

**City of Kingston
Ordinary Council Meeting**

Agenda

22 November 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 November 2010.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
 - Minutes of Council Meeting 25 October 2010
 - Minutes of Special Council Meeting 3 November 2010
 - Minutes of Special Council Meeting 8 November 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**
 - Alameda Street
 - Mentone Open Space
- 5. Presentation of Awards**
 - Norm Bury
- 6. Reports from Village Committees**
- 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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11. Organisational Development & Governance Reports

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12. Corporate Services Reports

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| M 259 | Proposal to acquire 2 small parcels of land at the rear of 1236 Nepean Highway | Page 177 |
| M 260 | Surrender of 13 Bath Street, Chelsea to Council | Page 179 |

13. Notices of Motion

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| M 261 | Rescission Motion - Cr Shewan - Bonbeach Foreshore | Page 181 |
| M 262 | Cr Peulich - Investigation and Establishment of a Kingston Sport & Recreation Group | Page 182 |
| M 263 | Cr West - Requirement to advertise all green wedge applications worth more that \$20K or likely to cause controversy | Page 183 |

14. Urgent Business

15. Items in Camera

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| M 264 | 2010 Appointments to Village Committees | Page 184 |
| M 265 | Employee Matter | Page 191 |

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

**6(a) Mordialloc Village Committee
Chairperson - Allan Locke**

Report of Meeting held on 3 November 2010

Village Committee Motion:

The Village Committee recommends that Council consider funding for the development of The Mordialloc Heritage Trail in the 2011/2012 FY budget.

Highlight: Mordialloc Creek Presentation; by Garry Spenser of the Mordialloc Creek Community Group

**6(b) Dingley/Heatherton
Chairperson – Allan Harris**

Report of Meeting held on 3 November 2010

Highlight: Carmel Mullen's last meeting as a Village Committee Member as she is not renewing her membership. The Committee thanked her for her service.

**6(c) Patterson Lakes/Carrum Village Committee
Chairperson – Pat King**

Report of Meeting held on 3 November 2010

Village Committee Motion:

That the entrance to the Melbourne Water Depot be from Myola Street, not Canberra Street. This is due to the narrowness of Canberra Street and tight turning space.

Officer Comment: The village Committee recommendation is supported and negotiations with Melbourne Water will be undertaken to achieve this outcome.

Village Committee Motion:

That the access to Patterson River from Dahmen Street, Westley Street, Riversdale Avenue, True Avenue, Tennyson Street and Valetta Street be upgraded.

Officer Comment: Any work for the public access from the end of streets to Patterson River, will need to be fully compliant with appropriate design standards. As such the upgrading works are quite substantial.

The land over which the existing goat tracks lie, is part of the Patterson River Reservation, for which Parks Victoria control the recreational infrastructure such as public pathways. Notwithstanding an assessment of the merits of upgrading these goat tracks will be undertaken.

This work will be undertaken in close liaison with Parks Victorian, and the financial implications will be reported to Council as part of its capital works financial planning process for the 2011/12 review of the capital works forward plan.

Highlight: The review of the Village Committee policy and the commitment from this Village Committee to attend Council meetings.

**6(d) Moorabbin/Highett
Chairperson – Daniel Leipnik**
Report of Meeting held on 3 November 2010

Village Committee Motion:

At the end of 2009 the Village Committee agreed to work toward achieving a stronger strategic focus to our discussions and meetings. Our view was that while there would always be local immediate issues to be raised and discussed we wanted to add greater value to the future of our community by discussing broader issues and participating more actively in strategic work being undertaken by Council.

In our view Village Committees would be assisted in adding value through more relevant and cohesive involvement and look to both Council Officers and Councillors for some leadership and direction setting in this area.

Following this we held a number of workshops, outside of the normal meeting cycle, to identify the key strategic themes that we wanted to focus on. In our recommendation to Council in July 2010 we alerted Council to this.

We have prioritised the following four key strategic issues:

- Protection of Open Space
- Compressed Living
- Climate Change
- Encouraging Business Activity.

Village Committee recommends:

- a. *Each of the above themes is the focus of at least one of the VC meeting during the 2010/11 cycle and that each of these meetings includes an opportunity for the committee to be briefed from internal and external “experts” and identify tangible solutions to the above issues.*

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- b. *That Council assists in effectively communicating the work which is happening to address the four issues and provide opportunities for village committees to actively participate in these projects.*
- c. *Council consider providing an opportunity to discuss these issues including draft principles about compressed living with other Village Committees. See Attachment 1.*

**6(e) Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee
Chairperson – Ken Carney**

Report of Meeting held on 4 November 2010

Highlight: Ray's comments on Beeson Reserve and Steve Perumal's great work

6(f) Cheltenham Village Committee

Chairperson - Joe Astbury

Report of Meeting held on 9 November 2010

Village Committee Motion:

The trees that were removed on the extension of Reg Marlow Reserve be handed over to Council be replaced with advanced species of native trees in line with the Masterplan.

Officer Comment: An Officer from Council's Parks Department will inspect Reg Marlow Reserve prior to the next VC meeting to determine the need for any future tree plantings and program this in for Autumn 2011 if required.

Officer Recommendation: An Officer will report back to the Village Committee once the site inspection has been undertaken.

Highlight: None

6(g) Mentone/Parkdale Village Committee

Chairperson – Claire Houston

Report of Meeting held on 9 November 2010

Village Committee Motion:

The measurables that are to be used to assess the behavioural changes that have occurred during the no stopping bans on Beach Road trial. Given that these measurables relate to the behaviour of cyclists, the committee asks whether any filming has been done on Saturday and Sunday mornings as evidence of actual behaviour. If not, the Committee recommends that such filming be undertaken to allow appropriate measurement of the success of the trial.

Officer Comment: VicRoads have undertaken aerial filming of Beach Road on a Saturday morning at the start of the trial in April this year. VicRoads have confirmed that they will be undertaking aerial filming in late January or early February 2011. The aerial filming will assist Council and VicRoads in determining the following behaviour of cyclists:

- Pack Size: 90% packs less than 10-30, manageable pack size
- Road Rules; Stopping at lights giveaway at roundabouts etc
- Communication Strategy: Rely on hand signals
- Noise: Hand signals should minimise noise
- Width: 2 abreast is the criteria
- Pack formation: Groups forming without relationship with each other
- Over taking packs and lane occupancy

Village Committee Motion:

Part 1.

In view of the unsatisfactory fencing around Bradshaw Heathland Reserve (Bradshaw Park), the Committee requests that Council makes Bradshaw Heathland Park a dog free zone at all times as a matter of urgency.

Part 2.

That a request be put to the 2011/12 Council Budget process for funding allocation for the reimplementation of secure fencing and spring-loaded gating of Bradshaw Heathland Park.

Highlight: The Bay Trail.

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

Chairperson –Nigel McGillivray

Report of Meeting held on 10 November 2010

Village Committee Motion:

The Village Committee supports Council's opposition to the new electrical line clearing regulations.

Highlight: The quick action by Council to reduce the safety risk at the Chelsea Railway Bus Interchange.

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9. Environmental Sustainability Reports

M 239 Town Planning Application Decisions – October 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 October 2010.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	72	88
Notice of Decision	7	9
Refusal to Grant a Permit	2	2
Other - Withdrawn (0) - Prohibited (0) - Permit not required (0) - Lapsed (1)	1	1
Total	82	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

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Planning Decisions October 2010						
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP-240/1998/A	Unit 1 2 Bapaume Avenue	EDITHVALE	31/03/1998	1/10/2010	AMENDMENT - ALTERATIONS & ADDITIONS	Refused
KP-34/1996/A	1123 Nepean Highway	HIGHETT	14/09/2010	1/10/2010	AMENDMENT OF PERMIT CONDITIONS	Permit Issued
KP-711/2009	33 Childers Street	MENTONE	27/10/2009	4/10/2010	FORTY THREE (43) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued
KP-293/2010	484 Nepean Highway	CHELSEA	18/05/2010	4/10/2010	MIXED USE DEVELOPMENT (SHOP & DWELLING)	Permit Issued
KP-994/2008/A	61-111 Rosebank Avenue	CLAYTON SOUTH	9/09/2010	4/10/2010	ONE-HUNDRED & EIGHTY-FIVE (185) DWELLINGS	Permit Issued
KP-865/2009	31 Como Parade East	MENTONE	30/12/2009	4/10/2010	TWENTY SEVEN (27) DWELLINGS	Permit Issued
KP-825/2007	43-47 Marcus Road	DINGLEY VILLAGE	15/10/2007	5/10/2010	B & W TO SHOPPING CENTRE	Permit Issued
KP-226/2010			21/04/2010	6/10/2010	BOATSHED - RENOVATION	Permit Issued
KP-617/2009	12 Edithvale Road	EDITHVALE	17/09/2009	6/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-733/2003/A	2-4 Old Wells Road	PATTERSON LAKES	21/09/2010	6/10/2010	KINDERGARTE N - 24 CHILDREN	Permit Issued
KP-480/2009	3 Third Street	CLAYTON SOUTH	22/07/2009	6/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-93/2010	18 Wedd Street	CHELTENHAM	23/02/2010	6/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-404/2009	180-184 Kingston Road	HEATHERTON	9/07/2009	7/10/2010	DEPENDENT PERSONS UNIT	Permit Issued
KP-794/2009	25 Robert Street	PARKDALE	27/11/2009	7/10/2010	TWO (2) DWELLINGS	Notice of Decision
KP-551/2010	4B Montgomery Street	MORDIALLO	17/08/2010	7/10/2010	EXTENSION TO AN EXISTING DWELLING ON	Permit Issued

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					LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	
KP-71/2010	30 Bevan Avenue	CLAYTON SOUTH	12/02/2010	7/10/2010	FOUR (4) DWELLINGS	Permit Issued
KP-248/2010	2 Blagdon Street	CHELTENHAM	30/04/2010	7/10/2010	TEN (10) DWELLINGS	Refused
KP-72/2010	2A Bear Street	MORDIALLO	15/02/2010	7/10/2010	MIXED USE DEVELOPMENT	Permit Issued
KP-679/2009	25 Stanley Street	CARRUM	15/10/2009	7/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-425/2005/A	1 461 Nepean Highway	CHELSEA	17/08/2010	8/10/2010	SHOP/OFFICE & 6 DWELLINGS	Permit Issued
KP-540/2010	27 Crown Road	BONBEACH	4/08/2010	8/10/2010	TWO (2) LOT SUBDIVISION / CREATE EASEMENT	Permit Issued
KP-186/2010	8 Mallard Court	CHELSEA HEIGHTS	1/04/2010	11/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-779/2009	2 Park Street	MORDIALLO	24/11/2009	11/10/2010	ELEVEN (11) DWELLINGS	Permit Issued
KP-211/2010	13 Mascot Avenue	BONBEACH	13/04/2010	11/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-289/2010	4 Delville Avenue	MENTONE	14/05/2010	12/10/2010	THREE (3) DWELLINGS	Notice of Decision
KP-228/2010	1 7 Lower Dandenong Road	MENTONE	20/04/2010	12/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-343/2010	171 Thames Promenade	CHELSEA HEIGHTS	3/06/2010	12/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-213/2010	20 Laura Street	CLAYTON SOUTH	13/04/2010	12/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-324/2010	48 The Crescent	HIGHETT	27/05/2010	12/10/2010	TWO (2) DWELLINGS	Notice of Decision
KP-496/2010	102-108 Cochranes Road	MOORABBIN	26/07/2010	12/10/2010	BUILDINGS & WORKS/REDUCTION IN CARPARKING ON LAND DESIGNATED SBO	Permit Issued
KP-219/2010	13 Alameda Street	PARKDALE	14/04/2010	13/10/2010	SHADE SAILS - TO OUTDOOR AREA	Permit Issued
KP-803/2008	8 Church Road	CARRUM	26/08/2008	13/10/2010	2 LOT SUBDIVISION	Permit Issued

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KP-231/2010	83 Broadway	BONBEACH	19/04/2010	13/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-590/2010	10 Second Avenue	ASPENDAL E	27/08/2010	13/10/2010	SINGLE DWELLING ON LAND SUBJECT TO A SPECIAL BUILDING OVERLAY	Permit Issued
KP-400/2010	Unit 16 62-76 Cavanagh Street	CHELTENHAM	24/06/2010	13/10/2010	DWELLING EXTS.	Permit Issued
KP-250/2010	SHOP 1 255 Charman Road	CHELTENHAM	30/04/2010	13/10/2010	INTERNET CAFE	Permit Issued
KP-179/2010	34-94 Oak Avenue	MENTONE	29/03/2010	13/10/2010	ONE-HUNDRED AND NINETEEN (119) LOT SUBDIVISION	Permit Issued
KP-109/2010	Suite 554A Main Street	MORDIALL OC	3/03/2010	13/10/2010	ADVERTISING SIGN	Permit Issued
KP-227/2010	1 4 Allwen Court	CLARINDA	20/04/2010	13/10/2010	THREE (3) DWELLINGS	Permit Issued
KP-535/2010	1273-1275 Nepean Highway	CHELTENHAM	12/08/2010	14/10/2010	ADVERTISING SIGN	Permit Issued
KP-662/2010	5 Alleyne Avenue	BONBEACH	16/09/2010	14/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-273/2010	8 Garfield Street	CHELTENHAM	10/05/2010	14/10/2010	THREE (3) DWELLINGS	Permit Issued
KP-625/2010	1 Station Street	MOORABBIN	7/09/2010	14/10/2010	INSTALLATION OF ATM	Permit Issued
KP-652/2010	40 Waterside Drive	WATERWAYS	17/09/2010	14/10/2010	SINGLE DWELLING	Permit Issued
KP-596/2010	19 Steedman Street	MORDIALL OC	30/08/2010	14/10/2010	DWELLING EXTENSION ON LAND DESIGNATED LSIO	Permit Issued
KP-565/2010	Factory 10 38 Christensen Street	CHELTENHAM	20/08/2010	15/10/2010	WAREHOUSE EXTENSION - MEZZANINE	Permit Issued
KP-612/2010	3 Somme Parade	EDITHVALE	7/09/2010	15/10/2010	THREE (3) LOT SUBDIVISION	Permit Issued
KP-579/2010	4 Dimar Court	DINGLEY VILLAGE	24/08/2010	15/10/2010	BUILDINGS & WORKS ON LAND DESIGNATED SBO	Permit Issued
KP-1084/2008/A	5-7 Bate Drive	BRAESIDE	14/05/2010	15/10/2010	LSIO - INSTALLATION OF WATER TANKS	Permit Issued

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KP-172/2003/B	8 Irish Court	BONBEACH	14/05/2010	15/10/2010	SIXTY SIX DWELLINGS	Permit Issued
KP-519/2010	11 291 Wickham Road	MOORABBIN	4/08/2010	15/10/2010	MEZZANINE TO WAREHOUSE	Permit Issued
KP-401/2010	668 South Road	MOORABBIN	25/06/2010	18/10/2010	CHANGE OF USE - MOTOR VEHICLE SALES	Permit Issued
KP-361/2010	57 McMillan Street	CLAYTON SOUTH	7/06/2010	18/10/2010	NINE (9) LOT SUBDIVISION	Permit Issued
KP-746/2009	555 Highett Road	HIGHETT	13/11/2009	19/10/2010	MIXED USE DEVELOPMENT	Notice of Decision
KP-455/2010	Unit 1 Level 1 13 Baker Street	MOORABBIN	7/07/2010	19/10/2010	SIX (6) LOT SUBDIVISION	Permit Issued
KP-671/2010	28 Lorna Street	CHELTENHAM	27/09/2010	19/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-329/2010	326 Highett Road	HIGHETT	31/05/2010	20/10/2010	AMEND RED LINE PLAN - VARIATION TO LIQUOR LICENCE	Permit Issued
KP-197/2010	38 Barkly Street	MORDIALLOOC	6/04/2010	20/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-330/2010	130 Nepean Highway	ASPENDALE	31/05/2010	20/10/2010	EXTENSION TO BUILDING - CARPARKING REDUCTION	Permit Issued
KP-890/2008/A	Unit 1 680 Nepean Highway	CARRUM	19/02/2010	20/10/2010	TWO (2) DWELLINGS & ALTER ACCESS TO LAND ADJACENT TO A ROAD ZONE CATEGORY 1.	Permit Issued
KP-478/2010	51 Bunney Road	CLARINDA	20/07/2010	21/10/2010	THREE (3) DWELLINGS	Lapsed
KP-73/2010	21 Dactyl Road	MOORABBIN	15/02/2010	21/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-6/2010/A	95 Warren Road	PARKDALE	31/08/2010	23/10/2010	ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING	Permit Issued
KP-483/2010	360 South Road	MOORABBIN	22/07/2010	25/10/2010	EXTENSION TO SHOP AND REDUCTION IN CARPARKING	Permit Issued
KP-702/2010	9 Third Street	CLAYTON SOUTH	11/10/2010	26/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-387/2010	25 Fowler Street	BONBEACH	21/06/2010	26/10/2010	THREE (3) DWELLINGS	Permit Issued
KP-363/2010	35 Ebb Street	ASPENDALE	9/06/2010	26/10/2010	TWO (2) DWELLINGS	Permit Issued

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KP-232/2010	1 3 Mount View Street	ASPENDAL E	20/04/2010	26/10/2010	TWO (2) DWELLINGS	Notice of Decision
KP-703/2010	35 Gwenda Avenue	MOORABBIN	11/10/2010	26/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-303/2010	8 Keamy Avenue	CHELTENHAM	19/05/2010	26/10/2010	THREE (3) DWELLINGS	Notice of Decision
KP-679/2010	16 Byron Street	CLAYTON SOUTH	30/09/2010	26/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-527/2010	1 Nelson Street	MOORABBIN	10/08/2010	26/10/2010	BUILDINGS & WORKS	Permit Issued
KP-359/2010	23 Thames Promenade	CHELSEA	8/06/2010	26/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-720/2009	52 Seventh Street	PARKDALE	29/10/2009	26/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-611/2010	98 Collins Street	MENTONE	3/09/2010	26/10/2010	SIXTEEN (16) LOT SUBDIVISION	Permit Issued
KP-568/2010	Factory 6 13 Downard Street	BRAESIDE	19/08/2010	26/10/2010	BUILDINGS & WORK TO EXISTING OFFICE / WAREHOUSE	Permit Issued
KP-721/2009	1 Perry Street	MOORABBIN	30/10/2009	26/10/2010	THREE (3) DWELLINGS	Notice of Decision
KP-616/2010	479 Main Street	MORDIALLO	3/09/2010	26/10/2010	CHANGE OF USE - RESTAURANT	Permit Issued
KP-592/2010	3 Bourke Street	MENTONE	31/08/2010	27/10/2010	TWO (2) LOT SUBDIVISION	Permit Issued
KP-296/2010	95 Flinders Street	MENTONE	18/05/2010	28/10/2010	TWO (2) DWELLINGS	Permit Issued
KP-19/2010	27 Golden Avenue	CHELSEA	14/01/2010	28/10/2010	FIVE (5) DWELLINGS	Permit Issued
KP-380/2010	38 Clay Street	MOORABBIN	18/06/2010	28/10/2010	THREE (3) LOT SUBDIVISION	Permit Issued

M 240

KP 379/10 – 21 Rennison Street, Parkdale

APPLICANT	Finley Roberts Design Pty Ltd
ADDRESS OF LAND	No. 21 Rennison Street, PARKDALE VIC 3195 (Lot 1 on TP433829M).
PROPOSAL	TWO (2) DWELLINGS
PLANNING OFFICER	Tess Johnson <i>Author: Sherie Kirby</i>
REFERENCE NO.	KP379/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Clause 32.01 – Residential 1 Zone
OVERLAYS	Clause 43.02 – Design & Development Overlay (Schedule 1)
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	29th September, 2010
STATUTORY DAYS	93 days at 1st November, 2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	18th June, 2010

1.0 KEY ISSUES

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

- Construction of double-storey dwelling at the rear of the site;
- Parking location;
- Overlooking;
- Storage; and
- Design detail.

2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct two (2), double-storey, detached, dwellings on this site.

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2.2 Development summary:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	219.5m ²	41.8m ² (including 41.8m ² of secluded private open space)	4	3
2	214.04m ²	52m ² (including 52m ² of secluded private open space)	5	2

2.3 The proposal has an overall site coverage of 48.72 percent and a permeability percentage of 35.8%.

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.	Dwelling 1: complies (refer to the ResCode discussion section within this report). Dwelling 2: complies (refer to the ResCode discussion section within this report).
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover.	Dwelling 1: complies (refer to the ResCode discussion section within this report). Dwelling 2: complies (refer to the ResCode discussion section within this report).
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: does not meet standard (refer to the ResCode discussion section within this report). Dwelling 2: not applicable (refer to the ResCode discussion section within this report).
Site Coverage	Maximum 60% - as per ResCode.	Site coverage is 48.72% and therefore complies (refer to the ResCode discussion section within this report).

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

Roof:	Colourbond cladding (no colour specified).
Walls:	Combination: face brickwork, stone/tiled finish, linear weatherboard cladding

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	with rendered finish.
Garage doors	Panel lift doors (no colour or materials specified).
Windows:	No details provided.
Driveways:	Coloured concrete (no colour specified).
Front fencing:	Existing 1.9 metre high solid brick fence to be retained and modified as a part of the proposal.
Boundary fences:	Existing boundary fencing along the site's north (side), south (side) and west (rear) property boundaries to be retained and/or replaced as necessary.

3.0 SITE & SURROUNDS

- 3.1 The subject site comprises a 701.43m² allotment on the west side of Rennison Street, Parkdale. It currently contains a detached, single-storey, weatherboard dwelling which is setback approximately 5.6 metres from the site's street frontage. An existing 1.9 metre high solid brick fence with a gate is featured along the site's Rennison Street frontage. The site does not contain any significant vegetation. No easements are contained within the subject site. There appears to be no restrictions listed on the Certificate of Title.
- 3.2 Vehicle access to the site is currently via a single width crossover located at the north-east corner of the site's Rennison Street frontage. The topography of the land features a gradual fall of approximately 3.0 metres from the front of the site to the east (front) at the street frontage to the west (rear) of the subject site.
- 3.3 The surrounding area typically comprises a combination of single-storey and double-storey dwellings on single allotments in addition to many examples of medium density housing within the area, ranging in age and architectural style. It is noted that there is no dominant built form character which includes a mixture of brick veneer, weatherboard cladding, rendered brickwork and roof forms include both hipped and gable elements.
- 3.4 The Parkdale Foreshore Reserve is located approximately 250 metres to the south of the subject site on Beach Road.

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 a Design & Development Overlay (Schedule 1 – Urban Coastal Height Control Area).

6.0 PLANNING PERMIT REQUIREMENTS

- 6.1 Pursuant to Clause 32.01 of the Kingston Planning Scheme, a planning permit is required to construct two (2) or more dwellings on a lot.

7.0 RELEVANT HISTORY

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

8.0 ADVERTISING

8.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Four (4) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Removal of existing boundary fencing;
- North-facing windows;
- Overshadowing; and
- Overlooking.

9.0 PRELIMINARY CONFERENCE

9.1 A preliminary conference was held at Council's Cheltenham Office on the 15th September, 2010, with the relevant Planning Officer, Ward Councillors, the Owner, the Permit Applicant and three (3) 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 referral departments were notified:

- Council's Development Engineer; and
- Council's Vegetation Management Officer.

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 11 (Settlement)
Clause 15 (Built Environment and Heritage)
Clause 16 (Housing)

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 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF).

The land is located within *Area No. 19* of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile, including the two (2) major characteristics nominated as being detached dwellings and various window shapes.

11.6 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy).

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an ‘as of right’ use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

12.2 Local Planning Policy Framework

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *Increased Housing Diversity* area.

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- 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. Further discussion regarding these items will be outlined later within this report.

12.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.

- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

Built form, siting and scale of development, it is policy, where relevant, to:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

Whilst the proposal includes the construction of a double-storey dwelling to the rear of the subject site, Council officers consider that the siting and design of Dwelling 2 is sensitive to the location of existing dwellings on the adjoining properties to the north (side), south (side) and west (rear). The first floor level of this dwelling would be reasonably well set back from the site's respective side and rear property boundaries and the location of habitable room windows should not result in any unreasonable loss of amenity to the adjoining residential properties.

It is noted, however, that the first floor level west (rear) facing sitting room of Dwelling 2 would feature a window with a minimum sill height of 1.2 metres above the floor level directly below and should be increased to a minimum height of 1.7 metres to ensure that no overlooking opportunities should be afforded to the adjoining property to the rear at No. 12 McIndoe Parade. A condition of any permit issued for the proposed development should require this window to be screened to a minimum height of 1.7 metres in accordance with the requirements under Standard B22 of Clause 55 (ResCode) of the Kingston Planning Scheme.

Car parking and vehicle access, it is policy, where relevant, to:

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

Performance measures

- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

The design of the proposed car parking facilities for each dwelling are considered appropriate and satisfy the relevant requirements of Council's Residential Development Policy, Standard B14 (Access), Standard B15 (Parking Location) and Standard B16 (Parking Provision) under Clause 55 (ResCode) of the Kingston Planning Scheme.

Stormwater run-off mitigation and quality management, it is policy, where relevant, to:

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

Performance measures

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.

The application has been internally referred to Council's Development Approvals Engineer regarding drainage and stormwater management. No objections were received to the proposal, however, it has been requested that a number of conditions be required as a part of any permit issued for the proposed development.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be extremely consistent with Council's Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for the type and form of medium density development expected in areas such as this before the Council.

12.4 Zoning Provisions

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

The Schedule to the Residential 1 Zone specifies variations to one (1) Standard under Clause 55 (ResCode), 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.

The existing 1.9 metre high solid brick front fence would be retained as part of the proposal and therefore is considered reasonable in this instance.

12.5 Overlay Provisions

It is considered that the proposed development satisfies the following overlay requirements:

- The overall building height for either of the proposed dwellings would not exceed the maximum of two (2) storeys.
- The built form of the proposed development is considered to meet the objectives of the Schedule 1 (Urban Coastal Height Control Area) of the Design & Development Overlay under Clause 43.02 of the Kingston Planning Scheme.

13.0 **CLAUSE 55 (RESCODE ASSESSMENT)**

13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is generally a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

Clause 55.02 – Neighbourhood Character & Infrastructure

Standard B2 – Residential Policy

As discussed in the previous section of this report, the proposed development is inconsistent with Council's Residential Development Policy which states that two-storey dwellings should be located towards the front of a site. However, the overall siting and design of Dwelling 2 at the rear of the subject land should ensure that the amenity of the existing dwellings to the north (side), south (side) and west (rear) are reasonably protected.

Accordingly, a variation to this Standard is considered appropriate in this instance.

Clause 55.03 - Site Layout and Building Massing

Standard B6 – Street Setback

In accordance with requirements under this Standard, Dwelling 1 fronting Rennison Street should have a minimum setback of 11.07 metres, based on the average of the adjoining properties front setbacks. The proposed front setback of 6.78 metres is less than the required average, however, the proposed setback is considered to be appropriate for the following reasons:

- There is a varied front setback for existing dwellings within Rennison Street. It is, therefore, considered that front setback proposed is consistent with the broader streetscape rhythm and will not cause detriment to the neighbourhood character.
- 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.
- There is no prevailing setback rhythm.
- 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 B15 – Parking Location

It is noted that the north-facing ground floor level habitable room windows of Dwelling 1 would not meet the minimum setback requirement of 1.0 metre under this Standard. However, Council officers consider that a variation to this Standard is considered appropriate in this instance given that each of the respective windows would feature a minimum sill height of 1.7 metres above the natural ground level. As such, it is considered that the likely residents of Dwelling 1 should be reasonably protected from vehicular noise generated associated with Dwelling 2.

Clause 55.04 – Amenity Impacts

Standard B22 – Overlooking

It is considered that the following windows should be appropriately screened in accordance with Standard B22, should a permit issue, as they are located within a horizontal distance of nine (9) metres of private open space and habitable room windows associated with No. 12 McIndoe Parade (to the west (rear) of the subject site):

- The first floor level west-facing sitting room window of Dwelling 2.

Accordingly, to ensure that no unreasonable overlooking is to occur from the subject development, a condition should be placed on any permit issued in-line with the above.

Clause 55.05 – On-Site Amenity Impacts

Standard B30 – Storage

Each dwelling should have convenient access to at least 6m³ of externally accessible, secure storage space, and should not be located within the secluded private open space dimensions. As such, a condition should be included on any permit issued to provide adequate storage within an appropriate location for each dwelling.

Clause 55.06 – Detailed Design

Standard B31 – Design Detail

It is considered that the visual impact and potential loss of daylight to the existing north-facing windows of the existing dwelling to the south at No. 19 Rennison Street could be minimised by increasing the minimum first floor level setback from the site's south (side) property boundary.

Potential loss of daylight to the existing north-facing windows of the dwelling to the south was raised as a major concern as a part of the objection lodged by owners of the property at No. 19 Rennison Street. As such, Council officers consider that the first floor level along the southern elevation of Dwelling 1 be increased so as to provide greater building articulation and subsequently increasing the amount of daylight available to the existing north-facing habitable room windows of the existing dwelling to the south. Specifically, it is considered that the first floor level building setback should be increased by a minimum of 500mm from the site's south (side) property boundary.

Accordingly, design modifications could be satisfactorily achieved through the inclusion of a suitable condition of any permit issued for the proposed development.

14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS

14.1 Removal of Existing Boundary Fencing.

Concerns have been raised by three (3) of the objectors from the neighbouring properties to the north (side) and south (side) regarding the proposal to remove sections of the existing shared boundary fences where it is proposed to construct brick walls on the respective property boundaries. Council officers consider that the request from objectors to retain these sections of fencing is unreasonable as the construction of new brick walls and sections of new timber paling fencing with trellis extension should improve the visual presentation of the development from within the development without compromising the amenity of the adjoining properties to the north (side) and south (side).

