-649/2009	42 140-148 Chesterville Road	CHELTENHAM	2/10/2009	25/02/2010	CHANGE OF USE	Permit Issued
KP-66/2010	2 Somme Parade	EDITHVALE	10/02/2010	26/02/2010	Construct a roof deck to a dwelling (under construction)	Permit Not Required

M 34

**Planning Application KP09/477 - 3-5 Alvena Street,
Mentone**

APPLICANT	Ammache Architects
ADDRESS OF LAND	No. 3-5 (Lots 7 and 8 pn PS17634) Alvena Street, Mentone
PROPOSAL	Eighteen (18) dwellings
PLANNING OFFICER	Nikki Taylor
REFERENCE NO.	KP-477/2009
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 12: Metropolitan Development Clause 14: Settlement Clause 16: Housing Clause 19: Particular Uses & Development
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	Environmental Audit Overlay
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Increased Housing Diversity
DECISION DATE BY	16 November 2009
STATUTORY DAYS	158 days at 22/2/10
CONSIDERED PLAN REFERENCES/DATE RECEIVED	TP01- TP12 dated 9 September 2010

1.0 KEY ISSUES

1.1 The key planning issues arising from this proposal relate to:

- Local policy considerations
- Amenity impact (internal and external)
- Traffic considerations
- Any areas of non-compliance with ResCode

2.0 PROPOSAL

2.1 It is proposed to demolish the existing factories on the land and construct eighteen (18) dwellings on this site in the form of two (2) separate apartment buildings with basement car parking.

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2.2 Development summary:

Dwelling	Floor Area in m2	Private Open Space in m2	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	63.37	29.87 + 19.79	1 + study	1
2	67.66	62.77	2	1
3	66.34	40.34	2	1
4	68	70.20	2	1
5	71.40	58.43	2	1
6	72.17	92.18	2	1
7	66.14	42.25	2	1
8	66.14	48.71	2	1
9	93.19	72.74	2 + study	1
10	54.66	9.23	2	1
11	56.58	9.83	2	1
12	60.82	9.23	2	1
13	62.83	9.83	2	1
14	69.38	7.58	2	1
15	62.64	9.47	2	1
16	70.54	10.27	2	1
17	60.97	10.27	2	1
18	70.96	9.87	2	1 + 4 visitor spaces for whole development

2.3 The proposal has an overall site coverage of 48.75 percent and a permeability percentage of 30.8.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room or a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.	All dwellings are provided with private open space in excess of the planning scheme requirements except for the balcony of dwelling 14 which is 7.58m ² .
Car Parking	One (1) car parking space for a one (1) or two (2) bedroom dwelling and two (2) car parking spaces for a three (3) or more bedroom dwelling. One (1) visitor space is required for every five (5) dwellings.	In total, 22 car parking spaces are required (including dwelling and visitor spaces) and 22 car parking spaces have been provided.

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Front Setback	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.	Varied front setbacks provided at 5.42m, 6.365m, 7.5m and 10.95m. Required setback is 6.35m. Varied setbacks are consistent with prevailing setbacks within the street (see discussion in report).
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 48.75% and therefore complies.

2.5 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Colorbond Birch and Slate Grey Tiles
Walls:	Panelclad sheets – Merino, Sandstone wall, Weatherboards – natural, light brown and blue, feature stacked stone
Garage doors	Not nominated
Windows:	Not nominated
Driveways:	Coloured concrete – natural or light brown
Front fencing:	No fencing nominated
Boundary fences:	Palings

3.0 SITE & SURROUNDS

3.1 The subject site comprises two (2) lots comprising a total of 1486.4m² on the south side of Alvena Street, Mentone. It currently contains disused two (2) factories/warehouses. The site does not contain any significant vegetation. The site is encumbered by an easement along its south (rear) property boundary.

3.2 Vehicle access to the site is currently via two (2) crossovers located on the north-east side of each lot's Alvena Street frontage.

3.3 The surrounding area typically comprises a mix of single and double storey, brick dwellings with pitched/flat roofs. The Frankston Railway Line runs along the south-west corner of the site which tends to shape the surrounding lots. The site to the south (rear) of the subject site has an approval to construct sixteen (16) dwellings. The site to the west (side) is an irregular shaped site and has been developed for four (4) dwellings and the site to the east (side) has also been developed for two (2) dwellings. Alvena Street is a dead-end street with parking restricted to the north side of the street.

4.0 TITLE DETAILS

4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

5.0 PLANNING CONTROLS

5.1 The subject site is located within a Residential 1 Zone and is subject to an Environmental Audit Overlay.

6.0 PLANNING PERMIT REQUIREMENTS

6.1 Pursuant to Clause 32.01, a planning permit is required to construct two (2) or more dwellings on a lot.

6.2 Pursuant to Clause 45.03, before a sensitive use commences or prior to buildings and works associated with a sensitive use (such as a residential use) commences a Certificate of Environmental Audit must be submitted to Council or an approved Environmental Auditor must submit a statement that the land is suitable for a sensitive use.

7.0 RELEVANT HISTORY

7.1 Planning application KP428/02 was refused by the City of Kingston and VCAT on 29 January 2003 for five (5) dwellings.

7.2 Planning application KP625/04 was refused by the City of Kingston and VCAT on 10 March 2006 for five (5) dwellings.

7.3 Planning application KP460/08 was refused by the City of Kingston on 28 October 2008 for eighteen (18) dwellings.

8.0 ADVERTISING

8.1 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. Eleven (11) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Car parking/traffic
- Neighbourhood character
- Visual bulk
- Overdevelopment
- Noise
- Overlooking
- Private open space provision
- Waste disposal
- Overshadowing

9.0 PRELIMINARY CONFERENCE

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- 9.1 A preliminary conference was held on 2 December 2009 with the relevant Planning Officer, Ward Councillor, the Permit Applicant and six (6) 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 internal and/or external referral departments were notified:
- Council's Development Engineer
 - Council's Vegetation Management Officer
 - Council's Traffic Engineer
 - Council's Urban Designer
- 10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

Clause 12 (Metropolitan Development) - provides specific objectives and strategies for Metropolitan Melbourne.

Clause 14 (Settlement) - seeks to facilitate the orderly development of urban areas.

Clause 16 (Housing) – outlines objectives to provide increased densities to consolidate urban areas and encourage residential development that makes better use of existing infrastructure, is energy efficient, incorporates water-sensitive urban design and is well-located to public transport.

Clause 19.03 (Particular Uses and Development) – seeks to achieve high quality urban design and architecture which positively responds to neighbourhood character and enhances liveability, diversity, amenity and safety of the public realm.

11.2 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use) – The subject site is located in an 'Increased Housing Diversity Area' as identified in the MSS. The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted, responding to the established but evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposals will need to display sensitivity to the existing residential context and amenity standards in these areas.

Clause 22.11 (Residential Development Policy) – The objective of this policy is to promote a managed approach to residential development through identifying areas most suited to increased housing diversity, incremental change, residential renewal and minimal change. The policy also seeks to ensure appropriate design outcomes are achieved which will result in a reasonable level of amenity for future dwelling occupants, neighbouring properties and the environment.

11.3 Zoning

The site is located in Residential 1 Zone, Clause 32.06 of the Kingston Planning Scheme. The purpose of the zone includes providing for residential development at a range of densities with a variety of dwellings that meet the housing needs of all households and to provide residential development that respects neighbourhood character.

The Schedule to the Residential 1 Zone specifies variations to one standard of Clause 55, namely:

Standard B32 – Front Fences. The local variation requires a front fence within 3 metres of a street must not exceed 2 metres in height for streets in a Road Zone – Category 1 or 1.2 metres in height for any other street.

11.4 Overlays

The site is included within the Environmental Audit Overlay, Clause 45.03 of the Kingston Planning Scheme. Pursuant to this Clause, before a sensitive use commences or prior to buildings and works associated with a sensitive use (such as a residential use) commences a Certificate of Environmental Audit must be submitted to Council or an approved Environmental Auditor must submit a statement that the land is suitable for a sensitive use.

11.5 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – the purpose of which is to implement the SPPF, MSS and Local Planning Policies, to achieve residential development which respects neighbourhood character, is site responsive and provides a reasonable level of amenity for surrounding properties and future dwelling occupants. An assessment of the proposal against the provisions of Clause 55 is included in this report.

11.6 General Provisions

Clause 65 (Decision Guidelines) – outlines matters which a responsible authority must consider in its decision making process.

11.7 Other

Neighbourhood Character Area Guidelines (Incorporated Document) - the land is located within Area 18 of the Neighbourhood Character Guidelines.

12.0 PLANNING CONSIDERATIONS:

12.1 The following is a summary of the relevant planning issues and areas of non-compliance with the relevant sections of the Kingston Planning Scheme.

12.2 Land-use Issues

It is considered that the proposed development generally complies with and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

Clause 22.11 of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on ‘average sized lots’ within areas designated for Incremental Housing Change. The subject site, however, is located within an area designated for Increased Housing Diversity. As such, new medium density housing will be promoted that comprises a variety of dwelling types and layouts. These developments will need to display sensitivity to the existing residential context and character.

