

**City of Kingston
Ordinary Council Meeting**

Agenda

27 February 2012

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday 27 February 2012.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 19 December 2011
Minutes of Special Council Meeting 20 February 2012
Minutes of Special Council Meeting 22 February 2012
- 3. Foreshadowed Declaration by Councillors, Officers or Contractors 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**
 - Proposed Telecommunications Facility Installation at Aspendale Gardens Shopping Centre
 - 2 Blanche Avenue, Parkdale
- 5. Presentation of Awards**
- 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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 - O 4 Mordialloc Creek Dredging Stage 2 – Tender Assessment Report
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- 10. Community Sustainability Reports**
- 11. Organisational Development & Governance Reports**
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14. Urgent Business

15. Items in Camera

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- O 27 Parkdale Secondary College Funding Contribution to Sports and Arts Facility
and Hub Development
- O 28 Workplace Advice

Confidential Attachments

- O 4 Mordialloc Creek Dredging Stage 2 – Tender Assessment Report
- O 6 Contract No 11/115 - Mordialloc Shopping Centre Streetscape Works - Appendix 1,
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- O 15 Appointment of the Audit Committee Chair – Appendix 1
- O 16 Summary of Audit Committee Meeting – December 2011 – Appendix 1

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

- 6.1 Aspendale/Edithvale/Aspendale Gardens/Waterways Village Committee**
First meeting is scheduled to be held on Thursday 8 March 2012.
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- 6.2 Chelsea/Chelsea Heights/Bonbeach Village Committee**
Chairperson – John Bainbridge
Report of Meeting held on 8 February 2012

Highlight: Appointment of John Bainbridge as Chairperson

- 6.3 Cheltenham Village Committee**
Chairperson – Chairperson to be elected at the next meeting
Due to lack of quorum, election of Chairperson and Deputy Chairperson was deferred until the next meeting.

Highlight: None

- 6.4 Clarinda/Oakleigh South/Clayton South Village Committees**
Chairperson – Chairperson to be elected at the next meeting
Report of Meeting held on 8 February 2012

Village Committee Motion:

That Council consider the merger of the Clayton South and Clarinda / Oakleigh South Village Committees

Officer Comment:

There was unanimous agreement from the members present at the combined Village Committee meeting for the two Committees to merge.

It was agreed at the combined Village Committee meeting that a planning meeting be organised for 7 March 2012 to consider issues regarding the future merger of the two Village Committees.

Issues to be considered include:

- Policy issues regarding membership;
- Name of Committee;
- Meeting dates;
- Future directions for the merged Village Committee.

Highlight: The potential merger of the two committees (Clarinda / Oakleigh South and Clayton South).

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6.5 Dingley/Heatherton Village Committee

First meeting is scheduled to be held on Wednesday 7 March 2012.

6.6 Mentone/Parkdale Village Committee

Chairperson – Barbara Taylor

Report of Meeting held on 31 January 2012

Highlight: The VCAT result for 1 – 9 Balcombe Road, Mentone.

6.7 Moorabbin Village Committee

First meeting is scheduled to be held on Wednesday 7 March 2012.

6.8 Mordialloc Village Committee

Chairperson – David van Pelt

Report of Meeting held on 31 January 2012

Village Committee Motion:

The Mordialloc Village Committee supports the request by the principal of Mordialloc Beach Primary School, that 5 unrestricted parking spaces at the front of the school in Barkly Street, be changed to restricted time parking use, and seeks further advice from Council.

Officer Comment: A request from the school Principal was received late last year and the issue is under investigation by the Traffic Engineering team. Traffic and parking studies close to schools need to be conducted when school is in session. These counts and analysis will be conducted during late February / early March. A plan of action will be determined later in March.

Village Committee Motion:

The committee endorses Council's policy position and submission to the Victorian Commission for Gambling Regulation regarding the Mordialloc Sporting Club's application.

Officer Comment: That the statement by the Mordialloc Village Committee be noted

Highlight: The appointment of three newly elected members.

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- 6.9 Patterson Lakes/Carrum Village Committee**
Chairperson – Don Reed
Report of Meeting held on 8 February 2012

Highlight: None

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9. Environmental Sustainability Reports

O 3 114 - 116 Balcombe Road, Mentone VIC 3194 – Planning Permit Application No. KP-1098/2008

Executive Summary

APPLICANT	Perkins Architects
ADDRESS OF LAND	114 - 116 Balcombe Road, Mentone VIC 3194
Plan of Subdivision Reference	Lot 1 and Lot 2 on TP88686D
PROPOSAL	Use and develop the land for the construction of a mixed use development including shops offices and twenty-seven (27) dwellings, with a reduction in the car parking and loading bay requirements and to alter access to a Road Zone, Category 1.
PLANNING OFFICER	Stephen Iannarelli
REFERENCE NO.	KP-1098/2008
ZONE	Clause 34.01 - Business 1 Zone
OVERLAYS	Clause 43.02 - Design and Development Overlay Schedule 18 - Mentone Activity Centre (DDO18)
OBJECTIONS	Eighteen (18)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Perkins Architects Drawings (Rev F, dated 11/7/2011) Received 14th July, 2011
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 APPLICATION HISTORY

1.1 This application was lodged in December 2008. Following Council's request for further information in January 2009 amended plans were submitted to Council in May, 2009. Vicroads objected to the amended plans in both May 2009 and February, 2010. Consequently, the application was placed on hold until these access concerns could be addressed. The applicant submitted amended plans in February, 2011, following discussions with Vicroads. It should be noted that various amended plans were then submitted to Council following the Planning Officer's assessment of the application.

1.2 An Application for Review to the Victorian Civil and Administrative Tribunal (VCAT), pursuant to Section 79 of the Planning and Environment Act, 1987 - failure to determine within the prescribed statutory timescales - was lodged by the applicant on 20th January, 2012. As a result, this report has been created to ascertain Council's Position for the forthcoming VCAT Hearings as follows:

- Practice Day Hearing: 2nd March, 2012;
- Mediation Hearing: 15th March, 2012
- Hearing: 30th April, 2012

1.3 It should be noted that, at the request of Ward Councillors, an informal meeting was arranged between objectors and Councillors in order to allow objectors to articulate their concerns with the application proposal directly to the Councillors. This meeting was

facilitated by Planning Officers whilst the applicant was not in attendance given that the meeting did not constitute a formal Preliminary Conference.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The application seeks to develop the land for the construction of twenty-seven (27) dwellings, ground floor shops and first floor offices within a four storey building with two (2) levels of basement car parking. Each dwelling is provided with a minimum of one balcony or enclosed deck as private open space.
- 2.2 A total of eighty-six (86) car parking spaces will be provided (thirty-nine (39) car parking spaces within the basement level and forty-seven (47) spaces within the lower basement level.
- **Lower Basement:** 47 car parking spaces
 - **Basement:** 39 car parking spaces, bicycle parking (a total of 21 spaces within two racks),
 - **Ground Floor:** six (6) shops with a total floorspace of 852 m²
 - **First Floor:** ten (10) Offices with a total floorspace of 1,398m²
 - **Second Floor:** 14 apartments - Nine (9) two-bedroom, Five (5) one-bedroom
 - **Third Floor:** 13 apartments - Ten (10) two-bedroom, three (3) one-bedroom
- 2.3 Car parking access is via Patterson Lane to a new ground floor car parking entrance to the basement and lower basement car parking areas. A Loading bay for residential and commercial properties is located on the ground floor. Access to each of the shops via separate ground floor entrances. Pedestrian entrance to the first floor offices is via an entrance from Balcombe Road. Pedestrian entrance to the second and third floor residential properties is via a separate entrance and covered walkway, at the eastern site boundary (adjacent to the public footpath running length of the adjacent railway line).

3.0 SUBJECT SITE AND SURROUNDS

3.1 The following map illustrates the subject site in its surrounding context.



3.2 The site is generally triangular in shape with a frontage to Balcombe Road 55.3 metres, a side depth of 53.34 metres, resulting in a site area of approximately 965m². The site currently contains a collection of double storey buildings (excluding one single storey

building on the south eastern corner of the proposed development at No. 114 Balcombe Road) occupied by a number of commercial tenancies. Vehicle access to the site is via a crossover from Balcombe Road on the south-eastern corner of the subject site.

- 3.3 The subject site is located within Mentone Activity Centre, where development is typical of commercial centres with shops and other retail premises generally contained within a mix of double storey buildings.
- 3.4 **North** - To the rear of the site is a residential apartment building (No. 98 Collins Street) containing sixteen (16) dwellings.
- 3.5 **East** - Directly to the east lies a public footpath and the main Melbourne to Frankston Railway Line. Further east lies the Le-Gym mixed use development (currently under construction) containing retail premises, commercial offices, a restaurant and bar, gymnasium, seventy-eight (78) residential dwellings and basement level car parking.
- 3.6 **South** - Across Balcombe Road, a number double storey commercial properties and, further south, along Commo Parade West, shops, offices and various retail premises within single and double storey buildings.
- 3.7 **West** – Single storey buildings occupied by a range of commercial tenancies, including shops and offices.

4.0 KEY PLANNING CONSIDERATIONS

- 4.1 An assessment against the key planning considerations and relevant justification is summarised below.

(a) The Design and Development Overlay Schedule 18 and The Mentone Structure Plan

Overall, DD018 seeks to encourage new additions and development that demonstrate contemporary architectural detailing but where the form responds to the general and built form design objectives of the DD018, variations to the specific Design Standards can be entertained. Consequently, the following variations to the design standards / amendments to the proposal (via conditions included on any issued Permit) can be supported.

Building Height and Scale / Commercial Streetscape:

Design Development Overlay Schedule 18 (DD018) outlines the applicable design guidelines for the subject site. The proposal marginally exceeds the maximum building height within this Precinct, ranging between 0.32m and 0.75m, along the southern elevation (Balcombe Road). However, this relates solely to the recessed third-storey element, which is unlikely to be visible from the street. In addition, the building height is 13.9m at the residential interface to the north (less than the 14 metres maximum allowable). Consequently, the height is considered to be acceptable given that proposal is generally consistent with the general / built form design objectives of DD018. Furthermore, the provision of 2nd floor decks, extending to the Balcombe Road building frontage, form a three-storey streetscape façade to Balcombe Road, which is considered to strengthen and

reinforce the commercial street edge, to Balcombe Road rather than a floating wall, in line with the objectives of DD018 and recommendations from Council's Urban Designer.

Setbacks:

The proposed 3rd floor provides a recessed third floor element set back four (4) meters from Balcombe Road (balconies set back two (2) metres). To further strengthen this recessed design element, and reduce any perceived visual bulk, it is considered that the proposal should be amended to increase the 3rd floor set back to a 5m setback from Balcombe Road (2.8m for the 3rd floor balconies) in line with the DD018 objectives. Consequently, the third-floor elements will be visually recessed from the lower floors, reducing the mass associated within this element and allowing for the presentation of a strong three-storey streetscape façade to Balcombe Road - creating a building which is proportionate to the scale of the surrounding buildings.

The proposal does not comply with the north boundary setback objectives of the DD018 which recommends a 3m setback from the title boundary to this interface. However, any off-site amenity impact to this residential interface would be negligible given that there would be limited scope for overshadowing or overlooking (subject to appropriate screening on the north facing apartment decks) and given that the perceived mass of the 3rd floor is considerably reduced given the significant setbacks from the property boundary. Further, Patterson Lane walkway provides further separation between the two lots. Consequently it is considered that this setback objective can be varied as this will allow for the development of a contemporary building, appropriate in scale and form to the surrounding context, and generally in accordance with the design and built form objectives of the DD018.

Mentone Structure Plan

Finally, it is considered that the proposal complies with all the objectives of the adopted Mentone Structure Plan, with the exception of the following (in part):

- o *Consistent 2 storey street edge to commercial street frontages and the maintenance of the existing fine grain shopfronts;*

The proposed three-storey streetscape façade does not reflect the 2-storey street edge sought. However, the proposal complies with the requirements of the DD018 (which recommends the provision of a three- storey façade) and it has been accepted by VCAT that the objectives of existing planning policy (i.e. DD018) would significantly outweigh any guidance documents (i.e. The Structure Plan), given that it already forms part of the Planning Scheme. As a result, a variation to this objective is considered to be appropriate, particularly as the fine grain nature of the existing shopfronts is retained.

(b) Car parking and Accessibility

Under Clause 52.06, a car parking provision of 171 spaces is required, albeit the empirical study found that this should be reduced to 101 car parking spaces. Eighty-six (86) parking spaces will be provided within this development within two (2) basement car parking levels. Council's Traffic Engineering Department supported this number and therefore the provision of car parking is considered to be acceptable in this instance, provided that each dwelling, shop and office is provided with at least once car parking space, with the remaining spaces allocated to staff / customers of the shops and offices. Accordingly, a condition should be included on any issued permit in line with the above.

(c) Patterson Lane / Site Access and Egress

Currently it is proposed that all traffic entering the site will do so via Patterson Lane. Council's Traffic Engineering Department recommend that Patterson Lane must remain two-way, to accommodate the needs of the existing premises. Further, to minimise the potential for queuing in Patterson Lane, all traffic must turn left on to Balcombe Road. This can be supported using conditions on any issued Permit.

In terms of site egress, vehicles would exit to Balcombe Road on the south-eastern corner of the subject site, onto the roundabout. The proximity of the amended crossover to the level crossing and roundabout on Balcombe Road were important considerations in assessing this proposal. The proposed access arrangements were supported by both Council's traffic Engineering Department and Vicroads provided that the exit to Balcombe Road was designed in such a way so as to physically prevent any vehicle from entering the roundabout. Essentially, this will ensure that all traffic turns left on to Balcombe Road and proceeds over the level crossing. As a result, Planning Officers support the proposed access arrangements, subject to the provision of relevant conditions on any issued Permit.

(d) Waste - Vehicle Loading & Unloading

It is understood that the loading does not meet the dimensional requirements (i.e. height) of Clause 52.07 (Loading and Unloading of Vehicles) of the Kingston Planning Scheme. Council's Waste Department have indicated that Council Municipal Collections could not be undertaken for either the residential or commercial components of this development as it appears that the smallest Municipal waste vehicle (approx 8.77m long, 3.03m high) could not enter and manoeuvre within the loading area.

Council's Waste Department have confirmed that, whilst not ideal, it is likely that a smaller private waste collection vehicle (similar to the 6.4m length truck recommended for commercial waste collection) could allow for private residential collection. As a result, the provision of an updated Waste Management Plan is recommended via a condition on any issued Permit to ensure that Council's Waste Department requirements are met, understanding that both collections will be undertaken by private waste contractors. A condition would also be included on any issued permit allowing for the flexibility to increase the loading bay / turning areas in order to facilitate any proposed changes.

- 4.2 The subject site is identified within Area 17 of the Kingston Neighbourhood Character Study (May 2003). However, the average lot size within this area has not been calculated as the subject site is located within a Business Zone where Residential densities are not relevant

5.0 OBJECTOR CONCERNS

- 5.1 Eighteen (18) objections were received to the application. Seventeen (17) during the advertising period in 2011 and one (1) objection following the submission of the Failure Appeal to VCAT. Many of these issues have been discussed above. However, a summary of the remaining issues.