14.2 North-Facing Windows & Overshadowing.

An objector from the adjoining property at No. 19 Rennison Street has expressed concern about the potential loss of daylight from the north-facing habitable room windows of their dwelling as a result of the double-storey construction of Dwelling 1. Council officers concur that the proposed dwelling will adversely affect the amount of daylight received by the respective north-facing windows and believe that this should be minimised by increasing the first floor level setback from the site's south (side) property boundary.

As previously discussed, this design modification could be required as a condition of any permit issued for the proposed development.

14.4 Overlooking.

The objectors from the adjoining property to the west (rear) at No. 12 McIndoe Parade have expressed concern regarding the location of sitting room window along the rear first floor elevation of Dwelling 2.

As discussed in previous sections of this report, it is considered appropriate that the west (rear) facing first floor level sitting room window of Dwelling be screened to a minimum height of 1.7m in accordance with the requirements under Standard B22 of ResCode.

15.0 CONCLUSION:

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

15.2 The proposed development as required to be amended, is considered appropriate for the site as evidenced by:

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal 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).

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

16.0 RECOMMENDATION:

That Council resolve that a Notice of Decision to Grant a Permit for the development of this site for two (2) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 18th June, 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 to 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;
 - 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. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - v. the provision of one (1) suitable medium sized spreading canopy tree 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. a range of plant types from ground covers to large shrubs and trees;
 - ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - x. the provision of a notation 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 south (side) facing elevation of Dwelling 1 at the first floor level inset a further 500mm from the ground floor building footprint to a minimum of 3.0 metres to improve the amount of daylight received to the north-facing windows of the adjoining dwelling at No. 19 Rennison Street;
- c. the internal wall between the sitting room and Bedroom 2 of Dwelling 1 removed with the proposed storage/robe area of the sitting room also deleted;
- d. full elevation details of the proposed front (east) facing first floor level balcony of Dwelling 1, including height of the proposed balustrade and material/finishes proposed;
- e. full elevation details (including height/materials) of the proposed modified front fence, as required under Condition 8 of this permit;
- f. all elevation plans correctly labelled (i.e. east, west, etc.);

- g. the provision of fixed visual screening to a minimum height of 1700mm above the first floor finished floor level of the west (rear) facing first floor level sitting room window of Dwelling 1, in accordance with the requirements under Standard B22 of Clause 55 of the Kingston Planning Scheme;
 - h. the finished floor level of each of the ground level deck areas nominated as a minimum of 300mm below the ground floor finished floor level of each dwelling;
 - i. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete seal coat, or similar;
 - j. the door of each garage nominated as a panel lift door, or similar;
 - k. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
 - l. a minimum 1.8 metre wide stormwater easement created within the land adjacent to the site's west (rear) property boundary;
 - m. the provision of a rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing;
 - n. no trees planted along the site's west (rear) property boundary with intrusive roots that may affect the drainage;
 - o. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
 - p. the guttering pertaining to the garages/walls on to be constructed on the site's north (side) and south (side) property boundaries nominated as being contained wholly within the title property boundaries of the subject land.
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. Prior to the issue of a Certificate of Occupancy, a minimum 1.8 metre wide stormwater easement must be created within the property along the rear property boundary in favour of the City of Kingston.
 6. The proposed footings of the living room (Dwelling 2) located along the proposed easement line must be a minimum of 1.0 metre below the existing ground level.
 7. The existing stormwater drain located at the rear of the subject site must be protected at all times during construction.
 8. The existing 1.9 metre high front fence must be reduced to 1.2 metres adjacent to the proposed and existing vehicle crossings or 1.5 metre by 1.5 metre wide splays are required.

9. 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.
10. 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.).
11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
12. The levels at site boundaries must not be altered, to the satisfaction of the Responsible Authority.
13. 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.
14. 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.
15. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
16. 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.
17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

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18. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
19. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
20. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - a) the development is not started within two (2) years from the date of permit issue.
 - b) the development is not completed within one (1) year from the commencement of works.

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

- Note:** It is noted the development includes a garage and a carport 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

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

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive visual bulk and mass.
4. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective, Clause 55.08-8 Landscaping Objectives, Clause 55.03-11 Parking Location Objective and Clause 55.06-1 Design Details Objective.

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KP 302/10 – 15 Balcombe Road, Mentone

APPLICANT	RPC Architects
ADDRESS OF LAND	No. 15 (Lot 1 on TP 252511D) Balcombe Road, Mentone
PROPOSAL	Mixed Use Development comprising: Twenty-six (26) dwellings and an Office with a reduction in Car Parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and to create access to a Road Zone, Category 1 on land designated within a Special Building Overlay
PLANNING OFFICER	Jennifer Pippo
REFERENCE NO.	KP302/10
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11: Settlement Clause 13: Environmental Risks Clause 15: Built Environment and Heritage Clause 16: Housing Clause 17: Economic Development Clause 18: Transport Clause 19: Infrastructure
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.03: Land Use Challenges for The New Millennium Clause 21.04: Vision Clause 21.05: Residential Land Use Clause 21.06: Retail and Commercial Land Use Clause 22.11: Residential Development Policy
ZONE	Clause 32.04: Mixed Use Zone
OVERLAYS	Clause 44.05: Special Building Overlay Clause 45.03: Environmental Audit Overlay
PARTICULAR PROVISIONS	Clause 52.06: Car Parking Clause 52.29: Land Adjacent to a Road Zone Clause 52.34: Bicycle Parking Clause 52.35: Urban Design Context Report and Design Response For Residential Development Of Four Or More Storeys
GENERAL PROVISIONS	Clause 65: Decision Guidelines
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Drawing No. 1742, Sheets TP2 – TP10 Issue D (inclusive). Received: 10 September 2010 & 22 October 2010

1.0 KEY ISSUES RELATING TO THIS APPLICATION

- Traffic considerations (access and parking)
- Urban Design (scale and built form)
- Amenity impact (internal and external)
- Neighbourhood Character

2.0 SITE PARTICULARS

- 2.1 The subject site comprises a lineal parcel of land zoned for ‘mixed use’ purposes at No.15 Balcombe Road, Mentone.
- 2.2 The site is rectangular in shape, and enjoys a 20.01 metre frontage to Balcombe Road, and a length of 50.29 metres to its east and west property boundaries. The site has a total area of 1006m².
- 2.3 The site currently contains a disused two (2) storey commercial building, which was formally operated and was known as ‘Beach House Gym’. The existing building is sited the following distances from the site’s title property boundaries:
- 20.51 metres from the north (front) boundary;
 - 1.455 metres from the site’s east (side) boundary;
 - 3.0 metres (approx) from the site’s south (rear) boundary; and
 - 0.0 metre setback from the site’s west (side) boundary (i.e. built on the boundary).
- 2.4 A concrete and gravel car park is located within the site’s front setback with direct vehicle access provided to Balcombe Road, service road, via a crossover located relatively central along the site’s front property boundary.
- 2.5 The Subject Land does not contain any significant vegetation.
- 2.6 The Subject Land is encumbered by a 1.83 metre wide drainage and sewerage easement that extends along the length of the site’s rear property boundary.
- 2.7 The typography of the Land can be described as predominately flat, with a gentle slope from the south (rear) to the north (front) of approximately 0.35 metres.

3.0 ADJOINING PROPERTIES & SURROUNDS

- 3.1 The aerial photograph provided below provides an illustrative analysis of the Subject Land and surrounding environs.



3.2 The subject site is within a Mixed Use Zone (MUZ), as is adjoining land to the east, west and south-east. Land adjoining to the south and south-west is located within a Residential 1 Zone (R1Z). Balcombe Road, adjoining to the north is identified in a Road Zone, Category 1 (RDZ1).

3.3 The surrounding area encompasses a mix of land uses and associated developments, comprising of commercial developed land to the site's east (single storey shop) and west (single storey 'pool' shop) and single detached multi-dwelling developments directly to the south (rear) of the site.

3.4 The area is well served by social and physical infrastructure, and is located approximately 430km from Mentone Railway Station and Mentone Activity Centre.

4.0 TITLE DETAILS

4.1 The recently printed Certificate of Title, which accompanied the application on lodgement, appears to indicate that the Land is not affected by a restrictive covenant.

5.0 PROPOSAL (AS AMENDED)

5.1 Note: A Development Assessment Table has not been provided, as ResCode requirements are not applicable to a development of four (4) or more storeys.

5.2 It is proposed to demolish the existing two (2) storey commercial building and use and develop the site for twenty-six (26) dwellings and a ground floor office within a four (4) storey building with an 'at grade' car park.

5.3 The Permit Applicant submitted revised concept plans on 10 September 2010, which seek to address some of the concerns raised by Councillors and objectors following advertising of the proposal. It is these revised plans that now form the basis of this recommendation to Council.

**City of Kingston
Ordinary Council Meeting**

Agenda

22 November 2010

5.4 The main issue rectified by the amended proposal relate primarily to the introduction of screening devices/measures to a number of balcony areas and windows along the side and rear elevations as well as providing disabled access, in the way of a ramp, at the front of the building.

5.5 The proposed development is set back the following minimum dimensions from the site's property boundaries:

	North (front) Boundary	East (side) Boundary	South (rear) Boundary	West (side) Boundary
Ground Level:	2.965 metres to 5.841 metres	0.0m to 0.61 metres	2.1 metres	0.0m to 0.61 metres
First Floor Level:	The balconies protrude 0.6 metres over the front property boundary. The front façade of the building is set back in the order of 0.0 metres to 2.545 metres	0.0 metres to 0.61metres. Where balconies are located the building is set back 2.4 metres from the boundary.	2.1 metres	0.0 metres to 0.61metres. Where balconies are located the building is set back 2.4 metres from the boundary.
Second Floor Level:	Same as First Floor	0.0 metres to 2.55 metres.	5.44 metres to 9.0 metres.	0.0 metres to 2.55 metres.
Third Floor Level:	Balconies are set back 1.27 metres and the front façade is set back 1.67 metres.	0.0 metres to 2.55 metres.	5.44 metres to 9.0 metres.	0.0 metres to 2.55 metres.

5.6 Analysing each level of the development, the following is proposed:

Ground Level:

- A small office area (28m²) fronting Balcombe Road;
- A central foyer and lift lobby area;
- A 5 metre wide proposed crossover located near the site's east (side) property boundary, providing vehicle access to the grade level car park.
- The car park area includes thirty-two (32) car parking spaces. Seven (7) car stackers are proposed within the car park area, providing twenty-eight (28) of the thirty-two (32) car parking spaces in a car stacker arrangement.
- Twenty-six (26) of the thirty-two (32) car parking spaces are designated for resident use.
- Six (6) visitor car parking spaces are proposed, one (1) of which is identified as a disabled car parking space.
- Two (2) apartments that contain two (2) bedrooms at ground floor level with a small courtyard area to the south are proposed. These apartments also include living and balcony areas at first floor level;
- Waste and general storage (bicycles) areas; and

- A communal walkway is provided along the western side of the building, which includes individual, secure, storage areas assigned to each apartment.

First Floor Level:

- Ten (10) apartments are located on the first floor level.
- Seven (7) of the ten (10) apartments include two (2) bedrooms with a small study area;
- There is one (1), 1 bedroom; apartment located on this level;
- As outlined earlier, the two (2) apartments located to the south (rear) of the site enjoy first floor living areas with bedrooms located at the ground floor level;
- All dwellings are provided with a private balcony area accessed directly from their living area, ranging between 8.2 m² to 8.9m².

Second Floor Level:

- Eight (8) apartments are located on the second floor level.
- Again this level provides a mix of dwelling types, with six (6), two (2) bedroom apartments (some with a small study area) and two (2), one (1) bedroom apartments;
- All dwellings include an open plan living arrangement with a 'euro' style laundry; and
- All dwellings are provided with a private balcony area accessed directly from their living area, ranging between 8.1 m² to 11.6m².

Third Floor Level:

- Eight (8) apartments are located on the third floor level.
- Again this level provides a mix of dwelling types, with seven (7), two (2) bedroom apartments (some with a small study area) and one (1), one (1) bedroom apartment;
- All dwellings include an open plan living arrangement with a 'euro' style laundry; and
- All dwellings are provided with a private balcony area accessed directly from their living area, ranging between 8.2 m² to 8.6m².

- 5.7 The proposed development has a maximum height of 14.21 metres.
- 5.8 The building would be contemporary in appearance, with flat roof elements and varying materials, textures, finishes and colours, including render, rhienzinc copper metal cladding, metal cladding, timber screening and glazing etc (refer to the external materials and finishes schedule on the elevation plans for further details regarding the cosmetic treatment of all external facades).
- 5.9 The proposal has an overall **site coverage of 94.6 percent** and a **permeability percentage of 5.1**.

6.0 SITE PLANNING HISTORY

- 6.1 Planning Permit KP2/08 was issued by the City of Kingston on 23 July, 2008 to construct buildings and works (i.e. double storey office building) on land designated within a Special Building Overlay and to create access to a Road Zone Category 1.
- 6.2 It should be brought to the attention of Council that the approved office building on the subject site incorporated a similar car parking arrangement, including car stacker systems, not dissimilar to the application currently before Council.

7.0 PLANNING CONTROLS

- 7.1 The Subject Site is located within a Mixed Use Zone (MUZ).
- 7.2 Balcombe Road is identified in a Road Zone Category 1 (RDZ1).
- 7.3 The Subject Site is subject to a Special Building Overlay (SBO).
- 7.4 The Subject Site is also subject to an Environmental Audit Overlay (EAO).

8.0 PLANNING PERMIT REQUIREMENTS

- 8.1 Pursuant to Clause 32.04-1 (Mixed Use Zone), a planning permit is **not required** to use the site for residential purposes.
- 8.2 Pursuant to Clause 32.04-1 (Mixed Use Zone), a planning permit **is required** to use the site for office purposes.
- 8.3 Pursuant to Clause 32.04-5 (Mixed Use Zone), a planning permit **is required** to construct two or more dwellings on a lot.
- 8.4 Pursuant to Clause 32.04-7 (Mixed Use Zone), a planning permit **is required** to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-1, in the case of this application – an office.
- 8.5 Pursuant to Clause 44.05-1 (Special Building Overlay), a planning permit **is required** to construct two or more dwellings on a lot.
- 8.6 Pursuant to Clause 52.06 (Car Parking), a planning permit **is required** to reduce the number of car parking spaces required under the table at Clause 52.06-5.
- 8.7 Pursuant to Clause 52.29 (Land Adjacent to a Road Zone, Category 1), a planning permit **is required** to construct or alter an access to a Road Zone Category 1.

9.0 ADVERTISING

- 9.1 Prior to advertising, the Permit Applicant submitted revised plans on 19 July 2010 and 3 August 2010 that essentially sought to address some of the concerns outlined within the

Planning Officer's further information letter. It is these plans that formed part of the advertising documentation.

9.2 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Nine (9) formal objections to the proposal were received. The grounds of objection raised are summarised as follows:

- Neighbourhood Character / Scale / Visual Bulk;
- Overdevelopment;
- Overshadowing;
- Overlooking / Loss of Privacy;
- Traffic, Car Parking and Access concerns; and
- Devaluation of Property.

10.0 PRELIMINARY CONFERENCE

10.1 A preliminary conference was held on Wednesday, 8 September 2010, with the relevant Planning Officer, the Permit Applicant, and twelve (12) objectors in attendance. The above-mentioned issues were discussed at length.

10.2 The above concerns were unable to be resolved at the preliminary conference. As such, the objections to this application still stand.

10.3 As outlined earlier, the Permit Applicant did submit subsequent revised plans to Council on 10 September 2010, which sought to address some of the concerns raised by Councillors and objectors following advertising of the proposal. An additional set of revised plans were submitted to Council on 22 October 2010, which clarified front and side setback distances. It is these latest revised floor plans and elevation plans submitted on 10 September 2010 that now form the basis of this recommendation to Council.

10.4 The main issue rectified by the amended proposal relate primarily to the introduction of screening devices/measures to a number of balcony areas and windows along the side and rear elevations as well as providing disabled access, in the way of a ramp, at the front of the building. It was not considered necessary to circulate the latest revised set of plans to objectors, as it was considered that the changes made were minor in nature and would result in no further detriment.

11.0 REFERRALS

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

- VicRoads
- Melbourne Water
- Council's Development Engineer
- Council's Vegetation Management Officer
- Council's Environmental Sustainability Officer

- Council's Waste Management Department
- Council's Urban Design Officer
- Council's Traffic Department

11.2 The above-mentioned referral authorities have no objection to the proposal, subject to conditions being included on any permit issued. The following sections of this report will further elaborate on comments received from both internal and external referral authorities, where relevant.

12.0 RELEVANT POLICIES

12.1 State Planning Policy Framework (SPPF)

- Clause 11: Settlement
- Clause 13: Environmental Risks
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

12.2 Local Planning Policy Framework (LPPF)

- Clause 21.03: Land Use Challenges for The New Millennium
- Clause 21.04: Vision
- Clause 21.05: Residential Land Use
- Clause 21.06: Retail and Commercial Land Use
- Clause 22.11: Residential Development Policy

12.3 Particular Provisions

- Clause 52.06: Car Parking
- Clause 52.29: Land Adjacent to a Road Zone
- Clause 52.34: Bicycle Parking
- Clause 52.35: Urban Design Context Report and Design Response For Residential Development Of Four Or More Storeys

Note: While providing a useful guide to assessing the pertinent issues for the application, the provisions of Clause 55 (ResCode) do not apply, as the development is for a development of four (4) or more storeys. The development must be assessed against the objectives and strategies of Clause 15 (Built Environment and Heritage).

12.4 General Provisions

- Clause 65: Decision Guidelines

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

The land is located within Area 18 of the Neighbourhood Character Guidelines, which encompasses a large, anomalous, shaped area that incorporates the north-east side of Como Parade East, south of LaTrobe Street and Oak Avenue, west of Warrigal Road to where it intersects with Como Parade East. The proposal is generally in accordance with the applicable character profile. There are no elements identified within this character area as making a 'major' or 'critical' contribution to neighbourhood character.

12.6 The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

The Guidelines tend to focus on the design of multi-unit developments, and are not very informative in the consideration of larger scale apartment buildings of this nature. For this reason, an assessment against the suggestions contained within the Guidelines has not been provided for this proposal.

13.0 RELEVANT PLANNING POLICIES IN DETAIL:

13.1 State and Local Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 13** (Environmental Risks), **Clause 15** (Built Environment and Heritage), **Clause 16** (Housing), **Clause 18** (Transport), **Clause 19** (Infrastructure). The SPPF requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development.

Clause 11 (Settlement) seeks to ensure that a sufficient supply of land is available for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 13 (Environmental Risks) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

Clause 15 (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Clause 16 (Housing) encourages the provision of housing diversity (including affordable housing), that has access to services and be planned for long term sustainability. It also seeks to ensure the efficient provision of supporting infrastructure.

Clause 17 (Economic Development) is geared towards providing a strong and innovative economy. Clause 17.01-1 – Business encourages development which meets the community’s needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 18 (Transport) encourages the development of an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Clause 19 (Infrastructure) aims to ensure that the development of social and physical infrastructure is provided in a way that is efficient, equitable, accessible and timely.

It is submitted that the subject proposal is consistent with the aforementioned State strategies and policy direction. Specifically, the subject site is located on a large parcel of land earmarked for Mixed Use purposes. The development itself achieves an appropriate standard when assessed against urban design principles and the site enjoys convenient and direct access to community facilities and local transport nodes.

13.2 Local Planning Policy Framework

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

Within the LPPF of the Kingston Planning Scheme, the following five (5) Clauses are submitted as being the most relevant to the consideration of the proposal:

- Clause 21.03: Land Use Challenges for The New Millennium
- Clause 21.04: Vision
- Clause 21.05: Residential Land Use
- Clause 22.08: Park View Industrial Estate Policy
- Clause 22.11: Residential Development Policy

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

- **Clause 21.03: Land Use Challenges for The New Millennium** identifies the need for the Municipality to provide suitable housing stock that meets future housing demands and to sustain an appropriate mix of supporting urban infrastructure. It is further stated that recent pressures for new development, consolidation and medium density housing has resulted in change to the amenity and character of local areas. It is acknowledged that careful management will be required in order to integrate urban consolidation objectives with an understanding of specific character issues applicable to certain neighbourhoods.

- Within **Clause 21.04-3: Strategic framework plan** (Clause 21.04 Vision), provides for the strategic direction for future land use planning and development within the City of Kingston. This Policy includes a Strategic Land Use Framework Plan, which identifies the location of where specific land use outcomes are anticipated, supported and promoted.
- The major strategic directions identified on the overall Framework Plan include:
 - **Locations for promotion of medium and higher density housing opportunities i.e. areas designated for increased density housing opportunities and activity centres.**
- The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.
- Pertinent to the consideration of this application, the policy goes on to state that "The vision for Kingston's residential areas outlined in the Kingston Residential Strategy - September 2000 is: *to promote and facilitate both increased local housing diversity to meet the changing housing needs of the community and increased liveability within an integrated planning framework.* The MSS seeks to *promote medium density housing in locations better suited to accommodating housing change* and to moderate the rate and type of housing change in other locations".
- Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:
 - *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
 - *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
 - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
 - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
 - *To recognise and response to special housing needs within the community.*

Council's Local Planning Policy at Clause 21.05 essentially reinforces State Planning Policy at Clause 12.06, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

- **Clause 21.06: Retail and Commercial Land Use** is broken into six (6) key objectives. The first of which looks at protecting and strengthening the hierarchy of activity centres. The subject land is located within close proximity to the Mentone Activity Centre, which is identified as a 'Major Activity Centre' within the City of Kingston. The Strategic Direction for the Mentone Activity Centre is to:
 - *Encourage entertainment/ restaurant uses where continuous active frontage is not undermined.*
 - *Reinforce centre's edges by encouraging residential development on the centre's periphery.*

Relevant to this application, Objective 4 of **Clause 21.06** seeks to effectively respond to the evolving nature of the commercial (office) market. Whilst this objective essentially concentrates on the supply of office areas within Kingston's activity centres, it is considered that the proposal satisfies its mixed use zoning categorisation by providing two (2) alternative uses on the site i.e. residential and a ground level office component. Further, it is considered that the proposal responds to the relevant key objectives of this Clause by ensuring that opportunities for core retail type uses continue to be made available within the heart of the Mentone Activity Centre.

- **Clause 22.11 Residential Development Policy** extends upon the provision contained at Clause 21.05 (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character. While the subject site falls outside of the areas designated as increased housing diversity, incremental housing change, minimal housing change, or residential renewal, the design criteria of the policy is applicable to this proposal as it relates to the provision of multi-dwellings in Kingston.

In summary, the proposal is considered to be consistent with Council's Local Planning Policy Framework. Importantly, the proposal delivers on specific objectives relating to the development of larger opportunity sites, which seek to encourage well-designed medium density housing in appropriate locations, as well providing diversity in housing choice to assist in meeting the anticipated future population forecasts.

13.3 Particular Provisions

- **Clause 52.06: Car Parking**

The proposal provides thirty-two (32) on-site car parking spaces, including twenty-six (26) spaces designated for resident use with one (1) disabled space and one (1) nominated visitor space. Pursuant to the Table at Clause 52.06-5 – Car Parking of the Kingston Planning Scheme, a dwelling generates a requirement of two (2) car spaces and an office generates a

requirement of 3.5 spaces per 100 square metres of net floor area. Given that thirty-two (32) dwellings and an office area of 28.2m² are proposed to be provided on site, a requirement of fifty-three (53) car spaces is generated for the development, inclusive of office space, residents and their visitors. Accordingly, the proposal seeks a reduction in the car parking requirement in the order of twenty-one (21) car spaces.

Clause 52.06 allows a permit to be granted to vary the statutory parking requirements having regard to the following decision guidelines:

- *Any relevant parking precinct plan.*
- *The availability of car parking in the locality.*
- *The availability of public transport in the locality.*
- *Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.*
- *Any car parking deficiency or surplus associated with the existing use of the land.*
- *Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.*
- *Local traffic management.*
- *Local amenity including pedestrian amenity.*
- *An empirical assessment of car parking demand.*
- *Any other relevant consideration.*

Whilst not directly applicable to the consideration of a development of four (4) or more storeys, the provisions of Clause 55 (ResCode) are considered to offer more specific criteria from which the car parking requirements for residential development can be calculated and judged. Indeed, the provisions of Clause 52.06 are currently being reviewed by an advisory committee appointed by the Minister for Planning, with a view to making the provisions for non-activity centre residential developments consistent with those at Clause 55 (ResCode). The following table sets out the car parking requirements for the development based on the current rates specified at Clause 55.03-11 of the Kingston Planning Scheme:

Use	Number	Rate	Requirement
1 & 2-bedroom dwellings	26 dwellings	One per dwelling	26 spaces
3-bedroom dwellings	N/A	Two per dwelling	0 spaces
Visitors	26 dwellings	One per five dwellings	5 spaces
TOTAL			31 spaces

Therefore, based on the requirements of Clause 55.03-11, the development would generate a total requirement for thirty-one (31) car spaces. The proposed provision of thirty-two (32) car spaces, including twenty-six (26) spaces for residents and six (6) spaces for visitors, would therefore satisfy this requirement.

Based on this assessment, the proposed car parking provision is considered acceptable and likely to satisfy the car parking demand generated by a twenty-six (26) dwelling

development with a ground floor office component, of this nature. Accordingly, a reduction in the car parking requirements of Clause 52.06 of the Kingston Planning Scheme is considered warranted, in this instance.

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

The primary purpose of this Clause is ‘to ensure appropriate access to identified roads’. As Balcombe Road is identified as a Road Zone Category 1, and a new crossover is proposed with the existing crossovers to be reinstated, a planning permit is required. Accordingly, the views of VicRoads (the relevant road authority) are required, as VicRoads are a statutory referral authority in this instance.

VicRoads have advised that they do not object to the proposal, subject to the following conditions:

- *Prior to the commencement of use of the permitted development, existing vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.*
- *Prior to the commencement of use of the permitted development, signs and/or line-marking must be provided to direct and control the flow of traffic internal/external to the site to the satisfaction of the Responsible Authority, as follows:*
 - 2.1 *‘No Entry’ signs must be placed on the reverse face of the two existing ‘Give Way’ signs at the entry to Balcombe Road, to ensure traffic enters the development in a left-in arrangement only.*
 - 2.2 *Appropriate signage or line-marking must be placed within the development to ensure traffic exists in a left-out arrangement only.*
- *Prior to the commencement of the use of the permitted development, traffic calming treatments must be undertaken to the satisfaction of the Responsible Authority.*
- *The developer must pay the full cost of all roadworks, drainage, service relocations, and any other associated costs i.e. all works to be complete at no cost to VicRoads.*

Council’s Traffic Department shares the same view of VicRoads with respect to the access arrangements to the site.

Given that VicRoads is the relevant road authority and as they are essentially satisfied with the proposal (subject to the above conditions), this component of the development is deemed acceptable.

Therefore, given the statutory obligations and discussion had above, it is recommended that the conditions of VicRoads be included on any permit issued.

▪ **Clause 52.34: Bicycle Parking**

Clause 52.34-3 requires in developments of four (4) or more storeys that one (1) residents bicycle space per five (5) dwellings, and one (1) visitor bicycle space per ten (10) dwellings be provided. Accordingly, the proposed development of twenty-six (26) dwellings generates a requirement for five (5) resident bicycle spaces and two (2) spaces for visitors.

The development includes the provision of eight (8) secure bicycle storage facilities for resident and visitor use within the storage / communal passageway along the west side of the building at ground level, which satisfies the requirements of this Clause.

▪ **Clause 52.35: Urban Design Context Report and Design Response for Residential Development Of Four Or More Storeys**

A satisfactory urban context report and design response was prepared prior to advertising of the development, in accordance with the requirements of the Clause.

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

It is acknowledged that the provisions of Clause 55 (ResCode) of the Kingston Planning Scheme do not apply in this instance, as the development is four (4) or more storeys.

14.0 PLANNING CONSIDERATION & ASSESSMENT OF KEYS ISSUES:

Prior to exploring the planning consideration and focal topics presented below, it should be recognised that the subject Land is suitable for development and both the State and Local Planning Policy Framework supports this notion with the site being earmarked for ‘mixed use development’ and surrounded by other mixed use development sites and Residential 1 Zoned land, which is geared towards ‘increased housing diversity’.

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

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

14.1 Land Use

As noted above, it is considered that the proposed development is consistent with the State and Local Planning Policy Framework. Importantly, the subject site is located on a large parcel of land earmarked for Mixed Use purposes. The site enjoys convenient and direct access to community facilities and public transport nodes, given its close proximity to the Mentone Activity Centre. Further, the proposed development would provide a diversity of housing choice to assist in meeting Kingston’s anticipated future population growth. Further, the proposed development is considered to be consistent with policies at State and Local level which advocate high quality urban design.

14.2 Design & Built Form

The design principles contained at Clause 15 (Built Environment and Heritage) are applicable to this development, which is not covered by Clause 55 (ResCode) due to its proposed height. The proposed development is considered to be consistent with the applicable design principles contained within the Clause.

The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) are considered to provide a more comprehensive guide in the assessment of the design and built form of residential development of four (4) or more storeys. As such, discussion of the proposal against each of the applicable design elements is provided below.

Element 1 – Urban Context

Encourages buildings that respond creatively to their existing context and to the aspirations for the future development of the area and encourages creative designs that are based on a clear understanding of the urban context and neighbourhood character.

To ensure proposed buildings respond creatively to their existing context, an Urban Context Report is required to accompany an application of four (4) or more storeys, which provides a detailed response to the character of the area and identifies the opportunities and constraints for the site. It is considered that the proposal adequately responds to the existing, albeit varied, neighbourhood character and the urban context. The graduated elevations which provide a lower scale of development adjacent to the existing residential development to the south, and massing the height of the development towards the site's non-residential abutments is considered to be a positive response to the existing urban context. Further details in relation to building materials and urban design elements will be required as a condition of any permit issued.