Further, it is considered that the proposal is generally consistent with the design objectives outlined in the Residential Development Policy, with well articulated dwellings, particularly when viewed from the street. Visual bulk, which was a major concern in relation to previous applications on the site has been addressed through the provision of two (2) buildings on the site, set back from all boundaries and from each other, thereby breaking up the appearance of the dwellings.

It is considered that the proposed development satisfies the purpose of the zone, outlined above and is generally consistent with the objectives of Clause 55. Where there is non-compliance, this is discussed below.

12.3 Neighbourhood Character and Design Issues

The subject site is located with Neighbourhood Character Area 18, in accordance with the Neighbourhood Character Area Guidelines (Incorporated Document).

No major characteristics have been identified in this character area and it is considered that the proposal is generally sympathetic with neighbourhood character, exhibiting pitched roofs and traditional materials.

Council’s Urban Designer has made suggestions to provide a development which sits more comfortably within the streetscape as well as providing a more energy efficient development. This includes the provision of external sun shades/screens on north and west facing elevations, providing stormwater collection facilities for re-use within the development, the provision of a consistent theme in the use of materials, that is, using the same materials for

each type of design feature such as using weatherboard cladding to the areas with the hipped-roof form and render to the areas with the parapets. In addition, the use of only two forms of roof styles is recommended to articulate a clear architectural theme. Including a mixture of screening devices would also add to the articulation of the buildings and corner wrap-around windows would reduce the appearance of visual bulk as well as providing good solar access to dwellings.

All of these should be required as a condition of permit, should one issue.

In relation to the adjoining properties, it is considered that the east facing building of the proposal would visually intrude upon the amenity of the adjoining dwelling at No. 1/1 Alvena Street. In order to address these concerns, it is considered appropriate to require the applicant to delete one of the dwellings to the rear, dwelling 10, and to redesign dwelling 11 in order to increase the setbacks of the dwelling from its boundaries. This should result in reduced amenity impacts to the residents of No. 1/1 Alvena Street. The reduction in the number of dwellings and the redesign should be required as a condition of any permit issued.

12.4 Street Setback

In accordance with Standard B6 of Clause 55 – Street Setback Objective, the required setback for the proposal is 6.35m. The proposal demonstrates varied front setbacks of 5.42m, which does not comply, 6.365m, 7.5m and 10.95m, which exceed the minimum required setback. The subject site has a frontage width of 33.52m and over that width the proposal demonstrates varied setbacks.

This section of the street exhibits a variety of front setbacks ranging from greater than 9m to a minimum of 4.7m. Varied front setbacks are characteristic of this section of the street and it is considered that the proposal demonstrates a variety of setbacks which is consistent with this character.

Further, it should be noted that the existing buildings on this site are setback only 2.25m from the street frontage.

Given that there is a variety of front setbacks within this section of the street and that the proposed front setback is less than the front setback of the existing buildings on the site, it is considered reasonable to vary the standard, in this instance.

12.5 Car parking provision and design

The proposed development has provided 18 car parking spaces and 4 visitor spaces within the basement carpark. Standard B16 of Clause 55 of the Kingston Planning Scheme states that 1 car parking space is required for each one (1) and two (2) bedroom dwellings and 2 car parking spaces are required for each three (3) or more bedroom dwellings. Further, 1 visitor car parking space is required for each five (5) dwellings.

Each dwelling is provided with 1 car parking space however, dwelling 9 has two (2) bedrooms and a study, which would necessitate an additional car parking space for this dwelling, as a study is generally considered to be a bedroom.

Given the above discussion, including the requirement to delete dwelling 10, it is considered that this dwelling's car parking allocation can be given to dwelling 9, thereby complying with the requirements of the standard.

This should be required as a condition of any permit issued.

Consideration has been given to traffic movements to and from the site and whether the existing road network can accommodate these movements without causing undue detriment to the surrounding area. The application was referred to Council's Traffic Engineering Department who advised that the development should not have an adverse impact upon the traffic conditions in the vicinity of the site or the surrounding network.

12.6 ESD

It is considered that, due to the separation in the built form, there is the opportunity for northern sunlight to access the private open space areas of the development. Further, it is considered that all dwellings should achieve suitable solar access.

There are fairly generous landscaping opportunities provided on the site and it is considered that it is appropriate to require rainwater collection facilities to be provided to ensure that landscaping is capable of being watered and maintained. This should be required as a condition of any permit issued.

12.7 Overlooking

The east facing first floor balconies of dwellings 10 and 12 have not be fully screened to meet the requirements of Standard B22 of Clause 55 of the Kingston Planning Scheme. Given the above discussion regarding the deletion of dwelling 10 and the further Urban Design comments regarding screening devices, it is considered reasonable to provide a condition of permit stating that all screening must be provided to meet the requirements of Standard B22.

12.8 Overlay requirements

The Environmental Audit Overlay states that before buildings and works and/or a sensitive use, such as a dwelling, commences, a Certificate of Environmental Audit must be submitted to Council or an approved Environmental Auditor must submit a statement that the land is suitable for a sensitive use. This should be required as a condition of any permit issued.

12.9 Noise

The subject site is located within close proximity to the Frankston Railway Line, which runs along the rear of the site. It is considered reasonable, for the protection of the amenity of future dwelling occupants, to require the dwellings 6, 9, 11 and 16 be provided with appropriate acoustic protection. This can be provided as a condition of any permit issued.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

- 13.1 *Car parking/traffic* – These concerns have been discussed above and it is considered that the local road network can accommodate the proposed vehicle movements to and from the site. Sufficient car parking has been provided on site to meet the requirements of the Scheme.
- 13.2 *Neighbourhood character* – The proposal is considered to be generally sympathetic to the character of the area. Roof forms, colours and materials, together with the separation of the buildings will all help the proposal sit comfortably within its streetscape.
- 13.3 *Visual bulk* – As discussed above, it is considered that the adjoining property at No. 1/1 Alvena Street would be most affected by visual bulk. Conditions of permit can appropriately address this issue and it is recommended that this be required as a condition of permit.
- 13.4 *Overdevelopment* – This is a large site, 1486.4m², and is located within an area designated for Increased Housing Diversity. As such, it is considered that the proposed development is consistent with Council's housing objectives for these areas. The site coverage is nominated as 48.75% which is well below the maximum requirement of 60% under Standard B8 of Clause 55. It is, therefore, considered that the proposal does not represent an overdevelopment of the site.
- 13.5 *Noise* – Any noise generated by future dwelling occupants should be domestic in nature and of a type which is consistent with residential living. It is considered that this type of noise is not unreasonable in a suburban environment.
- 13.6 *Overlooking* – This has been discussed above and can be addressed through condition of permit.
- 13.7 *Private open space provision* – the proposal complies with and in most cases exceeds to private open space requirements outlined in Standard B28 of Clause 55 of the Kingston Planning Scheme. Generous areas of private open space have been provided for the ground floor dwellings and balconies are generally larger than the minimum requirements outlined in the Scheme.
- 13.8 *Waste disposal* – it is proposed to provide larger, shared bins for the development, rather than bins for each dwelling. This will ensure that there are fewer bins left on the nature strip on bin collection days and less impact on the street. A Waste Management Plan has been submitted to Council.

13.9 *Overshadowing* – shadow diagrams submitted with the application indicate that the proposal should not unreasonably overshadow adjoining properties. Further, the deletion of dwelling 10 and the redesign of dwelling 11 in order to achieve greater setbacks from adjoining properties should address any overlooking concerns.

14.0 CONCLUSION:

14.1 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.

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

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

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

16.0 RECOMMENDATION:

That a Notice of Decision to Grant a Permit for the development of this site for seventeen (17) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 9 September 2009, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;

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- ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
- iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees;
- v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each ground floor dwelling, with species chosen to be approved by the Responsible Authority;
- vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
- viii. all trees provided at a minimum of two (2) metres in height at time of planting;
- ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
- x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the basement ramp longitudinal section with ramps and gradients;
- c. the deletion of dwelling 10 with a redesign of dwelling 11 to ensure greater setbacks from the south (rear) and east (side) property boundaries;
- d. the provision of external sun shades to north and west facing first floor windows to provide appropriate solar protection to these windows;
- e. the provision of only two (2) roof forms (hipped and parapet) for the proposed buildings with a consistent use of materials and colours associated with each roof form (ie, render used when the parapet roof is used and weatherboard cladding used when the hipped roof form is used);
- f. the provision of wrap-around windows for the rooms on the corners (north-east, north-west, south-east and south-west) of each building;
- g. the provision of a mix of screening devices with all screening to be in accordance with the requirements of Standard B22, Clause 55.04-6 of the Kingston Planning Scheme;
- h. the first floor balcony of dwelling 12 to be screened to prevent overlooking of the adjoining property at No. 1/1 Alvena Street, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
- i. the area of the balcony of dwelling 4 increased to 8m²;
- j. the provision of suitable rainwater collection facilities in order to provide for the watering and maintenance of landscaping on the site;