Building height, visual bulk and neighbourhood character

Drainage:

- 5.2 Concern regarding flooding and drainage issues were expressed. Council's Development Engineering Department and Council's Design Engineering Department have not objected to the proposed development subject to the provision of a detailed stormwater management plan. Indeed, the proposal was significantly amended to raise ground floor levels and raises apex levels in order to ensure that overland flows would not flood the basement car park or ground floor shops. It is therefore considered that the proposal should not lead to material detrimental from flooding or drainage issues, subject to the controls and requirements of the Stormwater management Plan, to be approved by Council's Drainage Engineers.

Noise

- 5.3 Concern was expressed in relation to noise from the proposed development and noise during construction. It is considered that the proposed noise levels from shops, offices and dwellings would be acceptable within this business and commercial hub. It is noted that a condition will be placed on any issued restricting the construction hours accordingly. Consequently, there should be not material detriment from the proposed development relating to noise.

6.0 CONCLUSION

- 6.1 Overall, the proposed contemporary development is of an appropriate scale and mass to the surrounding context and is considered to be of the highest architectural design with a strong three-storey streetscape façade facing Balcombe Road and suitable setbacks (subject to relevant conditions), in line with the requirements of DD018. The proposal has been designed to make the best use of the immediate context, including strong vertical and horizontal articulation has maintained the fine grain commercial street frontage.
- 6.2 As a result based on a thorough assessment of the application against the relevant provisions of the Kingston Planning Scheme and taking into consideration the concerns raised by objectors, the proposal, subject to the inclusion of conditions, is deemed appropriate and should therefore be supported, albeit in this instance Council does not have the power to determine this application given that the application is subject to a Failure Appeal to VCAT pursuant to S.79 of the Planning and Environment Act 1987.

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PLANNING OFFICER REPORT

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OBJECTIONS	Eighteen (18)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Perkins Architects Drawings (Rev F, dated 11/7/2011) Received 14th July, 2011
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

1.0 RELEVANT LAND HISTORY

- 1.1 Planning Permit No. MOC4216 was issued by Kingston City Council on 23rd November, 1987 to display advertising signage.
- 1.2 Planning Permit No. KP-670/1999 was issued by Kingston City Council on 7th July, 2000 to use and develop the land for the purposes of a café.
- 1.3 This application was lodged in December 2008. Following Council's request for further information in January 2009 amended plans were submitted to Council in May, 2009. Vicroads objected to the amended plans in both May 2009 and February, 2010. Consequently, the application was placed on hold until these access concerns could be addressed. The applicant submitted amended plans in February, 2011, following discussions with Vicroads, seeking to address these concerns. It should be noted that various amended plans were then submitted to Council following the Planning Officer's assessment of the application.
- 1.4 An Application for Review to the Victorian Civil and Administrative Tribunal (VCAT), pursuant to Section 79 of the Planning and Environment Act, 1987 - failure to determine within the prescribed statutory timescales - was lodged by the applicant on 20th January, 2012. As a result, this report has been created to ascertain Council's Position for the forthcoming VCAT Hearings as follows:
 - Practice Day Hearing: 2nd March, 2012
 - Mediation Hearing: 15th March, 2012

- Hearing 30th April, 2012

6.3 It should be noted that, at the request of Ward Councillors, an informal meeting was arranged between objectors and Councillors in order to allow objectors to articulate their concerns with the application proposal directly to the Councillors. This meeting was facilitated by Planning Officers whilst the applicant was not in attendance given that the meeting did not constitute a formal Preliminary Conference.

2.0 SITE PARTICULARS

2.1 The site is generally triangular in shape with a frontage to Balcombe Road 55.3 metres, a side depth of 53.34 metres, resulting in a site area of approximately 965m². The site currently contains a collection of double storey buildings (excluding one single storey building on the south eastern corner of the proposed development at No. 114 Balcombe Road) occupied by a number of commercial tenancies. Vehicle access to the site is via a crossover from Balcombe Road on the south-eastern corner of the subject site. The site enjoys pedestrian access from Balcombe Road and also via Patterson Lane to the north-west (rear) of the subject site.

2.2 The subject site is located within the Mentone Major Activity Centre, where development is typical of commercial centres, with shops and other retail premises generally contained within a mix of double storey buildings.

2.3 There are no restrictions or easements registered I the Certificate of Title or accompanying Plan of Subdivision.

2.4 An aerial photograph of the subject site and surrounds is provided below:



3.0 SURROUNDING ENVIRONS

- 3.1 The surrounding area generally comprises of a mix of commercial and retail uses within the Mentone Activity Centre.
- 3.2 Within the immediate locality, to the north, is zoned residential 1, with examples of both multi-dwelling and infill development along Collins Street given the proximity to the activity centre and public transport rail network. To the east of the site beyond the Frankston railway line lies a Business 2 Zone containing the le-gym development (see below). To the south of the subject site on Balcombe Road and Como Parade West is a mix of commercial properties occupied by a range of retail tenancies. In addition, to the south-east lies Mentone Railway Station (and associated car park).
- 3.3 Land directly abutting the subject site and opposite is described as follows:
- 3.4 **North** - To the rear of the site is a residential apartment building (No. 88 Collins Street) containing 16 dwellings within a three storey building (Planning Permit KP147/2007 was issued at the direction of VCAT in 2008).
- 3.5 **South** - Across Balcombe Road, a number of double storey commercial properties fronting Balcombe Road and, further south, along Como Parade West, shops, offices and various retail premises within single and double storey buildings.
- 3.6 **East** - Directly to the east lies a public footpath and the main Melbourne to Frankston Railway Line. Further east, across the railway line, is the four storey Le-Gym mixed use development (under construction) containing retail premises, commercial offices, a restaurant and bar, gymnasium, residential dwellings and basement level car parking (Planning Permit No. KP151/2009).
- 3.7 **West** – Double Storey buildings occupied by a range of commercial tenancies, including shops, retail, offices. Each property has an individual pedestrian entrance to Balcombe Road. Vehicular access to the properties to these properties is via Patterson Lane, to the west, a laneway running in a north-south direction to connect to Balcombe Road and then running in an east-west direction along the rear of these properties (and properties further west). Individual car parking provision for many of these properties (i.e. No. 118 to No 144 Balcombe Road) is located to the rear (north) of each property and accessed via Patterson Lane.
- 3.8 **General** – A fine-grain commercial streetscape character is present along Balcombe Road, with narrow shop fronts and individual entrance prevalent on both sides of the street. On-street time-restricted car parking is provided on both sides of Balcombe Road, whilst the Granary Lane public car park (operated by the City of Kingston) is located approximately 100m south-west of the subject site. Further west lies the Mentone Safeway and associated car park. A roundabout at the intersection of Como Parade West and Balcombe Road is located directly to the south of the subject site which connects to the level crossing directly to the south-east of the subject site. It is understood that the complexity of this existing arrangement requires ongoing traffic management considerations from Vicroads in order to ensure safe and efficient traffic movements.

4.0 PROPOSAL (AS AMENDED)

- 4.1 The application seeks to demolish the existing buildings on the site and develop the land for the construction of twenty-seven (27) dwellings, ground floor retail shops and first floor commercial offices within a four storey building, with two (2) levels of basement car parking. Each dwelling is provided with a minimum of one balcony or enclosed deck / winter garden as private open space.
- 4.2 A total of eighty-six (86) car parking spaces will be provided with thirty-nine (39) of these spaces within the first level of the basement and forty-seven (47) spaces within the lower basement.
- 4.3 A summary of each level of the proposed development is as follows:

Lower Basement

- Forty-Seven (47) car parking spaces
- Forty-Seven (47) storage cages
- Two (2) Stores within the south east and south west corners
- Two (2) services rooms
- Two (2) lifts and a foyer
- Stairs to upper floors.

Basement

- Thirty Nine (39) car parking spaces
- Thirty Nine (39) Storage cages
- 21 residential bicycle racks (12 racks opposite the lifts and 9 spaces opposite car parking spaces 5 and 6)
- Stores and services rooms.
- Two (2) lifts and a foyer
- Stairs to upper floors.

Ground Floor:

- Six (6) retail shops with a total floorspace of 852 m² and direct access from Balcombe Road.
- Central entrance to first floor Commercial Offices from Balcombe Road.
- Separate entrance to residential apartments via a dedicated canopy walkway and entrance doors along the edge of the building and vehicular accessway between the eastern facing the rail line.
- Vehicular access from the rear laneway to the basement level car parking area, using an intercom system.
- Loading bay (3.6m x 7.6m)
- Residential refuse / recycling area
- Commercial bin storage area
- Eight (8) bicycle racks
- Vehicular access (via ramps) to basement and lower basement car parking areas.
- Driveway along eastern edge of site and vehicle exit to Balcombe Road
- Two (2) lifts and a foyer
- Stairs to upper floors

First Floor:

- Ten (10) Offices with a total floorspace of 1,398m² with four (4) shared kitchens and four (4) shared bathrooms.
- 1.8m wide deck on the north, east and part of the south (south-eastern corner) elevations.
- Dampalon screen feature (irregular leave type pattern) on the corners of south (18.23m length) and east (21.87m length) elevations.
- Three (3) lightwells on the western boundary and internal skylights
- Two (2) lifts and a foyer
- Stairs to upper floors

Second Floor:

- Fourteen (14) residential apartments (Nine (9) two-bedroom apartments, Five (5) one-bedroom apartments with balconies ranging between 15m² and 34.8m² in size.
- Nine (9) Internal lightwells
- Two (2) lifts and a foyer
- Stairs to upper floors

Third Floor

- Thirteen (13) apartments (Ten (10) two-bedroom apartments, three (3) one-bedroom apartments) with balconies ranging between 10.5m² and 68m² in size.
- Nine (9) Internal lightwells
- Two (2) lifts and a foyer
- Stairs to upper floors

Roof

- Solar hot water panels
- A/c platforms
- Lift overrun
- Plant and equipment

General

- The proposed total building height is 14.75 metres above natural ground level
- 4.4 The proposal has an overall site coverage of 90.1 percent and a permeability of 9.9 percent.
- 4.5 The development is proposed to be built up to the north, south and west side boundaries. The following minimum dimensions from the site's east (front) and west (rear) property boundaries are proposed:

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	South (front) Boundary to Balcombe Road	North (rear) Boundary to Patterson Lane
Ground Floor:	0 metres	0 metres
First Floor:	0 metres (1.8m setback in part with balconies encroaching up to the front boundary).	1.8 metres with balconies / deck encroaching up to the rear boundary.
Second Floor:	0 metres – enclosed hard edged balconies (winter gardens) / decks emphasising 3 storey streetscape façade / building line (2metre setback in part)	4 metres with hard edged balconies with roof (not enclosed) encroaching (min setback of 2metres to balconies / decks)
Third Floor:	4 metres (2metre setback to balconies / decks).	7 metres with balconies / decks encroaching (min. setback of balconies / decks is 4 metres)

- 4.6 Car parking access is provided via Patterson Lane to a new ground floor car parking entrance to the basement and lower basement car parking area. A loading bay is provided on the ground floor for residential and commercial properties.
- 4.7 Access to each of the shops is provided via separate ground floor entrances with secondary (rear) access for services. Pedestrian entrance to the first floor offices is provided via an entrance from Balcombe Road. Pedestrian entrance to the second and third floor residential properties is provided via a separate entrance and covered walkway, at the eastern site boundary (adjacent to the vehicular exit of the public footpath running the length of the adjacent railway line).
- 4.8 The proposed building is of a contemporary style, with a flat raised roof. The building presents as a strong three (3) storey rendered building with various fenestration finishes to Balcombe Road, whilst incorporating a recessed 3rd floor element. The ground floor retail shops are characterised by full length glazing with vertical reveals from Balcombe Road which penetrate the first floor office and second floor residential properties. A Dampalon Screen provides a corner strong feature on the first and second floors on the south-eastern corner of the building. This a polycarbonate glazing / screening material provides ‘snap-on’ interconnecting profiles which allow for various façade detailing and lighting opportunities whilst providing transparency levels which allow for increased solar access. In addition to the Dampalon Screen, the east elevation from the rail track is typified by a ground floor translucent glazing for the offices and residential properties, glass balustrade balconies and a range of render finishes. The colour palette comprised a range of grey and neutral colours and tones. Facia

5.0 PLANNING PERMIT PROVISIONS

Zone

Business 1 Zone:

- 5.1 Pursuant to Clause 34.01-2 (Business 1 Zone) of the Kingston Planning Scheme, a planning permit is required to use the land for a dwelling, where any frontage at ground level exceeds 2 metres;
- 5.2 Pursuant to Clause 34.01-4 (Business 1 Zone) of the Kingston Planning Scheme, a planning permit is required to construct a building or construct and carry out works.

Overlay

Design Development Overlay Schedule 18 (DDO18)

- 5.3 Pursuant to Schedule 18 of Clause 43.02 (Design Development Overlay), a planning permit is required to construct a building or construct and carry out works.
- 5.4 A planning permit may be granted to vary the maximum overall building height and setback requirements set out in the Table to this Schedule for Precinct C in circumstances where it can be demonstrated that the design objectives and Design standards can be satisfied.

Particular Provisions

Clause 52.06: Car Parking

- 5.5 Car Parking: Pursuant to Clause 52.06 of the Kingston Planning Scheme, a planning permit is required to reduce or waive the car parking requirements associated with dwellings, shops and offices.

Clause 52.07: Loading & Unloading of Vehicles

- 5.6 Loading and Unloading: Pursuant to Clause 52.07 of the Kingston Planning Scheme, a planning permit is required to reduce or waive the loading bay requirements.

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

- 5.7 Land Adjacent to a Road Zone, Category 1 or Public Acquisition Overlay for a Category 1 Road: Pursuant to Clause 52.29 of the Kingston Planning Scheme, a planning permit is required to create or alter an access to a Road Zone Category 1.

Clause 52.34: Bicycle Parking

- 5.8 The proposal complies with the requirements of Clause 52.34 (Bicycle Parking). As a result, a planning permit is not required to reduce or vary these requirements.

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

- 5.9 An application for a residential development of four or more storeys must be accompanied by an urban context report and a design response. Both requirements were provided by the applicant prior to advertising.

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

General Provisions

- 5.10 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

6.1 State Planning Policy Framework (SPPF)

Clause 11 Settlement
Clause 13 Environmental Risks
Clause 14 Natural Resource Management
Clause 15 Built Environment and Heritage
Clause 16 Housing
Clause 17: Economic Development
Clause 18: Transport
Clause 19: Infrastructure

6.2 Local Planning Policy Framework (LPPF)

Clause 21.03: Land Use Challenges for The New Millennium
Clause 21.04: Vision
Clause 21.05: Residential Land Use
Clause 21.06: Retail and Commercial Land Use
Clause 21.09 Environment, Wetlands and Waterways
Clause 22.11: Residential Development Policy

6.3 General Provisions

Clause 65 (Decision Guidelines)

6.4 Other

6.5 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area 17 of the Neighbourhood Character Guidelines.

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

6.7 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.

7.0 ADVERTISING

7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining three (3) site notices on the site for fourteen (14) days.

7.2 Eighteen (18) objections to the proposal were received in total. Seventeen (17) objections were received, mainly in September / October, 2011, prior to applicant's Review to VCAT in January, 2011. One (1) objection was received in February, 2012. The objector contended that this objection was sent to Council in September, 2011 however there are no records showing receipt of this objection on Council's Corporate Information Systems.