Element 2 – Building Envelope

This element aims to ensure that new development is appropriate to the scale of nearby streets, other public spaces, and buildings and to relate building height to street width and intended character. The objective also aims to protect sunlight access to public spaces, to respond to existing or preferred neighbourhood character, to ensure building separation supports private amenity and reinforces neighbourhood character, and to ensure that areas can develop with an equitable access to outlook and open space. The objective aims to ensure that visual impact to the rear are appropriate to the context and to maximise informal or passive surveillance of streets and other public open spaces.

Height and Massing:

The character of development within the area is varied, with commercial premises to either side of the site, residential development to the rear and further westwards, the Mentone Activity Centre approximately 400 metres walking distance from the site and other commercial premises located opposite the subject site along Balcombe Road and Nepean Highway. The proposed development has been appropriately sited with respect to the amenity of the site's sensitive residential interface, achieving building setbacks in the order of 5.44 to 9.0 metres on the second and third floor plan. The visual mass of the building when viewed from these properties has been relieved via ranging setbacks of each level from the site's rear property boundary as well as articulation techniques through varying materials, textures, balcony components and fenestration patterns along the building's rear facade.

Street Setbacks:

As mentioned, development located on abutting allotments to either side of the subject site is of a commercial nature. The commercial building to the site's east is built to the site's front property boundary and, therefore, enjoys a 0.0m setback. The commercial building to the west side of the subject site enjoys a 8.5 metre setback to its Balcombe Road property boundary.

When reviewing the Neighbourhood and Site Description Plan along with the aerial photograph of the general area provided on page 2, it is evident that front setbacks along Balcombe Road vary quite substantially.

The subject development proposes a front setback in the order of 2.965 metres to 5.841 metres, which is considered appropriate as it makes efficient use of the site, responds to its mixed use zoning of the land, and provides a suitable transition between the existing development on abutting properties as well as providing a suitable response to the prevailing setbacks along Balcombe Road.

Relationships to Adjoining Buildings:

The use and type of built form found within the immediate area varies considerably, with no dominant characteristics evident. With this said, the height, scale and form of development found within the immediate area also varies, with the presence of single and double storey development of a residential and commercial nature.

Notwithstanding the above, it is acknowledged that the site itself is bound by single storey development of a commercial nature adjoining to its sides and residential nature to its rear. The tiered footprint of the proposal resulting in the third and fourth level being recessed in from its respective ground and first floor component, provides articulation and visual relief in the design.

Noting the site dimensions and particularly its width of 20.01 metres along with the mixed use zoning of the land, a development of this nature, in principle, is not considered unreasonable. It is common practice and direction of the Tribunal that in developments of this form, adjoining allotments will likely be developed in the future of a more intense product to that which currently exists. Therefore, the treatment of the exposed side facades is critical to the assessment of the application to ensure that the proposal does not jeopardise the redevelopment potential of adjoining allotments.

As mentioned earlier, the development achieves side setbacks in the way of 0.0 to 2.55 metres, which allows for flexibility in design and development opportunities for the adjoining mixed use allotments.

To the sensitive interface (i.e. the rear) the development is set back in the order of 2.1 metres at ground and first floor level and 5.44 to 9.0 metres at the second and third floor level. The building introduces greater setbacks as the building height increases, thus ensuring improved amenity outcomes are achieved for the neighbouring dwellings, and an acceptable transition between sites is achieved.

Views to and from Residential Units:

As shown on the newly revised plans, the permit applicant has ensured that appropriate screening measures have been incorporated into the design to prevent unreasonable overlooking of adjoining residential properties. The orientation of the dwellings has also allowed for views to be obtained, where they do not unreasonably overlook adjoining properties or other dwellings within the development.

Wind protection:

Given the four (4) storey nature of the application, it is considered that the stepped building form and articulation applied to the external facades of the proposed development and building mass will assist in reducing wind turbulence at ground level.

Roof forms:

The proposed flat roof design is considered to be in keeping with the contemporary style of the development and assists in minimising the overall building height. The type of roof form proposed is not considered atypical to other forms of development in the immediate area and is envisaged to ingrate well with the Balcombe Road streetscape.

Element 3 - Street Pattern and Street-Edge Quality

Aims to create walkable areas within a safe and interesting public setting and to closely integrate the layout and occupation patterns of new development with the street. This objective also encourages entrances with a strong identity. Entrances that provide a transition from the street to residential interiors by accentuating and identifying building entrances to provide good visual and physical connections between the street and lobby spaces. It is important to ensure that car parking does not dominate or detract from the streetscape. Front fences should respect and contribute to the neighbourhood character and avoid creating inactive frontages as a result of fencing private open spaces.

The shared infrastructure in higher density development, including circulation, parking and service spaces is important to ensure that buildings function well, are efficient and capable of being properly maintained.

Street Pattern and Street Edge Integration:

The development is considered to provide a good transition between public and private space. At its frontage, the development provides landscaping opportunities to allow for a conformable and welcoming street edge. To further assist with its connection to the street, the office component and building entrance includes large panel glazing to ensure an active frontage is achieved that affords good levels of surveillance.

Building Entries:

The provision of safe and convenient pedestrian access to the site is achieved via central steps and a ramp to meet disability requirements. It is considered that the objectives of the guidelines are satisfied in that the building's entry areas are clearly visible and accentuated through their location and design.

Element 4 - Circulation and Services

Aims to provide adequate, safe and efficient car parking layouts, bicycle areas and pedestrian entries to buildings. Encourages the creation of shared living spaces that contribute positively to the experience of living in high density developments. This objective also aims to minimise running and maintenance costs and to minimise water use, collect and reuse stormwater where practical, use natural irrigation in landscaping and provide a clear method of refuse disposal.

Parking Layout:

The applicant has advised in their supporting documentation that the car spaces within the grade level car park will be clearly allocated to individual dwellings, marked as visitor car spaces or assigned to the office component. A condition of permit will ensure this occurs.

Line marking and signage to indicate traffic movements within the site, will also be required as conditions of permit.

Circulation Spaces:

The shared spaces within the building have been designed in accordance with the suggestions outlined in the guidelines.

Site Services:

It is considered that due consideration has been given to the service operations necessary for a development of this nature. Provision has been made for refuse collection, mail delivery, emergency services access, etc.

Element 5 - Building Layout and Design

The objective aims to provide a range of dwelling sizes and types in higher density residential developments, to optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site and to promote buildings of high architectural quality and visual interest. The objective also identifies the need to provide adequate storage space for household needs, to ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.

Dwelling Diversity:

The dwellings are for a mix of 1 and 2 bedrooms providing for diversity of households, particularly smaller households. All the dwellings are provided with lift access, and are therefore suitable for persons with limited mobility.

Building Layout:

Council Officers are satisfied that the buildings have been designed to optimise site opportunities and minimise less desirable characteristics of the site. Where possible, the internal amenity of the dwellings within the development has been maximised via the positioning of windows and balconies towards the site's non-residential abuttals to ensure unencumbered views, access to natural light, and ventilation is achieved.

While it is acknowledged that each dwelling includes a small footprint, for the most part, the internal configuration of the dwellings is functional and appropriately dimensioned according to the proposed use of rooms. Concern is expressed, however, with the degree of internal amenity provided to a number of the dwellings due to their small room size and it is considered necessary that the internal footprint of these dwellings is increased by way of permit conditions. This issue is discussed in greater depth at Section 14.5 of this report.

Adequate internal storage areas are provided within each dwelling, and external storage is provided for each of the dwellings within the grade level car park.

In a development such as this, it is recognised that not all dwellings will achieve the same levels of amenity and solar access. A permit condition requiring the submission and approval of an Ecological Sustainable Design (ESD) Report will ensure that the development will be designed in accordance with sustainable design principles.

Design Detail:

While Council's Urban Design Officer had initially raised concerns with regard to the presentation of the development to its Balcombe Road frontage and abuttals, following several meetings with

Council's Planning Officer, the Urban Design Officer indicated that they were satisfied with the plans as advertised.

It is considered that the building has been well articulated through the use of a variety of building materials, colours and forms, thus ensuring visual interest in the design and minimising the perception of visual bulk.

Element 6 - Open Space and Landscape Design

New developments should contribute to the creation of private and public open spaces that are accessible, attractive, safe and comfortable for their users and to allow solar access to the private and shared open spaces of new high density residential units. New developments should integrate the design of shared and private open space into the overall building design and facade composition and to provide greenery for open spaces. In areas of higher residential development, residents and visitors will rely in part on public open space for relaxation, recreation and meeting places, therefore, access to adequate and safe public open spaces is essential for the well being of the whole community. Public open spaces need to be appropriate to the context of the development.

Private and Communal Open Space:

Dwellings at ground level would be provided with private open space in the form of ground level courtyards that achieve approximately 20m², and balconies for the dwellings at the upper levels ranging from between 8.0m² to 11.6m². These dimensions are consistent with, or exceed, the requirements of Clause 55 (ResCode), which although not strictly applicable to a development of this nature, provides a good benchmark for residential amenity to be measured. The areas of private open space for each of the dwellings are provided with direct access from their respective living area. These spaces are well dimensioned and oriented to ensure that they are usable, and provided with a reasonable level of amenity. As noted previously, the balconies have been appropriately sited to ensure that screening to avoid overlooking of neighbouring residential properties is minimised.

14.3 Amenity Considerations

The following section of the report largely concentrates on the external amenity impacts of the proposal, and in particular, those relating to overlooking, overshadowing, and visual bulk. The traffic impacts of the proposal will be discussed in the following section entitled 'Traffic Considerations'.

Overlooking

The habitable room windows and balconies above ground floor level within the development that have an outlook towards neighbouring residential properties within a horizontal distance of 9 metres have been appropriately screened to safeguard the privacy of adjoining dwellings. The south elevation clearly nominates first, second and third floor windows as either being raised to a minimum height of 1.7 metres above their respective finished floor level or nominated as obscure/opaque glazing. Screening devices have also been introduced to balconies along this facade (rear elevation), again nominated to a minimum height of 1.7 metres.

Concern has also been raised with regard to the potential of internal views being obtained from balcony areas within the development. It is apparent that screening devices have also

been introduced along the side elevation plans; however the height of the screening or raised sill heights on some elevations is, however, unclear from the submitted drawings. A permit condition is therefore recommended to ensure that the screening, or sill heights of windows, is at a minimum fixed height of 1.7 metres above the finished floor level directly below, in accordance with the Standards of Clause 55 (ResCode) of the Kingston Planning Scheme.

Overshadowing

Again, whilst it is recognised that ResCode is not applicable in the assessment of this application, it does provide a guide for assessing the shadow impact of development on adjoining properties. The tool under ResCode for assessing whether the level of overshadowing caused by a development is deemed unreasonable is applied under Standard B21 of Clause 55.04-5, which is as follows: *‘where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September’.*

With regard to the level of overshadowing caused by the proposed development and after reviewing the shadow diagrams that accompanied the application, it is noted that the proposal complies with Standard B21 (Overshadowing Open Space Objective) of ResCode.

This is not to say that the development does not result in added shadow being cast over any of the adjoining property’s rear private open space areas. The shadow diagrams do indicate that some degree of additional shadow will occur over the rear yards of the adjoining residential properties at different amounts throughout the course of the day (i.e. between 9am – 3pm). However, what is important to note, is that the level of shadow cast by the proposal during the equinox period (22 September) does not result in an unreasonable level of overshadowing, when applying Standard B21. Furthermore, when looking at the 12pm and 3pm shadow diagrams it is interesting to note that the proposal results in a negligible increase in shadow cast to that of the existing common boundary fence and outbuilding(s) located on the adjoining properties.

It is submitted that the tiered approach and setbacks adopted for the development from its rear (south) property boundary ensures that the private open spaces of the adjoining residential properties to the rear are not unduly affected. Accordingly, it is considered that the proposal will not result in any unreasonable overshadowing to neighbouring properties.

Visual Bulk

The zoning of the land as Mixed Use will undoubtedly result in a transition in the character of this area from the existing commercial properties to a higher density residential/commercial area. Indeed, there is clear policy support contained in the State and Local Planning Policy Frameworks for redevelopment of this site and the wider Mixed Use Zone that will no doubt lead to considerable change to both land use and built form.

As previously touched upon within this report, it is considered that the scale of the building would sit comfortably on a site of this size, width and dimension. The building has been

sensitively designed so that it ‘steps down’ in height as it nears the site’s south (rear) property boundary, thereby providing a suitable transition to the neighbouring lower scale residential area. Importantly, this Building at grade level achieves a 2.1 metre setback from its sensitive residential interface, and as it increases in height, the setbacks from this boundary increase, in the order of 5.44 to 9.0 metres at its uppermost (fourth storey) level. This approach ensures that the scale of the building does not overwhelm the adjoining residential dwellings, and provides the development with visual interest. A satisfactory level of articulation has been achieved through a variety of building materials, textures, heights, roof forms, balcony projections and fenestration patterns.

The site benefits from limited sensitive abuttals, with the adjoining commercial properties to either side (i.e. east and west allotments). Such site attributes provide clear opportunities for a development of a higher scale on the subject land, which would add to the diversity of housing opportunities available within the area. While it is agreed that changes to built form within an area should not come at any cost, the extent of change proposed in this application is considered to be consistent with that of other developments that have recently been approved in the immediate area (i.e. the former Le Gym site and the recent Childers Street application), which were deemed acceptable within the site context and consistent with both the State and Local direction for future development within a Mixed Use precinct, such as this.

14.4 Traffic Considerations

The Permit Applicant has submitted a response to the traffic matters within the planning report that accompanied the application upon lodgement. The application, including the planning report, was referred to Council’s Traffic Department for review. Council’s Traffic Engineer in their referral comments expressed no ‘in principle’ objection to the application, subject to a number of matters being addressed by way of revised plans.

In summary, the following response was received by Council’s Traffic Engineer to this application:

Adequacy of Parking Provision

- *The studies of the proposed two bedroom dwellings are too small to be bedrooms.*
- *The proposed provision of 32 on-site car spaces is considered to be acceptable.*
- *Any permit issued should require allocation of one space per dwelling, at least one space for office staff and four spaces for visitor parking.*
- *Any permit issued should include a note to the effect that residents and visitors would be ineligible for parking permits.*

Car Park Access

- *Pedestrian sight triangles of 2.5m (along the proposed driveway) × 2.0m (along the site boundary) should be provided on the western side of the crossover in accordance with*

AS/NZS 2890.1:2004. The sight triangle area should not contain any objects or vegetation greater than 900mm in height.

- *It is recommended that the accessway be widened to 6.1m (comprising of a 5.5m two-way accessway and 300mm kerb on each side of the accessway) in accordance with AS/NZS 2890.1:2004 for two-way accessway.*
- *Given the provision of on-site visitor parking spaces and the provision of a security gate for the car park, consideration should be given to intercom facilities at the entrance of the car park.*

Car Park Layout

- *The proposed car stacker type should be clearly indicated on the plans.*
- *A minimum height of 3.95 metres should be provided above the proposed car stackers to accommodate 1.85 metre tall vehicles on the lower and upper platforms. Many cars (even small cars - e.g. Honda Jazz, Toyota Echo) have a height of more than 1.5 metres (this does not include the antenna which on some cars is on the roof and not retractable).*
- *All columns should be setback 0.4m from the entry end of the car space to facilitate vehicle access.*
- *The raised edges of the car stacker platforms must be cutback 0.4m to facilitate vehicle access/egress.*
- *The proposed disabled parking space should be in accordance with the requirements of AS2890.6:2009. A shared area should be provided adjacent to the proposed disabled parking space.*

Bicycle Facilities

- *The bicycle parking area is only approximately 2m wide, which is not adequate to accommodate a parked bicycle of approximately 1.7m long and a bicycle accessway of 1.5m wide (i.e. 3.2m wide in total). Therefore, the bicycle parking area needs to be widened to at least 3.2m wide or to an alternative width to the satisfaction of the Responsible Authority.*

Traffic Impact

- *It is anticipated that the proposed residential component would generate in the order of up to 6 vehicle trips per dwelling per day and that approximately 10% of these would be generated during each of the peak periods. This equates to up to 156 vehicle trips per day of which approximately 16 trips would occur during each of the peak hours.*
- *The proposed office would not generate significant additional traffic.*

- *The additional vehicle trips generated by the proposed development are unlikely to have any significant adverse impact on traffic conditions in the vicinity of the site or the surrounding road network.*

Based on the above information, it is recommended that conditions be included on any permit issued to address the concerns presented by Council's Traffic Engineer. However, with regard to the recommendation to increase the width of the crossover to the site, as VicRoads are the relevant road authority for Balcombe Road with respect to vehicular access to and from the site, and VicRoads have raised no concern with the current access arrangement to the site, it is not considered appropriate to adopt Council's Traffic Engineer's recommendation to widen the accessway, in this instance.

As mentioned earlier within this report, the application was referred to VicRoads for comments and review. VicRoads advised that they **do not object** to the application, subject to conditions being included on any permit issued. Accordingly, subject to VicRoads' conditions, it is considered that access to and from the site will not have any adverse impact on traffic movements along Balcombe Road.

14.5 Internal Amenity Considerations

As expressed within this report and subject to appropriate conditions on any permit issued, the proposal can achieve a reasonable level of internal amenity for future occupants.

When dealing with a more compact form of housing, the ability to achieve a reasonable level of internal amenity is vital to the development. As expressed by many members of the Tribunal, the ability to achieve State and Local Planning Policy Provisions should not override the provision of achieving adequate internal amenity. A balance must be struck between the two.

Over time the character of this section of Balcombe Road will likely change as a result of many allotments being redeveloped in a similar form to that being proposed by way of this application. With this increase in built form and the introduction of residential accommodation on upper levels, consideration must be had for any residential dwellings that are orientated to a common/side boundary and the amenity afforded to the same, given the likely scenario that the adjoining allotments may be developed in a similar manner.

With regard to the development plans before Council, many of the dwellings that are orientated along the east and west axis currently do not achieve a high level of amenity, largely due to their small internal footprint. Whilst a positive aspect of the development is that many of the balconies facing east or west do not propose built form directly above and varying setbacks are achieved, the overall size of the dwellings proposed and their 'crammed' nature is of concern, particularly for those dwellings located on the lower levels. The concern had with the small floor area of each dwelling is evident when comparing the size of the bedrooms to that of the size of the living areas, which appear to be of a similar width and size.

In light of the above discussion, it is considered that the level of internal amenity achieved for those dwellings of particular concern can be addressed by way of suitable conditions included on any permit issued. Based on this approach, it is recommended that conditions to the following effect be introduced on any permit issued:

- The dwellings that are shared over two levels at the rear of the site (i.e. ground and first floor level – Apartments A9 and A10) be converted into one (1) dwelling on the ground floor level alone.
- As the above point will result in the loss of Apartments A9 and A10 at first floor level, it is recommended that this space be utilised by increasing the size and improving the design of all remaining dwellings on this level.
- Further, it is recommended that the study area be deleted from at least three (3) of the apartments on the first floor level to further assist in improving the internal layout and amenity of these lower lying apartments.

Subject to the recommendations made above, it is submitted that the application will achieve a satisfactory level of amenity for the dwellings proposed.

14.6 Site Contamination

As the Site is affected by an Environmental Audit Overlay (EAO), subject to any approval given the EAO requires that:

- *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
 - *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
 - *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

Accordingly, it is recommended that a condition be included on any permit issued requiring the Applicant/Owner of the Land to undertake an environmental audit, in accordance with the requirements set out above.

15.0 RESPONSE TO GROUNDS OF OBJECTION

As outlined in the objections received by Council and as expressed in detail at the preliminary conference meeting held between all parties, there appear to be a number of matters that are of concern to objectors, pertaining to this application. Specifically, the key grounds of objection relate to:

- Buildings height / Neighbourhood character / Visual bulk (setbacks);
- Overdevelopment
- Overlooking;
- Overshadowing;
- Traffic and access concerns;
- Lack of landscaping opportunity;
- Architectural merit;

- Waste collection; and
- Property values.

All of these concerns are discussed, in turn, below:

15.1 Building height / Neighbourhood character / Visual bulk (setbacks)

One of the questions of concern relates to whether the four (4) storey building height is appropriate for the site, especially in the context of its surrounding environs.

Importantly, the subject site is identified within a Mixed Use Zone within the Kingston Planning Scheme and is surrounded by land of either the same zoning or of a Residential 1 nature, which promotes 'Increased Housing Diversity'. As such, it is expected that this area will experience further development and intensification given the policy thrust at both the State and Local Planning Policy Framework, for consolidation of such sites for residential purposes.

The development potential of this site is further supported by its locational attributes and limited sensitive abutments, size, lack of restrictive built form overlays and enabling planning policy. Such site characteristics substantiate the potential for a larger structure or a taller building to be accommodated on this site.

It has been established that the site is earmarked for higher density development, given its zoning as Mixed Use. It has also been established that there are no height requirements that affect the subject site or its immediate area. Given the site's arterial road address and as explored through the photographs provided below, the general area is characterised by a mix of land uses and development forms, comprising of commercial development to either side of the site, the commercial strip continuing along the northern side of Balcombe Road (opposite the subject site), single detached dwellings to the south (rear), the Mentone Tenpin Bowl site on the corner of Balcombe Road, Nepean Highway and Childers Street, the Nighthawk Blues tavern including the small retail strip to the west side of Nepean Highway (corner of Balcombe Road and Nepean Hwy), the Shell Service Station and Mentone Fire Station to the east side of Nepean Highway, community health facilities along Balcombe Road and within the general area as well as the Mentone Activity Centre and Mentone Railway Station, which are both within convenient walking distance to the west side of the site.



Commercial building that adjoins the Subject Site to its east



Subject Site



Commercial building that adjoins the Subject Site to its west



Mentone Tenpin Bowls
Cnr Nepean Hwy, Balcombe Road &
Childers Street



Vet Clinic located on the south side
of Balcombe Road



North side of Balcombe Road –
Opposite subject site



Mentone Fire Station & Shell
Service Station on the eastern
side of the Nepean Highway



South side of Childers Street on
the Corner of Childers Street and
Warrigal Road



Rear of the Mentone Tenpin
Bowls building from Childers
Street



Residential development on Childers
Street – to the rear of subject site

While it is acknowledged that the four (4) storey building is the first of its kind along this section of Balcombe Road, it should be noted that Council has deemed other multi-storey developments of a similar nature to be acceptable in recent times. The most recent example given approval by Council being No. 33 and 35 Childers Street, which allowed for a four (4) storey residential development, which happens to adjoin the subject site to its south-eastern

corner. In light of this recent planning approval along with the multi storey, mixed use development, known as the 'Le Gym' application, which is located further west along Balcombe Road, this area of Mentone is experiencing a change in built form that will only be strengthened in time to come, especially given the strategic planning direction adopted within the Mentone Activity Centre Structure Plan.

The emergence of multi-storey development within this pocket of Mentone sits comfortably with the purpose of the mixed use zoning as well as coordinating with the anticipated and planned high density development explored by the Mentone Activity Centre Structure Plan.

Focusing on the said application and the built form proposed, the elevations demonstrate a gradual transition in height achieved from the site's immediate, sensitive, residential abutments to the south, with the development scaled down in height as it nears the rear property boundary. In order to reduce the impact of the proposal when viewed from these dwellings, a number of material and texture selections, window types and balcony projections (including screening devices, where necessary) have been incorporated into the rear facade, in order to articulate the building form and minimise visual bulk concerns. Further to this, appropriate setbacks, in excess of ResCode requirements, have been achieved from the rear property boundary for the most of the upper levels (excluding the stairwell and south-eastern corner of the building on the third and fourth level), in order to ensure that any perceived building bulk from the neighbouring residential properties are minimised. Reasonable opportunities for landscaping have also been provided along the shared (south) property boundary to soften the appearance of the development.

It is considered that the four (4) building has been appropriately designed with respect to the surrounding built form, and the proposal will sit comfortably on the site and within its immediate surroundings.

15.2 Overdevelopment

As already confirmed the Site is subject to a Mixed Use Zone, adjoins sites that contain commercial development and residential development of single construction and is surrounded by a mix of uses of a residential and non-residential nature. Furthermore, the plethora of policy within the Kingston Planning Scheme seeks to channelise more intense development within mixed use opportunity sites such as this, and, therefore, an intense type of development can and should be expected. Accordingly, the form of development is considered an acceptable response given the Land's zoning.

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

- Whilst a reduction in car parking is sought under Clause 52.06 of the Kingston Planning Scheme, the development does meet ResCode car parking requirements for residents and visitor parking to the site;
- All dwellings are provided with a suitable amount of private open space area;
- An appropriate level of amenity is provided to each dwelling proposed, subject to the recommendations outlined in Section 14.5 of this report;
- Due to the setbacks and cosmetic treatment proposed for all elevations, the proposal does not result in an unreasonable loss of amenity for abutting properties;

- Whilst the site coverage equates to 94.6 percent, this figure is not unreasonable on a site such as this, which currently contains a commercial building and includes a live permit approval for a two (2) storey commercial building of a similar yield to the application currently before Council; and
- In general, the building layout and urban design elements of the building are of architectural merit and thus deemed appropriate.

Based on the above, it is submitted that the proposal does not result in an overdevelopment of the site and with the inclusion of suitable conditions incorporated within any permit issued, the proposal should be supported.

15.3 Overlooking

As raised earlier within this report, the provisions of ResCode are not applicable in this instance. However, the measures stipulated within ResCode for assessing overlooking are beneficial as a guide for applications such as this one before Council. In accordance with the provision of Clause 55.04-6 (Overlooking objective) a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into secluded private open space of an existing dwelling within a horizontal distance of 9 metres.

Where it is determined that a development will result in unreasonable overlooking, appropriate screening devices or measures should be incorporated into the design (e.g. obscure screening or highlight windows to a height of 1.7 metres above the respective finished floor level), in accordance with Standard B22 of Clause 55.04-6.

As discussed earlier within this report, the rear (south) elevation plans clearly demonstrate that all balconies and habitable room windows located above ground level that directly face a residential property are screened via the provision of a 1.7 metre high screening device.

Recapping on previous information provided within this Report, details appear to have been omitted from the plan with regard to the screening provisions on the side elevations of upper level balconies and/or windows, to ensure that no unreasonable internal or external overlooking results.

For clarification purposes, it is recommended that should a permit issue suitable conditions be included requiring full details of all first, second and third floor level balcony and habitable room window screening specifications that demonstrate compliance with both Standard B22 of Clause 55.04-6 and Standard B23 of Clause 55.04-7 of the Kingston Planning Scheme.

15.4 Overshadowing

To save repetition, a comprehensive response to overshadowing is provided within Section 14.3 of this report.

15.5 Traffic and access concerns

Objectors were concerned that the additional traffic generated by the proposed development would exacerbate existing congestion and safety concerns. It is considered that the inclusion of the conditions as requested by VicRoads and Council's Traffic Engineer will ensure that the site access arrangements are improved, and entry/exit movements will not impact on the traffic flow of Balcombe Road. Furthermore, subject to these recommended conditions to be included on any permit issued, the grade level car park has been designed appropriately to cater for the proposed car stacked facilities and the anticipated parking demand to the site.

To save repetition, a thorough assessment against the technical parking requirements has been provided in detail at Section 14.4 of this report. The provision of car and bicycle parking for the development is considered acceptable.

With respect to the proposal's broader traffic impact, while increased traffic movements to and from the site will result, the existing street network is considered sufficient to absorb the traffic volume expected to be generated from a total of twenty-six (26) dwellings and their associated visitors. Council's Traffic Department and VicRoads did not raise any concerns in relation to projected traffic volumes.

It is therefore considered that subject to conditions, the proposal will not unduly affect the existing traffic and parking conditions experienced in this location.

15.6 Lack of landscaping opportunity

It is recognised that the subject development does not allow for any extensive landscaping opportunity given its site coverage level of 94.6 percent. However, on sites such as this, zoned for mixed use purposes with limited sensitive interfaces, 'boundary-to-boundary' type development is reasonable and to a degree, expected. The site does provide for landscaping opportunities within the front setback as well as to its rear, which will assist in softening the development to its most sensitive interface. Further, it is noted that limited vegetation is currently contained on the subject site with the existing commercial building and the hard surface car parking area that consumes the front of the site.

Whilst it is noted that the subject development provides limited landscaping opportunity, for the reasons presented above, it is not considered unreasonable given the context of the site and its applicable zoning.

15.7 Architectural merit

Council's Urban Designer has reviewed the proposed development, particularly the presentation of the development along all four (4) elevations and, in principle, raises no objection to the development.

However, it is believed that improvement could be had with certain design elements to the proposed building. Namely, these relate to the following areas:

- Activation of the Street Edge and Articulation of Entry
- Pedestrian Safety

- Building Bulk and Articulation
- Water Conservation and WSUD

In turn, Council's Planning Officer makes the following recommendations in respect to the four (4) summarised points above:

Activation of the Street Edge and Articulation of Entry

Improved activation of the street edge to Balcombe Road at the ground level is sought. Due to the high profile nature of Balcombe Road, its role as a pedestrian and vehicle connection to the Mentone Activity Centre, it is considered appropriate that the design response seek to activate the street, contributing positively to the public realm and respecting the pedestrian scale.

Accordingly, it is recommended that:

- Where possible relocate uses which do not contribute to an active realm (such as storage and waste) to locations away from the street edge. Where these uses cannot be relocated, alternate material treatments should be considered.
- In conjunction with the point above, a greater length of the ground floor to the street edge should be glazed to provide direct visual connection with the street, improved sense of entry, greater potential for passive surveillance and to maximise opportunities for natural light. The application should consider relocating the letterboxes to the wall outside the waste area and providing return glazing to the office in the current location of the mail boxes.
- An awning should be introduced to the front façade to most, if not all, of the length of the street edge. Ideally, an awning should be provided to the residential entries and office frontage.
- The provision of lighting to the undercroft area of the 1st floor, particularly to the setback to the garage door and residential entry should be applied for safety and surveillance purposes.

Pedestrian Safety

- It is advised that a translucent treatment to the security door to the ground floor car park to improve surveillance and pedestrian safety should be incorporated into the design.
- The height of planter box beside the vehicle entry should be clearly nominated to ensure that it allows for good visibility between the pedestrian footpath and vehicles entering and exiting the site.