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- k. dwellings 6, 9, 11 and 16 be provided with appropriate acoustic protection from the noise of the railway line to the rear of the site;
 - l. a notation on the site layout plan that the entry/exit driveway of the of the basement car park must incorporate an apex not less then 23.10m AHD or implement an alternative engineering solution for major flooding, approved by the Council;
 - m. a notation of the site layout plan that the levels at site boundaries must not be altered.
 - n. 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;
 - o. the provision of a new 1.2m high front fence, with a gate(s), surrounding the front property boundary and enclosing the front open space areas of Dwellings 1, 2 and 7;
 - p. the provision of 1.5m x 1.5m splay to the front fence adjacent to the basement access for the dwellings; and
 - q. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown.
2. The development 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 dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 4. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 5. 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 and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.
 6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.
 7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be

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- prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 9. Prior to the commencement of this use and before the construction or carrying out of buildings or works in association with this use and/or development the applicant/owner must provide for the approval and to the satisfaction of the Responsible Authority one of the following:
 - a. A certificate of environmental audit issued for the subject land in accordance with Section 57AA of the Environmental Protection Act 1970; or
 - b. The applicant/owner must appoint an environmental auditor as required under the Environment Protection Act 1970 (at their own cost) and provide to Council as the Responsible Authority a statement made in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of the land are suitable for this use hereby approved.
 10. The development, buildings and works allowed by this permit must strictly comply with the directions and conditions of the certificate or statement of environmental audit issued for the land. A section 173 Agreement, under the Planning and Environment Act may need to be entered into with the Responsible Authority depending on the conditions of the Statement of Environmental Audit. Any amendments must be approved by the Responsible Authority prior to the commencement of any works and development and may require further environmental assessment of the land.
 11. Prior to the occupation of the dwellings permitted by this permit and prior to the issue of a statement of compliance under Section 21 of the Subdivision Act 1988 a letter must be submitted to Council prepared by the EPA appointed Environmental Auditor to verify that the conditions of the certificate or statement of environmental audit issued for the land have been satisfied.
 12. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
 13. 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.
 14. 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.

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15. 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 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.

16. 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.
17. 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.
18. 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.
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 within two (2) years from the date of permit issue.
 - 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.

OR

B. Should Council resolve not to support the application, it be issued on the following grounds:

1. The proposal is not consistent with, and does not meet the objectives and standards laid out in, the SPPF and LPPF of the Kingston Planning Scheme.
2. The proposal fails to respect character of the neighbourhood.
3. The proposal would have an adverse effect on the amenity of adjoining/nearby properties through its visual bulk, scale, massing and inappropriate building setbacks.
4. The proposal constitutes an overdevelopment of the site.
5. The proposal does not satisfy the provisions of Clause 55: ResCode, of the Kingston Planning Scheme, in particular;
 - Standard B1 – Neighbourhood character objective
 - Standard B6 – Street setback objectives
 - Standard B22 – Overlooking objective
 - Standard B31 – Design detail objective

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Planning Application KP959/07 - 26 Elder Street, Clayton South

APPLICANT:	Con Tsevis
ADDRESS OF LAND:	Nos. 2/24 - 26 (Lot 2 of PS537217E and Lot 41 of PS33345) Elder Street, Clayton South
Melway Ref:	78J3, 78K3
PROPOSAL	Four (4) dwellings
CONTACT OFFICER:	Girija Shrestha (Author: Emily Becker)
FILE NO:	KP959/07
ZONING:	Clause 32.06 – Residential 3 Zone
OVERLAY(S):	None
KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:	<p><u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing</p> <p><u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule</p> <p><u>Particular Provisions</u> Clause 55: Two or More Dwellings on a Lot & Residential Buildings</p> <p><u>General Provisions</u> Clause 65: Decision Guidelines</p>
RESIDENTIAL POLICY AREA:	Incremental Change
NEIGHBOURHOOD CHARACTER AREA:	Area 38
DECISION BY:	25 th April, 2010
STATUTORY DAYS:	6 days at 1 st March, 2010

1.0 KEY ISSUES RELATING TO THIS APPLICATION

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

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2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land at No. 26 Elder Street, Clayton South and build three (3) dwellings. It is also proposed to build a fourth dwelling at the rear of No. 24 Elder Street, making the development a four (4) dwelling development. The proposed three (3) dwellings will be accessed from the common driveway located on the north side of No. 26 Elder Street, whilst one (1) dwelling will be accessed via a new crossover from Elder Street, at the south side of the lot.

2.2 Development summary:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	108.75m ²	41.25m ² (of secluded private open space)	2	2
2	111.67m ²	44.08 ² (of secluded private open space)	2	1
3	118.97m ²	49.6m ² (of secluded private open space)	2	1
4.	118.97	49.8m ² (of secluded private open space)	2	1

2.3 The proposal has an overall site coverage of 38.76 percent and a permeability percentage of 37.67.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 40m ² , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m ² is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1: complies Dwelling 2: complies Dwelling 3: complies Dwelling 4: complies
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling	Dwelling 1: complies Dwelling 2: complies Dwelling 3: complies Dwelling 4: complies

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Front Setback	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: 7.5m requires and 7m provided. Dwelling 2: 7.5m requires and 6.5m provided.
Site Coverage	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 38.76% and therefore complies

2.5 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Tiles (cement/ charcoal)
Walls:	Rendered brick
Garage doors	Timber lift panel
Windows:	Aluminium frame
Driveways:	Coloured concrete (dark grey)
Front fencing:	Brick pier with picket infill (1.2m high max)
Boundary fences:	Timber paling

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises a 929.22m² allotment on the eastern side of Elder Street, Clayton South. It currently contains a single storey dwelling. The only significant vegetation on the site is an established Weeping Elm, located within the front setback of the subject site.
- 3.2 The site is encumbered by a 1.83 metre wide easement along its rear (eastern) property boundary.
- 3.3 Vehicle access to the site is currently via a single width crossover located on the northern side of the site's Elder Street frontage.
- 3.4 There is one (1) established tree located within the Elder Street naturestrip.
- 3.5 The surrounding area typically comprises of single storey, brick dwellings with pitched roofs. There is no predominant fencing style in the neighbourhood.

4.0 TITLE DETAILS

- 4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

5.0 PLANNING CONTROLS

- 5.1 The subject site is located within a Residential 3 Zone.

6.0 PLANNING PERMIT REQUIREMENTS

- 6.1 Pursuant to Clause 32.06, a planning permit is required to construct two (2) or more dwellings on a lot.

7.0 RELEVANT HISTORY

- 7.1 Planning Permit KP48/04 was issued by the City of Kingston on 17th August 2007 and allowed the development of the adjoining land at No.24 Elder Street for two dwellings. Planning Permit KP48/04-A was amended on 20th December 2007 to allow amendments to the upper level of dwelling 2. Planning Permit KP709/07 was issued by the City of Kingston on 12th November, 2007 to subdivide the land into two (2) lots. These approvals hold relevance to the proposal, as it is proposed to include rear lot in this development and share vehicle access with two rear dwellings located in No. 26 Elder Street.

8.0 ADVERTISING

- 8.1 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. One (1) objection to the proposal was received. The valid grounds of objection raised are summarised as follows:

- Overlooking
- Overshadowing
- Visual bulk and Neighbourhood character

This objection has since been withdrawn.

9.0 PRELIMINARY CONFERENCE

- 9.1 A preliminary conference was held on 28th April 2009 with the relevant Planning Officer, the Permit Applicant and one objector in attendance. The above-mentioned issues were discussed at length.
- 9.2 The applicant revised the plans and submitted on 24th February, 2010. Given that the amended plans now have less impact on the neighbouring properties than advertised plans, it was not considered necessary to re-advertise the proposal.

10.0 REFERRALS

- 10.1 The following internal and/or external referral departments were notified:
- Council's Development Engineer
 - Council's Vegetation Management Officer
- 10.2 The above-mentioned departments had no objection to the proposal, subject to conditions being included on any permit issued.

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

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

11.2 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use)
Clause 22.11 (Residential Development Policy)

11.3 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

11.6 Neighbourhood Character Area Guidelines (Incorporated Document)

11.7 The land is located within Area 38 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. Any areas of non-compliance are discussed in the following sections of this report.

12.0 PLANNING CONSIDERATIONS:

12.1 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

Clause 22.11 of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. Council's Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own 'average lot size' calculation.

The subject site is identified within Area 1 of this study. The average lot size within this area has been calculated to be 608.5m², which results in a suggested development density of 1 dwelling per 304.25m². It is therefore considered that this proposal would not meet this strategy as the subject site (consolidated lots No 2/24 Elder Street and No 26 Elder Street) has an area of 929.2m² with dwelling per 232.30

m² however, the proposed development meets all other ResCode requirements such as site coverage, open space, car parking spaces etc.

12.2 Local Planning Policy Framework

11.2.1 Clause 21.05 - Residential Land use

Incremental Housing Change Area

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

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

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

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

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.

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

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal creates an adequate standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

11.2.2 Clause 22.11 - Residential Development Policy

The proposal has been assessed against the objectives and policy of the Residential Development Policy. It is considered that the proposal satisfactorily meets these requirements. There is however one area of non-compliance as follows:

- The 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. It is considered that the proposal, whilst incorporating a double storey dwelling at the rear of the site, does exhibit sensitive design with the first floor well set in from its ground floor footprint.