7.3 The valid grounds of objection raised are summarised as follows:

- Overdevelopment
- Visual Bulk / Height
- Car Parking, Traffic and Accessibility
- Overlooking
- Overshadowing
- Drainage
- Streetscape character
- Noise

7.4 In addition, the following external authorities were notified (under Section 52 of the Planning and Environment Act 1987):

- **VicTrack** – who raised no objection to the application, subject to conditions included on any permit issued relating to standard conditions relating to proposed development on the boundary of land owned and operated by Victrack
- **Department of Transport** – who raised no objection to the application, subject to conditions included on any permit issued relating to minimising rail disruption during construction and the protection of rail power cables.

8.0 PRELIMINARY CONFERENCE

- 8.1 A preliminary conference was not arranged as the applicant lodged an appeal with VCAT in January, 2011 pursuant to Section 79 of the Planning and Environment Act 1987 against Council's failure to determine the application within the prescribed time, a Failure Review to VCAT, pursuant to Section 149 of the Planning and Environment Act 1987, in January, 2011 prior to Council arranging a Preliminary Conference.
- 8.2 However, at the request of Ward Councillors, an informal meeting was arranged between objectors and Councillors in order for objectors to articulate their concerns directly to the Councillors. This meeting was facilitated by Planning Officers. It should be noted that the applicant was not in attendance.

9.0 SECTION 50– AMENDMENT TO PLANS

- 9.1 Prior to advertising the Permit Applicant lodged amended plans on four (4) occasions pursuant to Section 50 of the Planning and Environment Act 1987, on 8th May, 2009; 24th February, 2011; 9th June, 2011; and 14th July, 2011.
- 9.2 The first set of amended plans received **8th May, 2009** sought to address some of the concerns raised in Council's further information letter. These plans incorporated the following changes from the original plans:
- Proposed crossover to Balcombe Road deleted
 - Screening to northern elevation to northern residential interface
 - Openings to ground floor eastern elevation to maximise solar access.
 - Lightwells on the western boundary.
 - Full length sliding sun protection screens / louvers added to the relevant east and west elevation balconies.
 - Skylights incorporated into 3rd floor apartments
- 9.3 The amended plans, received on **24th February, 2011** incorporated the following changes:
- Reduction in car parking spaces on basement level car park from 43 to 39 spaces.
 - Reduction in shop floorspace on the ground floor from 1,069m² to 852m².
 - One-way vehicular access to the basement car park via a ground floor entrance off Patterson Lane (using an intercom system) with egress via Balcombe Road (crossover to Balcombe Road inserted on plans).
- 9.4 The amended plans, received on **9th June, 2011** incorporated the following changes:
- Robust three (3) storey façade to Balcombe Road incorporated into Design.
 - First Floor Commercial Office 'reveals' brought forward to the Balcombe Road Street Boundary with balconies / decks above (on the second floor) brought forward.
 - Two large windows added to eastern elevation.
 - One (1) additional door added to the residential lobby entrance on the subject site's eastern facade.
 - External lighting to the covered walkway for the residential apartments on the eastern boundary of the subject site.

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- 9.5 The amended plans, received on **14th July, 2011** incorporated the following changes:
- Ground floor finished floor levels and pedestrian and car parking entrances apexes amended in line with Council's Design Engineering Department's internal referral response.
- 9.6 It is these plans that were advertised, are described at section 4 of this report ('The Proposal') and form the basis of this recommendation.

10.0 REFERRALS

- 10.1 The application (plans dated 14th July, 2011) was referred to the following internal departments:
- **Council's Development Engineer** – raised no objection to the application, subject to conditions included on any permit issued relating stormwater management and drainage provision.
 - **Council's Urban Designer (Activity Centre Place Manager)** - advised of no objection subject to a number of conditions relating to the provision of 3rd floor setbacks to reflect the requirements of DD018 and the provision of a (shared) pedestrian access to the residential apartments from Balcombe Road, amongst other minor design reconfigurations.
 - **Council's Traffic Engineering Department** - advised of no objection subject to a number of conditions in relation to 'left turn' only restrictions on egress to Balcombe Road; traffic management (signals) to allow for controlled two way traffic along Patterson Lane; demarcation of car parking provision; and updated loading bay provision.
 - **Council's Waste Management Department** – support the proposal subject to conditions relating to the provision of an updated loading bay provision / collection area arrangement, the provision of private waste collection and the provision of an updated Waste Management Plan for approval.
 - **Council's Roads and Drains Department** - advised of no objection subject to conditions relating to the retention of footpath and laneway levels and reinstatement to the satisfaction of the Responsible Authority.
 - **Council's Sustainable Development Officer advised of** no objection subject to the provision of conditions recommending that additional notations are included on the plans to reflect ESD recommendations identified within the ESD report
 - **Council's Vegetation Management Officer** - raised no objection to the application, subject to conditions included on any permit issued relating to the provision of a detailed landscape plan.

10.2 The application was referred to the following external referral authorities:

- **VicRoads** - raised no objection subject to conditions in relating to vehicular access and egress; pedestrian facilities; and the provision of engineering drawings.

11.0 PLANNING CONSIDERATIONS:

State Planning Policy Framework

11.1 The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 13** (Environmental Risks), **Clause 14** (Natural Resource Management), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing), **Clause 17** (Economic Development), **Clause 18** (Transport), **Clause 19** (Infrastructure).

11.2 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.

11.3 The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria including housing, employment, recreation and open space, commercial and community facilities and infrastructure.

11.4 Of particular relevance to the housing component of the mixed use development, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

§ *Planning for urban growth, should consider:*

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas;*
- *Neighbourhood character and landscape considerations;*
- *The limits of land capability and natural hazards and environmental quality;*
- *Service limitations and the costs of providing infrastructure.*

11.5 **Clause 11.01-2** places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.

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- 11.6 **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.
- 11.7 Specifically, **Clause 13.04-1** aims to assist the control of noise effects on sensitive land uses in addition to **Clause 13.04-2** which aims to assist in the protection and improvement of air quality.
- 11.8 **Clause 14** (Natural Resource Management) seeks to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.
- 11.9 **Clause 14.02-1** seeks to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.
- 11.10 Additionally, **Clause 14.02-3** seeks to ensure that water resources are managed in a sustainable way by encouraging the use of alternative water sources such as rainwater tanks, stormwater and recycled water by governments, developers and households and ensuring that the development of new urban areas and green spaces takes advantage of any opportunities for effluent recycling.
- 11.11 **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.
- 11.12 Specifically, these policies cover objectives pertaining to urban design, built form and heritage outcomes. Of particular significance, **Clause 15.01** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of Clause 15.02 promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.13 Please refer to Section 12 of this Report for a further assessment against Clause 15.
- 11.14 **Clause 15.03-2** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.15 The Subject Land **is not** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.16 **Clause 16 (Housing)** provides further housing objectives and seeks to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as Clause 11,

this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.

- 11.17 The policies contained within **Clause 16.01-4** encourage the provision of range of housing types to meet the increasingly diverse needs of the community. **Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character.** Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.
- 11.18 **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.
- 11.19 **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.
- 11.20 **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.
- 11.21 It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land within the Business 1 Zone and earmarked for business, retailing and other complementary commercial entertainment and community uses. Consequently, the proposed retail shops, offices and dwellings are 'as of right' uses within this zone and are therefore supported (this would relate to residential uses if the frontage width at ground level was less than 2 metres, which is not the case in this instance). However, the proposed residential use within this mixed use development is considered to be acceptable in order to complement the proposed shop and commercial office offer.
- 11.22 The proposed development achieves an acceptable design outcome for the site and it is considered to be responsive to its immediate abutments, whilst enjoying convenient and direct access to community facilities and public transport links. Furthermore, the proposed scale of the development, at four storeys with a recessed 3rd floor component, is considered to be appropriate to the surrounding context.

Local Planning Policy Framework

- 11.23 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.
- 11.24 Within Clause 21 (MSS) of the Kingston Planning Scheme, the following six (6) attributes are submitted as being the most relevant to the consideration of the proposal:

§ Clause 21.03: Land Use Challenges for The New Millennium

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- § Clause 21.04: Vision
- § Clause 21.05: Residential Land Use
- § Clause 21.06: Retail and Commercial Land Use
- § Clause 21.09: Environment, Wetlands and Waterways
- § Clause 22.11: Residential Development Policy
- 11.25 Following a review of the relevant strategic directions from the aforementioned clauses, the following policy position is advocated:
- 11.26 **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 which will continue to provide a focus for Council's residential land use planning.
- 11.27 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.
- 11.28 Additionally, this policy seeks to encourages retail change and activity centre sustainability by ensuring that future planning decisions **prioritise the facilitation of retail reinvestment** into Kingston, activity centres will be vital in successfully achieving metropolitan planning objectives.
- 11.29 Clause 21.04 (**MSS Vision**) seeks to draw upon the principles enshrined within the Corporate Plan. Relevant objectives include the City strategy and economic development objective which seeks to **facilitate strategic land use, sustainable economic development and job creation** within a framework of concern for environmental and social implications.
- 11.30 **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.
- 11.31 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**.
 - **Identification of activity centre hierarchy** i.e. Mentone is identified as a Major Activity Centre.
- 11.32 The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases,

providing guidance for development in residential zoned land, mixed use zoned land and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

11.33 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”.

11.34 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.*

§ *The strategy to achieve this objective includes, **encouraging residential development within activity centres via shop-top housing and mixed use developments**, 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 respond to special housing needs within the community.*

11.35 **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 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.*

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- *Reinforce the centre's edged by encouraging residential development on the centre's periphery.*
- 11.36 The proposal seeks to continue the existing green grocer use within the new building, ensuring that the development contributes to a continuance of the existing retail mix found within the Mentone Activity Centre.
- 11.37 Objective 3 of **Clause 21.06** seeks to reinforce the built form character and function of activity centres consistent with the position in the hierarchy of activity centres. Strategies to implement the objective include the use of structure plans to provide direction in relation to a variety of areas, including enhancing the character and physical image of the centre, identifying the right mix and location of land use activity and guiding the scale of new buildings.
- 11.38 **Clause 21.09: Environment, Wetlands and Waterways**, identifies that there is significant opportunity to enhance the quality and ecological value of Kingston's natural environments, through improved management of urban stormwater, land use and resource management, and integrated catchment planning. In particular, provision of adequate flood storage and improve stormwater management practices is encouraged.
- 11.39 Relevant objectives within **Clause 21.04-3** aim to improve water quality within the municipality's waterways and the Port Phillip Bay.
 - § Relevant Strategies to achieve this objective include:
 - § . Ensure that proposals for **new development provide appropriate stormwater treatment measures and that construction activities do not have a negative impact on the regional drainage function and performance** of waterways, floodplains, drains and other water bodies.
- 11.40 **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.
- 11.41 Relevant objectives in **Clause 22.11-2 Residential Development Policy** include:
 - § To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.
 - § To encourage new residential development to **achieve architectural and urban design outcomes that positively respond to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.

- § To promote on-site car parking which is adequate to meet the anticipated needs of future residents.
- § To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.
- § To limit the amount and impact of increased stormwater runoff on local drainage systems.
- § To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.

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.

11.42 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 11 (Settlement) and Clause 16.01-4 (Medium Density Housing), effectively promoting high-density development around activity centres and locations close to public transport.

11.43 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines, importantly delivering on some critical objectives given the nature of this medium density development of this nature, creating well-designed medium density housing (amongst other uses) within appropriate locations within or next to activity centre and within close proximity to public transport networks.

Zoning Provisions

11.44 The subject site is zoned Business 1. The purpose of the Business 1 Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.*

11.45 The appropriateness of the development, in line with the Decision Guidelines, is discussed within Section 12 of this Report; however the overall proposal is considered satisfactory with regard to the objectives of the Business 1 Zone.

Overlay Provisions

11.46 The subject site is located within the Design Development Overlay - Schedule 18 (DD018).

11.47 The purpose of this Overlay is summarised as follows:

General Design Objectives which seek:

- *To reinforce the urban form, character, streetscape of the Mentone Activity Centre.*
- *To achieve responsive and sensitively designed development that is of a high architectural quality and urban design standard.*
- *To achieve appropriately designed development that is consistent with the built form outcomes and heights envisaged by this Overlay.*

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- *To ensure development has proper regard for the established, streetscape and development pattern in terms of building design, height, scale, and siting.*
- *To preserve solar access to adjoining residential zones, dwellings, public and private open space and pedestrian accessways.*
- *To protect and enhance key views, vistas and landmarks.*
- *To protect and enhance places of cultural heritage significance.*

Built Form - Design objectives which seek to:

- *Encourage a consistent 2 storey street edge to commercial street frontages.*
- *Maintain upper level setbacks above street wall. Variations where permissible to street frontage setbacks above 2 storeys may be possible when a significant urban design outcome is achieved which adds vitality and improves public safety of the public spaces below.*
- *Respect residential interfaces to ensure sunlight is maintained and overshadowing of private open space is minimised.*
- *Maintain fine grain shopfront patterns along commercial street frontages. Encourage new development to include both vertical and horizontal articulation to maintain the fine grain shopfront appearance.*
- *Encourage generous balcony spaces for sites with a northerly aspect within all precincts.*
- *Ensure active ground floor shopfronts to commercial street frontages.*
- *In precincts where higher built forms are encouraged, upper storeys are encouraged to be lightweight in appearance and read differently to the street wall façade to reduce building bulk.*
- *Encourage site consolidation to avoid underdevelopment of land in precincts where higher built form outcomes are envisaged in accordance with the table to this Schedule.*

11.48 The proposal complies with the Overlay's relevant Decision Guidelines and is deemed appropriate for the reasons discussed below:

- Overall, the proposal is generally in accordance with the relevant general and built form design objectives. However, there are some areas of non-compliance, where variations to the relevant objectives are either justified or amendments are sought (via conditions on any issued permit) in order to comply with the relevant design objectives.
- The objectives above seek to provide overarching Design Objectives which comprehensively cover the Mentone Activity centre boundary, and are, in some cases, supplemented by more site-specific Design Standards within individual Precincts. In this instance, the subject site is located within Precinct C of Schedule 18.

Precinct C: 114 – 116 Balcombe Road, Mentone

11.49 The proposed Maximum Overall Building Height within Precinct C is four storeys (14 metres). The proposal marginally exceeds the maximum building height considered within this Precinct (by approximately 0.75m); however, the proposed height is considered to be acceptable, in this instance, given that the development is generally in accordance with the

relevant and built form design objectives of the DD018 and given that this relates to a minor increase above 14 metres.

11.50 This area of non-compliance is also considered acceptable as the overall built form presents as a three storey building form Balcombe Road, with significant setbacks (4m) to the fourth storey, albeit a minimum 5m setback will be recommended (see assessment below). This reflects a recommendation from Council's Urban Designer who sought a strong three-storey building in line with the specific requirements of this precinct as highlighted below.

11.51 A number of Design Standards are identified within Precinct C as follows:

- *Any 4th storey [third floor] should be setback a minimum of 5 metres from the frontage to enable a robust 3 storey building form with a maximum building height of 11 metres at Balcombe Road. Balconies may encroach within the 3rd storey [second floor] setback but should be setback 2.8 metres from the frontage and be of an open appearance.*

11.52 As discussed, the building is 4 storeys in height, with the top level set back to provide a street frontage of just under 11m. The third floor setback is 4 metres, with the balconies setback 2 metres from the building edge and therefore, Planning Officers (and Council's Urban Designer) recommend a condition be included on any permit issued, to require the third floor to be setback 5 metres from Balcombe Road in accordance with the DD018, with the balcony setback 2.8 metres. The provision of the 2nd floor deck, which extends to the building frontage is considered by Council's Urban Designer to strengthen the commercial street edge, and was recommended following a meeting with the Applicant. This is in line with the objectives of the DDO18 which encourages the provision of a robust street wall of three-storeys to reinforce the north axis of Como Parade. Council's Urban Designer also considered that bringing the deck to the building edge resulted in the best urban design approach, in order for the façade to read as an integral part of the building and not a floating wall.