Building Bulk and Articulation

- It is recommended that the fourth level be set back a further metre from the site's front property boundary to Balcombe Road to provide an opportunity for street

facing balconies to the upper levels and to strengthen the desired 3-storey podium height.

- The provision of a ‘wrap around’ window and ‘wrap around’ awning should be included to the corners of the third floor level (top storey to soften the edges of the building).
- The location of downpipes (and overflow outlets) or preferably concealed downpipes should be specified on the plans.
- It is strongly suggested that a shading element be introduced to the kitchen area windows to the 1st and 2nd floor levels that face Balcombe Road, which will provide improved articulation and solar control, but also reduce the visual bulk by balancing bolder design elements in the elevation.
- It is recommended that the glass balustrades to the balconies facing Balcombe Road should conceal the balcony floor plate.

Water Conservation and WSUD

Show provision for water harvest, storage and reuse. Given the dense redevelopment of the site and limited permeable surface area storm water run off and treatment is an important consideration. Accordingly, an Ecological Sustainable Development Plan should be required as a condition of any permit issued.

In response to the concerns expressed by objectors relating to the architectural credibility of the development, it is submitted that provided the above recommendations are adopted as conditions, in any permit issued, the application is deemed to be of a reasonable and appropriate design standard.

15.8 Waste collection

Detailed discussions between Council’s Planning Officer, Council’s Waste Management Officer and the Permit Applicant have occurred throughout the course of the application’s process with Council to determine what the best outcome would be with regard to waste collection from the site.

Council’s Waste Management Officer has advised that Council’s preference in regard to this application would be for Municipal Waste Collection to occur. While the finer details of how this will be achieved have yet to be resolved, it is recommended that should a permit be granted for the proposal, a condition be included that requires a Waste Management Plan (WMP) to be submitted and approved by the Responsible Authority.

It is required that the WMP must outline, at minimum:

- The manner in which waste will be stored and collected including: type, size and number of containers.
- Spatial provision for on-site storage.

- Details whether waste collection is to be performed by Council's services or privately contracted.
- The size of the collection vehicle and the frequency, time and point of collection.

Any such report will be reviewed by Council and must be to the satisfaction of Council in order to receive endorsement.

15.9 Property values

Council has no way of determining whether surrounding properties are likely to decrease or increase in property values as a result of the proposed development. Accordingly, it is submitted that this is not a valid ground of objection or one which Council can consider against the relevant planning provisions.

16.0 CONCLUSION

16.1 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.

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- Suitability of the site for higher density residential development having regard to the policy context and applicable planning provisions;
- In general, acceptability of the built form of the proposed development, specifically in regard to height;
- Consideration of any external amenity impacts;
- Adequacy of internal amenity;
- Consideration of the provision of car parking (to dwellings and visitors) and traffic related matters;
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the State and Local Planning Policy Framework, Mixed Use Zone, the relevant Particular Provisions and Clause 65 - Decision Guidelines (subject to appropriate conditions).

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

17.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for twenty-six (26) dwellings and an office with a reduction in car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and to Alter Access to a Road Zone Category 1 on land designated within a Special Building Overlay, subject to the following conditions:

2. 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 10 September 2010 and 22 October 2010, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii) the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii) the provision of suitable screen type planting along the site's rear property boundary;
 - iv) any proposed trees provided at a minimum of two (2) metres in height at time of planting;
 - v) medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - vi) 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. all east, north and west facing windows and balcony areas above the ground floor level screened in accordance with Clause 55.04-6 (Standard B22) and Clause 55.04-7 (Standard B23) of the Kingston Planning Scheme;
 - c. Dwellings A9 and A10 converted into one (1) dwelling on the ground floor only with the additional space created on the first floor level to be utilised by increasing the size and improving the internal amenity of all remaining dwellings on this level;
 - d. the deletion of at least three (3) study areas from the dwellings located within the core of the building (facing the side boundaries) on the first floor level to further assist with 'freeing-up' space to improve the internal amenity on this level;
 - e. accurate floor to ceiling heights for each level and dimensions in general nominated on all elevation plans (particularly the rear (south) elevation);
 - f. the provision of one (1) car parking space allocated to each dwelling with the remainder of car parking spaces assigned to the office component and visitor parking;
 - g. the provision of pedestrian sight triangles of 2.5 metres x 2.0 metres nominated along the proposed driveway and along the site's east boundary in accordance with AS/NZS 2890.1:2004. The sight triangle area should not contain any objects or vegetation greater than 900mm in height;
 - h. the provision of an intercom facility nominated at the entrance/security gates to the car park;

- i. full details regarding the type of car stacker systems to be clearly specified on the ground floor plan(s);
- j. a minimum height of 3.95 metres provided above the proposed car stackers to accommodate 1.85 metre tall vehicles on the lower and upper platforms or an alternative clearance height to the satisfaction of the Responsible Authority;
- k. all columns set back 0.4 metres from the entry end of the car space to facilitate vehicle access;
- l. the raised edges of the car stacker platforms cutback 0.4 metres to facilitate vehicle access/egress;
- m. the disabled parking space(s) nominated in accordance with the requirements of AS2890.6:2009. A shared area should be provided adjacent to the proposed disabled parking space;
- n. the bicycle parking area widened to at least 3.2 metres wide or to an alternative width to the satisfaction of the Responsible Authority;
- o. the surface material of the driveway / accessway leading to the basement car park nominated in all-weather coloured concrete sealcoat, or similar;
- p. where possible, the relocation of the storage and waste rooms from the street edge or, alternatively, varied material treatments incorporated to the front façade of these rooms to improve their appearance to Balcombe Road;
- q. a greater extent of glazing included along the ground floor front façade to improve its visual connection and passive surveillance to the site's Balcombe Road frontage;
- r. the mailboxes relocated to the external wall of the waste room to provide for return glazing to the office area in the current location of the mailboxes;
- s. the provision of lighting nominated to the undercroft area of the first floor level at the front of the site, including the ceiling located in front of the security gates to the ground level car park;
- t. the provision of a translucent treatment to the security door to the ground floor car park area;
- u. the height of the planter boxes located beside the vehicle entry to the site clearly nominated to a height that allows appropriate sightlines;
- v. the third floor level (fourth storey) set back, in its entirety, a further metre from the site's front (north) property boundary with no further reduction in side or rear setbacks to occur;
- w. the provision of a 'wrap around' window and 'wrap around' awning included to the corners (north-east and north-west) of the third floor level (fourth storey) of the building;
- x. the location of downpipes and overflow outlets (preferably concealed downpipes) clearly specified on the plans;
- y. the provision of shading elements (hoods or the like) introduced to the kitchen area windows to the first and second floor levels that face Balcombe Road;
- z. the glass balustrade to the balconies fronting Balcombe Road continued so that they conceal the respective balcony's floor plate;

- aa. 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;
 - bb. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
 - cc. a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments; and
 - dd. a notation on the floor / site plan(s) stating: “All redundant vehicle crossings must be removed with the kerb & channel reinstated and the extension to the existing footpath up to the wing of the vehicle crossing must be constructed to the satisfaction of the Responsible Authority”.
2. The development and 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. **Conditions required by VicRoads:**
- a) Prior to the commencement of use of the permitted development, existing vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority;
 - b) Prior to the commencement of use of the permitted development, signs and/or linemarking must be provided to direct and control the flow of traffic internal/external to the site, to the satisfaction of the Responsible Authority, as follows:
 - i. ‘No Entry’ signs must be placed on the reserve face of the two existing ‘Give Way’ signs at the entry to Balcombe Road, to ensure traffic enters the development in a left-in arrangement only.
 - ii. Appropriate signage or line-marking must be placed within the development to ensure traffic exists in a left-out arrangement only.
 - c) Prior to the commencement of the use of the permitted development, traffic calming treatments must be undertaken to the satisfaction of the Responsible Authority.
 - d) The developer must pay the full cost of all roadworks, drainage, service relocations, and any other associated costs i.e. all works to be complete at no cost to VicRoads.
6. Prior to commencement of the development hereby permitted, a Site Management Plan (SMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder’s vehicles etc. This plan when endorsed must not be varied

without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.

7. 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.
8. Before the commencement of any buildings and works on the Land, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a. The manner in which waste will be stored and collected including: type, size and number of containers.
 - b. Spatial provision for on-site storage.
 - c. Details whether waste collection is to be performed by Council's services or privately contracted.
 - d. The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

9. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of an ESD report to be prepared by a suitably qualified professional and must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the Permit and shall thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
10. Environmental Assessment:
 - (a) Prior to commencement of the development the owner must supply a preliminary site assessment of the site in accordance with the National Environment Protection Measures (Assessment of Site Contamination) 1999 and a report detailing the findings of the preliminary site assessment must be submitted to the Responsible Authority: or
 - (b) Prior to the use or development authorised by this permit the applicant must submit a Soil Management Plan (SMP) to the responsible authority. When approved, the SMP will form part of this permit and the actions required by the SMP must be implemented to the satisfaction of the Responsible Authority.

Which ever is to the satisfaction of the Responsible Authority.

- (c) If the site assessment identifies contamination of the land identified in (a) or (b) above, an environmental audit report must be produced in accordance with Section 53X of the Environmental Protection Act or alternatively a Certificate of Environment Audit produced in accordance with Section 53Y of the Environment Protection Act must be to the satisfaction of the Responsible Authority.
 - (d) Soil validation testing must take place during any excavation works to determine whether soil is unreasonably contaminated for the proposed residential uses noting that residential development is to be erected on the first and second floors. If site contamination is detected, the results of the soil testing must be forwarded to the Responsible Authority and the EPA within 7 days of receipt of the soil validation testing
11. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
 12. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
 13. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 14. 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.
 15. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
 16. 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:
 - e. Constructed to the satisfaction of the Responsible Authority.
 - f. Properly formed to such levels that they can be used in accordance with the plans.
 - g. Surfaced 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.
 - h. Drained and maintained to the satisfaction of the Responsible Authority.
 - i. Clearly signposted/marked as resident or visitor parking.

- j. Line-marked to indicate each car space, loading bay and all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

17. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. 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: 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: Occupants and visitors of the development are not likely to be eligible for parking permits.

OR

In the event that the Council wish to oppose the Officer's recommendation to support the application, it can do so on the following grounds:

1. The proposal would prevent the orderly and proper planning of the zone.
2. The proposal would have an adverse effect on the amenity of area.
3. The proposal constitutes an over-development of the site.
4. The proposal would detract from the visual amenity of the locality and the streetscape.
5. The proposal is inconsistent with the relevant provisions of the Kingston Planning Scheme.

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KP 539/10 – 7 Zephyr Place, Bonbeach

APPLICANT	Urbis Pty Ltd
ADDRESS OF LAND	No. 7 (Lot B1 in PS509287Q) Zephyr Place, Bonbeach
PROPOSAL	EIGHTEEN (18) DWELLINGS
PLANNING OFFICER	Nikki Taylor
REFERENCE NO.	KP-539/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
ZONE	Residential 1 Zone
OVERLAYS	Development Plan Overlay – Schedule 6
PARTICULAR PROVISIONS	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Residential Opportunity
DECISION DATE BY	31 December 2010
STATUTORY DAYS	42 days at 29/11/2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Received 18 October 2010

2.0 KEY ISSUES

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

- Traffic considerations
- Neighbourhood character
- Amenity impact (internal and external)
- Local Policy compliance
- Vegetation/landscaping considerations
- Any areas of non-compliance with ResCode

3.0 PROPOSAL

3.1 It is proposed to construct eighteen (18) dwellings on this site.

3.2 Development summary:

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Dwelling	Lot Area (m²)	Private Open Space (m²)	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	311	Between 27 and 189 for all dwellings	3	2
2	226	Between 27 and 189 for all dwellings	3	2
3	243	Between 27 and 189 for all dwellings	3	2
4	313	Between 27 and 189 for all dwellings	3	2
5	208	Between 27 and 189 for all dwellings	3	2
6	174	Between 27 and 189 for all dwellings	3	2
7	186	Between 27 and 189 for all dwellings	3	2
8	199	Between 27 and 189 for all dwellings	3	2
9	332	Between 27 and 189 for all dwellings	3	2
10	154	Between 27 and 189 for all dwellings	3	2
11	153	Between 27 and 189 for all dwellings	3	2
12	153	Between 27 and 189 for all dwellings	3	2
13	153	Between 27 and 189 for all dwellings	3	2
14	152	Between 27 and 189 for all dwellings	3	2
15	234	Between 27 and 189 for all dwellings	3	2
16	151	Between 27 and 189 for all dwellings	3	2
17	133	Between 27 and 189 for all dwellings	3	2
18	151	Between 27 and 189 for all dwellings	3	2

3.3 The proposal has an overall site coverage of 43 percent and a permeability percentage of 26.

3.4 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; or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.	All dwellings comply
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply

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Front Setback	As the site is on a corner, 9m as there is no adjoining property	Variation required due to size of development
Site Coverage	Maximum 60% - as per ResCode	Site coverage is 43% and therefore complies.

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

Roof:	Zincalume metal deck roofing
Walls:	Shadowclad, render, stone cladding – variety of neutral toned colours
Garage doors	Metal sectional, horizontal panels
Windows:	Timber frames, clear stain
Driveways:	
Front fencing:	Timber battens on galvanised steel frame (max, 1.2m in height)
Boundary fences:	Timber battens on galvanised steel frame (1.8m in height)

4.0 SITE & SURROUNDS

4.1 The subject site is located at the north-east corner of Zephyr Place and Coast Banksia Drive, Bonbeach. The site is irregular shape, with a frontage width to Zephyr Place of 25.83 metres and a secondary frontage to Coast Banksia Drive of 101.31 metres and an overall area 4,247m². The site is currently vacant and is generally flat and is part of an overall development of the former Bonbeach TAFE site in Bonbeach.

4.2 There is currently no vehicular access to the site.

4.3 Land immediately to the north of the site is a flora reserve, created as part of the overall redevelopment of the site. This reserve sites between the subject site and Brixton Street.

4.4 Land to the south of the site, on the opposite side of Coast Banksia Drive is occupied by existing double storey dwellings and dwellings currently under construction.

4.5 Land to the east of the site comprises a public reserve and a smaller multi-dwelling development. A pedestrian path separates the subject site and a double storey dwelling within this development.

4.6 Land to the west of the site, on the opposite side of Zephyr Place, comprises a single storey dwelling and a vacant lot.

5.0 TITLE DETAILS

5.1 The Permit Applicant has completed the planning application form declaring that there are two (2) Section 173 Agreements registered on the title, however they are of the opinion that the application proposed does not breach this covenant. Council Planning Officer has reviewed the Agreements and considers that the agreements would not be breached by the proposal.

6.0 PLANNING CONTROLS

- 6.1 The subject site is located within a Residential 1 Zone and is subject to Development Plan Overlay – Schedule 6.

7.0 PLANNING PERMIT REQUIREMENTS

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

8.0 RELEVANT HISTORY

The development is located on a part of the former Bonbeach TAFE site, which was rezoned in 2004 for residential purposes. The rezoning process involved public notification at which time; twenty-seven (27) submissions were received. The matter was referred to a State Government Planning Panel, who recommended approval of the rezoning subject to the preparation of a Development Plan.

The Development Plan was subsequently prepared which highlighted the site at 7 Zephyr Place, Bonbeach for “medium density” development. Under the provisions of the Development Plan, any proposal, which is consistent with the Plan, is exempt from public notification.

The Development Plan requires that any development of medium density on the site must:

- *be a maximum height of three storeys, with the third level to be integrated within the roof or recessed/setback from the second storey;*
- *ensure that back fences do not adjoin areas of public open space;*
- *have a building line setback a minimum of 9 metres from Brixton Street;*
- *have a building line setback a minimum of 3 metres from other streets;*
- *include variable setbacks along the frontages to open space.”*

9.0 ADVERTISING

- 9.1 Clause 43.02-4 of the Kingston Planning Scheme, located within the Development Plan Overlay, states that:

An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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- 9.2 It is considered that the proposal accords with the approved development plan, and therefore, that the proposal is exempt from advertising and rights of review pursuant to Clause 43.04-of the Kingston Planning Scheme.
- 9.3 It should be noted that whilst the proposal is exempt from advertising, a copy of the plans were circulated to surrounding residents on 4th November 2010, by mail, for their information.
- 9.4 Council has received three (3) written submissions in response to the plans circulated to residents on 4th November 2010 containing the following comments regarding the planning application:
- Queries as to when the land was rezoned;
 - Concern with the factual correctness of the Panel Report considered when the land was originally rezoned; and concern with Council relying on any documentation stemming from this original Panel Report, given that all subsequent documentation might be factually incorrect;
 - Concern that a 3-storey building is inappropriate for the site and surrounding area;
 - Parking provision for the development is insufficient, as visitor car parking is not provided;
 - The setback of the dwellings along the Brixton Street reserve should be staggered;
 - Concern that the proposed development does not comply with the development plan with regard to its setback from Brixton Street;
 - The pedestrian path in the Brixton Street Reserve, adjoining the rear boundary of the site, should be relocated 1 metre further north, for the security of residents and that lighting be provided for security reasons;
 - Water recycling, solar power and solar hot water should be provided as part of the development
 - The dwellings should be designed so that they may be used by elderly people or people with mobility restrictions.
- 9.5 Given that the application is exempt from advertising, these submissions cannot be considered as objections to the planning application. Notwithstanding this, a response is provided to the submissions as follows:

9.5.1 Rezoning of the land

This site underwent a Planning Scheme Amendment in 2006 which rezoned the land to residential (Residential 1 Zone) and imposed a Development Plan Overlay.

The Overlay required that a “Development Plan” to submitted and approved by the Council prior to the construction of any dwellings on the site. The Development Plan sets down the form and conditions of future use and development on the site, such that all new development on the site must accord with the Plan. The Plan is detailed enough to show subdivision boundaries, roads and parks, and building envelopes where applicable but not specific enough to show the actual design of a house or location of windows, etc. The Development Plan was approved by Council on 9th November 2006.

9.5.2 The Panel Report and subsequent documents

The Panel Report assessed the appropriateness of rezoning the land to residential and imposing a Development Plan Overlay on the land and was adopted by Council. The correctness of this report has not been considered as part of this application as it is not considered appropriate given that the document has been approved by Council.

9.5.3 3-storey building

The approved development plan identifies this site for three-storey development.

9.5.4 Visitor Parking Provision

The development provides potential for a visitor car space in the driveway of Dwellings 1 to 8 (inclusive). With a designated visitor car space being proposed to the rear of proposed Lot 8, accessed via the internal common driveway.

Non-compliance with ResCode will be discussed in at Section 12 of this report.

9.5.5 Compliance with the Development Plan / design concerns with proposed development

It is considered that the proposed development complies with the approved Development Plan, as detailed in the assessment below.

9.5.6 Water recycling, solar power and solar hot water

It is noted that these features are not shown on the plans and are not generally required to be under the provisions of the Kingston Planning Scheme. The energy efficiency of each dwelling will be addressed as part of the building permit process, should a planning permit issue for this development.

10.0 REFERRALS

10.1 The following internal referral departments were notified:

- Development Engineer
- Vegetation Management Officer
- Roads and Drains
- Traffic
- Strategic Planning

10.2 We are currently awaiting the response from the above internal departments.

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

Clause 11 (Settlement)
Clause 15 (Built Environment and Heritage)
Clause 16 (Housing)

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)

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

11.6 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)

The land is located within Area 78 of the Neighbourhood Character Guidelines. Given that the character of the area was considered as part of the rezoning process and specific guidelines were put in place as part of the approved Development Plan, it is considered that these guidelines are not relevant to the assessment of this proposal.

10.7 Development Plan

As stated above, the approved Development Plan for this site, specifies design guidelines for this particular site.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development generally satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an ‘as of right’ use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

12.2 Local Planning Policy Framework

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston. The subject site has been identified in an area of residential opportunity.

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:

- To provide an integrated mix of lot sizes and housing types, and medium density housing will become a more important housing element on these sites

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.

12.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

Built form, siting and scale of development, it is policy, where relevant, to:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

Car parking and vehicle access, it is policy, where relevant, to:

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

Performance measures

- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

Stormwater run-off mitigation and quality management, it is policy, where relevant, to:

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

Performance measures

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

12.4 Zoning Provisions

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

The Schedule to the Residential 1 Zone specifies variations to three standards of Clause 55 (ResCode), 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.

The proposed front fences are nominated as 1.2m high and accords with the Schedule requirements.

It is considered that the proposal is generally consistent with the Local Policy objectives, however, the location of the entries behind the building line of the garages is undesirable. It is considered that, as a condition of any permit issued, the ground and first floor of the dwellings must be set back a minimum of 1 metre behind the entries. This will allow the applicant to bring the entries forward to provide a more appropriate integration with the street.

It is considered that the dwellings are all well articulated and consistent with the character of the development within the former Bonbeach TAFE site.

12.5 Overlay Provisions

The subject site is located within a Development Plan Overlay, Clause 43.04 of the Kingston Planning Scheme. The purpose of this overlay is:

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

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

The requirements for the development plan for this site are outlined in Schedule 6 of this overlay.

The requirements for this site are:

- A maximum building height of 3 storeys, with the third level to be integrated within the roof or recessed/setback from the second storey;
- the building line set back a minimum of 9 metres from Brixton Street;
- a 3 metre setback from all other streets;
- variable setbacks along the frontages to public open space; and
- avoiding back fences adjoining areas of public open space.

It is considered that the proposal is generally consistent with these requirements for the following reasons:

A maximum building height of 3 storeys, with the third level to be integrated within the roof or recessed/setback from the second storey

Of the eighteen (18) dwellings proposed, seven (7) are proposed to be three (3) storey dwellings. The third storey of these dwellings is inset from the second floor below it.

The building line set back a minimum of 9 metres from Brixton Street

The building line for all dwellings is set back a minimum of 10 metres from Brixton Street.

A 3 metre setback from all other streets

The minimum setback from all other streets is 3 metres, with setbacks ranging from 3 metres to 7.05 metres.

Variable setbacks along the frontages to public open space

There are variable setbacks along the frontages to the public reserve facing Brixton Street and lesser variations where dwellings back onto the public footpath to the east of the subject site.

Avoiding back fences adjoining areas of public open space

The back fences for dwellings 1 to 4 have been set back 1 metre from their rear boundaries with landscaping provided between the fence and the public footpath. Dwellings 16, 17 and 18 still have back fences adjoining the reserve to the north of the site. It is considered that, whilst this is not consistent with the Development Plan, this can be appropriately addressed through conditions to be placed on any permit issued.

The rear fences for these dwellings are nominated as 1.8 metres high, galvanised steel frames with timber battens. If the battens are nominated with a minimum 25mm opening, with landscaping required to be planted along these fences, it is considered that the landscaping will eventually grow to become part of the fence and obscure the fence in part from the public open space. This should be required as a condition of any permit issued.

It is considered that the requirements of the Development Plan have generally been met, therefore the proposal is exempt from notification and review.

13.0 CLAUSE 55 (RESCODE ASSESSMENT)

- 13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

Neighbourhood Character and Design Issues

As discussed above, the subject site is located within the former Bonbeach TAFE site which has been developed as a result of the rezoning of the site. Design guidelines were put in place for the overall development and for the subject site in particular, as part of this rezoning. It is considered that the proposal is generally consistent with the existing and approved neighbourhood character of this development.

Dwelling Diversity

The objective of Standard B3 is to encourage a range of dwellings sizes and types in developments of ten or more dwellings. Under this standard, developments of ten or more dwellings should provide a range of dwelling sizes and types including dwellings with a different number of bedrooms and at least one dwelling where there is a kitchen, bedroom and bathroom at ground floor level.

The proposal does not meet the requirements of this standard. There was a previous application for this site for eighty-two (82) dwellings, which did comply with this standard. However, there was a significant community response to this application in which the feedback was overwhelmingly that the community did not want a range of dwelling sizes for this site. They wanted 'family' homes in order to be consistent with the other development on the former Bonbeach TAFE site. This application was subsequently withdrawn and the application currently under consideration replaced the application for apartments.

Therefore, it is considered reasonable to vary this standard, in this instance.

Street setback

In accordance with Standard B6 the minimum setback requirement is 9 metres. However, street setbacks were considered as part of the rezoning of the land and setback requirements, which are less than that specified in Standard B6, are specified in the approved Development Plan and are outlined above. Therefore, it is considered that the proposal meets the setback requirements for this site.

Car Parking

Standard B16 of ResCode states that one (1) designated visitor car space *should* be provided for each five (5) dwellings proposed. In this instance, three point six (3.6) designated visitor car spaces *should* be provided to comply with ResCode. The development proposes only one (1) designated visitor car space to be provided to the rear of Dwelling 8 and therefore the proposed development does not comply with this mathematical standard of ResCode.

In considering whether it is appropriate to reduce the visitor parking standard, Clause 55.03-11 of the Kingston Planning Scheme provides the following decision guidelines which *must* be considered:

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

When looking at the proposed layout of the site, it is considered that a reduction in the provision of visitor car parking is acceptable.

The proposed development provides three off-street car parking spaces for Dwellings 1 to 8 (inclusive) – two (2) car spaces are located in the garage and a third car space in each driveway. It is considered that visitor car parking has effectively been provided to these dwellings through the provision of an ‘extra’ car space in each dwelling.

The second part of the development which provides vehicle access to Dwellings 9 to 18 (inclusive) via a common driveway should be provided with two (2) visitor spaces in accordance with ResCode; whereas only one (1) visitor car space is proposed to the rear of Dwelling 8. It is considered that a reduction in visitor car parking spaces for this

second part of the development is acceptable in this instance given the availability of on-street parking in Coast Banksia Drive.

Site safety

As it is proposed to provide internal roads as part of this development, it is considered that there is the potential for conflict between pedestrians and vehicles utilising these internal roads. Therefore, it is considered reasonable to require the provision of a dedicated, clearly delineated footpath along the internal roads, to ensure appropriate site safety is maintained. This should be required as a condition of any permit issued.

Internal overlooking

It is considered that the ground floor rear private open space of dwelling 5 will be overlooked by dwelling 18. Therefore, it is considered reasonable that the applicant provide appropriate fencing and landscaping to dwelling 5 in order to reduce the impact of this overlooking. This should be required as a condition of any permit issued.

Dwelling entries

As discussed above, the dwelling entries are set back behind the front building line of the dwellings and behind the building line of the garages at ground floor level. This contributes to the dominance of the garages within the streetscape and is not a desirable outcome, from both a neighbourhood character and passive surveillance perspective.

If the entries are brought forward, with greater detail provided for these entries, then the dominance of the garages will be reduced and the development will more appropriately integrate with the street.

It is considered critical that this be addressed through condition of permit.

Storage and site services

Externally accessible storage has not been clearly nominated on the plans for each dwelling. These areas should be nominated as being a minimum of 6m³ in accordance with Standard B30 – Storage, of Clause 55. Further, it appears that storage areas which have been nominated include the storage of bin and recycling facilities. This should be provided for separately to the externally accessible storage. These matters can all be provided for in conditions of permit and it is recommended that these be included in any permit issued for the development.

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 Planning Permit for the development of this site for eighteen (18) dwellings be issued, subject following conditions:

3. 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 18 October 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 to be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - xi. 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;
 - xii. 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;
 - xiii. 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;
 - xiv. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xv. the provision of one (1) suitable small sized spreading canopy trees within the front setback of the site;

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- xvi. the provision of one (1) suitable spreading canopy tree within the rear/side private open space of each dwelling;
 - xvii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - xviii. all hard surfacing and fencing located at least one (1) metre from any existing or proposed canopy tree;
 - xix. all trees provided at a minimum of two (2) metres high at time of planting;
 - xx. a range of plant types from ground covers to large shrubs and trees;
 - xxi. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - xxii. the provision of [advanced] suitable screen type planting along the site's north, property boundary;
 - xxiii. the provision of a notation 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 ground and first floor of all dwellings to be set back 1 metre behind the entries for these dwellings;
 - c. the redesign of dwelling 9 (south-easternmost dwelling) such that it addresses Coast Banksia Drive and not the internal road;
 - d. the provision of a dedicated, clearly delineated pedestrian pathway within the internal roads of the development;
 - e. the continuation of the 1.2m high front fences at 90 degrees to the site's front property boundaries, with suitable gate(s) provided so as to enclose the front open space area of all dwellings;
 - f. the rear (north) timber batten fences of dwellings 16, 17 and 18 provided with a minimum 25mm openings with appropriate screen planting provided adjacent to these fences to eventually grow up and through the fences to provide seclusion;
 - g. the provision of appropriate rear fencing and landscaping to the ground floor private open space of dwelling 5 in order to reduce the impact of overlooking from dwelling 18; and
 - h. the nomination of 6m³ of externally accessible storage for each dwelling with this storage to be exclusive of bin storage areas.
- 4. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 - 5. Prior to the occupation of the dwellings hereby permitted, the new fences required under Condition 1e) and 1f) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
 - 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

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- 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. Prior to commencement of the development hereby permitted, a Site Management Plan, 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 Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but is not limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.
 9. 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.
 10. 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.).
 11. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 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. Construction on the site must be restricted to the following times:
Monday to Friday: 7:00am to 7:00pm;

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Saturday: 9:00am to 6:00pm; and

Sunday and Public Holidays: No construction permitted.

Or otherwise as approved by the Responsible Authority in writing.

15. Prior to the occupation of the dwellings hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
16. 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:
 - k. Constructed to the satisfaction of the Responsible Authority.
 - l. Properly formed to such levels that they can be used in accordance with the plans.
 - m. 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.
 - n. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. 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.
19. Prior to the occupation of the dwellings/dwelling 2/3 hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
20. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
21. 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.
22. External clothes drying facilities must be provided for each dwelling.

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23. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
24. 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: 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

Should the Council resolve to issue a Notice of Refusal, the grounds should be as follows:

1. The proposal is not consistent with Local Policy Objectives outlined in Clause 22.11 of the Kingston Planning Scheme.
2. The proposal is an overdevelopment of the site.
3. The proposal does not provide appropriate pedestrian access.
4. The proposal does not appropriately address the street and surrounding public open space areas.