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

13.0 RESCODE ASSESSMENT

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal satisfactorily meets the requirements of ResCode. There are however some areas of non-compliance which are as follows:

Clause 55.02 - Neighbourhood Character & Infrastructure

Standard B1 Neighbourhood Character – the development can be viewed in association with a previously approved (and subdivided) two (2) dwelling development at No.24 Elder Street. These three proposed dwellings will share a common driveway with this already approved two dwellings development. Overall, it is considered that the three dwellings proposed are consistent with the already approved two dwellings, along with the surrounding streetscape and broader neighbourhood character. Whilst a double storey dwelling is proposed towards the rear of the site, the first floor level is well set-in from the lower level and relatively small in area. The development will not appear bulky when viewed from the street or abutting properties.

Standard B2 Residential Policy – as outlined previously, the 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. It is considered that the proposal, whilst incorporating a double storey dwelling at the rear of the site, does exhibit sensitive design with the first floor well set in from its ground floor footprint.

Clause 55.03 - Site Layout and Building Massing

Standard B6 – Street Setback: In accordance with requirements under this standard, Dwellings 1 and 2, fronting Elder Street, should have a minimum setback of 7.5 metres, based on the average of the adjoining property's front setback. The proposed front setback of 7 m for Dwelling 1 and 6.5m for Dwelling 2 is less than the required 7.5 m average, however, the proposed setback is considered to be appropriate for the following reasons:

- Although the proposed setback does not meet the technical requirements of this Standard, it is considered that the development provides a reasonable transition between the adjoining properties and meets the overriding objective of this Clause.
- The setbacks have been designed to be staggered to minimise any perception of building bulk
- The front setback is large enough to accommodate substantial landscaping including the provision of canopy trees

Standard B13 Landscaping - Council's Vegetation Management Officer has requested that the existing Weeping Elm that is located within the front setback area of the site be retained. A condition of any permit issued will require the submission of a landscape plan for the proposal that not only shows the weeping elm as being retained, but with tree protection measures applied.

Clause 55.04 – Amenity Impacts

Standard B22 Overlooking – There is a potential of overlooking from one (south-east side) of the windows of bedroom 1 of dwelling 2 to the secluded private open space of No. 28 Elder Street. There are some tree planted along the northern side of property boundary fence of this dwelling (No. 28 Elder Street), however, it is recommended that some kind of louver to be fixed along the south side of this window to protect from overlooking, if any permit is being issued.

14.0 CONCLUSION:

- 14.1 The proposed development is considered appropriate for the site as evidenced by:
- The design and siting of the proposed development to be compatible with the surrounding area;
 - The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
 - The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

15.0 RECOMMENDATION:

That a Planning Permit for the development of this site for four (4) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 24th February, 2010 but modified to show:
 - a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. 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;

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- 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. the provision of two (2) suitable medium sized spreading canopy trees within the front setback of the site and one (1) small (at maturity) tree within the rear/side secluded private open space of each dwelling with all species chosen to be approved by the Responsible Authority;
 - vi. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - vii. all trees provided at a minimum of two (2) metres high at time of planting;
 - viii. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - ix. the provision of a 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; and
 - x. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4 and 5 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b) the north facing windows of family room of dwelling 1 to be correctly shown in the north elevation of dwelling 1 and it shown as the highlighted windows;
 - c) the provision of a fixed louvers towards the south side of the east facing window (south-east corner) of bedroom 1 of dwelling 2 to prevent from overlooking to the secluded private open space of No. 28 Elder Street;
 - d) the provision of suitable fixed (unopenable) screening to the first floor bathroom window of Dwelling 3 to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
 - e) the window of first floor WC of dwelling 3 shown in the east elevation plan, which should be fixed (unopenable) screening to the bathroom window of Dwelling 3 to a minimum height of 1.7 metres above the first floor finished floor level directly below, in accordance with Clause 55.04-6 (Standard B22) of the Kingston Planning Scheme;
 - f) the provision of correctly nominated the height of 1.2m front fence in the schedule of construction materials and colours in the Site Layout and Lower Storey Floor Plan and Upper Storey Floor Plan (Sheet No 3 of 6 and Sheet No. 4 of 6);
 - g) the provision of correct site area of proposed development (including consolidated with part of No. 24 Elder Street) nominated in the site analysis in the Site Layout and Lower Storey Floor Plan (Sheet No 3 of 6) and corrected the site coverage and permeability accordingly; and

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- h) the provision of a notation stating 'Prior to the occupation of the dwellings hereby permitted, the existing crossover and kerb in front of dwelling 1 reinstated as the nature strip in a manner satisfactory to the Responsible Authority and must be fully constructed by owner/developer to the Responsible Authority's standard specification.'
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. A Tree Protection Zone (TPZ) must be installed at a distance of 2 metres in a radius surrounding the Weeping Elm (*ulmus glabra "Pendula"*) located in the front setback of the property. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 2 metres of the tree:
 - a. The existing soil level must not be altered by either fill or excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d. no storage of equipment, machinery or material is to occur;
 - e. open trenching to lay underground services e.g. drainage, water, gas, etc. must not be used;
 - f. tree roots must not be severed or injured; and
 - g. machinery must not be used to remove any existing concrete, bricks or other materials without the further consent in writing of Council's Vegetation Management Officer.
 4. 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 2m in a radius from the Weeping Elm (*Ulmus glabra "Pendula"*). The above requirements in Condition 4 must be observed within this area.
 5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
 6. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
 7. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 8. 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.
9. 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.).
 10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 11. Construction on the site must be restricted to the following times:
 - a. Monday to Friday 7:00am to 7:00pm;
 - b. Saturday 9:00am to 6:00pm; and
 - c. Sundays and public holidays – No construction works are permitted.Or otherwise as approved by the Responsible Authority in writing.
 12. Prior to the occupation of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
 13. 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.
 14. 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.
 15. 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 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.
 16. 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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17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
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 from the date of permit issue.
 - 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.

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

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

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

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

Or

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

1. The proposal would have an adverse affect or the amenity of the area.
2. The proposal constitutes an over-development of the site.
3. The proposal would detract from the visual amenity of the locality and the streetscape.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character; 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, and Clause 55.04-6 Overlooking Objective.

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**Planning Application KP10/47 – 160 Kingston Road,
Heatherton**

APPLICANT	Craig Dickason
ADDRESS OF LAND	No.160 (Lot 1 on PS 024982) Kingston Road, Heatherton
PROPOSAL	Extensions to an existing dwelling in a Green Wedge Zone, Schedule 2 (GWZ2).
PLANNING OFFICER	Anna Reddie
REFERENCE NO.	KP-47/2010
ZONE	Green Wedge Zone 2
OVERLAYS	Design and Development Overlay 5 Urban Growth Boundary Area
PARTICULAR PROVISIONS	Clause 57.01-1 (Metropolitan Green Wedge Land)
DECISION DATE BY	15 February, 2010
STATUTORY DAYS	14 days at 15 February, 2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	1 st February, 2010

1.0 KEY ISSUES

- 1.1 The key planning issues arising from this proposal relate to:
- Non urban area character
 - Amenity impact

2.0 SITE & SURROUNDS

- 2.1 The subject site comprises a 941,705m² allotment on the south side of Kingston Road Street. It currently contains a single dwelling. The site does not contain any significant vegetation. There appears to be no restrictions listed on the Certificate of Title. The proposed development is not considered to result in any breach of restriction.
- 2.2 The site is located within a non-urban area. The surrounding area typically comprises of low density residential properties amongst market gardens and open space.

3.0 PROPOSAL

Note: A Development Assessment Table has not been provided within this report as Clause 54 (ResCode) of the Kingston Planning Scheme is not applicable to this site.

- 3.1 It is proposed to construct an extension to the rear of the existing dwelling on this site. Key elements of the development include:
- A single-storey extension to the rear of the existing dwelling comprising an open plan kitchen and meals area, two (2) bedrooms, a bathroom and a deck.

3.2 All external building materials, colours and finishes would match that of the existing dwelling.

4.0 PLANNING CONTROLS

4.1 The subject site is located within a Green Wedge Zone 2 and is subject to Design and Development Overlay.

5.0 PLANNING PERMIT REQUIREMENTS

5.1 Green Wedge Zone – In accordance with Clause 35.04 of the Planning Scheme, a planning permit is required to construct an extension an existing dwelling if the proposed floor area exceeds 50 square metres. In this instance, the proposed extension has a total floor area of 100.36 square metres and therefore requires a planning permit.

5.2 Design and Development Overlay, Schedule 5 (Aviation Obstacle Referral Height Area No. 2) – In accordance with Clause 43.02, planning permit is required for any buildings and works in excess of 25 metres in height, measured from sea level.

6.0 RELEVANT HISTORY

6.1 Council records indicate that there is no relevant planning history relating to this site.

7.0 ADVERTISING

7.1 The application was not formally advertised.

7.2 Prior to lodging the application, the Applicant spoke to his neighbours and got their written consent to the proposed development.

7.3 In any case, given the scale and mass of the proposed extension, it is not considered that advertising of the proposal is necessary. The proposed extension is single-storey and given the size of the site and the siting of the existing dwelling, it is not considered that the proposed extension would cause detriment to adjoining property owners/occupiers.