The impact of this condition, on the proposed design of the second and third floor will result in the following:

- Internal reconfiguration of Dwellings 6-11 and dwellings 19-24.
- Minor alterations to Dwellings 6, 19 and 24 are will result in the reduction in the width of the living room without significant detrimental impact to the size of the living area or the number of bedrooms.
- For Dwellings 11 and 24, the bedroom and living will move north by 1 metre. Although this will reduce the living area in both dwellings, the dimensions remain sufficient for a living area associated with a one-bedroom apartment, occupied by a maximum of two people.
- Dwellings 7-10 and Dwelling 20-23 will require more significant internal arrangements, including relocating the master bedroom to face Balcombe Road; the kitchen to the rear; and removing the second bathroom to maximise the 'left over' space for the respective living rooms.

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These alterations have been discussed with Council's Urban Designer and it is considered that this setback could be achieved without significantly compromising the overall design of the 3rd floor, the number of dwellings or the number of bedrooms within each dwelling.

- *Any 3rd storey [second floor] should be setback a minimum of 5 metres from a rear building edge where the property abuts established residential areas.*
- 11.53 The second floor is setback 4 metres from the north (rear) property boundary (excluding the projecting roof feature which extends to 2 metres from the northern property boundary).
- 11.54 However, the proposal is considered to be acceptable for the following reasons:
- The subject site is separated from the residential interface by a (one) 1 metre walkway and therefore do not 'directly abut' the neighbouring residential interface.
 - It is noted that the proposed roof of the balconies / decks of dwellings on the second floor extend 1m above the third floor finished floor level and are located within the minimum 5 metre setback requirement. However, given that these features relate to balconies associated with the second floor, rather than the building line, it is considered that this technical non-compliance is acceptable in this instance.
 - Furthermore, this deck has vertical screen which seeks to mitigate any overlooking to the rear properties and as the rear properties are to the north overshadowing is not a concern.
- *Buildings should be setback a minimum of 3 metres from the title boundary that directly abuts existing residential areas.*
- 11.55 Residential apartments are located to the north (rear) of the subject site, on the opposite side of the Patterson Lane laneway / walkway at No. 98 Collins Street. It is noted that the proposed development is located on the northern site property boundary. However, this is considered to be acceptable, in this instance, for the following reasons:
- The subject site directly abuts the Patterson Lane laneway / walkway (1m width) and not the residential apartments on the north of the subject site (No. 98 Collins Street).
 - The residential apartments at No. 98 Collins Street are generally orientated in an east-west direction, with limited opportunity for detrimental off-site amenity impact from this proposed development, to the south particularly given the proposed screening to balconies facing the north, the limited windows on the southern elevation of 98 Collins Street, and the limited scope for overshadowing given the site's location to the north of the proposed development.
 - Furthermore, the northern boundary of the subject site extends a length of approximately 16.5m rather than the 39m length of the southern boundary of No 98 Collins Street.

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- *Encourage new additions and development that demonstrate contemporary architectural detailing but where the form and fenestration responds to the village characteristics of the precinct.*
 - The proposed development is considered to be of the highest architectural design including a strong three-storey streetscape façade facing Balcombe Road, with (subject to conditions) suitable setbacks of the third floor.
 - The proposal has been designed to make the best use of the immediate context, including strong vertical and horizontal articulation using various fenestration types and balconies.
 - The fine grain commercial street frontage has been maintained on the ground floor with the provision of retail shops, each with individual entrances.
 - Furthermore, Council's Urban Designer supported the design as follows:

“The proposed building is contemporary in nature. The screen design and material selection is very important as it creates the main architectural feature at the prominent corner.”
 - *Encourage a robust street wall of 3 storeys to reinforce the north axis of Como Parade.*
 - As discussed above, the proposed balconies / decks on the second floor have been 'brought forward' in line with the ground and first floors in order to create a strong three-storey robust street wall in line with the above.
 - Furthermore, Council's Urban Designer confirmed compliance with this objective as follows:

The proposal shows a strong 3 storey street wall, with a number of changes having been made since the previous comments to strengthen this important urban design move. The adjustable glazing treatment to the residential balconies within this street wallis an important detail to help strengthen this effect”
- 11.56 As discussed above, the proposal shows a high level of compliance with the objectives of the Design Development Overlay – Schedule 18 (DDO18) and is considered to make a positive contribution to the Activity Centre.

Other Council Policies - Mentone Activity Centre Structure Plan

- 11.57 The Mentone Structure Plan was adopted by Council on 11 July 2011, and whilst it does not form part of the Planning Scheme, achieves a status of 'seriously entertained document'. The following amendment should be read in this context. The Mentone Structure Plan identifies the subject site within Precinct A – Retail Core.

The relevant objectives of Precinct A of the Structure Plan include:

- *Maximum 3 or 4 storey overall height pending location;*
- *Consistent 2 storey street edge to commercial street frontages and the maintenance of the existing fine grain shopfronts;*
- *Further activate ground floor shopfronts with shop top housing or office uses in upper levels;*
- *Facilitate site consolidation as a means of ensuring:*
 - *Desired built form outcomes can be achieved on what are often narrow allotments;*
 - *Objectives to activate rear laneways;*
 - *Sufficient space can be provided for basement car parking.*
- *Encourage generous balcony spaces, articulation and lightweight materials to reduce building bulk and ensure surveillance.*

11.58 The Proposal is considered to comply with the relevant objectives, albeit, with a variation to one (1) objective (2nd dot point) and is therefore considered to be acceptable by Planning Officers and Council's Urban Designer following reasons:

- The fine grain nature of the existing ground floor streetscape will be retained with the provision of shops on the ground floor, whilst allowing for opportunities to develop the upper floors for offices and dwellings and maximising opportunity to develop a range of uses on this site within the heart of the Mentone Activity Centre.
- The proposed basement allows sufficient space for parking to be accommodated within the subject site for future residents, and staff of the shops and offices.
- The proposal, at four-storeys in height, is consistent with the objectives of Structure Plan.
- The requirements of the DD018 and the Structure Plan are not consistent in relation to streetscape height objectives. Whilst the requirements of DD018 recommend a robust 3 storey commercial street edge with a recessed fourth storey (which the proposal confirms with) a two-storey street edge is recommended in the Structure Plan. The proposal provides a three-storey streetscape façade (in line with the DD018 requirements) and is therefore considered to emphasise the streetscape character of Balcombe Road, in line with the overall design objectives of both the Structure Plan and the DD018.
- Furthermore, Council's Urban Designer supported the proposed design indicating that that *"the 3 storey street edge provides a stronger presence when considering the building's location at the prominent corner within Mentone Activity Centreand that "the layout of the proposed retail tenancies and the façade layout provides a fine grain character, with a strong architectural feature at the corner.*
- The proposal provides for a good mix of shops, offices and dwellings with a design response which allows for minimal off-site amenity impacts to adjacent occupiers given the orientation of the building to both Balcombe Road and the Railway line.

This also allows for improved passive surveillance to the pedestrian walkways / streets below.

- An informal public walkway directly to the north of the subject site and the public walkway which follows the railway line will both be retained whilst the provision of a new dedicated pedestrian footpath directly adjacent to the railway line walkway will provide additional pedestrian connections / movements along this route. The provision of new lighting along the line of the proposed pedestrian walkway will also seek to alleviate safety and security concerns.
- The consolidation of two (2) sites has resulted in opportunities to provide a sufficient yield allowing for four (4) storeys and two (2) levels of basement car parking.
- Generous balconies / decks have been afforded to both commercial offices and residential dwellings, where available, in order to maximise areas for private open space / outdoor space. The provision of a range of lightweight materials and varied balcony / deck design forms has resulted in the provision of a contemporary building of an appropriate scale and mass to the surrounding context, which seeks to maximise opportunities for natural surveillance to Balcombe Road and the public walkway directly to the east of the subject site.
- The Balcombe Road frontage has been addressed following comments from Council's Urban Designer and is considered to be acceptable, subject to the amendment discussed below. The office suites now front the street directly through windows, allowing the office (day) activity to be seen from the street and reinforcing the 'commercial street edge'. The second storey apartment decks now extend to the building façade to again strengthen the strong street edge. Where decks do front the façade, a condition should be included on any permit issued or amended plans accordingly, to allow for adjustable glazing, for the provision of provide a 'winter garden' and creating a consistent window and façade frontage, but still allowing appropriate residential external amenity.

11.59 As a result, overall, whilst the two-storey streetscape edge to Balcombe Road is not proposed, the proposal meets the requirements of the Planning Scheme (DD018) and is considered to be consistent with the overall intentions and objectives of the Structure Plan, resulting in a good planning outcome for the subject site and the wider context.

11.60 **Particular Provisions**

Clause 52.06: Car Parking

The purposes of this provision are:

- *To ensure that car parking facilities are provided in accordance with:*
 - *The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.*
 - *Any parking precinct plan.*
- *To provide the opportunity to use parking precinct plans in appropriate locations.*

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- *To promote the efficient use of car spaces through the consolidation of car parking facilities.*
- *To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.*
- *To ensure that the design of car parking areas:*
 - *Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.*
 - *Achieves a high standard of urban design.*
 - *Creates a safe environment for users, particularly at night.*
 - *Enables easy and efficient use.*
 - *Protects the role and function of nearby roads.*
 - *Facilitates the use of public transport and the movement and delivery of goods.*

Clause 52.06-1 notes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The required spaces are identified in the table to Clause 52.06-5.

The table at Clause 52.06-5 notes that a:

- Dwelling, other than Caretaker's house if at least 2 on a lot, requires 2 car parking spaces to each dwelling.
- A shop requires 8 spaces per 100 square metres of leasable floor area.
- An office requires 3.5 spaces per 100 square metres of leasable floor area.

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.*

Pursuant to the requirements above, a total car parking requirement of 171 car parking spaces is required, broken down as follows:

- **Dwelling:** 27 dwellings at a rate of 2 spaces per dwelling = **54 spaces**
- **Shops:** 852m² at a rate of 8 spaces per 100m² leasable floor area = **68 spaces.**
- **Office:** 1,398m² at a rate of 3.5 spaces per 100m² net floor area = **49spaces**
- **Total requirement** under Clause 52.06 is therefore **171 spaces.**

Given that the proposal provides for a total of eighty-six (86) car parking spaces, a permit is required for the reduced amount, this is discussed further at the Section 12 of this report.

Clause 52.07: Loading & Unloading of Vehicles

The primary purpose of this Clause is '*to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety*'.

Clause 52.07 allows a permit to be granted to reduce or waive the requirements if either:

- *The land area is insufficient; or*
- *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

A loading bay is provided to the north (rear) of shop 1 on the ground floor of the building, accessed from Patterson Lane. However the dimensions do not meet the minimum required by this Clause, and therefore a reduction in this requirement is sought. See **Section 12** of this Report for further details.

Clause 52.34: Bicycle Facilities

The purpose of this Clause is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Clause 52.34-1 states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Clause 52.34-2 states that a permit may be granted to vary, reduce or waive the requirements of Clause 52.34-3 and Clause 52.34-4. An application is exempt from the notice and decision requirements and appeal rights of some sections of the Act.

Residential: 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. The proposal incorporates 27 dwellings.

Shop: A shop requires 1 employee space to each 600 square metres of leasable floor area if the floor area exceeds 1000 sq m, and 1 shopper space to each 500 square metres of leasable floor area if the floor area exceeds 1000 sq m. The proposal incorporates 852 sq m of shop floorspace.

Office (other than specified in table 1 to Clause 52.34-3): An office requires 1 employee space to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m and 1 visitor space to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m. The proposal incorporates 1,398 sq m of office floorspace.

Under the requirements of this section of the Scheme, a total of twelve (12) on-site bicycle parking spaces as required follows:

- Five (5) spaces for dwelling residents and three (3) spaces for dwelling visitors
- Five (5) spaces for tenants of the offices and one (1) space for office visitors .

No variation, reduction or waiver to the bicycle requirements is required as the proposal provides in excess of the requirements under this Clause as the proposal includes twenty-nine (29) bicycle spaces in the following locations:

- **Basement Level:**
 - Twelve (12) bicycle racks opposite the lifts within the first basement level.
 - Nine (9) bicycle racks opposite car parking spaces 5 and 6 within the first basement level.
- **Ground Floor:**
 - Eight (8) spaces to the north (rear) of shop 1.

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

The purpose of that Clause is;

To ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.

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 65: Decision Guidelines

For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

12.0 ASSESSMENT

12.1 Use

The proposed shops at ground floor level, offices at first floor level and dwellings on the second and third floors are considered to be consistent with the requirements and objectives of the Business 1 Zone, which seek to encourage intensive development of

business centres for retailing and other complementary commercial, entertainment and community uses.

The ground floor will encourage active-frontages onto Balcombe Road, with independent entrances to accentuate the existing fine grain nature of the existing ground floor streetscape.

The proposed dwellings above the retail use are appropriate, with the proposed apartments providing a different housing type to that which is commonly found in the area, as well as housing which is close to public transport. More residents in the area will increase the viability of the commercial precinct and local businesses, whilst offering greater opportunities for people to live near where they work.

Officers recommend that the entrance on Balcombe Road should also incorporate access to the residential dwellings rather than solely the offices above, allowing increased access for residents to the residential lobby from Balcombe Road. Accordingly, this will be included as a condition on any issued Permit.

12.2 **Development**

Pursuant to Clause 34.01-4 and Clause 43.02, a permit is required to construct a building or construct or carry out works.

Clause 15 (Built Environment and Heritage)

Given its location within a Business 1 Zone, it is considered that the design principles contained within **Clause 15 (Built Environment and Heritage)** are applicable to develop both the commercial and residential components. It is considered that Clause 55 of the Scheme is not applicable to the assessment of the proposed dwellings, in this instance, due to the proposal's four-storey nature and its location within the Business 1 zone.

The Objective of this State Policy is:

- *“To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

The relevant Strategies to achieve the Objective are:

Context

- *Development must take into account the natural, cultural and strategic context of its location.*
- *Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.*
- *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

Safety

- *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

Pedestrian spaces

- *Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

Energy and resource efficiency

- *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.*

Architectural quality

- *New development should achieve high standards in architecture and urban design.*
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

Landscape architecture

- *Recognition should be given to the setting in which buildings are designed and the integrated role of landscape architecture.*

It is considered that the proposed development is consistent with the applicable design principles contained and strategies as follows:

- The proposal should contribute positively to the existing local retail and commercial context.
- The proposed building should achieve a high standard of architectural design, providing design outcomes that improve the quality of built form within the subject site whilst minimising the potential for material detriment to neighbouring properties / occupiers.
- The defined pedestrian entrance and walkway, fronting the street, would be well connected to Balcombe Road and should enhance personal safety for both residents, workers and visitors.

Further assessment against the provisions of this Clause is presented in Section 12.3 of this Report, below.

12.3 The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004),

The *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004), which is a reference document at Clause 15 of the SPPF, is 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.