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KP 869/09 - 232–238 Kingston Road, Heatherton

APPLICANT:	Peninsula Planning Consultants Pty Ltd
ADDRESS OF LAND:	No. 232-238 Kingston Road, HEATHERTON VIC 3202 (Lot 1 on TP654104B)
MELWAY REF:	78 J11
PROPOSAL	BUILDINGS & WORKS ASSOCIATED WITH THE EXISTING RETAIL PLANT NURSERY
CONTACT OFFICER:	Nikki Taylor <i>Author: Sherie Kirby</i>
FILE NO:	KP869/2009
ZONING:	Clause 35.04 – Green Wedge Zone (Schedule 2)
OVERLAY(S):	Clause 43.02 – Design & Development Overlay (Schedule 5) Clause 45.01 - Public Acquisition Overlay (Schedule 1)
KINGSTON PLANNING SCHEME CONTROLS:	<u>State Planning Policy Framework</u> Clause 17: Economic Development <u>Local Planning Policy Framework</u> Clause 21.10 (Non Urban Areas) Clause 22.04 (South East Non Urban Area Policy) Clause 22.05 (Moorabbin Airport Environs Policy) <u>Particular Provisions</u> Clause 52.06 – Car Parking
DECISION BY:	9 th October, 2010
NETT DAYS:	76 days @ 25 th October, 2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	10 th August, 2010

MAIN ISSUES RELATING TO THIS APPLICATION:

- Car parking; and
- Nature of the proposed works and associated use.

EXISTING CONDITIONS

The subject site comprises a 3.602 hectare allotment the south side of Kingston Road, Heatherton. The land is irregular in shape and has dual road abuttal to both Kingston Road to the north and Old Dandenong Road to the west. The subject site is currently developed and used as a retail plant nursery (“Daico’s Discount Nursery Pty Ltd”) and is occupied by a range of buildings and structures, such as hot houses, showroom/display areas and plant propagation areas. Public sales of plants and gardening-related products are currently offered as a part of the existing operation.

Vehicle access to the site is currently available from both Kingston Road and Old Dandenong Road, with thirty-six (36) car parking spaces adjacent to the site’s Kingston Road frontage and

sixty-four (64) car parking spaces available from the site's Old Dandenong Road frontage to the west.

The site does not contain any significant vegetation and no easements encumber the subject land. There appears to be no restrictions listed on the Certificate of Title.

The surrounding area comprises a diverse combination of commercial, agricultural and residential land uses. To the east of the subject site, the land is developed and used as a market garden. Adjacent to the north-west corner of the site at the intersection of Kingston Road and Old Dandenong Road, the land is currently occupied by a large shed which is used by a musical theatre company. Opposite the subject site to the west, the land is developed and used for motor vehicle sales, a dwelling and market gardening. Directly to the south, the land is developed and used as a dwelling.

PROPOSAL IN DETAIL

The proposal is based on amended plans received by Council on 18th August, 2010, and is outlined below:

- The provision of twenty (20) "bins" for the purpose of storing bulk quantities of landscaping/gardening materials such as mulch, compost, fertilisers, river pebbles, rocks, soil, sand, etc. Each bin would have a dimension of 6m x 5m with a height of 2 metres. The original application submitted to Council on the 30th December, 2009, proposed the construction of thirty-seven (37) storage bins.
- The proposed works would be located approximately 50 metres from the site's Kingston Road frontage, opposite the customer car parking area which is to be relocated to the west side of the main vehicle access area.
- A small portable office (6m x 3m x 3m) is also proposed to be located adjacent to the bin storage area.
- No change to the hours of operation is proposed as part of this application.

HISTORY

A number of planning approvals have been issued in relation to the subject site, with the most relevant Planning Permits outlined below:

Planning Permit No. TP101540 869/2009 was issued by the former City of Springvale on the 8th July, 1981, for the development and use of the land for the purpose of a retail plant nursery.

Planning Permit No. KP374/04 was issued by the City of Kingston on 15th December, 2004, to construct and carry out buildings and works for the purpose of a warehouse associated with the existing retail plant nursery.

Planning Permit No. KP94/08 was issued by the City of Kingston on the 21st April, 2008, to carry out buildings and works associated with the existing retail plant nursery.

ADVERTISING

The proposal was deemed unlikely to cause material detriment to surrounding owners/occupants and therefore was not required to be advertised.

PLANNING SCHEME PROVISIONS

The site is within a Green Wedge Zone (Schedule 2) and is subject to a Design & Development Overlay (Schedule 5). The land is also partly affected by a Public Acquisition Overlay (Schedule 1) adjacent to the site's Kingston Road property boundary.

Kingston Road and Old Dandenong Road are both identified as being Road Zone Category 1. Pursuant to Clause 35.04-4 (Green Wedge Zone) of the Kingston Planning Scheme, a planning permit is required construct a building and/or carry out works associated with a Section 2 use (retail plant nursery). A permit is also required under this Clause to construct a building or carry out works within a Public Acquisition Overlay (PAO) or construct a building within a Road Zone (Category 1).

No planning approval is required under either the Design & Development Overlay (Schedule 5) or the Public Acquisition Overlay controls in this instance.

REFERRALS

The application was not required to be referred to any external authorities, pursuant to Clause 66.02 of the Kingston Planning Scheme. It should be noted also that the application was not referred to any internal Council departments.

DISCUSSION

State Planning Policy Framework (SPPF)

Clause 17 Economic Development

Local Planning Policy Framework (LPPF)

Clause 21.10 - (Non Urban Areas)
Clause 22.04 – (South East Non Urban Area Policy)
Clause 22.05 – (Moorabbin Airport Environs Policy)

Zoning

The site is located in the following Zone:

Clause 35.04 (Green Wedge Zone – Schedule 2)

Overlays

The following Overlay Controls apply to this site:

Clause 43.02 (Design and Development Overlay)

- DDO5 - Aviation Obstacle Referral Height Area No.2

Clause 45.01 (Public Acquisition Overlay – Schedule 1)

Particular Provisions

The following Clauses are applicable to this application:

Clause 52.06 (Car Parking)

General Provisions

Clause 65: Decision Guidelines

Development

The proposed buildings and works are considered to be ancillary to the existing retail plant nursery on the subject site. The construction of the proposed “bins” will be well setback within the site and should not be highly visible from Kingston Road.

Amenity Issues

It is envisaged that the construction of large “bins” will significantly reduce the amount of range of products for sale as customers will be able to purchase supplies in bulk quantities as opposed to bags. The proposed works should not generate the need for additional employees and the hours of use for the existing retail plant nursery will not be altered as a result of the proposal.

Traffic Issues

It is considered that the amount of car parking spaces and access lanes (10% of the subject site area) set aside for the existing operation in addition to the proposed works satisfies the relevant requirements under Clause 52.06 (Car Parking) of the Kingston Planning Scheme. As previously mentioned, the sale of bulk landscaping/gardening supplies should not result in any increase in customers to the subject site and therefore the proposal should not result in any material detriment to the surrounding properties.

CONCLUSION

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

- The design and siting of the proposed development to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning/Overlay controls and Particular Provisions.

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

RECOMMENDATION

That Council resolve to issue a Planning Permit to construct and carry out buildings and works associated with the existing use (retail plant nursery) and to construct works within 100 metres of a Public Acquisition Overlay, subject to the following conditions:

1. The development, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
2. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv) Presence of vermin.
 - v) Any other way.
3. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
4. The development of the site hereby approved shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards AS1055 and AS2107 relating to the measurement of Environmental Noise and recommended sound levels.
5. The loading and unloading of goods to and from vehicles must only be carried out on the land.
6. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
7. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - a) The development is not started before two (2) years from date of this permit.
 - b) The development is not completed before one (1) year from the commencement of works.

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

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

OR:

Council could resolve to issue a Notice of Refusal to Grant a Planning Permit to construct and carry out buildings and works associated with the existing use (retail plant nursery) and to construct works within 100 metres of a Public Acquisition Overlay, for the following reasons:

1. The proposed buildings and works are inconsistent with the objectives of Clause 35.04 (Green Wedge Zone – Schedule 2);
2. The proposed buildings and works will enable the existing use of the site for a retail plant nursery to be intensified, where this existing use is considered to be inconsistent with the objectives of Clause 21.10, Clause 22.04 and Clause 35.04 of the Kingston Planning Scheme;
3. The land set aside for car parking and access land is considered insufficient under Clause 52.06 of the Kingston Planning Scheme having regard to the proposed intensification of the use and development of the existing site.

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M 244

KP 450/10 – 422-423 Station Street, Bonbeach

APPLICANT	Ardcon	
ADDRESS OF LAND	No. 422-423 (Lot 2 & Lot 3 on PS026796) Station Street, Bonbeach	
PROPOSAL	Twelve (12) Dwellings	
PLANNING OFFICER	Sebastian Lorenzo	
REFERENCE NO.	KP450/2010	
RELEVANT PLANNING FRAMEWORK	STATE POLICY	Clause 11 (settlement) Clause 12: (Environmental and Landscape Values) Clause 13: (Environmental Risks) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT PLANNING FRAMEWORK	LOCAL POLICY	Clause 21.05: (MSS – Residential Land Use) Clause 22.11: (Residential Development Policy)
ZONE	Clause 32.01: (Residential 1 Zone)	
OVERLAYS	Not Applicable	
PARTICULAR PROVISIONS	Clause 55: ResCode (Two or More Dwellings on a Lot & Residential Buildings)	
GENERAL PROVISIONS	Clause 65: decision guidelines	
RESIDENTIAL AREA POLICY	Increased housing diversity	
DECISION DATE BY	22 nd November, 2010	
STATUTORY DAYS	42 days as of 29 th October, 2010	
CONSIDERED REFERENCES/DATE RECEIVED	PLAN	3 rd September, 2010

1.0 PROPOSAL

1.1 It is proposed to demolish the existing dwellings and outbuildings located on the subject site and construct twelve double storey dwellings on this site.

1.2 Development summary:

Dwelling	Floor Area	Private Open Space	Bedrooms proposed	No. of Car Parking Spaces provided
1	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 135.25m ²	Ground Floor Courtyard: 128.15m ² & First Floor Balcony: 10.51m ²	2	One (1) car parking space in the form of a single garage.
2	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage):	Ground Floor Courtyard: 13.36m ² & First Floor Balcony: 10.36m ²	2	One (1) car parking space in the form of a single garage.

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Dwelling	Floor Area	Private Open Space	Bedrooms proposed	No. of Car Parking Spaces provided
	132.09m ²			
3	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 132.09m ²	Ground Floor Courtyard: 13.36m ² & First Floor Balcony: 10.36m ²	2	One (1) car parking space in the form of a single garage.
4	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 132.09m ²	Ground Floor Courtyard: 13.36m ² & First Floor Balcony: 10.36m ²	2	One (1) car parking space in the form of a single garage.
5	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 132.09m ²	Ground Floor Courtyard: 13.36m ² & First Floor Balcony: 10.36m ²	2	One (1) car parking space in the form of a single garage.
6	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 135.25m ²	Ground Floor Courtyard: 39.02m ² & First Floor Balcony: 10.51m ²	2	One (1) car parking space in the form of a single garage.
7	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 131.81m ²	Ground Floor Courtyard: 57.75m ² & First Floor Balcony: 11.76m ²	2	One (1) car parking space in the form of a single garage.
8	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 128.57m ²	Ground Floor Courtyard: 13.14m ² & First Floor Balcony: 11.66m ²	2	One (1) car parking space in the form of a single garage.
9	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 128.25m ²	Ground Floor Courtyard: 13.14m ² & First Floor Balcony: 11.66m ²	2	One (1) car parking space in the form of a single garage.
10	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 128.57m ²	Ground Floor Courtyard: 13.14m ² & First Floor Balcony: 11.66m ²	2	One (1) car parking space in the form of a single garage.
11	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 128.25m ²	Ground Floor Courtyard: 13.14m ² & First Floor Balcony: 11.66m ²	2	One (1) car parking space in the form of a single garage.

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Dwelling	Floor Area	Private Open Space	Bedrooms proposed	No. of Car Parking Spaces provided
12	Total Floor Area (including Ground Floor / First Floor / Balcony / Garage): 131.58m ²	Ground Floor Courtyard: 94.99m ² & First Floor Balcony: 11.76m ²	2	One (1) car parking space in the form of a single garage.

1.3 The proposal has an overall site coverage of approximately fifty (50%) percent and a permeability percentage of approximately thirty-two (32%) percent.

1.4 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.	All dwellings comply with the minimum private open space size requirements of Standard B28 of Clause 55 (ResCode).
Car Parking	One (1) car parking space for one (1) or two (2) bedroom dwelling	All dwellings comply with the minimum car parking requirements of Standard B16 of Clause 55 (ResCode).
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.	The proposed front setback does not comply with the minimum requirements of Standard B6 of Clause 55 (ResCode). This element of non compliance is discussed in more detail below in this report.
Site Coverage	Maximum 60% - as per ResCode	The proposal has a site coverage of approximately fifty (50%) percent and therefore complies with the minimum requirements of Standard B8 of Clause 55 (ResCode).

2.0 SITE & SURROUNDS

2.1 The subject site encompasses two (2) individual lots located on the east side of Station Street, Bonbeach. The proposal encompasses the site's known as No. 422 and No. 423 Station Street, Bonbeach. For the purposes of this application, Lot 2 and Lot 3 will be referred to as one single site unless otherwise noted.

2.2 The site is irregular in shape with a frontage of 33.53 metres to Station Street, a maximum depth of 48.16 metres and an overall area of approximately 1547 m². The site has a fall of

approximately two (2) metres towards the rear of the site in a west-east direction. Vehicle access to the site is via a single width crossover located on the south-west and north-west side of the site's property frontage. The subject site does not contain any significant vegetation.

2.3 No. 422 (Lot 2) is currently occupied by a single storey, brick dwelling with a tile roof, and associated out buildings. An existing single garage is located along the site's north (side) property boundary. No. 423 (Lot 3) is currently occupied by a single storey, brick dwelling with a tile roof, and associated out buildings.

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

3.0 TITLE DETAILS

3.1 The Permit Applicant has completed the planning application form declaring that there is a restrictive covenant on the title, however they are of the opinion that the application proposed does not breach this covenant. Council Planning Officer has reviewed the Covenant and considers that the covenant would not be breached for the following reasons:

- The covenant states that no earth, clay, marl, stone, gravel or sand shall be dug or removed from the land except for the purposes of laying foundations for any building that may be erected on the land. It is considered that the proposal will not breach this covenant as the only earth, clay, marl, stone, gravel or sand that is to be removed from the land will be during the construction of foundations for the proposed development.

4.0 PLANNING CONTROLS

4.1 The subject site is located within a Residential 1 Zone. No overlay provisions apply to the subject site.

5.0 PLANNING PERMIT REQUIREMENTS

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

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 Prior to advertising, the Permit Applicant submitted revised plans on 3rd September, 2010 that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

7.2 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. Two (2) objection(s) to the proposal were received. However, prior to a preliminary conference being held, the applicant managed to have the two (2) objections withdrawn. These objections were withdrawn subject to the inclusion of a number of conditions on any permit issued which were agreed upon between the applicant and the objectors. The conditions agreed to are as follows:

- The provision of privacy screening along the entire length of the common boundary between the subject site and No. 4 Patterson Street, Bonbeach. The screening is to consist of posts (possibly treated pine) cemented into the ground on the development side of the fence, between which will be attached suitable screening material to increase the height of the fence from 1.95 metres to 3.45 metres. Note that this will be free standing and not attached to the existing fence.
- The provision of appropriate planting of creeper, trees or shrubs to soften the screen and enhance privacy between the subject site and No. 4 Patterson Street, Bonbeach.
- The replacement of the entire south (side) boundary fence of the proposed development from Station Street until the end of the development. The new fence will be 3.45 metres in height and will be constructed prior to the demolition works beginning.

8.0 PRELIMINARY CONFERENCE

8.1 As noted above, given the objections received were formally withdrawn, a preliminary conference was not required to be held in relation to this application.

9.0 REFERRALS

9.1 No external referrals were required in respect of this application.

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

- Council's Development Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued; and
- Council's Vegetation Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued.

10.0 RELEVANT POLICIES

10.1 State Planning Policy Framework (SPPF)

- Clause 11 (Settlement)
- Clause 12 (Environmental and Landscape Values)
- Clause 13 (Environmental Risks)
- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)

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10.2 Local Planning Policy Framework (LPPF)

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

10.3 Zoning

The site is located in the following Zone:

Clause 32.01 (Residential 1 Zone)

10.4 Overlays

The following Overlay Controls apply to this site:

10.5 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.

10.6 General Provisions

Clause 65 (Decision Guidelines)

10.7 Other

Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)

The land is located within Area 74 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile.

Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

11.0 PLANNING CONSIDERATIONS:

11.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek

to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an ‘as of right’ use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abuttal’s, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

11.2 Local Planning Policy Framework

The City of Kingston’s MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *Increased Housing Diversity* area.

The intention in these areas is for new medium density housing to comprise of a variety of housing types and layouts that respond to the established, yet evolving, urban character. As these residential areas are already established, the design of any new medium density housing proposal should display sensitivity to the existing residential context and respond to the amenity standards in these areas.

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- 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. Further discussion regarding these items will be outlined later within this report.

11.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

Built form, siting and scale of development, it is policy, where relevant, to:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

Car parking and vehicle access, it is policy, where relevant, to:

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

Performance measures

- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

Stormwater run-off mitigation and quality management, it is policy, where relevant, to:

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

Performance measures

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be strongly consistent with Council's Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for the type and form of medium density development expected in areas such as this before the Council.

11.4 Zoning Provisions

Clause 32.01: Residential 1 Zone: The purpose of the Residential 1 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

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

11.5 Overlay Provisions

No overlay provisions apply to the subject site.

12.0 **CLAUSE 55 (RESCODE ASSESSMENT)**

12.1 **The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of non-compliance, which are discussed below:**

Standard B3 Dwelling Diversity: This Standard requires that developments of ten (10) or more dwellings should provide for a range of dwelling sizes and types including dwellings with a different number of bedrooms and at least one dwelling that contains a kitchen, bath or shower and a toilet and wash basin at ground floor level.

As noted above, the proposal seeks the development of the site for twelve double storey dwellings on this site. While all the proposed dwellings are provided with two (2)

bedrooms, they generally vary both in sizes and layouts. For example, dwelling , dwelling 6 and dwelling 7 are provided with ground floor living areas (including appropriate ground floor private open space) while all remaining dwellings are provided with first floor living areas (including balconies for private open space). The majority of dwellings are provided with study nook areas and while a number of dwellings are mirror images of each other, there is a clear diversity in dwelling layout, sizes and types of accommodation proposed. Therefore, it is considered appropriate that the requirements of this Standard be varied in this instance.

Standard B4 Infrastructure: The application was referred to Council's Development Engineers for comment who have advised of no objection to the proposal subject to the inclusion of suitable drainage conditions being placed on any permit issued. Therefore, subject to the inclusion of these conditions, it is considered that the requirements of this Standard are adequately addressed.

Standard B6 Street Setback: This Standard requires that any new development be set back a minimum 6.77 metres from the site Station Street property boundary. The proposal seeks to develop dwelling 1 and dwelling 12 fronting Station Street. Dwelling 1 is to have a front setback which varies between 6.37 metres and 8.91 metres from the site's Station Street property boundary, while dwelling 12 is to have a front setback which varies between 5.89 metres and 8.78 metres from the site's Station Street property boundary.

As noted above, this standard requires dwellings be set back a minimum 6.78 metres from the site's Station Street property frontage. However, Council is able to vary this requirement taking into account the decision guidelines of this Standard which amongst other things states that the Responsible Authority must consider;

- The design response;
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots; and
- The visual impact of the building when viewed from the street and from adjoining properties.

The following comments can be made is regard to the above decision guidelines;

- The alignment of Station Street causes the site to have an irregular shape which in turn is a constraint in the overall development of the site;
- The reduced front setback for dwelling 1 and dwelling 12 makes more efficient use of the subject site;
- The varied front setback of dwellings along Station Street, particularly of newly constructed dwellings and the proposed staggering of the development; and
- Overall, it is considered that the proposed multi-dwelling development with a reduced front setback for dwelling 1 and dwelling12 makes efficient use of the site and contributes positively to the existing and emerging neighbourhood character.

Therefore, having considered the decision guidelines and the comments above, it is considered appropriate to vary the front setback requirements of this Standard to allow dwelling 1 and dwelling 12 to have a reduced front setback to Station Street.

Standard B13 Landscaping: The application was referred to Council's Vegetation Management Officers for comment, who have advised of no objection to the proposal subject to the inclusion of suitable landscape conditions being placed on any permit issued. Therefore, subject to the inclusion of these conditions, it is considered that the requirements of this Standard are adequately addressed.

Standard B17 Side and Rear Setbacks: This Standard requires that dwellings be set back a minimum distance from a side and rear property boundary, depending of the overall height of their respective walls. In this instance, the first floor ensuite of dwelling 3 and dwelling 5 do not comply with the minimum setback requirements of this Standard.

The first floor ensuite of dwelling 3 is required to be set back a minimum of 2.19 metres as the height of this wall is measured at 7.1 metres from natural ground level. The first floor ensuite of dwelling 5 is required to be set back a minimum of 2.09 metres as the height of this wall is measured at 7.1 metres from natural ground level. The ensuite's are provided with a minimum 2 metre setback to the site's south (side) property boundary.

As noted previously in this report, the subject site has a fall of approximately two (2) metres towards the rear of the site in a west to east direction. The abovementioned areas of non-compliance are a direct result of the significant slope of the land. While the development has been stepped down at various sections, the two (2) areas of non-compliance with the minimum setback requirements are located at the highest points in the development. It is considered that the intrusion on the side setback does not significantly impact on adjoining properties. The overshadowing and visual bulk of these intrusions are considered minor and should not detrimentally impact on the enjoyment of the private open space of adjoining dwellings to the south of the subject site. Therefore, having consideration to the slope of the land, the minimal intrusion on the side setbacks, the overall development as a whole and the minimal impact on adjoining properties, it is considered that the requirements of this Standard should be varied in this instance.

Standard B22 Overlooking: There is potential overlooking from the first floor balcony and north facing windows of dwelling 8 and the first floor balcony of dwelling 12. These windows and balconies are required to be provided with obscure glazing or suitable screening to a minimum height of 1.7 metres above the first floor finished floor level. It is considered that this can be included as a suitable condition on any permit issued.

Standard B28 Private Open Space: The proposed location of secluded private open space for dwelling 1 does not adequately satisfy the location requirements of this Standard. While the size and dimension of the private open space for dwelling 1 satisfies the area requirements of this Standard, the location towards the front of the site does not. However, having consideration to the orientation of this private open space, the useability of this open space, the internal floor layout of this dwelling and the set back of the proposed front fence from the site's Station Street property boundary, it is considered appropriate to vary the requirements of this Standard in this instance.

Standard B32 Front Fences: This Standard requires that front fences within 3 metres of the site's Station Street property boundary should not exceed 1.2 metres in height. The

proposal seeks to provide a 1.5 metre high solid brick front fence enclosing the private open space of dwelling 1. This fence is set back 3 metres from the site's Station Street property boundary. Having regard to the set back of this fence, its main purpose in providing privacy to the private open space of dwelling 1, its overall height and the type of fencing found on adjoining and surrounding properties, it is considered that the fence is appropriate and should be supported.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 As noted above, given the objections received were formally withdrawn, a preliminary conference was not required to be held in relation to this application.

The agreed fence height is very high at 3.45m and would not normally be supported however there is a slope down towards the objector's property with the objector's property being much lower than the subject site and their preference to screen out much of the development from their property given these circumstances, it is reasonable to allow this fence.

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, 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 Council Resolve to issue a Planning Permit for the development of this site for twelve (12) dwellings, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When

approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 3rd September, 2010, 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:
 - a. 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;
 - b. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - c. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - d. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
 - e. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - f. the provision of three (3) suitable medium sized (at maturity) native canopy trees within the front setback of the property, with species chosen to be approved by the Responsible Authority.
 - g. the provision of one (1) medium (at maturity) native tree within the private open space area of dwelling 1, dwelling 6 and dwelling 7, with species chosen to be approved by the Responsible Authority.
 - h. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - i. all trees provided at a minimum of 2 metres in height at time of planting;
 - j. medium to large shrubs to be provided at a minimum pot size of 200mm; and
 - k. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- b. a comprehensive drainage strategy for the development of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
- c. the provision of at least 2000 litre rainwater tank clearly nominated for new dwellings with water re-use for toilet flushing;
- d. the mail box facilities for each dwelling nominated as having a maximum height of 1.5 metres from natural ground level;
- e. the front fence enclosing the private open space area of dwelling 1 increased in height by a minimum 200mm up to a maximum height of 1.8 metres from natural ground

- level, with this increase in height to be provided with either a timber or similar material with a minimum 25% transparency;
- f. the provision of an improved façade treatment to the west facing study / laundry wall of dwelling 12, with the provision of suitable windows incorporated into this section of the façade (i.e. possibly highlight window/s);
 - g. the first floor balcony of dwelling 12 to wrap around the north-west corner of this dwelling in order to combine the proposed north facing balcony with the west facing balcony of this dwelling;
 - h. the north facing balcony of dwelling 12 provided with suitable screening to a minimum 1.7 metres above the first floor finished floor level of this dwelling, with the screening to extend from the north-east corner of this balcony approximately 3 metres to the west;
 - i. the first floor balcony of dwelling 8 provided with suitable screening to a minimum 1.7 metres above the first floor finished floor level of this dwelling;
 - j. the first floor north facing windows of dwelling 7 nominated as being either provided with obscure glazing or a suitable external screening device to a minimum 1.7 metres above the first floor finished floor level of this dwelling;
 - k. the landscaping strip located along the site's east (rear) property boundary to the north of the proposed visitor car parking space increased to a minimum 2.5 metres in width and tapered down either side;
 - l. the ground floor private open space area of dwelling 6 increased to a minimum 40m² in size;
 - m. the screening first floor north facing windows of dwelling 1, dwelling 2, dwelling 3, dwelling 4, dwelling 5 and dwelling 6 nominated as being provided with a minimum 25% transparency;
 - n. all first floor bedroom windows nominated as being openable for the provision of natural ventilation;
 - o. the visitor car parking spaces nominated as having dimensions of 2.6 metres by 4.9 metres;
 - p. the provision of a notation on the plans stating that a privacy screening is to be erected along the entire length of the common boundary between the subject site and No. 4 Patterson Street, Bonbeach, with this screening to consist of posts (possibly treated pine) cemented into the ground on the development side of the fence, between which will be attached suitable screening material to increase the height of the fence from 1.95 metres to 3.45 metres. Note that this will be free standing and not attached to the existing fence;
 - q. the provision of appropriate planting of creepers, trees or shrubs to soften the screen nominated in Condition 1 p) of this permit;
 - r. the provision of a annotation on the plans stating the entire south (side) boundary fence of the proposed development from Station Street until the end of the development will be replaced at a height of 3.45 metres and will be constructed prior to the demolition works beginning.

**City of Kingston
Ordinary Council Meeting**

Agenda

22 November 2010

- s. the provision of a full colour and buildings material schedule (including samples) for all elevations.
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 demolition of the existing buildings on the site, the new fence required under Condition 1 r) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
4. Prior to the occupation of the dwellings³ hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
8. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
11. 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.
12. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and

any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

13. 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.
14. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - o. Constructed to the satisfaction of the Responsible Authority.
 - p. Properly formed to such levels that they can be used in accordance with the plans.
 - q. 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.
 - r. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
17. 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 shed and eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

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

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

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

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive visual bulk and mass.
4. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.03-1 Street Setback Objective, Clause 55.03-5 Energy Efficiency Objectives, Clause 55.08-8 Landscaping Objectives, Clause 55.04-1 Side and Rear Setbacks Objective, Clause 55.04-6 Overlooking Objective, Clause 55.05-4 Private Open Space Objective and Clause 55.06-1 Design Details Objective.

M 245

KP454/10 – 3 Tular Avenue, Oakleigh South

APPLICANT	Artifact Design Studio
ADDRESS OF LAND	No. 3 (Lot 1 on PS629983X) Tular Avenue, Oakleigh South
PROPOSAL	Two (2) Dwellings
PLANNING OFFICER	Sebastian Lorenzo
REFERENCE NO.	KP454/2010
RELEVANT STATE PLANNING POLICY FRAMEWORK	Clause 11 (settlement) Clause 12: (Environmental and Landscape Values) Clause 13: (Environmental Risks) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
RELEVANT LOCAL PLANNING POLICY FRAMEWORK	Clause 21.05: (MSS – Residential Land Use) Clause 22.11: (Residential Development Policy)
ZONE	Clause 32.06: (Residential 3 Zone)
OVERLAYS	Not Applicable
PARTICULAR PROVISIONS	Clause 55: ResCode (Two or More Dwellings on a Lot & Residential Buildings)
GENERAL PROVISIONS	Clause 65: Decision Guidelines
RESIDENTIAL POLICY AREA	Incremental Housing Change
DECISION DATE BY	12th November, 2010
STATUTORY DAYS	51 days as of 3rd November, 2010
CONSIDERED PLAN REFERENCES/DATE RECEIVED	23rd August, 2010

1.0 PROPOSAL

1.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct two (2) double storey dwellings on this site.

1.2 Development summary:

Dwelling	Floor Area	Private Open Space	Bedrooms Proposed	Car Parking Spaces provided
1	118m ² including Ground Floor, First floor and Garage area.	102.6m ² (including 75.46m ² of secluded private open space)	4	Two (2) car parking spaces in the form of a single garage with a tandem car space in front
2	99.1m ² including Ground Floor, First floor and Garage area.	80m ² (including 56.15m ² of secluded private open space)	3 bedroom plus study	Two (2) car parking spaces in the form of a single garage with a tandem car space in front

1.3 The proposal has an overall site coverage of approximately forty-six (46.17%) percent and a permeability percentage of approximately thirty-seven (37.84%) percent.