8.0 REFERRALS

8.1 The following internal external referral departments were notified:

- Council’s Development Engineer
- Council’s Vegetation Management Officer
- The Moorabbin Airport Corporation (MAC)

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

9.0 RELEVANT POLICIES

9.1 State Planning Policy Framework (SPPF)

Clause 12: Metropolitan Development
Clause 14: Settlement
Clause 15: Environment
Clause 18: Infrastructure
Clause 19: Design & Built Form

9.2 Local Planning Policy Framework (LPPF)

Clause 21.10 (Non Urban Areas)
Clause 22.04 (South East Non Urban Area Policy)

9.3 Particular Provisions

Clause 57.01-1 (Metropolitan Green Wedge Land)

9.4 General Provisions

Clause 65 (Decision Guidelines)

10.0 PLANNING CONSIDERATIONS:

10.1 State and Local Planning Policy Framework

State Planning Policy Framework (SPPF)

The proposal is considered to be consistent with the relevant provisions of the SPPF, and support the relevant strategies with regard to non-urban areas, design and built form and access.

Local Planning Policy Framework (LPPF)

Clause 21.10 Non Urban Areas seeks to manage non-urban areas in a sustainable manner, and to protect such areas from encroaching residential development.

The proposal is considered to support the relevant strategies at Clause 21.10 by:

- Maintaining the environmental, scenic and landscape values of the area;
- Providing a development that will be unobtrusive and consistent with the streetscape;
- Allowing only one (1) dwelling on the land, with the remainder of the land able to be utilised for a viable agricultural or other suitable non-urban use; and
- Not encouraging any further subdivision or residential development on the land.

Clause 22.04 South East Non Urban Area Policy provides for a wide range of rural, environmental and urban related uses, and effects areas in the City of Kingston, Casey, Frankston and Greater Dandenong. These areas are under pressure for more intensive urban development. The Policy provides a regional approach to the future management of non urban land to allow sustainable land use outcomes to be achieved.

The proposal is considered to support the relevant strategies at Clause 21.04 by:

- Encouraging sustainable land use practice;
- Not compromising metropolitan urban growth strategies;
- Protecting and developing the scenic and landscape values of the area; and
- Providing an urban form which is of a high design standard and low visual impact.

10.2 Zoning Provisions

It is considered that the proposed development satisfies the purpose of the zone, which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

The requirements specified at Clause 35.04-1 have been fulfilled as the site already consists of an existing dwelling and therefore meet the standards of Clause 35.04-1.

10.3 Overlay Provisions

It is considered that the proposed development satisfies the overlay requirements of the Design and Development Overlay Schedule 5 found at Clause 43.02.

10.4 Particular Provisions

Pursuant to Clause 57.01-1 (Metropolitan Green Wedge Land), a dwelling is prohibited unless it is the only dwelling on the land. In this instance, the dwelling is existing and an extension is proposed. The proposed development is therefore compliant with this clause.

11.0 CONCLUSION:

- 11.1 The proposed development is considered appropriate for the site as evidenced by:
- The design and siting of the proposed development to be compatible with the surrounding area;
 - The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and

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- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Local Planning Policy, Green Wedge Zone Schedule 2, Design and Development Overlay Schedule 5, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

13.0 RECOMMENDATION:

That a Planning Permit for the construction of an existing to the existing dwelling on this site be issued, subject to the attached conditions.

- 1 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 2 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.
- 3 Stormwater drainage of the site must be provided so as to prevent any overflows onto adjacent properties and be in accordance with the approved drainage plan.
- 4 Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 5 The subject site is at all times to be used for one dwelling only.
- 6 Construction on the site must be restricted to the following times:

Monday to Friday	7:00am to 7:00pm
Saturday	9:00am to 6:00pm

No construction is allowed on Sundays or public holidays.

Or otherwise as approved by the Responsible Authority in writing.
- 7 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 8 This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within one (1) year of the commencement of works.

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The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

- Note:** Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** Before removing/pruning any vegetation from the site, the applicant or any contractor engaged to remove vegetation, should consult Council's Vegetation Management Officer to verify if a Local Law Permit is required for the removal of such vegetation.

M 37 **Cheltenham Major Activity Centre Draft Structure Plan**

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Rosa Zouzoulas, Team Leader Strategic Planning

1. Purpose

The purpose of this report is to formally begin the consultation period for the draft Cheltenham Structure Plan.

2. Background

The City of Kingston has prepared a draft Structure Plan for the Cheltenham Major Activity Centre in order to provide an integrated response to the change envisaged through this centre over the coming two decades.

Released in 2002 by the State Government, Melbourne 2030 is the Metropolitan Strategy for Melbourne. Melbourne 2030 seeks to encourage safer, more vibrant and accessible communities across Melbourne, through its activity centre policy.

While the activity centres policy sets out the basic principles for the future development, there is no 'one size fits all' solution. Accordingly, local governments have been encouraged to work with their communities to determine how their activity centres should grow taking into account regional population trends and economic growth.

The aim of structure planning for activity centres is to give effect to the policies and objectives set out for activity centres in Melbourne 2030: Planning for Sustainable Growth and its update and to provide effectively for changing community needs.

Structure plans will provide the foundation for activity centre change by defining the preferred direction of future growth and articulating how this change will be managed.

Structure plans will guide the major changes to land use, built form and public spaces that together can achieve economic, social and environmental objectives for the centre under investigation. To encourage development within centres, Melbourne 2030 encourages local governments to review the purpose and function of individual centres and to revise local planning policies through a program of structure planning for each of their Principal and Major Activity Centres and Central Activities Districts.

The development of this draft Cheltenham Structure Plan follows on from work undertaken by Council through the PLAN project. This earlier project identified the broad parameters for growth in key Activity Centres in Kingston, and has provided a platform for the manner in which future development is managed through the individual structure plans. The draft Structure Plan provides specific details on where, Council working in partnership with the development sector, can provide the necessary direction for future green spaces, improved traffic movement and the fostering of economic growth.

3. Summary and Conclusion

This report has identified the reason for preparing the draft Structure Plan and the process proposed for consultation with the community during the coming six (6) weeks. Accordingly, it recommends that Council release the attached draft Cheltenham Structure Plan for the purpose of discussion with the community and key stakeholders, as outlined in Section 4 of this report, and to obtain critical feedback in order to refine the draft Structure Plan for Cheltenham prior to its completion.

4. Consultation

A broad consultation program is proposed for the coming six (6) weeks that seeks to discuss the outcomes of the draft Cheltenham Structure Plan and to obtain feedback from key stakeholders and the wider community.

The study area is based around the Railway station and retail and commercial areas of Charman and Station Roads. The boundary of the study area is purposefully limited to within a walking distance of 400 metres from the railway station as this is region where the greatest opportunities are envisaged. Key Stakeholders for the draft Cheltenham Structure Plan are all the agencies including VicRoads, VicTrack, the Department of Transport, bus companies, key landowners, traders, village committees, residents, and occupiers within the abovementioned study area.

It is proposed that the following methods will be used to inform the community and key stakeholders of the draft Cheltenham Structure Plan and its outcomes:

- Direct mailout to all owners and occupiers
- Discussions with identified key landowners where major projects are envisaged
- Discussions with all agencies including VicRoads, VicTrack, Department of Transport
- Information on the City of Kingston website
- Information session
- An information stand in the shopping centre on a Saturday morning
- Articles in the Kingston Your City newspaper, and Leader newspapers
- Information stands at local libraries and customer service centres

Submissions will be sought from 23rd March, 2010 to 9th May, 2010. Copies of the Draft Cheltenham Structure Plan will be available to view at the Cheltenham and Mentone customer service centres, the Cheltenham library and Council's website at www.kingston.vic.gov.au/link/cheltstructureplan

5. Issues

The draft Cheltenham Structure Plan envisages a number of key projects for the centre over the next 20 years. These projects have been identified to relieve existing pressures on the centre and its road hierarchy and to provide for the centre's beautification, and increased permeability and useability. Such projects include:

- The redevelopment of the Council car park (Cheltenham Central Project) in Railway Road to accommodate a mixed use outcome whilst retaining necessary car parking rates

- The rationalisation of commuter car parking at the Cheltenham Railway Station and development of a new multi deck car park
- The development of the Cheltenham Station Forecourt to improve access to public transport, provide a community focal point for the centre and improve access to existing public open spaces.
- Extend the Cheltenham Plaza to provide an enhanced open space, improve traffic circulation and to assist the redevelopment of the multi deck car park.
- Extend and make Railway Road through to Station Street one way to improve traffic circulation.

These projects are envisaged to improve the centre into the future recognising they may not be realised immediately and will require further detailed planning and discussions with key stakeholders.

6 Triple Bottom Line Checklist

- **Environmental** – The vision and key projects identified for Cheltenham through the draft Cheltenham Structure Plan seek to encourage the development of alternate transport travel modes, and encourage energy efficient building design and layout through appropriate planning guidelines for redevelopment.
- **Social** – The vision for Cheltenham will improve the liveability of the area, increase opportunities for social interaction and improve transport choice.
- **Financial** – The Cheltenham Structure Plan identifies the direction of the centre which in turn will improve the competitiveness of the centre by stimulating business and employment opportunities.