12.3.1 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. The application is accompanied by an Urban Context Report which has appropriately identified planning scheme objectives and requirements in relation to the subject site, along with information which has assessed the existing character of the locality and the site's opportunities and constraints. The submitted Urban Context Report is considered to be satisfactory.

The site's location within the Mentone Activity Centre; access to existing public transport nodes (including the Frankston-Melbourne rail line and local bus interchange); access to the social and economic hub of Mentone along Balcombe Road and Como Parade; and direct abuttal to less sensitive uses (i.e. the railway line), all seek to demonstrate that the site is suitable for both higher density residential and mixed use development. In addition, the existing laneway / pedestrian footpath to the north of the subject site and the commercial properties to the west of the site also allow for opportunities to develop a building of this nature with minimal off-site amenity impacts.

It is considered that the mix and type of development is of a scale appropriate to the surrounding streetscape character and rhythm whilst it is envisaged that the existing infrastructure would be able to accommodate the proposed demand associated with the quantum of development proposed in line with the urban design objectives Clause 15.01-1 (Urban Design).

The proposed development will present as a three-storey building to Balcombe Road, with suitable 3rd floor setbacks, as amended. Whilst the majority of building within the immediate area are two and three stories, it is considered that the four-storey building of this nature would be appropriate given that it would present as a three-storey building in line with the Planning Scheme requirements (DD018). Further support is provided given that the proposal is generally in accordance within the Planning Scheme and Structure Plan for the Mentone Activity Centre which anticipates and supports four-storey proposals of this nature within the immediate area.

The proposed design will retain the existing lot pattern, albeit with additional floors above the existing two-storey building. The boundary-to-boundary built form facing Balcombe Road will be retained on the ground floor, with individual shops replacing the existing shops facing Balcombe Road. The offices on the south-western corner of the existing first floor would be replaced with first floor offices extending boundary-to-boundary (minus a setback of 1.8-2m from the east and northern boundaries for the provision of decks). As discussed above, the second floor will create a strong three-storey building façade to Balcombe Road with setbacks on the second floor from 0-2 metres from the northern and eastern boundaries. Finally, as amended, the third floor will be set back 5m from Balcombe Road, and visually recessive so as to not dominate the proposed three-storey building façade.

As a result, it is considered that the proposed development has appropriately taken into account the strategic context of the site, satisfying requirements of these Guidelines as well as those contained within **Clause 15.01-2** of the Planning Scheme.

Overall the site is considered to have an appropriate strategic context to support a residential development within the Mentone Activity Centre.

12.3.2 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 dwellings at the rear are appropriate to the context and to maximise informal or passive surveillance of streets and other public open spaces.

12.3.3 Height and Massing:

As discussed above, the proposed maximum overall building height of four storeys (14 metres) is required by Schedule 18 of the Design Development Overlay (DDO18). The proposed development marginally exceeds the maximum building height considered within Precinct C by approximately 0.75m. However, it is considered acceptable as the overall design results in the presentation of a three-storey building form to Balcombe Road with the areas of non-compliance relating solely to the third floor, which, as amended, would be visually recessed from the lower floors.

The provision of the 2nd floor deck, extends to the building frontage, to form the three-storey streetscape façade, and presents a building, less than 11 metres to Balcombe Road resulting in a strong façade rather than a floating wall, in line with recommendations from Council's Urban Designer and DD018.

DD018 seeks to encourage new additions and development that demonstrate contemporary architectural detailing but where the form and fenestration responds to the village characteristics of the precinct, variations to the specific Design Standards can be entertained. It is considered that the proposed development is of the highest architectural design with a strong three-storey streetscape façade facing Balcombe Road with suitable setbacks (subject to relevant conditions), in line with the requirements of DD018. The proposal has been designed to make the best use of the immediate context in line with the urban design objectives of **Clause 15.01-1 (Urban Design)**, including the use of high strong vertical and horizontal articulation using various fenestration types and balconies. The fine grain commercial street frontage has been maintained on the ground floor with the provision of retail shops, each with individual entrances.

As discussed above, the proposed balconies / decks on the second floor have been 'brought forward' in line with the ground and first floors in order to create a strong three-storey robust street wall in line with the above.

12.3.4 Street Setbacks

As discussed above, the existing retail and commercial building has no street setback, at Balcombe Road on the ground and first floors in addition to no setback on the east elevation facing the railway line and the north elevation abutting the Patterson Lane walkway. DD018 requires that the proposal shows a strong 3 storey street wall to Balcombe Road. The office suites front the street directly through windows, allowing the office (day) activity to be seen from the street and reinforcing the 'commercial street edge' and complying with the requirements of **Clause 15.01-3 (Neighbourhood and Subdivision Design)** which seek to create a strong sense of place. Further, the second storey apartment enclosed decks (winter gardens) extend to the line of the building façade to strengthen the built form along the Balcombe Road street edge in line with the DD018 requirement. This is considered appropriate given the commercial nature of the street where all shops are built up to their respective lot boundary.

The DD018 then contradicts this requirement for a '*robust street wall of 3 storeys*' by recommending that balconies may encroach into the setbacks but must be set back by 2.8m. It is considered that the requirement for a three-storey robust street edge would take precedence over the balcony setback to Balcombe Road and therefore this area of non-compliance is considered acceptable in this instance. Considering the east elevation, the provision of balconies within this 2.8m setback (i.e. extending to the site property boundary) are considered appropriate, in this instance, given that this elevation faces a pedestrian walkway and rail line and that these balconies do not appear to add visual bulk to the second floor.

DD018 requires that development is set back 3 metres from a title boundary that directly abuts existing residential areas. In this instance this area of non compliance is considered to be acceptable for the following reasons:

- The subject site directly abuts the Patterson Lane laneway / walkway (1m width) and not the residential apartments on the north of the subject site (No. 98 Collins Street).
- The residential apartments at No. 98 Collins Street are generally orientated in an east-west direction, with limited opportunity for detrimental off-site amenity impact from this proposed development, to the south particularly given the proposed screening to balconies facing the north, the limited windows on the southern elevation of 98 Collins Street, and the limited scope for overshadowing given the site's location to the north of the proposed development.
- Furthermore, the northern boundary of the subject site extends a length of approximately 16.5m rather than the 39m length of the southern boundary of No 98 Collins Street.

Overall, the proposed site coverage is consistent with the built form found within the Activity Centre, and given the objectives of Precinct C (and surrounding precincts), boundary to boundary development of three and four storeys are likely to be a common design response within the Mentone Activity Centre. The proposed four-storey building is a departure from the single, double and three storey buildings found in proximity of the site, however, as discussed above, this massing towards the centre of the site is contemplated by the local policy found within the DDO18. The visual presentation of massing is broken up

within the four storey building using highly articulated and varied setbacks, a strong architectural screen feature and a mix of materials and fenestrations.

12.3.5 Relationships to Adjoining Buildings

The proposed development matches the existing pattern of development on Balcombe road as it replicates the boundary to boundary development of a commercial streetscape. The proposed individual shop frontages and (perceived) rectangular lot facing both the street and the railway line are consistent with the existing lot pattern, with narrow street frontages and long depths, replicating the fine grain nature of the existing retail streetscape. The shared wall (on the west) replicates a common feature of the surrounding commercial properties on Balcombe Road.

Separations have been provided between the existing building to the west (No. 112 Balcombe Road) and the proposed building on the upper floors, allowing for the provision of light-courts decks and balconies associated with the offices and dwellings. However, whilst these setbacks seek to maximise the internal amenity for future residents and occupiers (i.e. solar access, open space etc) the provision of decks above is not considered to be acceptable for the following reasons.

The provision of decks to dwellings 16, 17 and 18 would obstruct solar access to dwellings 3, 4 and 5 from above. This would require any future developer of No. 112 Balcombe Road to provide suitable lighcourt setbacks (within their own property boundary) on the first floor in order to provide for appropriate solar access. Planning Officers consider that this would compromise the amenity of future development on the adjacent site given that up four story developments could take place in the future. Consequently, the provision of decks for dwellings 16,17 and 18 which extend over the lightcourts below would not be supported.

Consequently, the requirements of Clause 15.02-1 (Energy and Resource Efficiency) have not been met. Accordingly, a condition should be placed on any issued permit to ensure that the balconies for dwellings 16, 17 and 18 are setback from the lighcourts below to maximise solar access to dwellings 3, 4 and 5.

This condition would result in floorspace to the respective living rooms for each property and is also likely to lead to the loss of a bedroom or ensuite bathroom to dwellings 16, 17 and 18.

The northern interface has been set back considerably from the northern property boundary to maximise solar access to residential apartments on each floor, reduce bulk and massing and prevent overlooking, where appropriate.

In terms of overlooking, whilst it is acknowledged that the requirements of Clause 55 of the Scheme do not apply, a condition will be included on any issued permit requiring screening to 1.7m above the finished floor level in order to ensure that no unreasonable overlooking is provided from the windows / deck of dwelling 15 to the openings associated with the dwellings at No. 98 Collins Street.

The proposed west elevation, particularly the walls of dwellings 6 and 19 are considered to add visual bulk to the 3rd floor, resulting in a visually dominant feature, albeit as amended

this floor will be visually recessed from the Balcombe Road frontage. To this end, it is recommended that a condition is included on any issued permit to provide greater articulation, in the form of greater material variation, to reduce visual bulk and mass associated with design element. It is acknowledged that future redevelopment of the abutting lot (up to four-storeys) is likely and that this measure could be a short-term 'temporary fix' to reduce the massing of this element until a new building is constructed.

The orientation of the site would lead to minimal overshadowing of the proposed development onto the surrounding uses, whilst the commercial nature of these uses would minimise any amenity impact, excluding the residential development at No. 98 Collins Street to the north, which would not be detrimentally affected by additional overshadowing as a result of the proposed development. The majority of the shadows cast by the proposed development would fall almost entirely onto Balcombe Road. The impact on the public realm will be different throughout the day allowing for a balance of light and shade, consistent with the light and shade design principles of **Clause 15.01-2 (Urban Design Principles)**.

12.3.6 Views to and from Residential Units:

The proposal includes one sensitive interface to the residential development to the north, across Patterson Lane. Whilst the ground floor is located on the northern property boundary, the second and third floors containing the residential apartments have been set back considerably from the residential interface to the north to maximise solar access to residential apartments on each floor, reduce bulk and massing from the surrounding residential properties and prevent overlooking to these properties. The living areas and balconies to the north are considered to be appropriate to the existing context. However, the inclusion of screening on the third floor balconies (Dwelling 17) on the northern elevation to protect overlooking to existing openings at No. 98 Collins Street should be included as a condition on any issued permit in order to protect the internal amenity of surrounding residential occupiers.

The site's orientation and location on the corner of Balcombe Road, along with the provision of balconies and decks overlooking the street and public walkways will encourage passive surveillance to the street and enhance perceived and real safety outcomes in the immediate area. This approach is consistent with the safety and public realm objectives contained within the urban design principles of **Clause 15.01-2 (Urban Design Principles)**.

12.3.7 Wind Protection:

The articulated building form and stepped recession of upper floors and building form will seek to assist in reducing any adverse wind affects on the ground floor.

12.3.8 Roof forms:

The proposed flat roof design is considered to be in keeping with the contemporary style of the development and assisting in minimising the overall building height. It is considered that this element has been incorporated into the overall design to create a strong design feature in line with the architectural quality objectives of Clause 15.01-2 (Urban Design). The type of roof form proposed is not considered atypical to other forms of development in the immediate commercial precinct.

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.

12.3.9 Street Pattern and Street Edge Integration:

As discussed the fine grain nature of the existing commercial streetscape will be retained in addition to the perceived lot pattern, providing boundary-to-boundary development along Balcombe Road to enhance the commercial streetscape appearance.

The interconnection of the street network will be retained including strong connections between entrances to the proposed development and to Balcombe Road and the public walkway abutting the railway line.

The dedicated footpath to the residential dwellings, running along the eastern property boundary will be integrated within the existing public footpath with the provision of lighting and fenestration to allow for additional ground floor views to the public walkway.

12.3.10 Building Entries:

The pedestrian entries are not considered to be appropriate as they are separated – i.e. entrance to the commercial offices from Balcombe Road, with a commercial lobby, and a separate entrance to the apartments via a dedicated covered footpath running the length of the eastern boundary to a separate residential lobby. Whilst the proposal to incorporate the pedestrian building entry with the vehicular exit is supported, there are concerns that this access is the only available access into the building for residents. Consequently, these arrangements are not considered to be consistent with the safety objectives of **Clause 15.01-4 (Design for Safety)** or the pedestrian spaces objectives of **Clause 15.01-2 (Urban Design Principles)**.

The location of the lobby within mid block, facing the railway line, with little surveillance, presents a significant safety concern, for an entry which needs to be utilised safely both day and all night. As well as safety concerns, there is also some logistical questions raised by this arrangement, including residential access to bin storage, visitor bike parking and the western end of Balcombe Road.

It is recommended that in addition to the pedestrian access running along the vehicular exit to the east of the site, directed (shared) access to Balcombe Road for residents of the dwellings should be incorporated into the design, with separation occurring within the building. In addition, there is an opportunity to provide light and surveillance from the shops backing onto the eastern pedestrian access by adding windows. These measures would help create a safer entrance for residents and staff, particularly at night, complying with the

requirements of both **Clause 15.01-4 (Design for Safety)** and **Clause 15.01-2 (Urban Design Principles)**.

Accordingly conditions will be included on any permit issued or amended plans seeking to address the issued presented above to allow for the flexibility to amend the proposed pedestrian access arrangements.

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.

12.3.11 Parking Layout:

The proposed vehicular entry is accessed via an electronic intercom system. The proposed basement ramp is 3.6 metres wide, with separate ramps for 'downwards' or 'upwards' movements, albeit with an overlap at the car park entry point on the ground floor where cars coming from the lower basement levels would need to give way to cars entering the building from Patterson Lane. Exit signs have been proposed to direct vehicles to the exit, onto Balcombe Road. This is considered acceptable by Council's Traffic Engineering Department. The layout of the basement would provide thirty-nine (39) spaces measuring 2.6m wide by x 4.9m in length, in line with the relevant Australian Standard, with a few exceptions (which are 2.9m or 3.2 wide. Namely, Basement Spaces 1, 17, 18, 28,32).

The layout of the lower basement would provide forty-seven (47) spaces measuring 2.6m wide by x 4.9m in length, and in the same vein, Lower-basement Spaces 1, 17, 28,32 of this floor are also 2.9m or 3.2m wide.

Overall, the car parking layout specifications are considered to be satisfactory by Council's Traffic Engineering Department, with the notable exception of Space 32 in the lower basement car-park which does not have the required 4900 length for approximately 500mm of its width. This will be addressed through the inclusion of a condition on any issued permit seeking to ensure that the specifications are met in line with the relevant Australian Standards

An assessment discussing the suitability of the car parking provision against Clause 52.06 has already been discussed above. In short, a reduction to the car parking requirements seeks to reduce the reliance on private car use and maximise the use of public transport in line consistent with the desire to reduce car dependency under the objectives of **Clause 15.01-3 (Neighbourhood and Subdivision Design)**.

Storage cages have been provided within the basement, and locations are also nominated for bicycle racks, bins and loading bays. The areas appear to be adequate and accessible for their nominated use. Notation should be included on the plans, via a condition on any permit issued, indicating that the areas must be at least 6m².