1.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
Private Open Space	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: <ul style="list-style-type: none"> 40m², 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 20m² is required for each additional bedroom, which achieves a minimum dimension of 3 metres. 	Generally complies. See below for more detail on private open space requirements and conditions proposed.
Car Parking	Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	Each dwelling is provided with a single garage with a tandem car space in front. All car parking is accessed via Luntar Street.
Front Setback	As the site is on a corner, 3 metres setback to front street and 2 metres to side street.	See report below for full discussion on proposed front and side setbacks
Site Coverage	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 46.17% and therefore complies / does not meet standard (refer to the ResCode discussion section within this report)

2.0 SITE & SURROUNDS

- 2.1 The subject site is located at the north-west corner of Tular Avenue and Luntar Road, Oakleigh South. The land is slightly irregular in shape and features a street frontage width of 15.24 metres to Tular Avenue, a frontage width of 21.3 metres to Luntar Road and an overall site area of approximately 439m². The subject site is smaller than those traditionally found in the surrounding area as it has been previously developed and subdivided for two (2) dwelling and a two (2) lot subdivision.
- 2.2 Planning Permit No. KP1085/2008 was issued for the development of the site for two (2) dwellings on 15th May, 2009. This development sought the construction of a new double storey to the rear of the existing dwelling (which was to be retained). The new dwelling is currently under construction with completion expected in the coming months. Further, Planning Permit No. KP317/09 was issued on 10th July, 2009, to subdivide the site into two (2) lots. The current proposal for No. 3 Tular Avenue, seeks the demolition of the existing dwelling and the construction of two (2) double storey dwellings.
- 2.3 The surrounding area is characterised by a combination of older, single-storey, detached weatherboard and brick veneer dwellings and more recent examples of large, double-

storey dwellings. There are also numerous examples of medium housing development within the area which includes the construction of double-storey dwellings.

- 2.4 The subject site is located within close proximity to the Centre Road shopping strip and bus stop (approximately 150 metres to the north-west), the Commonwealth Golf Club (approximately 200 metres on to the south-east) and South Oakleigh Secondary College (approximately 600 metres to the south-east). The Oakleigh Railway station and Oakleigh Shopping Precinct is situated approximately 3.0 kilometres to the north of the subject site.

3.0 TITLE DETAILS

- 3.1 The Permit Applicant has completed the planning application form declaring that there is a restrictive covenant as well as a Section 173 Agreement on the title. However they are of the opinion that the application proposed does not breach this covenant or Section 173 Agreement. Council Planning Officer has reviewed the Covenant and Section 173 Agreement and considers that the covenant would not be breached for the following reasons:

- The covenant states that *“No quarrying operations at any time hereafter be carried on in or upon the said Lot and no stone earth clay gravel or sand shall at any time hereafter be carried away or removed from the said Lot except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land hereby transferred to be used for the manufacture or winning of bricks tiles or pottery ware”*. It is considered that the proposed development should not contravene this covenant; and
- The Section 173 Agreements requires that any development on the site be in accordance with Planning Permit No. KP1085/2008 unless with the written consent of the Responsible Authority. It is considered that should this application be approved, a permit would be a form of consent.

4.0 PLANNING CONTROLS

- 4.1 The subject site is located within a Residential 3 Zone.
- 4.2 No overlay provisions apply to the subject site.

5.0 PLANNING PERMIT REQUIREMENTS

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

6.0 RELEVANT HISTORY

- 6.1 Council records indicate the following Planning Permit(s) have been issued for the site which includes:

- Planning Permit No. KP1085/08 issued on 15th May, 2009, for the development of the site for two (2) dwellings; and
- Planning Permit No. KP317/09 issued on 10th July, 2009, to subdivide the site into two (2) lots.

7.0 ADVERTISING

7.1 Prior to advertising, the Permit Applicant submitted revised plans on 23rd August, 2010, that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

7.2 As discussed, 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. Two (2) objection(s) to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Privacy Concerns;
- Overshadowing;
- Parking and Traffic Concerns;
- Neighbourhood Character; and
- Overdevelopment Concerns.

8.0 PRELIMINARY CONFERENCE

8.1 A preliminary conference was held on 6th October, 2010, with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.

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

9.0 AMENDMENT TO THE APPLICATION AFTER NOTIFICATION

9.1 Following on from discussions between Council Officers, the applicant and one (1) of the objectors, the applicant submitted an amended ground and first floor sketch plan showing a revised dwelling layout for the proposed dwelling 1 which is to be located on the corner of Tular Avenue and Luntar Avenue. Further details of the revised dwelling 1 layout are as follows;

- The revised dwelling layout is a replica of the dwelling layout for proposed dwelling 2;
- Dwelling 1 is provided with a setback of 3 metres from the site's Tular Avenue property boundary and 3 metres from the site's Luntar Avenue property boundary;
- Dwelling 1 is provided with a setback of between 3.4 metres and 6.5 metres from the site's west (side) property boundary;

- Private open space is located so as to have a north-west orientation thereby improving the general solar access to this dwelling;
- No walls of the proposed dwelling 1 are located on a site boundary.

9.2 While not specifically lodged as an amendment, the applicant advised that should the objectors from the adjoining dwelling to the west of the subject site be more amenable to the revised design, the applicant would accept a condition of any permit issued to redesign dwelling 1 in accordance with the sketch plan lodged with Council on 11th November, 2010.

9.3 The objectors advised Council Officers that the revised plans were more satisfactory and although they are not prepared to withdraw their written objection to the proposal, they were generally satisfied that their concerns had been somewhat addressed. Further, they have requested that first floor window facing their property (to the west of the subject site) be provided with louvre screening to prevent overlooking, and that additional trellis be erected on fence along the site's west (side) property boundary.

9.4 As such, an assessment has been made against the proposal, taking into consideration the sketch plan as submitted by the applicant on 11th November, 2010.

10.0 REFERRALS

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

- Council's Development Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued; and
- Council's Vegetation Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued.

11.0 RELEVANT POLICIES

11.1 State Planning Policy Framework (SPPF)

Clause 11 (Settlement)
Clause 12 (Environmental and Landscape Values)
Clause 13 (Environmental Risks)
Clause 15 (Built Environment and Heritage)
Clause 16 (Housing)

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

- Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)

The land is located within Area 67 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile.

- Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

12.0 PLANNING CONSIDERATIONS:

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an ‘as of right’ use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abuttals, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

12.2 Local Planning Policy Framework

The City of Kingston’s MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *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. Further discussion regarding these items will be outlined later within this report.

12.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.

Incremental Housing Change Areas

- In areas identified for incremental housing change, ensure that new housing development is responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas.

Built form, siting and scale of development, it is policy, where relevant, to:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

Car parking and vehicle access, it is policy, where relevant, to:

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

Performance measures

- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

Stormwater run-off mitigation and quality management, it is policy, where relevant, to:

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

Performance measures

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.

Clause 22.11 – Residential Development Policy 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. As the site has an overall site area of 439m² the development density would be calculated at 1 dwelling per 219.64m². Although the proposal does not meet this strategy, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone requirements. This matter will be further discussed at a later section within this report.

Clause 22.11 Residential Development Policy essentially extends upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, effectively promoting high-density development around activity centres and locations close to public transport.

In summary, the proposal is seen to be strongly consistent with Council’s Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for the type and form of medium density development expected in areas such as this before the Council.

12.4 Zoning Provisions

Clause 32.06: Residential 3 Zone: The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

Standard B8 – Site Coverage: The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 46% and is consistent with the Schedule requirements.

Standard B28 – Private Open Space: The local variation requires an area of 40m², with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40m², a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20m² with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m² of private open space required for the dwelling.

Dwelling 1 is provided with four (4) bedrooms, while dwelling 2 is provided with three (3) bedrooms and a study. As a result, it is considered that each dwelling should be provided with 80m² of private open space in accordance with the abovementioned

requirements. In this instance, it is considered that dwelling 1 does not adequately satisfy the minimum dimension requirements of this Standard.

Dwelling 1 is provided with approximately 94m² of private open space located to its south and west (partially fronting Tular Avenue), with an additional 23m² of private open space located within this dwelling's front setback area along Luntar Avenue. While the amount of private open space provided for dwelling 1 satisfies the overall area requirements of this Standard, it does not satisfy the minimum dimension requirements of this Standard. However, having consideration to the orientation, useability and dimensions of the private open space provided, it is considered that a variation to the requirements of this Standard is appropriate in this instance.

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.

The proposed front fence is 1.2 metres high and accords with the Schedule requirements.

12.5 Overlay Provisions

No overlay provisions apply to the subject site.

13.0 **CLAUSE55 (RESCODE ASSESSMENT)**

13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

Standard B4 – Infrastructure: The application was referred to Council's Development Engineers for comment who have advised of no objection to the proposal subject to the inclusion of suitable drainage conditions being placed on any permit issued. Therefore, subject to the inclusion of these conditions, it is considered that the requirements of this Standard are adequately addressed.

Standard B6 – Street Setback: It is considered that the proposed setback of each dwelling technically complies with the minimum setback requirements of this Standard. However, for clarity, it is important to discuss how the proposal complies with the setbacks proposed. The General Terms definitions of Clause 72 of the Kingston Planning Scheme define frontage as:

- “the road alignment at the front of lot. If a lot abuts two or more roads, the one to which the building, or proposed building faces.”

The proposal seeks to provide each dwelling fronting Luntar Avenue, with a proposed front setback of 3 metres. Currently, the existing dwelling known as No. 25A Luntar Avenue (dwelling approved under Planning Permit No. KP1085/2008) is provided with a

setback of 3 metres to Luntar Avenue. Given the above definition of frontage, the applicant has sought to provide a 3 metre front setback for dwelling 1 and dwelling 2 from Luntar Avenue. This setback to Luntar Avenue is considered acceptable and satisfies the requirements of this Standard.

Dwelling 1 also front Tular Avenue and is provided with a staggered front setback. Dwelling 1 is provided with a setback of 3 metres. The proposed setback along Tular Avenue are considered appropriate having regard to the following:

- the overall design response of the proposed development;
- the setback to Tular Avenue satisfies the minimum setback requirements of this Standard;
- the setback to Tular Avenue allows for improved solar access to this dwellings private open space area;
- the front setback of the adjoining dwelling to the west is 7.6 metres from Tular Avenue while the adjoining dwelling to the east (across Luntar Avenue) is 1.6 metres from Tular Avenue; and
- the ability of dwelling 1 to have a setback of 2 metres from the site's Tular Avenue property in accordance with the requirements of this Standard.

Therefore, having regard to the abovementioned comments, it is considered that the proposed front setbacks along both Tular Avenue and Luntar Avenue are appropriate.

Standard B13 – Landscaping: The application was referred to Council's Vegetation Management Officers for comment, who have advised of no objection to the proposal subject to the inclusion of suitable landscape conditions being placed on any permit issued. Therefore, subject to the inclusion of these conditions, it is considered that the requirements of this Standard are adequately addressed.

Standard B28 – Private Open Space: This area of non-compliance has been discussed in more detail previously in this report under the Schedule to the Residential 3 Zone.

14.0 RESPONSE TO GROUNDS OF OBJECTION:

14.1 In response to the grounds of objection an assessment of the proposal confirms that:

- The proposed setbacks and walls on boundary of the development comply with the relevant standards of Clause 55 (ResCode) and are considered appropriate;
- The proposal should not result in undue impacts on the amenity of adjoining property owners or occupiers by way of overshadowing or walls on boundaries. Any shadow from the development cast onto adjoining properties is considered to be minor in nature.
- The development does not raise any privacy concerns from overlooking. All first floor habitable first floor windows of Dwelling 1 front will be adequately screened to prevent overlooking.
- The proposal complies with the car parking requirements of Standard B16 of Clause 55 (ResCode) and the car parking proposed is considered appropriate. A number of other car parking related concerns in relation to speeding and 'rat runs' along Luntar

Avenue / Tular Avenue should be referred to Victoria Police and Council's Traffic Engineering Department.

- The development should not result in an undue impact on residential amenity by way of loss of privacy or noise. Any noise generated will be residential in nature and is not considered to be unreasonable.

15.0 CONCLUSION:

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

15.2 The 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.

16.0 RECOMMENDATION:

That Council resolve to issue a Notice of Decision to Grant Permit for the development of this site for two (2) dwellings be issued, subject following conditions:

25. 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 23rd August, 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:
- xxiv. 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;

- xxv. 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;
 - xxvi. 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;
 - xxvii. adequate planting densities (e.g. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - xxviii. the provision of two (2) suitable medium sized spreading canopy trees within the private open space of dwelling 1 with all species chosen to be approved by the Responsible Authority;
 - xxix. the provision of one (1) suitable spreading canopy tree within the rear private open space of dwelling 2;
 - xxx. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - xxxi. suitable species selected for use within the landscape strip along the driveway i.e. take into consideration the mature width of the plant selected;
 - xxxii. all hard surfacing and fencing located at least one (1) metre from any existing or proposed canopy tree;
 - xxxiii. all trees provided at a minimum of two (2) metres high at time of planting;
 - xxxiv. a range of plant types from ground covers to large shrubs and trees;
 - xxxv. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
 - xxxvi. the provision of a notation 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. dwelling 1 re-designed in accordance with the sketch plan submitted to Council on 11th November, 2010, with the ground floor of this dwelling set back 3 metres from the site's Tular Avenue and Luntar Avenue property frontage and 3.4 – 6.5 metres from the site's west (side) property boundary;
 - c. the north, south, east and west elevation of dwelling 1 amended as appropriate in accordance with Condition 1 b) of this permit;
 - d. all full length west facing first floor windows of dwelling 1 and dwelling 2 provided with suitable fixed external louvre screening to a minimum 1.7 metres above their respective first floor finished floor level;
 - e. the provision of a minimum 400mm boxed, lattice fence extension, attached securely to the top of the site's west (side) property boundary for its entirety, with the full cost of this fence extension to be borne by the developer / permit applicant;
 - f. the provision of minimum 2000 litre rainwater tank clearly nominated for each dwelling with water re-use for toilet flushing; and

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- g. 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.
26. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
27. 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.
28. Prior to the occupation of the dwellings hereby permitted the fence extension required under Condition 1e) of this permit must be erected to Council satisfaction at the full cost of the owner/developer of the site.
29. 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.
30. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
31. 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.).
32. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
33. 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.
34. 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.
35. 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.
36. 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:

- s. Constructed to the satisfaction of the Responsible Authority.
- t. Properly formed to such levels that they can be used in accordance with the plans.
- u. 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.
- v. 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.

- 37. 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.
- 38. 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.
- 39. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 40. The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise
- 41. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 42. 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: 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

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

1. The proposal would have an adverse effect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive visual bulk and mass.
4. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective, Clause 55.08-8 Landscaping Objectives, Clause 55.04-6 Overlooking Objective, Clause 55.04-4 Private Open Space Objective and clause 55.06-1 Design Detail Objective.
5. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.

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KP 00/726/A - 856-878 Springvale Road, Braeside

APPLICATION FOR AMENDMENT OF PERMIT – SECTION 72

APPLICANT:	Digitelle Pty Ltd
ADDRESS OF LAND:	No. 856-878 (Lot 4 on PS 148658F and Lot 5 on PS148657H) Springvale Road, Braeside
APPLICATION NUMBER:	KP00/726/A
PROPOSAL:	Original: To construct fourteen (14) business identifications signs on this site, in accordance with plans to be submitted pursuant to Clause 1 hereof. Amended: to erect business identification and three (3) promotion signs on this site in accordance with plans to be submitted pursuant to Condition 1 hereof.
DATE RECEIVED:	1 st September, 2010
PLANNING OFFICER:	Sebastian Lorenzo
ZONING:	Green Wedge Zone – Schedule 3
OVERLAYS:	Not Applicable
KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:	Clause 22.15: Outdoor Advertising Signage Policy Clause 52.05: Advertising Signage Clause 65: Decision Guidelines Clause 66: Referrals
DECISION BY:	31 st October, 2010
NETT DAYS:	30 days as of 1 st October, 2010
CONSIDERED PLAN REFERENCES / DATE RECEIVED	1 ST September, 2010

Notes regarding consideration of Section 72 applications: The above Application For Amendment of Permit has been made pursuant to Section 72 of the Planning and Environment Act 1987. The Application may also include changes to any plans, drawings or other documents approved under a permit. The Application may follow the same statutory processes as detailed in sections 47 to 62 of the Act, however any required notification or referral relates only to the changes applied for in the amendment application. Council's consideration and any conditions of approval are also restricted to the changes applied for in the amendment application. Previous elements of the original planning application are not re-assessed.

PROPOSAL

An application has been received to amend Planning Permit No. KP00/726 (including plans) issued under Council Delegation on 30th November, 2000, to construct fourteen (14) business identifications signs on this site, in accordance with plans to be submitted pursuant to Clause 1 hereof. The proposed changes include amendments to the permit address, permit preamble and plans. These are dealt with separately below:

1. Permit Address:

- i. It is proposed to amend the address (street number and lot number) in accordance with the current copy of title. It is proposed to amend the street and lot numbers from “No. 856-866 (Lot 4 on LP148658) Springvale Road, Braeside” to “No. 856-878 (Lot 4 on PS 148658F and Lot 5 on PS148657H) Springvale Road, Braeside.”

2. Permit Preamble:

- i. The applicant has not proposed to amend the permit preamble. However, given the time which has elapsed between the date of issue and the amended planning permit application and the change in planning policy (i.e. introduction of Clause 22.15 – Outdoor Advertising Policy) over that time, it is considered appropriate that a re-wording of what the permit allows is appropriate in this instance. Therefore, it is considered that the permit preamble should be amended from:

“To construct fourteen (14) business identifications signs on this site, in accordance with plans to be submitted pursuant to Clause 1 hereof:”

to

“to erect business identification and promotional signage on this site in accordance with plans to be submitted pursuant to Condition 1 hereof.”

3. Amended Plans:

- i. *It is proposed to three (3) new promotion signs in association with the existing use of the site. Further details of the proposed signs are as follows;*

Sign No. 1 – Promotion Sign	
Height:	Structure: 2030mm Sign: 950mm
Width:	2900mm
Depth:	Structure: 150mm
Total area of sign:	2.75m ²
Text:	Evinrude – E-Tec Outboards and business logo
Colours:	Black text and grey concrete structure
Lighting:	None
Positioning:	The sign is to be located opposite existing freestanding entry sign. Set back approximately 7.5 metres from the site’s Springvale Road property frontage and approximately 55 metres from the site’s north (side) property boundary.

Sign No. 2 – Promotion Sign (Springvale Road Elevation)	
Height:	600mm
Width:	6000mm
Depth:	Not Applicable
Total area of sign:	3.2m ²

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Text:	Evinrude – E-Tec Outboards and business logo
Colours:	Black text
Lighting:	Not Applicable
Positioning:	The sign is to be located on the building façade fronting Springvale Road. The sign is to be set back approximately 30 metres from the site’s Springvale Road property frontage and approximately 29 metres from the site’s north (side) property boundary. The sign is also located approximately 6 metres above natural ground level adjacent the existing ‘JV Marine World and BCF’ signage on the Springvale Road elevation of the existing building.

Sign No. 3 – Promotion Sign (Springvale Road Elevation)	
Height:	600mm
Width:	6000mm
Depth:	Not Applicable
Total area of sign:	3.2m ²
Text:	Four Winns and business logo
Colours:	Black text
Lighting:	Not Applicable
Positioning:	The sign is to be located on the building façade fronting Springvale Road. The sign is to be set back approximately 30 metres from the site’s Springvale Road property frontage and approximately 29 metres from the site’s north (side) property boundary. The sign is also located approximately 6 metres above natural ground level adjacent the existing ‘JV Marine World and BCF’ signage on the Springvale Road elevation of the existing building.

Planning Permit No. KP00/726 allows the erection of fourteen (14) business identification signs in accordance with the endorsed plans. The original application was not required to be advertised as the proposal was consistent with the use and zoning of the site and the proposal was unlikely to cause detriment to adjoining or surrounding properties.

The original permit was **not** a permit issued at the direction of the Victorian Civil and Administrative Tribunal or a permit issued under Division 6 of the Planning and Environment Act 1987.

LOCATION AND SITE CONTEXT

The subject site is located on the west side of Springvale Road, Braeside. The site consists of two (2) lots (as described above). The site has a frontage of 203.31 metres to Springvale Road, a maximum depth of 199.9 metres and an overall area of approximately 4.04 hectares. The land is used and developed for the existing JV Marine and BCF (Boating Camping Fishing) commercial super store. Vehicle access is provided directly from Springvale Road via an existing access point.

PLANNING PERMIT & SITE HISTORY

A search of Council records indicate that the following applications have been submitted for the subject site:

Planning Permit No.	Date Issued	Proposal
KP97/245	6 th June, 1997	The creation of an easement on the subject site.
KP99/514	2 nd March, 2000	The development and use of the site for the purpose of fishing education; fishing related recreational uses, boat sales, boat accessories / boat hardware sales, repairs / servicing of boats, marine / outdoor related retailing and eating facilities.
KP00/913	13 th November, 2000	To use this site for a food and drink premises (restaurant).
KP01/485	11 th September, 2001	The construction of a storage shed on the site.
KP01/605	28 th November, 2001	To develop and use this site for a telecommunications facility, in accordance with the attached endorsed plans
KP255/06	19 th May, 2006	The construction of a mezzanine storage area.
KP590/08	13 th October, 2006	An application for temporary signage was refused.

It is noted that the subject site is currently provided with a number of existing business identification and promotion signs. Generally, all signage currently on site (except for those signs proposed above) have existing planning approval and therefore, consideration must only be given to the proposed additional three (3) promotion signs.

ADVERTISING

The proposal is deemed unlikely to cause material detriment to adjoining and surrounding properties. Furthermore, the proposal is consistent with existing signage on the subject site and adjoining properties and therefore should not be required to be advertised.

REFERRALS

No internal or external referrals were required in relation to this application.

PLANNING CONSIDERATIONS

The following sections of the Kingston Planning Scheme are considered relevant.

State Planning Policy Framework (SPPF)

The application has been assessed against the State Planning Policy Framework and it is considered that the proposed use is consistent with relevant policies contained within this section of the Kingston Planning Scheme.

Local Planning Policy Framework (LPPF)

Clause 22.15 – Outdoor Advertising Signage Policy: Councils Outdoor Advertising Signage Policy seeks to ensure that excessive or inappropriate signage is avoided, particularly in sensitive locations. The policy further seeks to encourage signage that effectively promotes a product or business, and complements its local setting and other nearby signs. As relevant to this application, the objectives of the Policy at Clause 22.15 include:

GENERAL

- Discourage the display of animated signs, sky signs, panel signs, major promotion signs, pole signs, bunting signs, inflatable and blimp signs, high wall signs, and V-board signs to reduce visual clutter;
- Discourage signage that detracts from the architectural quality of buildings or obscure architectural features;
- Discourage any external lighting, electrical cables, conduits, supporting structures and other equipment associated with the signage, which detracts from the appearance of a building. Where possible such materials should be concealed from view, or unobtrusively located, and where appropriate painted to match the colour of the surface on which it is mounted;
- Discourage signage that dominates the building to which it is fixed or the property on which it is sited;
- Discourage the display of V-board signs in all areas, particularly when sited above verandahs, and, where appropriate to encourage their removal;
- Discourage signs from being permanently or continually displayed on parked vehicles, trailers, caravans and the like in road reservations;
- Encourage street numbers to be displayed to reduce the need for additional signage;
- Encourage signage that respects the amenity of surrounding areas and uses;
- Encourage signage which fits within architectural forms, is integrated with the architecture or is placed on blank wall surfaces;
- Encourage wall or fascia signs to be directly applied to the building, and where projection occurs it should be minimal and vertically orientated (i.e. the height of the sign being greater than the width);
- Encourage signs to be orientated either vertically or horizontally unless it can be demonstrated that an alternative orientation is appropriate due to the design of the sign or the area to which it is to be displayed;
- Encourage a sign or associated supporting structure that is sited within the overall building facia, rather than siting above the building line, protruding from the building into the skyline or extending beyond any edge of its host building;
- Encourage signs to be located on the land to which they relate;
- Consider, when new signage is proposed, all existing signs on site and to encourage the consolidation of sign displays;
- Consider the type and number of signs in an area to ensure they are generally proportional to the intensity of commercial activity and the complexity of the built form of the area;
- Limit the impact of signs on surrounding sensitive uses such as residential areas and public land;
- Limit the display of above verandah and upper level façade signage;
- Over time, remove and replace inappropriate signs or inappropriately located signs that do not comply with this policy, or when new or replacement signs are installed, with more appropriate signs;

- Reduce advertising clutter through the display of fewer, more effective signs; and
- Where appropriate, signage should be legible for people with a vision, physical, intellectual or other disability.

MAIN ROAD AREAS

Signs along declared main roads offer opportunities for long distance visibility. A principal concern is the impact of signs on the amenity of the surrounding areas, the character of the streetscape, and road and pedestrian safety. With regard to Main Road Areas, it is policy to:

- Discourage the display of animated signs, sky signs, panel signs, major promotion signs, pole signs, bunting signs, high wall signs, reflective signs and V-board signs to reduce visual clutter;
- Discourage clutter of major promotional signs, pole signs, panel signs, freestanding and mobile signs, high wall signs and sky signs;
- Discourage signage which obscures major view lines;
- Discourage the use of intermittent flashing signs or other potentially distracting elements on signs;
- Encourage a high level of visual amenity in areas adjacent to main roads to be maintained;
- Recognise that there are limited opportunities for major signage;
- Consider the scale and size of promotional signage with regard to the size, scale and bulk of buildings in the surrounding area and any adjacent residential or sensitive land use areas;
- Limit the scale and size of promotional signage so as to not dominate host buildings;
- Signs should not be greater in size than, or extend beyond any edge of host buildings; and
- Only permit the display of sky signs or major promotional signs where they do not dominate the skyline or landscape, and where signage and support structures are designed so that they do not contribute to or create visual clutter.

NON URBAN AREAS

A variety of non urban uses in Heatherton, Clayton and Dingley occupy these areas including landfills, market gardens, churches and nurseries. In order to protect and enhance the rural and environmental character of these areas, signage should have a minimal impact and where possible offer improvements to the non urban landscape. Signs should generally relate to the use of the land and the scale of surrounding development. With regard to Non-Urban Areas it is policy to:

- Discourage the display of animated signs, pole signs, sky signs, panel signs, major promotion signs, bunting signs, high wall signs, reflective signs, and V-board signs to reduce visual clutter;
- Discourage signs on vacant or public land where they intrude on the amenity and appearance of the surrounding area;
- Encourage landscaping around signs to soften their impact and appearance; and
- Consider whether signs are sympathetic to the landscape character of the area.

The three (3) proposed promotion signs are brand names of products to be sold from the subject site. Evinrude E-tec Outboards and Fourwinns are manufactures of boats and boating accessories such as motors which will now be made available for sale from the subject site. The purpose of

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the signage is to advertise the new extended ranges of boats and boating accessories available at JV Marine.

It is considered that the proposed additional signage is consistent with the Outdoor Advertising Signage Policy at Clause 22.15 of the Kingston Planning Scheme. The proposed signs are in proportion with the scale of the existing building and are compatible with the signage found on adjoining and surrounding buildings and land uses such as Garden World to the north, the Shell Service Station / Nando's Family Restaurant to the south and the existing driving range / golf club to the south-east of the subject site.

The impact of the signage upon the amenity of the area should be minimal having regard to the existing built form, visibility of the signs, their location on the site (i.e. setback from Springvale Road) and their non-illumination. The size of the proposed signs are considered to be appropriate having regard to the other signs in the area, the size of site and their context with regard to the existing built form. The proposed signs are of a high quality and clearly identify the additional products to be sold from the subject site which are associated with watercraft recreation. The design, colours and materials are considered to be acceptable. Furthermore, the proposed signage is in scale with the size of the building and should not result in visual clutter. Therefore it is considered that the signage is appropriate for the site and the existing use.

Zoning

Clause 35.04 (Green Wedge Zone – Schedule 3): The application has been assessed against the relevant zoning (Green Wedge Zone) and it is considered that the proposed use is consistent with the purpose of the zoning controls contained within the Kingston Planning Scheme.

Advertising signage within a Green Wedge zone is located within Category 3 – High Amenity Areas of Clause 52.05 – Advertising Signs of the Kingston Planning Scheme.

Particular Provisions

Clause 52.05 (Advertising Signs): The purpose of Category 3 at Clause 52.05 is to ensure that signs in high amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Promotion signs are located within Section 2 – Permit required signs of Clause 52.05-9 – Category 3 – High Amenity Areas of the Kingston Planning Scheme. Further, promotion signs have a condition attached to them that requires that signs not exceed 2 square metres in size. If the condition can not be met, then that promotion sign becomes prohibited.

In this instance, the proposed promotion signs are each in excess of the 2 square metre condition and as such are considered to be prohibited. However, it is considered that the size of the signs can easily be reduced so as to not exceed 2 square metres. As such, a suitable condition on any permit issued must include a requirement that the proposed three (3) promotions signs must not exceed a maximum size of 2 square metres. This has been included as part of the recommendation below.

Subject to the inclusion of the abovementioned condition, the proposed promotions signs are considered to be consistent with the above purpose. As highlighted earlier in this report, the signs

are appropriate to the locality and streetscape, and will allow adequate identification of the business on the site.

General Provisions

Clause 65 (Decision Guidelines): The general provisions at Clause 65 (Decision Guidelines) are of relevance to this application. The application has been assessed and is considered to be consistent with the relevant decision guidelines.

GENERAL COMMENT

The proposed amendment is considered to be consistent with the provisions of Section 72 for the following reasons:

- If these modifications were initially proposed for approval as part of the initial application they would have been considered as being acceptable and therefore, these plans should be supported.
- The proposed modifications do not alter any conditions which were required by VCAT or referral authorities.
- There has not been any changes to the planning scheme since the issue of the permit that affect the proposed changes.
- The amendment proposed does not change the use for which the permit was issued.
- The proposed amendment will not result in any increase of detriment to any person.