7. Recommendation

That:

1. Council release the Draft Cheltenham Structure Plan for period of public consultation between the 23rd March, 2010 and 9th May, 2010.
2. A report be prepared for Council consideration upon completion of the consultation period summarising community feedback and suggesting any modifications to the Draft Cheltenham Structure Plan.

Attachments:

Draft Cheltenham Structure Plan

10. Community Sustainability Reports

M 38

Draft Clayton Community Action Plan

Approved by: Mauro Bolin, General Manager Community Sustainability

Authors: Heath Stenton, Team Leader Community Engagement
Erin Pattie, Community Development Officer

1. Purpose

The purpose of this report is to advise Council on the process undertaken to develop the Draft Clayton Community Action Plan and to present this plan (Attachment A) to Council for endorsement. This report also describes the next steps to facilitate the implementation of the Plan.

This report relates to the visions set out in the Council Plan 2009 – 2013; in particular:

- 3.1 Promoting family and community wellbeing and participation in community life
- 3.2 Strong, cohesive and engaged communities
- 3.3 Local communities connected through knowledge and information
- 3.4 Monitor and plan for the changing needs and aspirations of the community.

2. Background

At the Councillor Information Session of 6th April 2009, Councillors received a report entitled *Clayton South - Past, Present and Future*. This report outlined the key achievements and issues in the Clayton South area and identified steps Council and its partners could undertake to continue to strengthen the local Clayton South community. In particular, Councillors agreed to:

- (1) Approve the use of the *Clayton South - Past, Present and Future report* as a basis to seek funding to develop support services, programs and infrastructure for the local area through a briefing to the Department of Planning and Community Development (DPCD) Southern Region Team.
- (2) Approve a prioritisation setting exercise with key stakeholders to determine future actions required in the Clayton South area to address identified issues.

Following the approval of these directions, Council officers cooperated with Monash City Council to facilitate the community to develop an Action Plan for the Clayton area. This approach was taken because Monash City Council had received funding through DPCD and had commenced consultation and research of its own.

Throughout 2009 a research and development process was conducted to develop the Draft Community Action Plan. This included:

- An extensive survey of residents in Clayton, Clayton South and Clarinda

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- Holding nine focus groups with local residents, including specific engagement activities with the Clayton South and Clarinda Village Committees
- Facilitating three workshops with local residents (community volunteers) to develop the fundamentals of the Community Action Plan
- Incorporating previous research (including the *Clayton South - Past, Present and Future* report) into the work undertaken by the community volunteers
- Conducting a demographic profile analysis of the catchment area
- Holding individual consultations with 22 key stakeholder organisations.

The development of the Draft Community Action Plan has been overseen by a steering committee that has provided ongoing support and advice. This steering committee has included representatives from:

<ul style="list-style-type: none"> • City of Monash (lead agency) 	<ul style="list-style-type: none"> • City of Kingston (including Council representative - Councillor Staikos, Manager Community and Aged Services, Team Leader Community Engagement, and Coordinator Community Development).
<ul style="list-style-type: none"> • New Hope Foundation 	<ul style="list-style-type: none"> • Clayton Sports Club
<ul style="list-style-type: none"> • Monash Volunteer Resource Centre 	<ul style="list-style-type: none"> • Clayton Traders Association
<ul style="list-style-type: none"> • MonashLink Community Health Service 	<ul style="list-style-type: none"> • Department of Planning & Community Development (Eastern & Southern Regions)

3. Summary and Conclusion

Council has committed resources to develop community capacity within Clayton South and Clarinda through the provision of community development programs, services and community facilities. Evidence gathered through the development of the *Clayton South – Past, Present and Future* report indicates that further resources are required to address the many service, infrastructure and social gaps present in this community.

The development of the Draft Community Action Plan has involved active participation from members of the Clayton South and Clarinda community, including the village committees; with very strong partnerships being developed by the key stakeholders. With the focus now on the implementation of the Community Action Plan, members of the local community and key stakeholders can now work towards a realisation of the vision for Clayton, Clayton South and Clarinda as contained in the Draft Community Action Plan.

4. Consultation

The Draft Community Action Plan has been guided by the steering committee and has drawn on a range of sources and consultation methods to arrive at its current stage. These sources have included:

- A demographic profile of Clayton, Clayton South and Clarinda
- A community profile of Clayton South, Clayton and Clarinda
- One to one consultations with key organisations providing services to the local community

- Three public meetings held during the course of the Plan's development
- A survey of 850 households in the local area
- The findings of nine focus group discussions, including specific engagement activities with the Clayton South and Clarinda Village Committees
- Three workshops with community volunteers who provided the foundation of the Community Action Plan.

5. Issues

5.1 Objectives and Actions of the Plan

The range of objectives and actions identified for the area have been grouped into five distinct themes and the draft plan has been modified after four weeks of public consultation during February 2010.

The five themes for action are:

- Communicating and Learning from Each Other
- Community Wellbeing
- The Built and Natural Environment
- Community Safety, Access, and Amenity
- Recreation and Leisure.

Each theme lists a number of actions. The undertaking of these actions would be conducted as guided by the governance arrangements and this may involve community members and groups, Monash and Kingston Councils, State Government and a variety of service providers, depending on the nature of the actions. The actions emanate from the themes which are briefly described as follows:

Communicating and Learning from Each Other

The purpose of this theme is to ensure that the community is well informed and has opportunities to communicate issues to their Council and other relevant authorities. It is about learning from each other so that issues can be responded to by all parties.

Community Wellbeing

The purpose of this theme is to identify the services that are utilised and the activities that are participated in, to enhance general community wellbeing. There is a need to ensure that families, older people, young people, international students, emerging culturally and linguistically diverse communities, and other people potentially at risk, benefit from these services and activities and that these services and activities are responsive to local needs.

The Built and Natural Environment

The built and natural environment was identified as of great importance to the local community. There is a great range of local environmental and built features which the community acknowledged as community strengths. The community aspiration to never stop keeping Clayton beautiful by continually enhancing the built and natural environment was identified as a key area for action. In particular, issues related to future developments, housing, open space and community facilities were identified as priorities.

Community Safety, Access and Amenity

This theme aims to continue to make Clayton, Clayton South and Clarinda a great place to live through continuing improvements to the safety, access and amenity of the area. By addressing these identified issues the confidence of residents to participate fully in the life of their community will be enhanced.

Recreation and Leisure

The purpose of this theme is to ensure that the whole community is aware of the full range of recreation and leisure activities that can be accessed in the community as well as investigating opportunities to further develop recreation and leisure activities.

5.1.1 Identification of Economic Development

Economic development did not feature strongly in the feedback from the community and therefore it was not identified as a specific theme in the Plan. However, as it is acknowledged in the research and analysis as an important element, a number of key actions are included throughout the Plan's themes so that measures to address economic development activities can be taken.

5.2 Implementation of the Draft Community Action Plan

5.2.1 Kingston Council's Role

New Resources

The full implementation of the Draft Community Action Plan will rely on additional staffing to fulfil the place management role, support of community groups to undertake various actions from the Plan, and to support the governance arrangements. To achieve this, it is intended that a joint application with Monash City Council will be made to DPCD for a Victorian Community Support Grant. It is anticipated that this funding would finance staffing for 1.5 effective full time officers for a three year period. If a lesser amount for the grant is allocated the implementation of the Plan will be amended accordingly.

Existing Resources

Council is expected by DPCD to provide 'in-kind' material and financial support as its contribution for this project. It is intended that this support will utilise existing Council resources specifically or periodically allocated to the Clarinda/ Clayton South area, based on need, including Council Plan priorities and budget deliberation processes

- Community Engagement resources relating to community safety, community development and public health initiatives
- Youth and Family Services involving group programs and individual support
- Implementation of planned capital works
- Continued upgrades of local parks and playgrounds
- Implementation of Leisure and Culture strategies including the Open Space Strategy
- Allocations through Council's Community Grants scheme.

In addition to utilising resources in Council departments, the Clayton South and Clarinda / Oakleigh South Village Committees will also be valuable resources to contribute to the implementation of the Plan. Council will also be able to consider an advocacy role on specific issues that may be presented to it for consideration.

5.2.2 Place Management

Staff resources for the Plan are required to work with the local community and other stakeholders. It is considered that new staffing for the project of 1.5 effective full time is necessary to undertake this task. As mentioned above, this resource is dependent on DPCD funding. The role of the staff will be responsible for:

- Working with different community groups and other stakeholders to facilitate their responses to the themes and actions of the Plan
- Coordinating advocacy positions to other tiers of government to respond to actions (especially where the local community and local government does not have formal responsibility)
- Leveraging additional resources from a variety of sources to facilitate the implementation specific actions in the Plan.

5.2.3 Participatory Governance

In the spirit of the development of the Draft Community Action Plan, it is crucial that members of the community and other stakeholders actively participate in the implementation of the Plan. This will be achieved with a governance structure that is similar to the model used for Chelsea Community Renewal, i.e. it will be made up of a steering committee and sub-committees that will address particular interests and activities identified in the Plan.