12.3.12 Circulation Spaces:

The shared spaces within the building have been designed in accordance with the suggestions outlined in the guidelines. Hallway widths, stairwells and the proposed lift are considered sufficient for the movement of furniture etc.

12.3.13 Site Services:

It is considered that due consideration has been given to the service operations necessary for a development of this nature. Adequate provision has been made for mail delivery, emergency services access, etc although Council's Waste Department have recommended the following requirements:

- refuse collection for both commercial and residential uses will need to be operated by private waste collections operators;
- the loading bay / refuse collection areas should be amended to increased the height for vehicles entering the site; and
- a Waste Management Plan should be submitted in order to ensure that the requirements of Council's Waste Department are met.

During the reconfiguration of the residential entrance and lobby, it is recommended that mailboxes are relocated to the residential lobby. This should be included as a condition on any issued permit.

Storm water systems to collect grey water have been incorporated into the ESD report, and a total of four (4) 23,500 litre water tanks have been included within the basement and lower basement levels for toilet flushing. A condition included on any permit will ensure that a notation is included on the plans to indicate which uses (i.e. shop, office, dwellings or all uses) are connected to these systems

A Waste Management Plan (WMP) has been submitted to Council but Council's Waste Department have considered that an updated plan should be provided, given that the minimum loading bay specifications have not been met and that that Council's smallest waste vehicles would have difficulty manoeuvring within the proposed building. Please refer to the assessment against Clause 52.07 for further details.

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.

12.3.14 Dwelling Diversity:

The dwellings are a mix of 1 and 2 bedrooms, providing for some diversity of households, within an apartment style format. All the dwellings are provided with lift access, and are therefore suitable for persons with limited mobility.

12.3.15 Building Layout:

The proposed arrangements for future residents has been well laid out and is efficient. Each dwelling is provided with windows or balconies / decks facing Balcombe Road or the railway line with the exception of Dwellings, 3,4 and 5 (second floor) and 15, 16 and 17 (third floor). However these dwellings have been afforded access to light courts between the proposed building and western boundary and also light wells to the bedrooms via a common internal light well, projecting intermittently along the length of all the residential corridors. This seeks to maximise the opportunities for direct solar access to the internal bedrooms, facing the hallway.

The bedrooms and living rooms are adequately dimensioned, providing for comfortable living areas with suitable storage cupboards / robes to all bedrooms in addition to 6m² storage cages in the basement floors. Dwellings 1 -11; 14; and 16-23 have all been afforded two (2) toilets including an ensuite to the master bedroom. Consequently, the internal spaces are considered to be acceptable for each dwelling with good internal amenity for each dwelling and meet the light and shade objectives of **Clause 15.01-2 (Urban Design Principles)**.

Solar access:

The provision of a clear raised roof allows for the proliferation of natural light to the hallways and light courts below. Communal central foyer light wells maximise solar access and are positioned throughout the second and third floor hallways and to raised hallway windows providing access to natural light to the internal bedrooms adjacent to the hallways. This is considered to be a good outcome by Council's ESD Officer. Relevant notations have been included to provide suitable sun screening devices to the eastern and northern windows for sun shading.

The majority of dwellings will include the main living areas facing either the street, the railway line or Patterson Lane with the exclusion of dwellings 3 – 5 (second floor) and dwellings 16 – 18 (third floor) which would have access to internal decks with solar access from light courts between the adjacent building at No. 112 Balcombe Road.

The majority of bedrooms will be reliant on windows to internal light courts from the hallway, with the exception of Dwellings 1, 2, 11 and 14 (second floor) and Dwellings 15,24, 26 and 27 (third floor) which would have access to a balconies / decks to the street. These windows would have double glazing to reduce the reverberation of noise from the hallway to the bedrooms.

Dwellings that are most impacted with regard to daylight are Dwellings 3-5 (second floor) and dwellings 16-18 (third floor) where bedrooms and living areas would have solar access via internal decks and the light courts between the existing building at No. 112 Balcombe Road, measuring 6metres long by 2 metres wide. Additional skylight to the bathrooms of dwellings 16-18 have been provided in order to maximise light to these areas.

As discussed in Section 12.3.5 of this report, the provision of decks for dwellings 16, 17 and 18 which extend over the lightcourts for dwellings 3, 4 and 5 (and the commercial offices below) is not considered acceptable as it would obstruct solar access to these properties from above. Consequently, it is recommended that the balconies for these properties are setback from the lightcourts (likely to be at least 2m from the western property boundary) to ensure the provision of unobstructed solar access to the lightcourts below. A condition to reflect the above should be include don any issued permit.

Further, solar access to shop 1 is considered to be poor. The extension of the lightcourt(s) on the western boundary to the ground floor would seek to maximise solar access to the rear of shop 1 which has a depth of approximately 26metres.

Solar access to the master bedroom of Dwelling 13 from the window facing the rail reserve would be via a 3.5m x 1m passageway, whilst solar access to the study of Dwelling 13 is via an internal window linking the hallway light court to the hallway of this dwelling. In line with previous VCAT directions; the unlikelihood of the study to be used as a second bedroom; the unlikelihood of the dwelling being suitable for shared living; and the provision of direct solar access to the living area / master bedroom; it is considered that the dwelling would receive an acceptable level of amenity for future any future resident.

No STEPS assessment was undertake as part of the Ecologically Sustainable Development (ESD) Report and therefore no formal 'star rating' was received.

While Clause 55 (ResCode) is not applicable to this development it can be used as a guide to assess amenity impacts and in this instance daylight achieved to habitable room windows would satisfy Clause 55.05-3 of the Kingston Planning Scheme, or can do so subject to conditions.

Overall it is considered that the proposal is consistent with the light and shade objectives of **Clause 15.01-2 (Urban Design Principles)**.

12.3.16 Design Detail:

The building design proposed has addressed the long and narrow character of the site, providing good articulation to all elevations, including those to the north and south which may over time be obscured by development on abutting lots when/if they are further developed.

A fully detailed colour and materials schedule, including samples, is recommended to be provided by way of a permit condition with an encouragement for the use of light colour tones. The current materials schedule and elevations have not fully detailed materials and colours that would be employed, generally it would appear that light weight colours and materials would be used, however a condition can further clarify this.

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.

12.3.17 Private and Communal Open Space:

Generous balconies have been provided to the majority of dwellings in line with the requirements of DD018 with all balconies accessed from living areas. The total secluded private open space areas range from 10.5m² with a minimum width of 1.8 metres (dwelling 18) to 68m² (dwelling 15 with a width of 3 metres. It is understood that a condition seeking

for unobstructed solar access to lighcourts on the western boundary would result in the relocation of balconies for dwellings 16, 17 and 18, with any resultant redesign requiring minimum widths of 1.8m wide.

Whilst Clause 55 (ResCode) is not applicable to residential developments of four or more storeys, it provides a helpful benchmark to assess the adequacy of proposed balconies. The areas of private open space proposed are consistent with those required under Clause 55 (ResCode) of the Planning Scheme and generally exceed the requirements of ResCode.

A recommendation, via a condition on any issued permit, or amended plans, will ensure that any external air-conditioning/heating units proposed to balconies are screened from view and located outside of the main useable areas of private open space.

The provision of landscape feature is not appropriate given the boundary to boundary development on the ground floor and provision of basement car parking

Summary:

Overall, it is considered that the proposed contemporary development is of an appropriate scale and mass to the surrounding context and is considered to be of the highest architectural design and make the best use of the immediate abuttals. The design responds to the general and built form design objectives of the DD018 and variations to the specific Design Standards can be entertained as the proposal is generally consistent with these design objectives.

12.4 Car Parking & Traffic

Under the provisions of Clause 52.06 of the Kingston Planning Scheme, the following car parking rates are applicable to the proposed development:

- **Dwelling:** 27 dwellings at a rate of 2 spaces per dwelling = **54 spaces**
- **Shops:** 852m² at a rate of 8 spaces per 100m² leasable floor area = **68 spaces.**
- **Office:** 1,398m² at a rate of 3.5 spaces per 100m² net floor area = **49spaces**
- **Total requirement** under Clause 52.06 is therefore **171 spaces.**

It is proposed to provide for a total of eighty-six (86) car parking spaces within the basement and lower basement levels. A **shortfall of eight-five (85) spaces** under Clause 52.06 of the Scheme is proposed. Although no spaces are allocated to each use on the plans, a **condition** on any issued permit would ensure that one (1) space would be allocated for each dwelling (a total of twenty-seven (27) spaces).

An empirical assessment of the anticipated parking demand for each part of the proposed development was carried out by the applicant and submitted to Council for incorporation into the subject development.

The applicant proposes the following allocation of on-site parking:

**City of Kingston
Ordinary Council Meeting**

Agenda

27 February 2012

- The ResCode rates of 1 parking spaces per 1 or 2-bedroom dwelling is considered acceptable, for this development (27 spaces).
- The visitor parking rate of 0.1 spaces per dwelling, half the parking scheme rate.
- A parking rate of 3.5 employee spaces per 100m² shop floorspace, less than half the Planning Scheme requirement
- A parking rate of 2.7 employee spaces per 100m² Office floorspace and 0.3 visitor spaces per 100m² retail area, a total of forty-one (41) spaces.

This represents an empirical shortfall of fifteen (15) spaces.

Adequacy of Parking Provision

A Traffic Impact Report dated February 2011, and subsequent letters, dated 8th July (additional junction analysis results - SIDRA) and 9th August (updated car parking assessment based on updated floorspace figures) were prepared by Ratio. The parking survey findings of this reports indicated that that weekday parking available (almost all of which is 1P restricted) ranges from 13 to 34 spaces between 9am and 6pm. 1P parking is considered unsuitable for use by office/retail employees whilst the likely modal split due to the proximity of public transport, and likely cross-trips due to the nearby local developments and the parking provision is considered adequate. However, any changes to the development, which intensified the use and/or increase likely car usage is not considered to be acceptable by Council's Traffic Engineering Department

Council's Traffic Engineering considered that the results of the empirical assessment and the provision of 86 parking spaces for the proposed development to be acceptable provided that conditions were included as follows:

- No resident parking permits will be issued to any future residents of this development as the residential parking rate is relatively low, the development is within a commercial area where on-street parking is primarily for customers; there is good access to nearby public transport; and the development is already relying on on-street parking for visitors to the commercial properties.
- A requirement of one (1) visitor space per five (5) dwellings is to be provided (5 spaces) as Council's Engineering Department contend that the visitor parking rate of 1 to 10 dwelling is not accepted, given that most parking in the area is 1 hour duration or less and the development is already relying on on-street parking for visitors to the commercial properties. As a result, Council's Traffic Engineering Department have recommend that five (5) resident's visitor car parking spaces are provided within he basement car parking levels. This should be included as a condition on any issued Permit.
- A minimum of one parking space should be allocated to each individual commercial tenancy, whether it be an office or retail premises (16 spaces) all other on-site parking to be allocated for use by staff and/or customers of the development (38 spaces) and not for residential use.
- Staff of the businesses are not to be unreasonably restricted from using these parking spaces.

This argument is further strengthened as current car parking provision on the subject site does not provide for any customer car parking for the existing shops.

Both State and Local Planning Policy Frameworks outline a goal for reducing reliance on car use as a significant strategy for providing for sustainable growth. As part of this goal, policies seek to encourage the location of residential and commercial development within activity centres, which are able to support lesser rates of on-site parking provision due to the availability of public transport. Mixed use development within these areas support local populations being able to both live and work within their neighbourhood, and thus further reduce reliance on car travel. Another element of achieving a reduction in car reliance depends upon behavioural change to encourage the uptake of alternative modes of travel. It is considered that where developments are appropriately located, with good access to public transport, that a reduction in on-site car parking can encourage residents, visitors and staff to seek alternatives to car use.

It is accepted that the parking rates specified within ResCode provide a better benchmark of parking requirements for developments of four or more storeys. The application of ResCode parking rates in these circumstances is accepted by Councils and the Victorian Civil and Administrative Tribunal (VCAT), and more accurately reflects the smaller households which generally occupy apartment style developments. This approach is also consistent with the Advisory Committee Report (dated August, 2007) for the *Review of Parking Provisions in the Victoria Planning Provisions* (Clause 52.06) which has recommended that Clause 52.06 is amended to adopt ResCode residential parking rates. In this instance the proposal would meet the requirement to provide all dwellings with one (1) car space.

Car-park Access

Access to the off-street parking is to be via Patterson Lane only. Egress from the site is to be via either Patterson Lane to Balcombe Road or direction on to Balcombe Road, to the east of the roundabout at Como Parade West.

Site Access and Egress

Currently it is proposed that all traffic entering this site will do so via Patterson Lane, significantly increasing the traffic volumes using the lane. Council's Traffic Engineering Department supported access via Patterson Lane but recommend that Patterson Lane must remain two-way, to accommodate the needs of the existing premises. Patterson Lane has insufficient width to provide for one lane for each direction of travel. In addition, there is a blind 90 degree bend in the lane.

Further, to minimise the potential for queuing in Patterson Lane, all traffic must turn left out on to Balcombe Road. As a result, a condition will be included on any issued permit to ensure that a suitable traffic management solution that ensure that traffic will turn left out of the site, to the satisfaction of Council and VicRoads.

In terms of site egress, vehicles would exit to Balcombe Road on the south-eastern corner of the subject site, onto the roundabout. The close proximity of the altered crossover to the level crossing and roundabout have been highlighted as concerns by both Council's traffic Engineering Department and VicRoads. It has been contended that the proposed exit would cause delay to traffic approaching the roundabout from the east and would lead to a number of safety concerns (i.e. catastrophic incident on the level-crossing) given the high number of long vehicles using this intersection, particularly buses.

The solution, agreed by both Vicroads and Council's Traffic Engineering would be to ensure that the exit to Balcombe Road is designed in such a way so as to physically prevent any vehicle, particularly small cars, from entering the roundabout, ensuring that all traffic turns left on to Balcombe Road proceeding over the level crossing.

Consequently, Council's Traffic Engineering and Vicroads have requested that various conditions are included on any issued Permit to ensure that traffic engineering designs / plans (i.e. on Patterson Lane and restricting exit to 'left turn only' to vehicles exiting to Balcombe Road) are submitted to the satisfaction of the Responsible Authority.

Consequently in order to support the proposed access arrangements, Council's Traffic Engineering has recommended that the following conditions are included on any issued permit:

- At the developer's expense, provide traffic treatments, approved by both Council and VicRoads, which ensure:
 - § Safe two-way traffic flow in Patterson Lane, from Balcombe Road to the 90 degree bend in Patterson Lane, using a signalling system;
 - § Traffic exiting Patterson Lane, on to Balcombe Road, must turn left; and
 - § Traffic exiting this site and entering Balcombe Road, just east of the roundabout with Como Parade West, are physically prevented from accessing the roundabout and must turn left.

These conditions will ensure that traffic movements within Patterson Lane meet both Council and Vicroads requirement in terms of traffic manoeuvrability.

Construction Traffic Management Plan

Council's Traffic Engineering Department have also sought to include a requirement for a Traffic Management Plans (TMP) to be approved by the Responsible Authority in line with Council's requirements which seek the provision of a TMP for all large new developments within activity centres

A condition will be included to ensure that before the commencement of any works, including the clearing of the site a TMP will be submitted to the satisfaction of the Responsible Authority, including, but not limited to:

- Nature of works, (which may be staged and necessitate several plans or sub-sets of plans);
- Times and dates of works;
- Access to the site for all deliveries and waste remove;
- Parking for construction vehicles;
- Parking for construction workers; and
- Public access arrangements.