CONCLUSIONS

In considering the application to amend the existing Planning Permit (including plans), regard has been given to Sections 72 of the Planning and Environment Act 1987. Council Officers consider that the amendments are consistent with the provisions of this Section.

Overall, the proposal is considered satisfactory. The proposal is generally consistent with the advertising signage provisions of the Kingston Planning Scheme. Therefore, it is recommended that a permit be issued, subject to appropriate conditions.

RECOMMENDATION

That:

- A) the application not be advertised as the proposal is consistent with the use and zoning of the site and therefore, should not cause material detriment to adjoining or nearby properties.
 - B) Council resolve to issue an Amended Planning Permit to erect business identification and three (3) promotion signs on this site, in accordance with plans to be submitted pursuant to Condition 1 hereof;
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

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Ordinary Council Meeting**

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22 November 2010

dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted on 1st September, 2010, with the application but modified to show:

- a) a full site plan with the location of all approved signage clearly nominated including distances from site boundaries;
 - b) each of the promotion signs reduced so as to not exceed a maximum of 2 square metres in size; and
 - c) elevation plans of all approved signage including building facia signage, window signage and free standing signage showing details of dimensions, illumination, colours, text and materials.
2. The location and details of the signs, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
 3. Signs must not be animated or contain any flashing or intermittent light.
 4. All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
 5. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
 6. The signs must only be illuminated during trading hours for the premises.
 7. This Permit expires fifteen (15) years after the date it is issued.
 8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 9. 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 date of commencement of works.

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: Unless no permit is required under the Planning Scheme, others signs must not be constructed or displayed without the consent of the Responsible Authority.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description
1 st October, 2010	<ul style="list-style-type: none">• The preamble has been amended to read the permit allows the erection of business identification and three (3) promotion signs on this site in accordance with plans to be submitted pursuant to Condition 1 hereof; and• Condition 1 has been amended to require the submission of new plans showing all approved signage on the site.

5. Issues

Dependant on the extent of the emergency, there are occurrences where councils will need to source additional resources to ensure that the affected community is supported as well as possible. In recent emergency events, many councils have shared resources through informal processes to achieve this goal.

The Municipal Association of Victoria (MAV) and the Municipal Emergency Management Enhancement Group (MEMEG) have identified a need to determine an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies.

This has led to the development of a protocol for Inter-Council Emergency Management Resource Sharing. This protocol is intended to clarify operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements. Councils were invited to provide input to a draft version of the protocol.

In developing the protocol, the MAV consulted with the Office of the Emergency Services Commissioner, Civic Mutual Plus, WorkSafe and the Victorian Managed Insurance Authority. This protocol is consistent with the concepts and policy guidelines articulated in the Emergency Management Act 1986 and the Emergency Management Manual of Victoria.

Adoption of this protocol is entirely voluntary. This protocol is not intended to inhibit, or diminish the effectiveness, of any existing inter-council resource sharing arrangement. Councils should however review any such existing arrangements to ensure that issues identified in this protocol are addressed.

A list of participating councils will be posted on the MAV website once one or more councils have provided the MAV with written confirmation of their adoption of the protocol. Councils can opt in or out of the protocol arrangements at any time by notifying the MAV in writing.

The MAV Protocol for Inter-Council Emergency Management Resource Sharing has been endorsed by the MAV Board of Management. The protocol is an initiative of the Municipal Emergency Management Enhancement Group and will assist councils in sourcing extra municipal resources during emergency events. All councils will be provided with a copy of the protocol and will have the option to adopt the principles.

6. Options

To maintain the current status quo where no formal cost/resource sharing agreements are in place, Kingston City Council could still cooperate fully with other councils in emergency events however there would be no clear guidelines in place in relation to operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements.

To become a signatory of the Protocol for Inter-Council Emergency Management Resource Sharing. This is the preferred option and would allow Kingston City Council to continue to work cooperatively with other councils in emergency events whilst providing protection for all interested parties in relation to issues associated with operational, reimbursement and insurance matters.

7. Triple Bottom Line Checklist

- **Environmental** – N/A
- **Social** – N/A
- **Financial** – Ultimately, this could provide financial protection for Kingston City Council by establishing a formal process by which reimbursement could be pursued from another council if determined appropriate.

8. Recommendation

That Council resolve to become a signatory to the Municipal Association of Victoria (MAV) Protocol for Inter-Council Emergency Management Resource Sharing.

Attachment 1 – Protocol for Inter-Council Emergency Management Sharing Resource (MAV) – 10/109624
Attachment 2 – List of current participating Councils -10/109608

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**Contract No. 10/112 - Mernda Avenue, Bonbeach
Road Reconstruction – Tender Report**

Approved by: Tony Rijs – General Manager Environmental Sustainability

Author: Brian Trower – Team Leader Roads & Drains

1. Purpose of Report

This report seeks Council's approval to accept tenders for Contract No. 10/112– Mernda Avenue Bonbeach – Road Reconstruction. It is proposed that **PARKINSON GROUP (AUST) PTY LTD** be accepted as the preferred tenderer for this contract based on their submitted tender of **\$1,074,118.25**.

2. Background

The road covered by this contract has been identified for replacement as part of council's standard road condition survey. The existing guttering and road surface has reached the end of its' expected life and is due for replacement to maintain a satisfactory road for local residents. Whilst rebuilding the road, council is taking the opportunity to improve the underground drainage system along Mernda Avenue Bonbeach from Station Street to The Fairway.

3. Brief Description of the Work under the Contract

The works involved in this contract includes the reconstruction of Mernda Avenue from Station Street to The Fairway. Items covered as part of this contract include:

- Replacement of all concrete kerbs on both sides of the road.
- Replacement of all concrete vehicle crossings.
- Replacement of the footpath on both sides
- Asphalt resurfacing of the road
- Upgrading of street drainage
- Reconstruction of speed humps.

4. Tenders Received

Tenders were advertised in The Age on Saturday 2 October 2010 and closed at 2.00pm on Thursday 21 October 2010. Three (3) tenders were received, details of which are set out in the *Confidential Attachment*.

5. Project Funding

This project will be funded from Council's 2010/11 Capital Works Budget.

6. Evaluation Panel

The tenders were assessed by:

Tony Pell – Senior Construction Engineer,
Chang Wuol – Construction Engineer

7. Triple Line Checklist

7.1 Budget/Financial Impact

For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money and level of risk. The submitted price from the preferred contractor is below the Design Engineer's estimate.

7.2 Social Impact

There will be inconveniences during the works which are typical of a large road reconstruction contract such as this one. A Special Clauses document was prepared as part of the contract package, which outlines a number of requirements set out by Council to stage the works and minimise community disruption as much as possible.

7.3 Environmental Impact

Environmental impacts during construction of these works will be minimised due to measures put in place for controlling stormwater runoff quality, including silt barriers and straw bales

The final outcome of the works will alleviate a significant drainage/flooding issue in the area.

8. Summary and Conclusion

The Evaluation Panel has ranked PARKINSON GROUP (AUST) PTY LTD highly for this contract. The panel believes that PARKINSON GROUP (AUST) PTY LTD have demonstrated their ability via their tender submission and previous works undertaken for Kingston City Council, to provide the best overall value for the construction of CONTRACT NO. 10/112 – MERNDA AVENUE, BONBEACH – ROAD RECONSTRUCTION

9. Recommendation

That CONTRACT NO. 10/112 – MERNDA AVENUE, BONBEACH – ROAD RECONSTRUCTION be awarded on a Lump Sum basis to PARKINSON GROUP (AUST) PTY LTD for the tendered price of **\$1,074,118.25** Please refer to the “Confidential Attachment” outlining the scoring matrix and all other submissions.

Attachment

Parkinson Group OHS Certificate

Confidential Attachment



*Contractor Management Systems
Certificate of Certification*

The organisation listed below has been assessed as meeting the requirements of the Civil Contractors Federation Construction Management Code, inclusive of Environmental, Occupational Health and Safety and Quality Management.

Parkinson Group Aus Pty Ltd
30 Alfred Street Blackburn Vic 3130

Scope of Works

Major Road Construction, Asphalt and Sealing

Code Description

R2 and P1

CCF Registration No:

P316/04

Period of Registration:

8 July 2010 to 8 July 2011

Conformity Assessment Body Reference:

100396

Date of Assessment:

22 July 2010



Chris White
CCF Chief Executive Officer



JAS-ANZ



www.jas-anz.org/register

Nino Capogreco, Assessor
Global-Mark Pty Ltd

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Bay Trail

Approved by

John Nevins, Chief Executive Officer

Author:

Tony Rijs, General Manager Environmental Sustainability

Over the last months Council officers have developed concept plans for a number of options for the alignment of Kingston Bay Trail.

It is clear from the concept plans that whichever alignment is chosen there will be a number of design challenges.

In order to gain a clear understanding of all issues associated with the alternative alignments it is proposed to prepare detailed design drawings for:

- an alignment that follows the existing promenade;
- a cliff top alignment;
- a back of kerb alignment with no narrowing on the Beach Road Pavement; and
- a back of kerb alignment that is based on reducing the Beach Road pavement width.

An analysis of the impacts on access, vegetation and traffic and the foreshore environment will be included as part of the design process. The works will be undertaken by consultants under Council supervision. It is estimated that the total project cost will be between \$50,000 and \$75,000 and will be completed around April 2011.

Recommendation

That designs for four bay trail alignments between the Parkdale Yacht Club and Charman Road, as set out in this report, be prepared and presented to Council for consideration.

5. Issues

In May 2007 Council adopted Clause 10 of Local Law 5 to control the sale of aerosol spray cans in the City of Kingston. Clause 10A(1) prohibited retailers from storing or displaying any aerosol spray paint containers in an area that is accessible to the public. Clause 10A(2) prohibited the sale of aerosol spray paint containers to persons under the age of eighteen years. A report was subsequently presented to Council (08/44088) and both clauses of Local Law 5.10A were repealed.

Retailers have previously complied with Council's storage requirement with one exception. Since the joint Police and Council enforcement operation retailers have indicated they would support the reintroduction to minimise offences occurring. Council does not intend to prescribe the method of storage other than cans not being directly accessible to the public.

6. Options

Re-introduce previously repealed Local Law as defined in Attachment 2 relating to the storage of aerosol spray paint containers.

This option is recommended

7. Statutory Process

Upon Council decision to reintroduce this Local Law notices will need to be placed in the Victorian Government Gazette and the Leader newspapers circulating in the municipality as per Section 223.

8. Triple Bottom Line Checklist

- **Environmental** – The effect of taking positive action around the graffiti issue will continue to enhance the general appearance of the municipality.
- **Social** – Continuing to take positive action to both enforce the provisions of The Act and re-introducing controls around the storage of aerosol spray paint cans will demonstrate Council's commitment to protect and improve the general amenity of the municipality for residents and other users.
- **Financial** – Council will incur a cost for the statutory advertising needed to re-instate the Local Law. Council will also have minimal ongoing cost for resources for an education and enforcement program. Retailers may also incur a cost for the secure storage of aerosol spray containers depending on the method chosen.

9. Recommendation

That Council resolve to initiate statutory procedures to reinstate the repealed Clause 10A(1) of Local Law 5 Storage of Aerosol Spray Paint Containers.

Attachments:

Attachment 1: Report to CIS on Graffiti Prevention Act 2007

Attachment 2: Wording for Local Law 5.10A(1)

Attachment 3: Report to Ordinary Council 23 August 2010

The amended Order will allow Authorised Officers to educate and enforce along the Patterson River walking/cycling path and other public areas not covered currently. This will have an impact on the current work load of Local Laws Officers therefore Council will need to monitor the capacity to patrol and enforce in this area.

Council will invite owners of shopping centres and private school grounds to enter into enforcement agreements (at no cost) should they wish Council to control dogs off leash on their property.

6. Options

Option 1

Amend the current Order to read as follows:

1. Dogs must be on leashes

The owner of the dog must keep attached to the dog a chain, cord or leash and held by the owner when in any public place not designated as an off leash area, school grounds, railway land, or shopping centres where an agreement pursuant to Section 26 (2A) of the Domestic Animals Act 1994 is in place in the municipality.

2. Owners must be equipped to remove dog faeces

The owner of a dog must not allow any part of that dog's excrement to remain on any public place, school ground, shopping centre or railway land in the municipality. The owner must carry a litter removal device to pick up and remove all of the dog's faeces and must produce the litter removal device upon request of an Authorised Officer.

3. Owner's obligations

- 3.1 A dog may be exercised off a chain, cord or leash in a designated off leash area provided the owner:
- a. Carries a chain, cord or leash, sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
 - b. Remains in effective voice or hand control of the dog and within constant sight of the dog so as to be able to promptly place the dog on a chain, cord or leash if that becomes necessary; and
 - c. Does not allow the dog to worry, cause a nuisance or threaten any person or animal.
- 3.2 If a dog is off a chain, cord or a leash in a designated area it must be brought under effective control by means of a chain or cord or a leash if the dog is or likely to be within 20 metres of:
- a. The arena or ground of an organised sporting or practice event
 - b. A children's play equipment area
 - c. A principal location of an organised public meeting or event
 - d. A permanent barbecue or picnic area.

4. Meaning of words

In this order:

'Owner' has the same meaning as the **Domestic Animals Act 1994**; and

'Designated off leash area' means any reserves, or part of a reserve, declared by resolution of the Council.

"Litter removal device" means an apparatus designed for or able to be used for the purpose of removing dog excrement and includes a paper or plastic bag.

'Public Place' means any reserves, or part of a reserve and Road (as defined in the **Local Government Act 1989**).

This option is recommended

Option 2

Amend Local Law 6.20(1) to read

A person in charge of a **domestic animal** or **livestock** must not allow any part of **domestic animal** or **livestock** excrement to remain on any **road** or **Council land** or on or in any **public place**.

This option is recommended

Option 3

Amend Local Law 6.20(2) to read

A person in charge of a **domestic animal** or **livestock** on any **road** or **Council land** or on or in any **public place** must carry a **litter device** and must produce the litter device upon request of an **Authorised Officer**.

This option is recommended

7. Triple Bottom Line Checklist

- **Environmental** – The amended Local Law pertaining to animal litter will continue to contribute to providing a clean environment.
- **Social** – The amended Order aims to improve community safety and reduce the number of reported nuisances and dog attacks.
- **Financial** – There will be a cost for statutory advertising and new signage. There will be approximately 10 signs needed along the walking path next to the Patterson River. This will cost approximately \$4500

At this stage Local Laws do not anticipate a need to increase staff resources, although this will be monitored and reviewed prior to the next budget cycle.

8. Recommendation

- a. That Council advertise its intention to amend the order in accordance with Section 26 (3) of the Domestic Animals Act 1994 as follows:

The owner of a dog must not allow any part of that dog's excrement to remain on any public place, school ground, shopping centre or railway land in the municipality. The owner must carry a litter removal device to pick up and remove all of the dog's faeces and must produce the litter removal device upon request of an Authorised Officer.

3. Owner's obligations

- 3.1 A dog may be exercised off a chain, cord or leash in a designated off leash area provided the owner:
- d. Carries a chain, cord or leash, sufficient to bring the dog under effective control if the dog behaves in a manner which threatens any person or animal;
 - e. Remains in effective voice or hand control of the dog and within constant sight of the dog so as to be able to promptly place the dog on a chain, cord or leash if that becomes necessary; and
 - f. Does not allow the dog to worry, cause a nuisance or threaten any person or animal.
- 3.2 If a dog is off a chain, cord or a leash in a designated area it must be brought under effective control by means of a chain or cord or a leash if the dog is or likely to be within 20 metres of:
- e. The arena or ground of an organised sporting or practice event
 - f. A children's play equipment area
 - g. A principal location of an organised public meeting or event
 - h. A permanent barbecue or picnic area.

4. Meaning of words

In this order:

'Owner' has the same meaning as the **Domestic Animals Act 1994**; and

'Designated off leash area' means any reserves, or part of a reserve, declared by resolution of the Council.

"Litter removal device" means an apparatus designed for or able to be used for the purpose of removing dog excrement and includes a paper or plastic bag.

'Public Place' means any reserves, or part of a reserve and Road (as defined in the **Local Government Act 1989**).

- Amend Local Law 6.20(1) to read
A person in charge of a **domestic animal** or **livestock** must not allow any part of **domestic animal** or **livestock** excrement to remain on any **road** or **Council land** or on or in any **public place**.
- Amend Local Law 6.20(2) to read
A person in charge of a **domestic animal** or **livestock** on any **road** or **Council land** or on or in any **public place** must carry a **litter device** and must produce the litter device upon request of an **Authorised Officer**.

Attachments:

Attachment 1: Ordinary Council report on Dog Control Enforcement Order

the Carrum/Bonbeach area over this period and they still do not support a 24 hour alcohol free zone in this location.

4. Consultation

The Officer in Charge of Chelsea Police Station stated that Carrum foreshore isn't a problem and is similar to the majority of our local beaches. This is confirmed through statistical data and direct discussion with station personnel failing to highlight recurring problems associated with the beach area.

Council advertised the proposal to introduce a 9pm to 7am alcohol restriction along the entire southern foreshore in June 2010 in the local papers. There were **only 2 submissions** received:

1. Edithvale Lifesaving Club supported the proposal.
2. One anonymous telephone call stating that it was a ridiculous idea.

5. Issues

The Victoria Police do not support the establishment of a 24 alcohol free zone along the Carrum or Bonbeach foreshore although they would support a 9pm to 7am restriction in this area and entire area south of the Mordialloc creek.

The Police have indicated that they will continue to address any incidents of inappropriate behaviour under current legislation.

Council Local Laws Officers that frequently patrol the foreshore at Carrum and Bonbeach have not observed any significant problems directly attributed to the consumption of alcohol.

6. Options

Option 1

Acknowledge the information in this report and advice from Victoria Police and do not proceed to introduce the proposed 24 alcohol free zone on Carrum and Bonbeach foreshore at this time.

This option is recommended

Option 2

Acknowledge the information in this report and advice from Victoria Police and do not proceed to introduce the proposed 9pm to 7am alcohol free zone from the southern foreshore boundary with the City of Frankston up to the current alcohol free zone in Chelsea adjacent to Maury Rd. Request the Police to monitor over this coming summer period alcohol consumption, possession and behaviour and report their findings to Council.

This option is recommended.

7. Triple Bottom Line Checklist

- **Environmental** – In other areas of the foreshore consumption of alcohol has contributed to litter issues. Local Laws Officers and Victoria Police will continue to identify and address litter offences. This is often difficult due to the nature of offence and generally does not occur in the presence of an authorised officer. Council’s Parks department report that littering is more prevalent in the Chelsea/Edithvale areas and there is a lower incidence of littering in the Carrum/Bonbeach foreshore area. Therefore the introduction of alcohol restrictions are unlikely to assist with the abatement of litter.
- **Social** –Victoria Police have indicated that the statistical data and experience fails to highlight problems associated with the consumption of alcohol and associated anti social behaviour in this area of the foreshore. This area is primarily used by families and is a popular location for fishermen. Victoria Police are currently able to address any anti social behaviour under existing legislation.
- **Financial** – Council would incur a cost for the advertising the implementation should new restriction be adopted. There would also be a substantial cost for the placement of signage. A preliminary estimate indicates that it would cost approximately \$30,000 as specific regulatory signs are required in these areas.

8. Recommendation

That Council resolve to:

- acknowledge the information in this report and advice from Victoria Police and not proceed to introduce the proposed 24 alcohol free zone on Carrum and Bonbeach foreshore at this time.
- acknowledge the information in this report and advice from Victoria Police and do not proceed to introduce the proposed 9pm to 7am alcohol free zone from the southern foreshore boundary with the City of Frankston up to the current alcohol free zone in Chelsea adjacent to Maury Rd. Request the Police to monitor over this coming summer period alcohol consumption, possession and behaviour and report their findings to Council

Attachments:

Attachment 1 – Guidelines For Establishment And Management Of Alcohol Restricted Areas.

Attachment 2 – Comments by Robert Reid,Senior Sergeant Chelsea Police Station

The issue is not related to inappropriate or anti social alcohol behaviour that requires the attendance of Victoria Police. Moorabbin Police were requested to monitor these areas and have indicated that they have no data relating to any anti social behaviour including robberies or assaults that result from the consumption of alcohol in these areas. Victoria Police do not support the introduction of any alcohol zones in Clarinda or Clayton South at this time.

The Village Committee wish to prevent alcohol being drunk in the street as it is perceived that this activity sets a bad example for school children. Comments received through consultation with the schools in these areas indicate that they have not received any complaints or concerns from staff, parents or children.

4. Consultation

In accordance with Section 223 of the Local Government Act Council undertook public consultation and placed advertisements in the Victorian Government Gazette and Leader newspapers circulating in the municipality.

During this consultation period Council received no submissions or community comments.

Moorabbin Police have assessed this area and do not support the introduction of an alcohol free zone. The Police have indicated that they will continue to address any incidents of inappropriate behaviour should any occur, under current legislation.

Dawn Eddington Crime Prevention Officer Victoria Police visited the shopping strips in Centre Rd, Clarinda and Rosebank Ave Westall and spoke to many of the shop owners about males drinking outside the bottle shops and about perceptions of safety.

Dominic McCann Community Projects Co-ordinator spoke by telephone to the various schools in the area. All comments received are listed on an attached document (10/42303).

5. Issues

Evidence of Problem

Moorabbin Police have stated that from time to time there have been issues with vehicle crime at Westall railway station but no crime attributed to alcohol consumption.

The Victoria Police do not support the establishment of an alcohol free zone in the vicinity of the two identified bottle shops.

Council Local Laws Officers that frequently patrol the vicinity of the two bottle shops have not observed any significant problems directly attributed to the consumption of alcohol.

6. Options

Option 1 - Alternative Approach

Council needs to consider whether there is a possible alternative way that may suit the needs of the community in respect of this issue. Council's Community Engagement Team has offered to engage with persons consuming alcohol in the shopping precincts to encourage alternative locations and social gathering places and activities. Consideration to this and a

range of other educative approaches if Council believes there is a social culture that we should be addressing in place of the State.

Acknowledge the information in this report and advice from Victoria Police and do not proceed to introduce the proposed alcohol free zones at Clarinda and Clayton South at this time.

Option 2

In accordance with Section 223 of the Local Government Act 1989 advertise Council's proposal to introduce 24 hour alcohol free zones in the vicinity of the two identified bottle shops in Clarinda and Clayton South.

7. Triple Bottom Line Checklist

- **Environmental** – In other areas of Kingston consumption of alcohol has contributed to litter issues. Local Laws Officers and Victoria Police will continue to identify and address litter offences. This is often difficult due to the nature of offence and generally does not occur in the presence of an authorised officer. Therefore the introduction of alcohol restrictions is unlikely to assist with the abatement of litter.
- **Social** – Victoria Police have indicated that the statistical data fails to highlight problems associated with the consumption of alcohol and associated anti social behaviour in these areas. Victoria Police are currently able to address any anti social behaviour under existing legislation. Liaise with the community by our Community Engagement Team presents as an opportunity to modify the behaviour of those persons currently drinking in the shopping precincts and improving the general amenity.
- **Financial** – Council would incur a cost for the advertisements of the adopted new zones. There would be a cost for the placement of signage. A preliminary estimate indicates that it would cost approximately \$3,000 as specific regulatory signs are required in these areas.

8. Recommendation

That Council resolve to support either:
Option 1, not implement the proposed alcohol free zones;
Option 2, implement the proposed alcohol free zones.

Attachments

1. Email – Rod Jones Moorabbin DIU
2. Guidelines for Establishment and Management of Alcohol Restricted Areas
3. Feedback on the drinking issues at Clarinda and Westall from retailers and schools

Attachment 1

Hi Neil,

Further to our recent phone conversation regarding public drinking around the two licensed premises below, a search of Police intelligence holdings indicate that neither of these locations have been identified as problem areas. I have also spoken with several Moorabbin patrol officers who informed me that they are unaware of any issues at these locations and that they believe any problem is likely to be a community perception by some residents.

Please contact me direct if you require any further information.

Regards,

Rod Jones

LSC 25779

Moorabbin DIU

Phone: (03) 9556 6184 | Fax: (03) 9556 6580

5. Issues

The Parks Department has fielded several requests from the community over the past 12 to 18 months for the reinstatement of two new Date Palms for Main Street Mordialloc.

Initial quotations were sought from three reputable advanced tree specialists for the purchase and installation of one Date Palm with the following specifications.

- Supply and install one, male, *Phoenix canariensis*, with a clear trunk height of 7 metres, to be installed within Main Street, Mordialloc.

The average quotation received for the purchase and installation of one Date Palm with the above specification was \$20,000.

As the transplanting of one Date Palm with the above specification is of a significant cost to Council, an additional quotation was obtained for the purchase and installation of smaller Date Palms for Main Street with the following specification.

- Supply and install one, male, *Phoenix canariensis*, with a clear trunk height of 4.5 metres, to be installed within Main Street, Mordialloc.

Quotation from a local supplier for the purchase and installation of one Date Palm with the above specification of \$8,870

6. Options

The following options are available to Council in order to maintain the avenue of Date Palms within Main Street Mordialloc

1. To replace the two Date Palms within Main Street Mordialloc at a cost of approximately \$40,000.

Replacement of the Palms will maintain the avenue of Date Palms listed on the significant tree register. This option would meet the communities' expectation for Palm replacement. However this is at a significant cost to Council.

2. To replace the two Date Palms within Main Street Mordialloc at a cost of \$17,740.

Replacement of the Palms will maintain the avenue of Date Palms which are listed on the significant tree register. This option would meet the communities' expectation for Palm replacement. Due to the significant reduction in cost this is the preferred option.

7 Triple Bottom Line Checklist

- Environmental – Continued improvement to air quality, storm water mitigation and amenity through tree planting.
- Social - Meeting community expectations for the continued maintenance of significant trees. Continued improvement to the character of the Mordialloc shopping precinct.

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- Financial – additional funding required ensuring the consistent delivery of the annual street tree planting program. Increased community satisfaction with the replacement of both Date Palms and the ongoing delivery of the street tree planting program.

8. Recommendation

That Council resolve to replace the two Date Palms within Main Street Mordialloc at a cost of approximately \$40,000.

Attachment

Image of proposed planting site locations

 <p>The logo for the City of Kingston, featuring a stylized 'K' shape composed of vertical bars in orange, green, and blue, with the text 'City of KINGSTON' below it.</p>	<h2 data-bbox="405 271 1155 349">Replacement Date Palm Planting Locations Main Street Mordialloc</h2> <p data-bbox="405 376 1155 501">Contains VicMap information © The State of Victoria, Department of Sustainability and Environment, 2010. Reproduced by permission of DSE. All reasonable effort is taken to keep the information presented by the on-line mapping system accurate and up-to-date, however NO WARRANTY is given that is free from error or omission. The information is presented as a guide only. For Definitive information on Planning Scheme or properties please contact the City Of Kingston Customer Service Centre.</p> <p data-bbox="1230 488 1374 519">19 Nov. 10</p>
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10. Community Sustainability Reports

M 255 Sportsground Irrigation Plan 2010-2013 Update

Approved by: Mauro Bolin- General Manager, Community Sustainability

Author: Nigel Brown – Team Leader Sport and Recreation

1. Purpose

The purpose of this report is to inform Council of the most recent changes to the state government's water restrictions on sportsground irrigation and to seek endorsement of a revised Sportsground Irrigation Plan to be implemented in the 2010/2011 period.

2. Background

Council plays an integral role in the development, maintenance and allocation of community sportsgrounds for the Kingston community. Within the 2009-2013 Council Plan, Outcome 1.3 states that Council will provide "quality community facilities that are accessible, safe and well utilised".

Victoria has experienced drought and subsequent potable water shortages for the past ten years. As a response, the State Government have imposed various levels of water restrictions for sportsground irrigation since November 2006. Council has been working co-operatively since that time with South East Water to comply with the restrictions. Over the past two years, Council have moved to the water allocation model where a capped allocation of potable water is approved for use in sportsground irrigation at the discretion of Council.

Since March 2010, the state government have eased water restriction levels from Stage 3a to Stage 3 and most recently to Stage 2. The effect of this on sportsground irrigation is an immediate increase in potable water allocations for local government. Following advice from South East Water, Council is now entitled to an annual potable allocation of 141,000kL. Council can also apply for two types of exemptions, a 28 day warm season conversion exemption, and a 5000kL 12 month greenfield establishment exemption for new grounds.

As a result of these changes and following Council endorsement of the plan, there will be a need to communicate the new arrangements clearly to sports clubs and the general community.

3. Summary and Conclusion

The attached Sportsground Irrigation Plan - Update represents a considered approach to use of potable water to irrigate sportsgrounds within Kingston. It considers the various aspects of sustainable sportsground irrigation and provides a list of priority objectives for consideration. It also presents the associated implications for Council's consideration when determining its response to the easing of water restrictions on sportsground irrigation allocations. This includes the additional 2010/2011 budget implications, estimated at \$190,000, to fully implement the irrigation plan.

4. Consultation

There have been extensive discussions with Council's Parks team in developing this plan. If supported by Councillors and endorsed by South East Water, a communication strategy will be developed to promote and explain Council's approach to sportsground irrigation to sports clubs and the general community.

5. Issues

Water is a finite resource and the conservation and sustainable use of water across Council is a corporate priority (2005 Sustainable Water Use Plan; Integrated Water Cycle Strategy project). Use of the allocated potable water allocation for sportsground irrigation must be considered in this context and managed responsibly to ensure a consistent approach across all of Council's operations.

Although there has been a significant increase in the proposed 2010/2011 potable water allocation for sportsgrounds, it is not unlimited and Council needs to account for how it utilises its allocation in order to achieve the overall objectives of providing safe, accessible community sportsgrounds. In determining priorities, a number of factors that represent the principles of sustainable sports ground usage and community access, have been considered. These factors include the current usage at the sportsground for senior/junior, summer/winter and competition/training. Additional consideration is given to the standard of play possible at the ground, whether or not it is the sole sportsground of its type in the area, the benefits gained from providing a water allocation and opportunities for alternative water supplies in the near future.