The steering committee will be comprised of members of the community, representatives of Monash and Kingston Councils, and other key stakeholders.

The sub-committees will provide opportunities for participation that focuses on each of the identified themes. These sub-committees will enable larger numbers and broader representation of local people to participate in areas specific to their interests.

6. Options

6.1 Preferred Options:

- 6.1.1** That Council authorise its officers to make a joint application with Monash City Council to the DPCD through the Victorian Community Support Grants to fund the implementation of the Draft Community Action Plan over a three year period.
- 6.1.2** That Council continues to support activities, programs and services established in the Clayton South and Clarinda area through the allocation of available community development resources.
- 6.1.3** That Council continues to develop partnerships with community agencies that have the capacity to address community issues in the local area.

6.2 Alternative Options:

- 6.2.1** That Council does not endorse the Draft Clayton Community Action Plan and a joint application with Monash Council is not submitted. In this situation the continuance of Kingston Council activities would occur according to existing resources. Some new

Community Action Plan proposed actions could be considered for implementation but overall a limited effort would be expected.

7. Triple Bottom Line Checklist

7.1 Environmental

Many projects from the Plan will contribute to positive environmental outcomes.

7.2 Social

The Draft Community Action Plan seeks to redress social disadvantage and inequality in Clayton, Clayton South and Clarinda. Engaging the community in further developing their area into a place of opportunity and activity provides a variety of positive social and other wellbeing outcomes.

7.3 Financial

The full implementation of the Draft Community Action Plan will rely on additional staffing to fulfil the place management role and to support the governance arrangements. Council does not currently have the capacity to do this. Thus, to achieve a full implementation of the Plan, an application will need to be made to the DPCD for a Victorian Community Support Grant. As the implementation of the Plan is a joint project between the Monash and Kingston Councils representing their communities, a joint application to DPCD is recommended.

The full implementation of the Plan is expected to require \$540,000 over a three year period. Of this, \$410,000 is expected to fund the new project staff who will be required to undertake the roles expressed in point 5.2.2 of this report. The remaining \$130,000 is for project specific expenditure. Of this total figure, Council will be expected to make a \$30,000 cash contribution to support the application to DPCD. This \$10,000 per annum can be accommodated within existing resources allocated to the Clarinda/Clayton South area for community development initiatives. An allocation of a quarter of one of Council's existing community development positions will also be required to assist in the implementation of the Plan. This is a value of approximately \$15,700 per financial year of allocated officer time.

Council is also expected to provide other minor in-kind material support for this project. It is intended that the provision of any Council material and staff support will be limited to the available resources within existing Council program budgets, i.e. no additional funds will be sought from Council's rate base. Ultimately, the level of Council's financial support and in-kind support will be allocated proportionally to the actual amount approved by DPCD.

8. Recommendation

That Council:

1. Endorses the attached Draft Community Action Plan.
2. Authorises officers to make a joint application with Monash City Council to the Department of Planning and Community Development for a Victorian Community Support Grant to support the implementation of the Clayton Community Action Plan over a three year period.
3. Continues to support activities, programs and services established in the Clayton South and Clarinda area through the allocation of available resources contained within Council's budget.
4. Continues to develop partnerships with community agencies that have the capacity to address community issues in the local area.
5. Appoints Councillor _____ to be a member of the Clayton Community Strengthening Steering Committee.

Attachments:

Attachment A: Draft Clayton Community Action Plan (TRIM 10/6711)

M 39 **Kingston Interfaith Advisory Committee – Appointment of Members**

Approved by: Mauro Bolin, General Manager Community Sustainability

Author: Janice Raux, Community Development Coordinator

1. Purpose

This report provides an overview of the recruitment process undertaken for the Kingston Interfaith Advisory Committee and seeks Council's endorsement of the short listed nominations (Attachment A). Consideration of a Councillor nomination to the Interfaith Advisory Committee and Network is also requested.

This report relates to Outcome 3.2 in the Council Plan 2009-2013: Strong, cohesive and engaged communities.

2. Background

Over the past 18 months, Council has conducted a review of the Kingston Faith Network. The outcomes of this review indicated that to strengthen dialogue between faith communities and Council, the governance structure of the Network should be redeveloped. In order to achieve this, a new Terms of Reference was developed and endorsed by Council in 2009. These Terms of Reference have been developed using best practice experiences from the establishment of other committees supported by Council, including the Positive Ageing Advisory Committee and the Access and Equity Advisory Committee.

In late 2009 a recruitment process was undertaken to fill the 15 place Kingston Interfaith Advisory Committee. Interviews were conducted by a panel consisting of Council's nominated representative, Councillor Staikos, Council's Team Leader Community Engagement, and Council's Coordinator Community Development.

3. Summary and Conclusion

The Kingston Interfaith Advisory Committee will provide an opportunity for Council to further develop its relationships with faith communities across the municipality. The proposed short listed candidates have undergone a comprehensive recruitment process and have been determined as the most suitable candidates to guide the Kingston Interfaith Network into the future. To further support the future direction of the Committee, it is requested that a Councillor nomination be considered to provide stewardship to the newly formed group.

4. Consultation

In September 2009, Council opened a four week public process calling for nominations for the Committee. This involved placing advertisements in The Leader and Chelsea Independent newspapers, on Council's website and sending written notification to all current members of the Kingston Interfaith Network. From this process 11 nominations were received and each of these were endorsed by the respective faith organisation.

5. Issues

The Kingston Interfaith Advisory Committee will provide Council with a mechanism to engage with various faith communities within the municipality. A key focus of the Committee is to ensure that faith communities and Council are connected through open communication channels that allow for exchange of information and ideas. The Committee will engage authorised representatives of various faith communities, groups or institutions.

The short listed candidates come from a variety of faith backgrounds and will bring a wealth of experience and expertise to the Committee. These nominees have all indicated a strong commitment to the Committee, and have a well developed understanding of the intention of the Committee and support its objectives. For the candidates not appointed to the Committee, a co-opting structure, as outlined in Section 6 and 7 of the Kingston Interfaith Advisory Committee Terms of Reference (Attachment B), is suggested to draw on their area of expertise and experience. This will provide a basis for the establishment of working groups to address key issues identified by the community, and create partnerships between key stakeholders such as other committees of Council, and community organisations and groups.

A Councillor Representative will add further stewardship and guidance to the new Committee and support it to develop strong relationship with the organisation. This model will also align this Committee with other Advisory Committees of Council such as the Access and Equity Advisory Committee, Village Committees and the Positive Ageing Advisory Committee.

6. Options

6.1 That Council notes the recruitment process used for the Kingston Interfaith Advisory Committee.

6.2 That Council notes that those not selected for the committee will be invited to participate in other projects related to the Interfaith Networks activities through a co-opting arrangement.

6.3 That Council endorses the nominated candidates identified in Attachment A to the committee for a period of two years.

6.4 That Council considers the request for a Councillor nomination to the Kingston Interfaith Advisory Committee and Network.

7. Triple Bottom Line Checklist

7.1 Environmental impact

Not applicable

7.2 Social impact

The Kingston Interfaith Advisory Committee will provide a conduit between Council and faith communities of Kingston. Council's commitment of being community inspired leaders will be demonstrated by ensuring communication channels remain open, and faith communities are provided with an opportunity to contribute towards the strategic direction of Council.

7.3 Budget/Financial impact

The development of the Kingston Interfaith Advisory Committee will be achieved within the existing budget.

8. Recommendation

That Council:

1. notes the recruitment process used for the Kingston Interfaith Advisory Committee.
2. notes that those not selected for the committee will be invited to participate in other projects related to the Interfaith Networks activities.
3. endorses the nominated candidates identified in Attachment A to the committee for a period of two years.
4. appoints Councillor _____ to the Kingston Interfaith Advisory Committee and Network.

Attachments:

Attachment A: Recommendations for appointments to Interfaith Network Advisory Committee

Attachment B: Interfaith Network Objectives and Terms of Reference

11. Organisational Development & Governance Reports

M 40

Expenditure of Ward Funds Schedule

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

Author: Michael Fry, Team Leader Council Business

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.

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

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Cr Bauer	South	<i>Chelsea Soccer Club</i> Equipment Costs	9/03/2010	500
Cr Ronke	South	<i>Chelsea Soccer Club</i> Equipment Costs	9/03/2010	500
Cr Shewan	South	<i>Chelsea Soccer Club</i> Equipment Costs	9/03/2010	500
Cr Brownlees	Central	<i>Bentleigh Greens Senior Citizens Group</i> Operating Costs	15/3/2010	400
Mayor Cr Staikos	North	<i>Friends of Manatuto</i> Trivia Night Operating / Program Costs	15/3/2010	50 150
Cr Athanasopoulos	North	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	100
Cr Bauer	South	<i>Friends of Manatuto</i> Trivia Night Operating / Program Costs	15/3/2010	50 150
Cr Brownlees	Central	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	50
Cr Dundas	Central	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	100
Cr Peulich	North	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	50
Cr Ronke	South	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	50

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Cr Shewan	South	<i>Friends of Manatuto</i> Trivia Night	15/3/2010	50
Cr West	Central	<i>Friends of Manatuto</i> Trivia Night Operating / Program Costs	15/3/2010	50 150

Recommendation

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

12. Corporate Services Reports

M 41 **Outcome of negotiations to sell land at 40 Redwood Drive, Dingley Village**

Approved by: Paul Franklin, General Manager Corporate Services

Author: Newton Gatoff, Acting Manager Property Services

1. Purpose

The purpose of this report is to report the outcome of sale negotiations at 40 Redwood Drive, Dingley Village and to seek Councils instructions to Officers going forward.