12.5 Vehicle Loading & Unloading

It is proposed to provide a loading bay which does not meet the dimensional requirements of Clause 52.07 (Loading and Unloading of Vehicles) of the Kingston Planning Scheme.

Council's Waste Department have indicated that Council Municipal Collections could not undertake waste collections for either the residential or commercial components of this

development as it appears that the smallest waste vehicle (approx 8.77m long, 3.03m high) could not enter and manoeuvre within the loading area.

Council's Waste Department have confirmed that, whilst not ideal, it is likely that a smaller private waste collection vehicle (similar to the 6.4m length truck recommended for commercial waste collection) could allow for private residential collection, albeit the use of smaller trucks are likely to lead to increased collection costs, to be borne by the future owners.

As a result, the provision of an updated Waste Management Plan to the Satisfaction of the Responsible Authority is recommended via a condition on any issued Permit to ensure that Council's Waste Department requirements are met, understanding that both collections will be undertaken by private waste contractors.

Further, Council's traffic Engineering have now indicated that Street Collection would not be supported, as there is no possible safe kerbside collection of waste or deliveries recommending a conditions for the collection of waste within the boundaries of the site.

Council's Traffic Engineering indicated that the largest vehicle examined by AutoTURN analysis is a small rigid vehicle accessing the loading bay (approximately 6.4m long) and has indicated a number of concerns shown below:

- The small rigid vehicle cannot access the loading bay without going against the opposing stream of traffic when entering/exiting which poses safety concerns
- Provision for access by a larger vehicle should be made, in case it is required, noting that all deliveries and waste collection will have to occur on-site, as there is no appropriate street frontage within close proximity to these premises.
- A minimum height of 4.0m is required for the loading area in accordance with Clause 52.07 of the Planning Scheme.

Planning Officers consider that an increase to the loading bay area, including the potential for a larger turning / manoeuvrability area could occur, through the reduction in the floor space of shop 1, directly to the south of the loading area. However it is likely that the smaller 6.4m length truck may be required given the restrictions of the basement level ramps / lifts and the significant restrictions that these may have on any feasible redesign.

A condition will be included on any issued permit allowing for the flexibility to increase the loading bay / turning areas in order to facilitate this change. It is considered that Traffic Engineering's request to increase the height to 4.0m for the loading area, may not be required, if the size of the collection vehicles is reduced, and a smaller collection vehicles is provided.

In addition, given that the refuse collection vehicle cannot access the loading bay without going against the opposing stream of traffic when entering/exiting, Planning Officers recommend that an internal traffic light system in installed to ensure that vehicles cannot exit from the basement levels when the vehicles is entering / exiting the refuse collection area. Accordingly, a condition to reflect this should be included on any issued permit.

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

The objector concerns have largely been addressed in the attached Appendix A and, where necessary, further elaborated on in the assessment above. A summary of the objector's concerns is presented below

Building height, visual bulk and neighbourhood character

Concern was expressed in relation to building height and visual bulk. The proposed maximum overall building height of four storeys (14 metres) is required by Schedule 18 of the Design Development Overlay (DDO18). The proposed development marginally exceeds the maximum building height considered within Precinct C ranging between 0.32m and 0.75m, along the southern (Balcombe Road) elevation. However, this is considered acceptable in this instance as the overall design, as amended, will result in the presentation of a three-storey built form to Balcombe Road with suitably recessed 3rd floor elements, which are solely the subject of this technical area of non-compliance. Further the height of the building to the north is 13.9m above natural ground level at the residential interface, less than the 14 metres maximum allowable height.

The provision of the 2nd floor deck, extends to the building frontage, to form the three-storey streetscape façade, and presents a building, less than 11 metres to Balcombe Road resulting in a strong façade rather than a floating wall, in line with the requirements of the Schedule 18 of the Design Development Overlay and recommendations from Council's Urban Designer.

Overshadowing

There is no overshadowing of the residential apartments at No. 98 Collins Street and there would be no material detrimental in terms of overshadowing given the orientation of the residential apartments to the north of the subject site. Overshadowing of the footpath on Balcombe Road will occur, but this is considered to be acceptable given the presence of existing canopies along this footpath and the fact that the overshadowing will change throughout the day. Minimal overshadowing of Balcombe Road will occur, but this is primarily related to car parking in front of the proposed development. Additionally, this level is not considered to be greater than for any other four storey building of this nature.

Car parking and Accessibility:

Council's Traffic Engineering Department agreed with the findings of an empirical parking study and Traffic Impact Report prepared by Ratio Consulting. Specifically, the adequacy of the car parking provision has been supported by Council's Traffic Engineering Department, subject to conditions which will allocate an approved number of car parking spaces to each use, via a condition on any issued permit. In addition, the availability of car parking in the locality and close proximity of public transport networks is considered to further justify a reduction car parking requirements.

The proposed access via Patterson Lane, is considered to be acceptable, subject to submission of detailed engineering assessment and traffic management controls, at the

applicant's expense, to be approved by both Council's Traffic Engineering Department and Vicroads. Traffic control measures, including left turn only from Balcombe Road, signals on Patterson lane and left turn only from Patterson Lane result in both Traffic Departments supporting the proposal. Consequently, as amended, the proposed traffic impact is considered to be acceptable in this instance.

Drainage:

Concern regarding flooding and drainage issued were expressed. Council's Development Engineering Department and Council's Design Engineering Department have confirmed no objection to the proposal subject to the provision of a detailed Stormwater Management Plan. Indeed, the proposal was significantly amended to raise ground floor levels and apex levels in order to ensure that overland flows would not flood the basement car park or ground floor shops. It is therefore considered that the proposal development should not lead to material detrimental to surrounding neighbours from flooding or drainage issues, subject to the controls and requirements of the Stormwater management Plan, to be approved by Council's Drainage and Design Engineers.

Waste Collection:

Council Officers agree with concerns regarding waste collection from Patterson Lane and Council's Traffic Engineer has recommended that all collection should be collected from within the building. As a result, no bins would be stored on the Laneway. Further, Council has requested, via a condition on any issued permit, that an updated Waste Management Plan is provided, to the satisfaction of the Responsible Authority in order to ensure that Council's Waste Department's requirements are met. It should be noted that this will require private Collection for both the residential and commercial properties, and is likely to be collected using a small collection truck rather than the standard 8.7m truck.

Loss of privacy:

It is noted that the that the requirements of Clause 55 of the Planning Scheme are not applicable within a Businesses 1 Zone, particularly as the majority of adjacent buildings are occupied by commercial and business uses, where privacy would not necessarily need to be protected. However, it is noted that there could be the potential overlooking to habitable windows from the windows and deck of Dwelling 17 on the 3rd floor (north elevation). As a result, a condition should be placed on any issued permit, requiring suitable screening to 1.7m above the finished floor level, in order to ensure that there is no unreasonable overlooking.

Noise

Concern was expressed in relation to noise from the proposed development and noise during construction. It is considered that the proposed noise levels from shops, offices and dwellings would be acceptable within this business and commercial hub. It is noted that a condition will be placed on any issued restricting the construction hours accordingly. Consequently, there should be no material detriment from the proposed development relating to noise.

14.0 CONCLUSION:

For reasons discussed within this report, it is submitted that the proposal would have been 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, had Council been in a position to determine this application

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;
- Suitability of the site for higher density mixed use 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 subject to conditions;
- Consideration of the provision of car parking (to shops, offices and dwellings) and traffic related matters, subject to conditions;
- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the State and Local Planning Policy Framework, Business 1 Zone, the relevant Particular Provisions and Clause 65 - Decision Guidelines (subject to appropriate conditions).

15.0 RECOMMENDATION

On balance and subject to the inclusion of suitable conditions, had Council been in a position to determine this application, Council would consider the proposal to be reasonable, warranting support.

RECOMMENDATION

That Council determine to notify VCAT that had it been in a position to determine the application, it would have supported the proposal to use and develop the land for the construction of a mixed use development including shops, offices and twenty-seven (27) dwellings, with a reduction in the car parking requirements and loading bay requirements and to alter access to a Road Zone, Category 1 at No. 114 - 116 Balcombe Road, Mentone VIC 3194, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on **14th July, 2011**, but modified to show:

Design and Amenity

- a. the 3rd floor set back 5 metres from the Balcombe Road site property boundary and the balcony set back 2.8m from the Balcombe Road site property boundary;
- b. where decks front the façade, adjustable glazing provided to provide for a 'winter garden' to create a consistent window and façade frontage and allowing appropriate residential external amenity;
- c. shared access through the Balcombe Road corridor provided for residents of the dwellings, including alteration to the commercial and residential lobbies to facilitate this change and facilitate the transfer of waste from residential dwellings to the bin storage area(s);
- d. the provision of varying materials, textures, colours and finishes to the north elevation façade walls (dwelling 6 and dwelling 19), in order to reduce visual bulk and mass associated with this feature;
- e. the decks of dwellings 16, 18 and 19 set back from the western property boundary to ensure unobstructed solar access to the lightcourts below,
- f. the provision of a lightcourt directly to the north west of dwelling 1 and south-west of dwelling 18 to allow for direct solar access to the north-west bedroom of dwellings 6 and 19.
- g. the provision of clear glazing to the lightcourt windows for each apartment with opaque glazing for lightcourt windows facing the hallway;
- h. lightcourt(s) on the western boundary extended to the ground floor to maximise solar access to shop 1;
- i. the kitchen on southwest corner of the first floor relocated north to allow for more efficient access to Office 4;
- j. the provision of a 1.7m high fixed screening to the third floor balconies of Dwelling 17 on the northern (rear) property boundary to prevent overlooking to the habitable windows of the dwellings at No. 98 Collins Street;

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- k. the provision of greater material variation to the treatment of the north ground floor façade and fixed lighting to the northern property boundary to encourage safe pedestrian movements along the Patterson Lane walkway;
- l. the provision of four (4) bicycle racks on the pedestrian footpath directly to the south of the subject site, to the satisfaction of the Responsible Authority;
- m. details of the proposed enclosed footpath and driveway treatments shown on the plans;
- n. the location of external air-conditioning/heating units on any balconies, if applicable, must be screened from view and located outside of the main useable areas of private open space;
- o. residential mailboxes to be shown on the plans and located within the residential lobby;
- p. a notation on the plans confirming that the storage areas for each dwelling are 6m² or greater;
- q. 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, and including details / transparency specifications of the dampalon screen feature
- r. the dampalon screen feature opposite dwellings 10 and 11 to contain high transparency levels to maximise solar access to these properties;

Stormwater

- s. a comprehensive detailed drainage strategy of the site incorporating Water Sensitive Urban Design Treatments to the satisfaction of the Council;
- t. the provision of an adequate capacity rainwater tank/s clearly nominated with water re-use for toilet flushing;
- u. the provision of a notation on the plan stating: "Footpath along east boundary of the development (abutting the railway line) must be reconstructed with adequate drainage to the satisfaction of Roads & Drains Department according to the engineering plans approved by the Council and Vic Tract";
- v. the provision of a notation on the plan stating: "Footpath in the front of the development must be reconstructed to the satisfaction of Roads & Drains Department and City Strategy (Activity Centre) Department according to the engineering plans approved by the Council";
- w. the provision of a notation on the plan stating: "Walkway located at the rear of the property must be constructed up to western property boundary with concrete to the Council's satisfaction. Refer to Roads & Drains Department for details";

Traffic and Accessibility

- x. all on-site parking spaces to comply with AS1742 Part, in all design aspects.
- y. direct pedestrian access to Balcombe Road, clearly separated from the vehicle access and/or egress;

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- z. at the developer's expense, traffic treatments must be provided to the satisfaction of the relevant responsible authorities to ensure:
 - i) Safe two-way traffic flow in Patterson Lane, from Balcombe Road to the 90 degree bend in Patterson Lane, using a signalling system;
 - ii) Traffic existing Patterson Lane, on to Balcombe Road, must turn left; and
 - iii) Traffic existing this site and entering Balcombe Road, just east of the roundabout with Como Parade West, are physically prevented from accessing the roundabout and must turn left.
- aa. a minimum of 86 on-site parking spaces be provided, excluding the loading dock with on-site parking to be allocated, at all times, in the following ways:
 - i) 1 parking space per individual dwelling (27 spacing spaces);
 - ii) 5 visitor parking spaces, for the residential dwellings;
 - iii) A minimum of one parking space allocated to each individual commercial tenancy (16 spaces); and
 - iv) All remaining on-site car parking must be allocated for use by staff and/or customers of the development (38 spaces) and not for residential use.
- bb. notation on the plans showing the provision of internal traffic lights, to the satisfaction of the Responsible Authority, to ensure that vehicles exiting the building do not collide with delivery vehicles entering / exiting the refuse collection area.

Environmentally Sustainable Design

- cc. notation on the plans showing aluminium improved single glazed windows to match the submitted Environmental Sustainable Design report;
- dd. notation on the plans confirming which shops, office, dwellings (or all uses) are connected to the water tanks for toilet flushing;

Waste

- ee. alteration to the ground floor plan, as applicable, to allow for the provision of an increased loading bay area / turning area / bin storage areas or any other areas necessary for the effective manoeuvrability of waste vehicles within the building, to the satisfaction of the Responsible Authority
- ff. the provision of an updated Waste Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority including, but not limited to, details of access to / within the loading area, updated loading area dimensions, if applicable, detailed specifications of the types of waste collection vehicles for both commercial and residential collections, including manoeuvrability / swing path details, to the satisfaction of the Responsible Authority; and

Vicroads

- gg. All conditions required by Vicroads in accordance with this permit.

Endorsed Plans

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2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the occupation of the development hereby permitted, 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.

Stormwater management

4. Prior to the occupancy of the development the footpaths and walkway as described in Condition 1 of this Permit (above) must be constructed at the developer's cost and maintained in accordance with the plans approved by the Council and Vic Track. A priced schedule of works within the footpaths and walkway with the payment of Council's engineering fees of 3.25% of the cost of works is required to be submitted prior to the approval of the engineering plans.
5. The stormwater Council's drains located in the surrounding area must be protected during construction and any modification of any stormwater pit must be to Council's satisfaction.
6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The detention system must have a restricted outflow limited to 15 l/s and store run-off that exceeds the run-off from 35% of the site area.
7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.

Consturction Management

10. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP) / Traffic Management Plan (TMP), 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 / TMP must clearly set out measures to prevent amenity loss to surrounding properties during the construction period and specifically deal with the times and dates of

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works, parking of vehicles during construction, public access arrangements, access / frequency for delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction. This plan when endorsed must not be varied without the prior approval of the Responsible Authority.

11. 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.
12. 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.
13. Construction on the site must be restricted to the following times:

Monday to Friday:	7:00am to 7:00pm;
Saturday:	9:00am to 6:00pm; and
Sunday and Public Holidays:	No construction permitted.

Or otherwise as approved by the Responsible Authority in writing.

Waste Management

14. Before the commencement of any buildings and works on the Land, a Waste Management Plan 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.
15. All waste collection must occur on-site, with no kerbside waste collection permitted for this development.

Traffic and Accessibility

16. Reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant Responsible Authority;
17. Footpath and laneway levels must not be altered without the prior written consent from the Responsible Authority.
18. Any ramps to shops and building entrances must ramp internally behind the building line.