As many sportsgrounds have not received any irrigation since late 2006, a level of deterioration in sportsground infrastructure, particularly irrigations systems, can be expected. Previous experience indicates that re-establishing irrigation to sportsgrounds also involves upgrading or repairing various elements i.e. wiring, sprinkler heads, pumps of the irrigation system, at that ground. If these grounds are to be irrigated, there must be an acknowledgement that there will be some unplanned costs associated with re-commissioning the various irrigation systems. While the level of expenditure will differ from ground to ground, an indicative budget of \$10,000 per sportsground should be allowed to cover the costs of re-activating the systems. If there are any failures in pumps or control systems, these costs may escalate. These funds will be sourced from a combination of existing funds and additional requests to the mid-year budget review process.

As part of the South East Water approval process for obtaining a sportsground potable water allocation, Council has committed to an ongoing process of converting sportsgrounds to warm season grass species, resulting in a long term overall reduction in water demand for these grounds. It is recognised by both Council and South East Water, that the process of establishing warm season grasses on sportsgrounds, requires a significant initial allocation of water to establish the new surface, before water use reduces, achieving an overall water saving. In addition to the new 28 day establishment exemption, it is recommended that maintaining a portion of the potable water allocation to support ongoing warm season grass conversions, must be considered if Council is to meet this commitment. As an indication, the budget for warm season conversion of a sportsground has been set at \$40,000 per ground.

The key priorities for the sportsground irrigation plan 2010-2013 are outlined below:

Priority 1 – Maintain potable water irrigation allocation to all existing irrigated grounds.

Priority 2 – Provide for 10% contingency allocation allowing for hot summer, irrigation failure.

Priority 3 – Allocate resources to allow warm season conversion of existing irrigated grounds that have predominant cool season species.

(28 day establishment exemption plus approx additional 2,000 kL & \$40,000 per sportsground)

Priority 4 – Re-introduce water allocations to Category A sportsgrounds with existing warm season grasses, currently not irrigated, subject to required irrigation upgrades

(Approx 4,000 kL & \$10,000 per sportsground)

Priority 5 – Re-introduce water allocations to prioritised Category A sportsgrounds with existing cool season grasses, currently not irrigated, in preparation for planned/budgeted upgrade to warm season grasses and required irrigation upgrades.

(28 day establishment exemption plus approx 6,000kL & \$50,000 per sportsground)

Priority 6 – Utilise available water allocations to construct, develop and establish new sports grounds with warm season grasses and required irrigation.

(5,000kL Greenfield exemption allocation & \$350,000 per sportsground)

Councillors will be aware that there is a nominated capital budget allocated to the construction and establishment of a new sportsground in Aspendale Gardens. To date this project has not proceeded due to constraints with the availability of potable water. The latest changes to the allocation guidelines, provides a 5000kL establishment amount, for a 12 month period, after which the ongoing watering of the sportsground must be undertaken from the annual irrigation allocation. These changes allow the implementation of the previously Councillor endorsed position to construct a sportsground at Aspendale Gardens.

6. Options

A range of options is presented for Council consideration and endorsement.

Option 1a provides for the previously committed and budgeted position of continued irrigation at 14 grounds, commitment to warm season conversion and ongoing irrigation of five established grounds and establishment of a new sportsground at Aspendale Gardens.

Option 1b provides for the outcomes outlined in Option 1a as well as the re-introduction of irrigation at an additional 12 existing grounds which are currently not irrigated. The potential cost of re-commissioning and activating the irrigation at these 12 grounds has been estimated at \$190,000.

Option 1a

Councillors support the sportsground irrigation plan and the proposed use of potable water allocations; including the continuation of irrigation on 14 existing grounds, warm season grass conversion and ongoing irrigation of a further 5 grounds and an application for a 5000kL, 12 month water exemption to facilitate the construction and establishment of a new sportsground in Aspendale Gardens.

Option 1b

Councillors support the sportsground irrigation plan and the proposed use of potable water allocations; including the continuation of irrigation on 14 existing grounds, warm season grass conversion, ongoing irrigation of a further 5 grounds and an application for a 5000kL, 12 month water exemption to facilitate the construction and establishment of a new sportsground in Aspendale Gardens. Additionally support the re-introduction of irrigation to nine warm season grounds and three cool season grounds and acknowledge the requirement of additional funding to facilitate irrigation upgrades of up to \$190,000.

7. Triple Bottom Line Checklist

- **Environmental** – A planned approach to the sustainable use of potable water for sportsground irrigation provides improved outcomes for a limited natural resource. Improved sports playing surfaces and residential amenity on our open spaces are a likely outcome.
- **Social** – Community sport offers many benefits to participants, including improved physical and mental health outcomes. Provision of safe, accessible facilities to undertake community sport is part of Council's core responsibilities.
- **Financial** – South East Water's approval of Kingston's potable water allocation is dependent on Council continuing to demonstrate a commitment to long term water savings on sportsground

irrigation, including but not limited to ongoing support of warm season grass conversions and irrigation system upgrades. This commitment has cost implications for Council that need to be considered in both capital and operational budget processes. In 2010/2011 Option 1a could be funded from existing budget commitments while the additional costs in developing a new sportsground would be funded from open space reserve items identified in the forward capital works plan, for that purpose. Option 1b would require an estimated additional \$190,000 to undertake irrigation system upgrades at the 12 additional grounds. This funding would need to be sourced at mid-year budget review.

8. Recommendation

That Council:

1. “endorse the implementation of the Sportsground Irrigation Plan 2010-2013 as outlined in Option 1b.
2. “approve an additional budget allocation of \$190,000 that is to be used on a needs basis in the 2010/11 financial year to address the likely irrigation system upgrades required. This expenditure be managed within the context of Council’s 2010/11 approved budget parameters”

Attachments:

Sportsground Irrigation Plan 2010 -2013

An Expression of Interest process was conducted in August 2010 which attracted four artists via three applications. The three applications have been assessed against a set of pre determined criteria and informed by visits and meeting with each of the artists.

In consideration of the artists' quality of work, their 'fit' for the program and their need for space, a recommendation has been made to negotiate leases with three of the four artists.

4. Consultation

As part of the development of the 2008 Master Plan extensive consultation was conducted internally and with community members. Internal consultation was also undertaken to support consideration of this matter.

Artist Consultation and Engagement Activity

It is important to the success of this concept that the lease holders engage with the community on a regular informal basis at the studios as well as through their required workshops and participation in open studio days. The benefit of leasing the rooms as studios is the extension and improvement of the patron's visit. There is also opportunity to leverage off the profile of the artists, increase activity levels at Kingston Arts Centre whilst delivering on an Arts & Cultural Strategy action to increase the support, development and display of visual arts within the City.

With this in mind, the quality of the work is equally important as the ability of the artist to engage with the general public and excite them in an arts experience.

5. Issues

Expression of Interest submission assessment

The EOI assessment contained 5 mandatory components (items 3-6 and 9 on the evaluation matrix) which all artists have been able to satisfy initially. The other criteria were informed by visits and meetings with the artists to assess, as much as possible, the artist's 'fit' for the program, values, purpose and quality of work.

The outcome of the assessment process has identified a range of quality artists for Council consideration. The artists are features in the options section of the report and in the relevant attachments.

6. Options: The Artists

Application 1: Sharon Percival (Recommended for Studio 2)

Hand painted silk panels as garment pieces, household items and for framing and display. The content is abstract in composition and some of her work features intricate stitching overlays. Sharon's works have been purchased by private collectors and are exhibited in Singapore particularly.

Application 2: Jackie Grantford (Not Recommended)

Jackie works in a number of mediums. Her works are created for exhibition and as children's book illustrations. Her works (portraits particularly) are in private collections. Images vary from portraits to children's fantasy and touch on surrealism.

Application 3: Stephen Doyle and Herman Pikel (Recommended for Studio 1)

Stephen Doyle and Herman Pikel are both contemporary impressionists producing paintings on canvas and board. They are both represented by commercial fine arts galleries and their works are collected privately. Both artists are prolific in streetscapes and landscapes and particularly interested in Melbourne and suburban images. Painting is their full time occupation.

Further detail regarding these artists is included in *Attachment 2*.

Recommendation

Based on the quality and type of work, the potential benefit to the Kingston community and patrons of the Arts Centre it is recommended that leases be negotiated with the following artists:

- Studio 1: Stephen Doyle and Herman Pikel
- Studio 2: Sharon Percival

7 Triple Bottom Line Checklist

• **Environmental**

No impact.

• **Social**

Studio Leases at Kingston Arts Centre will maximise occupancy of the workshops and refocus activity to their intended purpose. Together with the two gallery spaces at the front of the building the creation of a small visual arts hub improves the delivery and support of the visual arts in Kingston. The number of visits is expected to increase over time and the length and quality of the patron experience is improved.

• **Financial**

The net difference to Kingston is negligible. The workshops require no reconfiguration or updating and the cost of fitting the spaces is the responsibility of the leasing artists. Shortfalls in income are balanced by the retention of current Workshop clients in other spaces, savings on cleaning and a reduction in casual wages without room set ups to consider.

8. Recommendation

That Council resolve to enter into lease negotiations with Stephen Doyle and Hermon Pikel (Studio 1) and Sharon Percival (Studio 2) for commencement in January 2011.

Confidential Attachments:

Attachments Evaluation Matrix for Expression of Interest Applications for Studio Leases at Kingston Arts Centre.

Trim: 10/97759

Attachment 2 – The Artists – Overview Trim:10/115204

11. Organisations Development & Governance Reports

M 257 Expenditure of Ward Funds Schedule

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

Author: Nicola Wright, Admin Coordinator, Organisations Development & Governance

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 \$
Mayor, Cr Staikos	North	<i>Greek Elderly Citizens of Clayton & District, Clarinda Community Centre</i> <i>Operating Costs</i>	09/11/2010	\$400.00
Cr Athanasopoulos	North	<i>Greek Elderly Citizens of Clayton & District, Clarinda Community Centre</i> <i>Operating Costs</i>	09/11/2010	\$400.00
Mayor, Cr Staikos	North	<i>Cosenza Senior Italian Group, Clarinda Community Centre</i> <i>Operating Costs</i>	09/11/2010	\$600.00
Cr Ronke	South	<i>Chelsea Heights Cricket Club</i> <i>Air Conditioning for Club Rooms</i>	09/11/2010	\$1500.00
Cr Bauer	South	<i>Chelsea Heights Cricket Club</i> <i>Air Conditioning for Club Rooms</i>	09/11/2010	\$700.00
Cr Bauer	South	<i>Aspendale Rotary Club</i> <i>Golf Day</i>	09/11/2010	\$500.00
Cr Brownlees	Central	<i>Parkdale Senior Citizens Group</i> <i>Contribution towards Insurance</i>	16/11/2010	\$250.00

Recommendation

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

M 258

Assembly of Council Record

Approved by:

Elaine Sowerby, General Manager Organisational Development and Governance

Author:
Planning

Jason Stubbs, Manager Governance and Performance

1. Purpose

This report provides copies of the Assembly of Council records in line with the Local Government Act amendments which came into effect on 24 September 2010 to support openness and transparency of Governance processes.

2. Background

An amendment to the Local Government Act now requires that Assembly of Council records are reported to the next possible Council Meeting. This amendment seeks to promote openness and transparency of Council decision making.

3. Summary and Conclusion

Attached are the Assembly of Council records completed for the month in the lead up to the Council Meeting.

The report is provided in line with the Local Government Act section 80A which requires that the record of an assembly must be reported to the next practical ordinary Council meeting and recorded in the minutes of that meeting.

What are the main things that need to be considered. Discuss any impact of implementing your proposal and what the costs would be.

4. Issues

The Chief Executive Officer must ensure that a written record is kept of every assembly of Councillors. These records must be reported to the next Ordinary Council Meeting

The written record only needs to be a simple document that records

- The names of all Councillors and staff at the meeting,
- A list of the matters considered,
- Any conflict of interest disclosed by a Councillor, and
- Whether a Councillor who disclosed a conflict left the room.

A standard Assembly of Council form will generally be used as the record for the purposes of the Act. These form the attachment to the report. At times however to avoid duplication minutes of some meetings may be attached as the record of the Assembly if they include the required information, including disclosures.

The Act does not require details of a conflict of interest disclosure at an assembly to be recorded.

4. Proposed Action

That Council notes the contents of this report.

Attachments:

Assembly of Council forms

12. Corporate Services Reports

M 259 Proposal to Acquire 2 Small Parcels of Land at the rear of 1236 Nepean Highway

Approved by: Duncan Kelly, A/General Manager Corporate Services

Author: Newton Gatoff, Team Leader Property Services

1. Purpose

The purpose of this report is to seek a Council resolution to enable Council to acquire two small parcels of land (indicated on the plan below as **Parcel A and Parcel B**) which will form part of the road acquisition for the land at the rear of 1236 Nepean Highway, Cheltenham.

2. Background

On 8 February 2010 Council resolved to acquire the land at the rear of 1236 Nepean Highway to extend Railway Road Cheltenham to Station Road. Following Council's notice of acquisition upon the owner of 1236 Nepean Highway, two further parcels (A & B) of adjoining land have been identified, each of which is held under a separate title, both of which are required to provide the best possible road design to the Railway Road extension.



3. Summary and Conclusion

Officers have assessed a value of \$1250/sqm for the land and this value can be applied to the two parcels being 10m² and 5m². This equates to a purchase price of \$12,500 and \$6,250 for each parcel respectively.

Should Council resolve to proceed with both acquisitions, Officers will instruct Council's solicitors to finalise the acquisition without delay.

4. Issues

- There would be a detrimental effect to the road design of the Railway Road extension, should the acquisitions not proceed.
- The owners of Parcel A have indicated that they will be willing to sell Council their freehold interest in their land.
- The owners of Parcel B have indicated that they will be willing to declare their land as a Road in return for a capital payment of \$12,500.

5. Triple Bottom Line Checklist

- **Environmental** – The proposed acquisitions will improve the design of the Railway Road extension.
- **Social** – Each owner is agreeable in principle to Council's acquisition of their land which would otherwise be superfluous to their requirements.
- **Financial** – The addition of \$18,750 plus legal costs will have no significant impact upon the original acquisition budget for land which was originally estimated at \$500,000.

6. Recommendation

That Council resolves to proceed with the acquisition of two parcels of land identified in this report for a sum totalling \$18,750 and that Chief Executive Officer and Mayor be hereby authorised to execute such documentation necessary to complete the land acquisitions to the satisfaction of Council solicitors.

- The land totals 331sqm plus a road on title to the north east of 55sqm.
- It is in Council's best interest to control the ownership of land as in the future, should Council plan any development of the site (subject to the S173 agreement), Council will have full control over the land.

5. Triple Bottom Line Checklist

- **Environmental** – Council's proposed acceptance of surrender will ensure Council controls the long-term use of the car park land.
- **Social** – The owner has requested that Council takes ownership for the long-term benefit of the local community.
- **Financial** – Council will effectively pay \$1 plus legal fees for 331sqm of land.

6. Recommendation

That Council resolves that:

1. The Chief Executive Officer issues a Statement to Garjon Casey Pty Ltd that Council does not intend to acquire 13 Bath Street, Chelsea by compulsory process.
2. The Chief Executive Officer and the Mayor shall execute a Transfer of Land and that all necessary formalities be completed to the satisfaction of Council's solicitors.
3. The rates due for 13 Bath Street, Chelsea cease from 12 November 2009.

13. Notices of Motion

M 261 Notice of Motion to rescind Council resolution:
Bonbeach Foreshore

Notice of Motion to rescind Council resolution:

Bonbeach Foreshore (Item M 218), Ordinary Council Meeting 25 October 2010

Signed

Cr Trevor Shewan

M 262

**Notice of Motion - Cr Peulich: Investigation and
Establishment of a Kingston Sport and Recreation
Reference Group**

“That officers investigate the establishment of a Kingston Sport and Recreation Reference Group which may include representatives of different sporting codes and club members and users of Kingston sport and rec. facilities and other sport and rec. organisations with a view to better addressing the needs of our sport and rec. community.

And that a report come to the 31 January 2011 CIS for further councillor discussion.”

Signed

**Cr Paul Peulich
North Ward**

M 263

Notice of Motion – Cr West: Requirement to advertise all green wedge applications worth more than \$20,000, or likely to cause controversy

1. Considering that:

- Several controversial green wedge applications, were approved shortly by officers under delegation shortly before caretakers period in 2008;
- As a consequence, the Councillors resolved to withdraw the officer delegation to deal with green wedge applications worth more than \$20,000 as part of a review of officer delegations;
- There have also been a number of controversial green wedge applications that have not been publicly advertised with a sign on the site, including the golf ball at Kingston Heath reserve, promotional signs at JV Marine and a recent garden supplies retail outlet application on Kingston Road;
- After the golf ball application, my recollection is that there was a council resolution or CEO undertaking perhaps responding to a village committee recommendation, that all such controversial applications would in future be advertised with an on-site sign;
- I have asked officers to locate this resolution but have had no response;

I move that Council:

- Require that all applications in the green wedge or on or adjacent to parkland worth more than \$20,000 or involving new advertising signs or in other ways likely to be controversial should be advertised with prominent signs on all roadside or parkside boundaries of the site of the application, pending any review of Council's advertising policy.
- Require that a register be kept of all council resolutions or undertakings as a result of councillor requests, so that in future, resolutions may be easy for councillors and officers to access, to facilitate implementation and to ensure that resolutions are not overlooked.

Signed

Cr Rosemary West

15. Items in Camera

M 264

Village Committee 2011 Appointments

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

Author: Jason Stubbs, Manager Governance and Performance
Planning

This report is deemed to be confidential pursuant to the provisions of section 89(2)(h) of the Local Government Act 1989 as it is considered that it may prejudice the Council or any person.

1. Purpose

To present the appointments to Village Committees for 2011 to Council for adoption.

2. Background

Council's "Policy for the Operation of Village Committees" provides that membership vacancies be advertised in October each year. Applications were duly invited in Kingston Your City and in local newspapers.

3. Summary and Conclusion

Provide a brief summary of the report and what actions or considerations are being sought.

4. Consultation

The membership panel considering the applications has involved the Chairperson of the Village Committee or an alternate member of the Village Committee in instances where the Chairperson is up for renewal. Ward Councillors have been involved in interview panels wherever possible.

5. Issues*Retirements*

The terms of 28 Village Committee members will expire on 31 December 2010. Several members have elected to retire from the program now that their terms have expired. Each will be invited to the Ordinary Meeting to be held in early 2011 in order that their contribution to the Village Committee program can be publicly recognised, together with other members who have resigned in the course of 2010.

The six members who have elected not to reapply are:

- Darren Walsh, Leanne Stray, Robert Rowlands, Norman Bury, Carmel Mullen, Judy Wilks.

Additionally, the following members either resigned (or whose membership lapsed) in 2010:

- Carlos Lopaz, Caroline O'Donnell, Elizabeth Crispin, Sandra Dickson and Tom Drummond resigned. The memberships of Hayden Wing and Nirmala Santakumar lapsed.

Applications Received

In addition to the twenty one current members who have reapplied seeking additional terms, three applications have been received from persons who were not a member of the Village Committee program in 2010.

Each new applicant has been interviewed to discuss his / her application with Ward Councillors. Advisory Officers formally notated the interview proceedings.

Appointments

Council's Village Committee policy provides that each Committee shall have between 7 and 12 members, unless there are insufficient applications to achieve 7 members. Applications received for each Committee are detailed in this report.

Aspendale/Edithvale/Aspendale Gardens/Waterways

Automatically Continuing:	Tamsin Bearsley, Kenneth Carney, Kevin Griffiths, Tracey Ditchburn, Graham Malcolm, James Middleton, Jodei Richardson
Expiring and Reapplied:	Fabian Fiore, Ray Burgoyne, Aaron Cox
* New:	2
Not Continuing:	Darren Walsh
2011 Membership	11
2010 Membership:	11

Hayden Wing lapsed throughout the 2010 year.

Chelsea/Chelsea Heights/Bonbeach

Automatically Continuing:	Vicki Jans, Nigel McGillivray, Maria Reiter, Janelle House, Peter Crawford, John Bainbridge, Ken Thornton
Expiring and Reapplied:	nil
New;	nil
Not Continuing:	Leanne Stray, Carlos Lopez
2011 Membership	7
2010 Membership:	9

Caroline O'Donnell & Carlos Lopez resigned during the 2010 year.

Cheltenham

Automatically Continuing: James Mullett, John Stewart OAM, Joseph Astbury, Janet Hopkins, Andrew Preston
 Expiring and Reapplied: Louise Birt, Vic Russo OAM JP
 * New: 1
 Not Continuing: nil
 2011 Membership: 8
 2010 Membership: 7

Clarinda /Oakleigh South

Automatically Continuing: Gael Mizzi, Tony Misajon, Clyde Rose, Veeda Oakley, David Oakley, Margaret Howse, John Antonakis, Clifford D'Souza
 Expiring and Reapplied: David Catchpool, Charlie Mizzi
 New: nil
 Not Continuing: Robert Rowlands, Nirmala Santakumar
 2011 Membership: 10
 2010 Membership: 12

Nurmala Santakumar lapsed throughout the 2010 year.

Clayton South

Automatically Continuing: Warren De Silva, Yassin Hamid, Anastasios Dimitriu, Paul Snell, Ramba Thoman, Chris Frangopoulos.
 Expiring and Reapplied: nil
 New: nil
 Not Continuing: Norman Bury
 2011 Membership: 6
 2010 Membership: 7

Dingley/Heatherton

Automatically Continuing: Shirley De Wever, Carol Hinschen, Tony Schrader, Bruce Reynolds, Alan Harris,
 Expiring and Reapplied: Anne Caprackas, Paul Baumgartner
 New: nil
 Not Continuing: Carmel Mullen
 2011 Membership: 7
 2010 Membership: 8

Mentone/Parkdale

Automatically Continuing: Claire Houston, Noelene Quinsey, Veronica Hahn, Barbara Taylor, Peter Davis, Murray Orr, Irene Everett, Bernadette Tucker
 Expiring and Reapplied: Penny McGuire-White, Reg Marlow, Dorothy Booth, Pete Dowe,
 New: nil

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Not Continuing:	nil
2011 Membership	12
2010 Membership:	12

Moorabbin/Highett

Automatically Continuing:	Robyn Cochrane, Thelma Mansfield, Clive Lynch, John Atkinson, Glenn Winstanley, Daniel Leipnik
Expiring and Re-Applied:	Les Heimann
New:	nil
Not Continuing:	nil
2011 Membership	7
2010 Membership:	8

Mordialloc

Automatically Continuing:	Jennifer O'Halloran, Allan Locke, Mary Rimington OAM, David Van Pelt, Judith Beazley, Carmel Treacy, Loretta John
Expiring and Re-Applied:	Margaret Hunter, Tom Uren, Barry Bush, Andrew Gustke
* New:	1
Not Continuing:	nil
2011 Membership	12
2010 Membership:	11

Elizabeth Crispin retired during the 2010 due to leaving the area.

Patterson Lakes/Carrum/Bonbeach

Automatically Continuing:	Irma Shelton, Elaine McCormack, Don Reed, Gwen Gilbert, Gail Ricato, Marie Chapman, Wayne Pollard
Expiring and Reapplied:	Malcolm Dunkinson, Patrick King, Glen Baker
New:	nil
Not Continuing:	Judy Wilks
2011 Membership	10
2010 Membership:	11

Tom Drummond resigned throughout 2010 year

5. Terms of Appointment

The Village Committee policy permits Village Committee members to be allocated 3 year terms. However, Council may appoint for a lesser term in order to:

- establish a cycle of rotation, or
- fill an extra-ordinary vacancy

Accordingly, the following terms of appointment are proposed. Names in italics are being proposed to be appointed to a new or additional term.

<i>Name</i>	<i>Date of Expiry of Term</i>
<i>Aspendale/Edithvale/Aspendale Gardens/Waterways</i>	
<i>Tamsin Bearsley</i>	<i>31 December 2011</i>
<i>Ken Carney</i>	<i>31 December 2011</i>
<i>Tracey Ditchburn</i>	<i>31 December 2011</i>
<i>Graham Malcolm</i>	<i>31 December 2011</i>
<i>James Middleton</i>	<i>31 December 2012</i>
<i>Jodie Richardson</i>	<i>31 December 2012</i>
<i>Kevin Griffiths</i>	<i>31 December 2012</i>
<i>Aaron Cox</i>	<i>31 December 2013</i>
<i>Fabian Fiore</i>	<i>31 December 2013</i>
<i>Ray Burgoyne</i>	<i>31 December 2013</i>
<i>* Kerry Moore</i>	<i>31 December 2013</i>
<i>* Paul Munro</i>	<i>31 December 2013</i>

<i>Chelsea/Chelsea Heights/Bonbeach</i>	
<i>Vicki Jans</i>	<i>31 December 2011</i>
<i>Maria Reiter</i>	<i>31 December 2011</i>
<i>John Bainbridge</i>	<i>31 December 2011</i>
<i>Nigel McGillivray</i>	<i>31 December 2012</i>
<i>Janelle House</i>	<i>31 December 2012</i>
<i>Peter Crawford</i>	<i>31 December 2012</i>
<i>Ken Thornton</i>	<i>31 December 2012</i>
<i>Cheltenham</i>	
<i>James Mullett</i>	<i>31 December 2011</i>
<i>John Stewart OAM</i>	<i>31 December 2011</i>
<i>Joseph Astbury</i>	<i>31 December 2012</i>
<i>Janet Hopkins</i>	<i>31 December 2012</i>
<i>Andrew Preston</i>	<i>31 December 2012</i>
<i>Louise Birt</i>	<i>31 December 2013</i>
<i>Vic Russo OAM</i>	<i>31 December 2013</i>
<i>* Simon Libbis</i>	<i>31 December 2013</i>
<i>Clarinda/Oakleigh South</i>	
<i>Veeda Oakley</i>	<i>31 December 2011</i>
<i>David Oakley</i>	<i>31 December 2011</i>
<i>Margaret Howse</i>	<i>31 December 2011</i>
<i>John Antonakis</i>	<i>31 December 2011</i>
<i>Tony Misajon</i>	<i>31 December 2012</i>
<i>Clyde Rose</i>	<i>31 December 2012</i>
<i>Gael Mizzi</i>	<i>31 December 2012</i>

<i>Clifford D'Souza</i>	<i>31 December 2012</i>
David Catchpool	31 December 2013
Charlie Mizzi	31 December 2013
<i>Clayton South</i>	
<i>Yassin Hamid</i>	<i>31 December 2011</i>
<i>Anastasios Dimitriu</i>	<i>31 December 2011</i>
<i>Warren De Silva</i>	<i>31 December 2012</i>
<i>Ramba Thoman</i>	<i>31 December 2012</i>
<i>Chris Frangopoulos</i>	<i>31 December 2012</i>
<i>Paul Snell</i>	<i>31 December 2012</i>
<i>Dingley/Heatherton</i>	
<i>Shirley De Wever</i>	<i>31 December 2011</i>
<i>Carol Hinschen</i>	<i>31 December 2011</i>
<i>Tony Schrader</i>	<i>31 December 2012</i>
<i>Bruce Reynolds</i>	<i>31 December 2012</i>
<i>Allan Harris</i>	<i>31 December 2012</i>
Anne Caprackas	31 December 2013
Paul Baumgartner	31 December 2013
<i>Mentone/Parkdale</i>	
<i>Claire Houston</i>	<i>31 December 2011</i>
<i>Barbara Taylor</i>	<i>31 December 2011</i>
<i>Peter Davis</i>	<i>31 December 2011</i>
<i>Murray Orr</i>	<i>31 December 2011</i>
<i>Noelene Quinsey</i>	<i>31 December 2012</i>
<i>Veronica Hahn</i>	<i>31 December 2012</i>
<i>Irene Everett</i>	<i>31 December 2012</i>
<i>Bernadette Tucker</i>	<i>31 December 2012</i>
Reg Marlow	31 December 2013
Penny McGuire White	31 December 2013
Pete Dowe	31 December 2013
Dorothy Booth	31 December 2013
<i>Moorabbin/Highett</i>	
<i>Clive Lynch</i>	<i>31 December 2011</i>
<i>Glenn Winstanley</i>	<i>31 December 2011</i>
<i>John Atkinson</i>	<i>31 December 2011</i>
<i>Daniel Leipnik</i>	<i>31 December 2012</i>
<i>Robyn Cochrane</i>	<i>31 December 2012</i>
<i>Thelma Mansfield</i>	<i>31 December 2012</i>
Les Heimann	31 December 2013

<i>Mordialloc</i>	
<i>Allan Locke</i>	<i>31 December 2011</i>
<i>Jennifer O'Halloran</i>	<i>31 December 2011</i>
<i>David Van Pelt</i>	<i>31 December 2011</i>
<i>Judith Beazley</i>	<i>31 December 2011</i>
<i>Carmel Treacy</i>	<i>31 December 2012</i>
<i>Loretta John</i>	<i>31 December 2012</i>
<i>Mary Rimington OAM</i>	<i>31 December 2012</i>
Tom Uren	31 December 2013
Barry Bush	31 December 2013
Andrew Gustke	31 December 2013
Margaret Hunter	31 December 2013
* Bert Morison	31 December 2013
<i>Patterson Lakes/Carrum</i>	
<i>Irma Shelton</i>	<i>31 December 2011</i>
<i>Elaine McCormack</i>	<i>31 December 2011</i>
<i>Marie Chapman</i>	<i>31 December 2011</i>
<i>Don Reed</i>	<i>31 December 2012</i>
<i>Gwen Gilbert</i>	<i>31 December 2012</i>
<i>Gail Ricato</i>	<i>31 December 2012</i>
Wayne Pollard	31 December 2012
Malcolm Dunkinson	31 December 2013
Pat King	31 December 2013
Glen Baker	31 December 2013

6. Recommendation

That Council resolve that:

1. the Village Committee members be appointed as set out in this report; and
2. all applicants be advised of the outcome of their application.

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Employee Matter