2. Background

Please see the attached report and resolution L138 at ordinary Council dated 24th August 2009. Subsequent to Councils resolution Officers commenced negotiations with Mitchell Laminates who ultimately determined that the value of the land was too high to enable them to make the purchase viable. Consequently Mitchell Laminates have decided not to proceed with an offer to purchase.

3. Summary and Conclusion

Mitchell Laminates are not proceeding with the purchase of the subject land. As Councils resolution of 24th August 2009 was specific to a sale to Mitchell Laminates and the nominated purchaser has stated that they are no longer willing to pursue a purchase, Council can determine to do one of two things.

1. To resolve to terminate negotiations with Mitchell Laminates and leave the land as it is.
2. Complete all aspects of the L138 24th August 2009 Ordinary Council resolution, save the sale to Mitchell Laminates, and further resolve to proceed with a sale of 2840sqm to any party by public auction.

4. Consultation

Consultation has been carried out according to section 223 of the Act.

5. Issues

The valuation is now outdated and a new valuation will have to be obtained.

6. Recommendation

That Council resolves to rescind its resolution L138 of 24 August 2009 and leave the land at 40 Redwood Drive, Dingley in Council's ownership.

Attachment

Copy of L138 Ordinary Council Meeting of 24 August 2009

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After adjusting for variances across financial years between receipt of monies / grants and actual expenditure, the underlying forecast Operating, Budgeted Variance for 2009/10 is a \$226k better than budget (favourable) outcome as shown in the table below:

November Forecast Favourable Variance less:		\$1,570,000 F
Increased Capital Grant Income for specific capital works	\$1,362,000 F	
Increased Associated Expenditure in Operating funded by above grants	\$310,000 U	
Depreciation	\$600,000 F	
Funding Received in prior years to be spent in 2009/10 (predominately salary related)		
- Community and Aged Services	\$270,000 U	
- Access Care Southern	\$38,000 U	
Sub Total		\$1,344,000 F
Underlying Favourable forecast 2009/10 operating Outcome		\$226,000 F

Part 2 – Capital Budget

Variations to the 2009/10 Capital Budget have been progressively reported in Monthly Capital Program updates. A detailed review of Capital Project delivery timeframes by responsible officers, and the inclusion of recommendations coming from separate reports to Council for additional projects or increased funding, have contributed to this consolidated summary of adjustments to the 2009/10 Capital Program.

a. Overall Capital Program Budget

The adopted 2009/10 Capital Budget of \$27,334,987 is proposed to become \$29,918,698 - an increase of \$2,583,711. This revised budget includes Supplementary Carry Overs and

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adjustments to reflect 2008/09 projects carried over to 2009/10 for completion this financial year which are funded from 2008/09 budget.

b. Grants, Incomes and Reserves

Since the adoption of the original Capital Budget there have been a number of new grants received and corrections to capital income assumptions required. This has resulted in an additional \$1,804,858 being added to the capital works program. The works to be funded from external sources are:

Proposed Project Adjustments to Incomes

Project Code	Project Description	Budget Increase
N0297	Carrum Senior Citz - Contribution	\$10,000
N0395	MECC Coordination Centre – MAV Grant	\$7,690
C0074	Bay to Rail Project – DPCD Grant	\$200,000
N0004	Nylex Heritage Sign – Returned to DSE	(\$20,000)
N0385	Seniors Access IT Project – State Govt Grant	\$120,000
Various	Bicentennial Park Project – JTAPP Grant	\$627,522
Various	Bicentennial Park – DPCD Grant	\$78,600
N0378	Bicentennial Park – Variety Club Contribution	\$25,300
C0095	Library Public Filtering Project – DPCD Grant	\$46,929
C0158	Governor Rd Shared Path – Fed Grant	\$235,000
C0152	Roy Dore Res Lighting – SRV Grant	\$67,000
C0153	Bonbeach Res Shared Paths – SRV Grant	\$25,000
N0021	Beach Bike Path Implementation – Parks Vic Grant	\$40,000
N0022	Parkdale promenade Stabilisation – DSE Grant	\$124,000
Various	Attenborough Park ./ Mord Crk – VicRoads Grant	\$136,000
N0365	Mordialloc Creek Boat Ramp – Marine Safety Grant	\$31,817
N0303	Sportsground Water efficiency – DPCD Grant	\$50,000
Total Additional Capital Income		\$1,804,858

c. Carry Over / Bring Forward

Total value is \$871,000 – (Carry Over balances with Bring Forward). Carry Over amounts are identified project budgets that can not be delivered within the current financial year. This may be part or all of an allocated project budget. The Carry Over amount is used to ensure the full budget allocation is made available to complete projects that cross financial year reporting periods.

From a cash flow perspective however Carry Overs project funds provide an opportunity to Bring Forward a corresponding value of works from the Capital Works Forward Plan which have short lead times and can be delivered before the end of June 2010.

Set out below are the projected 2009/10 capital projects and associated budget allocations expected to be carried over to the 2010/11 financial year for completion.

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Proposed 2009/10 Carry Over Budget to 2010/11

Project Code	Project Description	Carry Over
C0080	Shopping Centre Amenity Program – Mentone	\$320,000
C0097	Athletic Track Renewals	\$141,000
C0104	Arts & Culture – Public Art	\$10,000
N0018	Mordialloc Creek Dredging & Maintenance	\$150,000
C0134	Asset Management System Software (Purchase)	\$250,000
Total Carry Over to 2010/11		\$871,000

Set out below are capital projects that can be brought forward to the 2009/10 financial year and completed by the end of June. The benefit of this strategy is that the community obtains the benefits of this capital investment in community assets.

Proposed Projects to be Brought Forward to 2009/10

Project Code	Project Description	Bring Forward
N0181	Essential Safety Compliance Works	\$50,000
C0018	Parks Strategy Implementation	\$25,000
N0040	Roads Renewal Program	\$796,000
Total Bring Forward to 2009/10		\$871,000

As can be seen the Carry Over is the same monetary value as the proposed Bring Forward which contributes to no net change to the overall value of the 2009/10 Capital Works Program.

d. 2009/10 Project Budget Increases

During the progression of the year some “New Projects” have emerged during the course of 2009/10 with funding requirements.

This provides an opportunity for urgent projects and others with identified change in project scope to be accommodated within the overall available Capital Budget funding allocation. Set out below are details of 2009/10 capital funding previously advised to Council:

Proposed Project Budget Increases

Project Code	Project Description	Budget Increase
N0395	Municipal Emergency Co-ordination Centre MECC	\$30,000
N0233	Waves Change Room Refurbishment	\$36,000
N0380	Bicentennial Park Playground (due to fire)	\$118,182
Total Rates funded increases		\$184,182

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e. Capital Summary

In summary the following changes to the capital budget are recommended to Council:

Adopted 2009/10 Capital Budget	\$27,334,987
Supplementary Carry Forwards to 2009/10 (funded from 2008/09 Budget)	\$594,670
Projects funded by Additional Income	\$1,804,858
Additional Works	\$184,182
Carry Forward Projects to 2010/11	(\$871,000)
Brought Forward Projects from 2009/10	\$871,000
Revised Capital Works Program	\$29,918,698

3. Conclusion

In summary the forecast Operating Budget is expected to result in a \$1,570,000 favourable (\$226,000 underlying) to budget variance as at 30 June 2010. This underlying result translates to a favourable cash position of the same amount when compared to the adopted budget.

The forecast new or existing projects together with the projects that are funded by other income sources, and brought forward from 2010/11 to 2009/10 in the Capital Budget are fully funded with a minor surplus of \$41,818.

Management will, in the future, also monitor the budget outcomes to the forecast rather than solely against the adopted budget.

4. Recommendation

That Council note that above report and endorse the forecast operating budget position as at 30 June 2010 and detailed amendments to Council's adopted 2009/10 Capital Works Budget.
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13. Notices of Motion

M 43

Cr Peulich: Dingley Village Dedicated Bus Lanes

I move that Kingston Council advocate for no dedicated bus lanes through Dingley Village, that alternate routes to CDR, Dingley Village be investigated for the Smartbus route, and that Kingston Council writes to all Dingley Village residents providing accurate explanation of the origins of the project (please see attached correspondence), update on status and current position of the Kingston Council.

Signed

Cr Paul Peulich

M 44

Cr Bauer: Patterson Lakes Water Quality

I move that, on behalf of the residents of the Patterson Lakes Quiet Lakes, the City of Kingston advocates to the State Government and the Minister for Water on the issue of the Patterson Lakes water quality. In particular, noting the agreement under which Melbourne Water is obliged as the asset manager, to restore and maintain the Quiet Lakes water quality, honouring its legally binding commitments to the community.

Signed

Cr Donna Bauer