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19. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
20. 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.
21. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

22. Prior to the occupation of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.

23. Conditions required by Vicroads:

- a) Prior to the commencement of the development approved under this permit, an amended detailed Functional Layout Plan generally in accordance with Drawing Number TP05f revision F-Ground Floor Plan "114-116 Balcombe Road, Mentone" dated 11/7/11 by Perkins Architects but modified to show the following must be submitted to and approved by VicRoads and the Responsible Authority.
 - i. The proposed access to Balcombe roundabout as a left out only access. The access and cross-over to be angled and located such that any movement other than left out from the site is physically restricted.
 - ii. Adequate pedestrian facilities.

When endorsed the plans form part of the permit.

- b) Prior to the commencement of the development approved under this permit, a detailed functional layout of Patterson Lane and Balcombe Road intersection together with a functional layout stage Road Safety audit must be submitted to and approved by VicRoads and the Responsible Authority. The layout must show appropriate signage and line marking treatments to prohibit right turn movement into and out of Patterson Lane.

- c) Prior to the commencement of any road works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
- d) Prior to the use of the permitted development, the road works in accordance with the approved functional and detailed engineering design plans must be completed to the satisfaction of and at no cost to VicRoads.
- e) The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- f) No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

24. Conditions recommended by Victrack:

- a) No drainage of effluent must enter or be discharged to VicTrack land;
- b) Any wall facing the railway reserve must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti. Any graffiti that appears on the walls must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the walls must be paid for by the landowner or owners of the development site;
- c) All stormwater from the subject property must not enter VicTrack land but must be collected and directed to legal discharge points;
- d) No excavation, filling or construction must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Responsible Authority. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land;
- e) All works must be undertaken within the subject property and must not encroach onto VicTrack land. Entry onto railway land is at the discretion of the Rail Operator and is subject to any conditions imposed by it;
- f) Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations;
- g) No lighting is to be erected that throws light onto the railway tracks or interferes with the sight of train drivers;
- h) Any construction within 6.4 metres of the power feeders will require an observer, and within 2 metres, power isolation will be required. The observer and power isolation must be arranged through the rail operator, Metro Trains Melbourne, by telephoning Andrew Irving on 9619 7174 or 0419 523 856;
- i) Any structure within 10m of the nearest rail line must adhere to AS5100;

- j) No permanent or temporary ground anchors are permitted within VicTrack land;

25. Conditions recommended by the Department of Transport

- a) The permit holder must take all reasonable steps to ensure that disruption to operations within the railway corridor is kept to a minimum during the construction of the development. Foreseen disruptions to rail operations during construction and mitigation measures must be communicated to Metro and the Director of Public Transport fourteen (14) days prior.
- b) The permit holder must ensure that all track, overhead power and supporting infrastructure is not damaged. Any damage to public transport, infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to the permit holder.

Timescales and Expiry

26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
27. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development 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.
 - The use is not started within two (2) 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: No resident parking permits will be issued to any future residents of the development, at No. 114-116 Balcombe Road, Mentone.

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

- a. The proposal would have an adverse impact on traffic accessibility and manoeuvrability within the immediate area.
- b. The proposal fails to satisfy all the requirements (pedestrian spaces strategies) of Clause 15.01-2 (Urban Design Principles).
- c. The proposal fails to satisfy all the requirements of Clause 15.01-4 (Design for Safety) of the Kingston Planning Scheme
- d. The proposal fails to satisfy all the requirements of Clause 15.02-1 (Energy and Resource Efficiency) of the Kingston Planning Scheme
- e. The proposal fails to satisfy all the requirements of Clause 52.06 (Car Parking) of the Kingston Planning Scheme.

The proposal fails to satisfy all the requirements of Clause 52.07 (Loading and unloading) of the Kingston Planning Scheme.

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Agenda Item No: O 4

CONTRACT 12/2 MORDIALLOC CREEK MAINTENANCE DREDGING STAGE 2: MOUTH TO GOVERNOR ROAD BOAT RAMP TENDER ASSESSMENT

Contact Officer: Peter Bain

Purpose of Report

To obtain a decision on a preferred tenderer for dredging works within Mordialloc Creek (Stage 2) from the mouth of Mordialloc Creek to the Governor Road Boat Ramp and to obtain approval for the total Project Budget

Disclosure of Officer / Contractor Direct or Indirect Interest

None

Recommendation

Officers recommend that Council:

1. Proceed with Option 2 as detailed in Section 3.5; and
2. Award Contract 12/2 Mordialloc Creek Maintenance Dredging Stage 2: Mouth to Governor Road Boat Ramp to Thiess Services for a fixed lump Sum of \$1,005,948.00 and Schedule of Rates based on pre and post dredge surveys estimated as \$4,555,784.57; and
3. Appoint the Team Leader Roads and Drains, as the Superintendent for this Contract and that he is authorised to prepare progress payments and approve variations up to the Approved Project Budget subject to normal purchasing approval processes; and
4. Approve the Project Budget as Contract Value plus 4% contingency;

1. Executive Summary

Kingston Council is the Committee of Management for the section of the Mordialloc Creek from the mouth of the creek, (effectively the high tide mark), to the railway bridge. Melbourne Water Corporation (MWC) is the Committee of Management for waters upstream of the railway bridge.

Sedimentation in the Mordialloc Creek is caused by fluvial process. Sand grains and suspended and dissolved material is transported downstream and deposited near the mouth of the creek. The Mordialloc Creek last underwent major dredging in 1997 and 1973. The creek is now barely navigable in sections at low tide and the exposure of sediments containing acid sulfate soils creates odour and acidity problems.

Melbourne Water has indicated that the current sediment levels within the creek are not impacting on its hydraulic function as a main drain. Dredging is therefore primarily for environmental, aesthetic and navigation purposes.

A program of works and associated consultative actions and investigations required to complete dredging was presented to CIS in March 2011. The report proposed that dredging activities are to take place in two stages; Stage 1 was to complete the dredging and associated works on moorings around Lambert Island by the end of 2011. This stage is now completed. Stage 2 is to complete the dredging in the remainder of the Creek by the end of 2012 (this contract). Preparatory works for Stage 2, including surveys, technical analysis, planning and channel profile design, were completed in parallel with Stage 1.

Stage 1 dredging was completed successfully in November 2011 by our contractor Birdon Pty Ltd. Community consultation and the positive contribution of the boating community allowed a relatively smooth movement of boats and allowed for the replacement of other infrastructure including new mooring poles. The same consultative processes will be in place for Stage 2.

Because of the larger scale of this stage of the project, a works area will be established at the following location to unload sediment and contain equipment:

- Attenborough park

The works area will involve the construction of a bunded concrete pad within a fenced area. The existing walking and bicycle path will be diverted around the worksite.

An open tender for the Stage 2 dredging works was conducted and received significant interest. Three valid tenders were received and evaluated using qualitative and quantitative analysis. The preferred tenderer is Thiess Services

2. Background

The total program cost for the dredging works was estimated in March 2011 to be \$7,750,000 with \$6,000,000 to be provided by the State Government through the Department of Sustainability and Environment (DSE) and a further \$300,000 from Melbourne Water. Council's estimated contribution was \$1,450,000 with \$800,000 previously committed in the capital works program.

The works proposed in Contract 12/2 involve maintenance dredging of Mordialloc Creek main channel from the high water mark at the mouth to Port Philip Bay (Park's Victoria's administrative boundary) up to the litter trap located on the upstream side of the Governor Road Boat Ramp. The volume of material to be removed from this section of the Mordialloc Creek is in the order of 9,000 m³. The actual volume removed will depend on actual conditions at the time of dredging and will be the main source of variations for the contract.

This Contract has a Fixed Lump Sum as well as a Schedule of Rates component. The Lump Sum component details the cost for those items that are fixed regardless of how much dredge spoil is actually removed. Given that the dewatering/treatment and disposal components are expected to make up to 70% of the cost of the project, payment on the basis of the volume of material actually removed in the form of Schedule of Rates, was preferred to a lump sum payment. Payment for the Schedule of Rates component will be based on comparisons between pre dredge & post dredge hydrographic surveys.

Assessment of the Schedule of Rates component was based on the removal of a nominal quantity of 9,000 m³ of spoil. From current surveys this volume slightly overstates the current situation. The Contract is subject to price adjustment for rise and fall in prices however if the works are completed in one dredging season this will not have an effect.

Tenderers were asked to provide details of their preferred method given the various physical and environmental restrictions associated with dredging of the creek.

Prices were sought by Advertised Public Tender. Tenders closed on Thursday, 9th February 2012, at 2:00PM. Three (3) tenders were received as indicated in the confidential attachment.

3. Discussion

3.1. Council Plan Alignment

The works address a number of strategic objectives listed in the Council Plan including:

Strategy 1.1.1 Implement Kingston's asset management strategy, including Identify and undertake priority works.

Strategy 1.2.2 Plan, promote and develop leisure opportunities through quality physical infrastructure, a range of strategic programs and initiatives that support active living.

Strategy 2.3.2 Progress implementation of works in and near Mordialloc Creek including revegetation and development of Mordialloc Creek from Wells Rd Bridge to the Mouth of the River

Strategy 2.3.3 Review and reinvigorate Kingston's foreshores through implementation of the Coastal Management Plan including provide and maintain coastal infrastructure to a safe standard.

Strategy 5.1.1 Develop and implement advocacy programs to champion community needs for funding for environmental and amenity improvements along Mordialloc Creek

3.2. Consultation/Internal Review

The siltation in Mordialloc Creek is such that at low tide, the creek bed is substantially exposed. This has restricted navigation through the area directly affecting recreational and commercial creek users. Commercial users rely on navigable access to operate their business.

As a result, creek users have voiced their concerns over hull fouling and keel damage due to direct contact with the creek sediments, and odour issues associated with prolonged exposure of the creek bed.

Council has and will continue to consult directly with the Mordialloc Creek Boating community and the Mordialloc Creek Advisory Committee. The latter includes representatives of the wider creek community as well as the boating community.

The following agencies will be consulted for Stage 2 as they were for Stage 1. The project requires direct approval in the form of a consent or works authority from each of these agencies:

- Department of Sustainability & Environment
- EPA Victoria
- Parks Victoria
- Melbourne Water
- Marine Safety (Transport Safety Victoria from July 2012)
- VicRoads
- VicTrack / Metro Trains

Council, as Committee of Management for Mordialloc Creek will continue to engage relevant authorities/agencies/community groups in its undertaking of managing the creek providing transparency in its approach.

3.3. Financial Analysis

A detail discussion of the financials of this project, including funding sources, is provided in the confidential attachment.

3.4. Operation and Strategic Issues

All works within Mordialloc Creek require Coastal Management Act Consent (CMA Consent) to be provided by the Department of Sustainability & Environment (DSE). The process for this is in the order of 6-8 weeks. The process is dependent of the successful contractor's development of a project specific Construction Environmental Management Plan (CEMP). This CEMP will then form part of the CMA consent application to DSE. DSE may take up to 28-days to review an application.

To commence preparation in April and dredging works in May, the contract needs to be finalised in early March.

3.5. Evaluation

Details of the evaluation and assessment are contained in the confidential attachment

3.6. Options

Option 1

Accept the Thiess Services proposal. This is the recommended option.

Option 2

Do not accept either short-list proposal and defer dredging work until 2013.

4. Conclusion

4.1. Environmental Implications

Dredging is required to maintain navigation depths for vessels using the creek. AS3962-2001 provides designers, manufacturers and operators of marina and vessel berthing facilities with a set of guidelines for recreational marinas and small commercial vessels up to 50m in length. Hydrographic Surveys conducted in July 2010 indicate that the minimum standard has not been met.

4.2. Social Implications

The Creek is currently used for secondary contact (e.g. boating, fishing) and aesthetic enjoyment water based recreation. Whilst it may have been used for primary contact in the past (e.g. swimming), the volume of boat traffic is not compatible with encouraging future use in this form.

Downstream of the Wells Road Bridge, there are several recreational boating and sailing clubs or facilities, and several commercial premises that are dependent on navigable access within the Mordialloc Creek. At present, community stakeholders include:

Recreational & Environmental – includes members of Mordialloc Creek Community:

- Mordialloc Pier (at mouth of creek within Port Phillip);
- Mordialloc Sailing Club;
- Mordialloc Motor Yacht Club;
- Mordialloc Boating and Angling Club;
- Mordialloc Sea Scouts and Guides;
- Mordialloc Boat Ramp (Governor Road);
- Friends of Mordialloc Creek;
- Recreational Fishing and Trailer Boat Advocacy Group;
- Yachting Victoria; and
- Mordialloc Beaumaris Conservation League.

Commercial – all members of Mordialloc Creek Community:

- Allnut Boat Hire;
- Allboats Marine;
- AB Hunters;
- Bluey's Boathouse;
- Bridge Hotel;
- Fishing Fever;
- Mordialloc Traders Association;
- Mordialloc Village Committee;
- Musselco Australia Pty Ltd; and
- Pompei Boat Building and Repair.

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At present, there are approximately 300 moorings in Mordialloc Creek, 200 of which are located within the proposed dredge area. These moorings are all leased from the Council, and all but one are permanent moorings.

In addition, the extensive network of reserves and public space adjoining the Creek is highly valued by the local community.

4.3. Resource Implications

Council administers moorings on both the downstream and upstream side of Nepean Hwy. There are approximately 330 moorings which generates an income of approximately \$230,000 per annum. In addition, Council receives income from Governor Rd boat ramp in the order of \$38,500 per annum

CIS Report "Mordialloc Creek Dredging Program Strategy" (Trim No. 11/24125) details funding program from DSE.

4.4. Legal / Risk Implications

The project and financial risks have been considered in a separate risk assessment along with planned mitigations which will be included in the final contract agreement. The residual risks are also included in this assessment. Some of the hazards and risks considered include:

- Damage to vessels, failure to provide safe navigation
- Disposal of silt and location – EPA approval
- General OHS&E of the working environment
- CMA consent not being received
- Movement of boats
- Storm events delaying works or increasing silt load
- Fixed cost versus schedule of rates ratio (note this is dependant on the Option chosen)
- Contract terms

5. Appendices

Appendix 1 – Confidential attachment

Appendix 2 – Sample dredge profiles

Author/s: Peter Bain, Manager Infrastructure

Reviewed and Approved By: Rachel Hornsby, General Manager Environmental Sustainability

27 February 2012

Agenda Item No: O 5

SHEET PILE INSTALLATION NORTHERN WALL LAMBERT ISLAND, MORDIALLOC CREEK

Contact Officer: Peter Bain

Purpose of Report

To obtain a decision to award a tender for the installation of sheet piling along the northern wall of Lambert Island within Mordialloc Creek.

Disclosure of Officer / Contractor Direct or Indirect Interest

None

Recommendation

Officers recommend that Council:

1. Proceed with Option B as detailed below in Section 6; and
2. Award Tender to Bridge & Civil Pty Ltd for \$732,600 for the supply and installation of sheet pile across the northern face of the Island as indicated by red line in Figure 2.

1. Executive Summary

The northern wall of Lambert Island faces the main channel of Mordialloc Creek and bears the main brunt of direct and reflective wave action entering the mouth of the creek. As a result the existing sea wall is in poor condition and needs urgent repairs to protect the foundations of existing Council buildings, particularly the Sea Scout building. Two design options are considered: the first provides for the retention of the existing indent; and the second provides for a straight wall. A public tender for the works was conducted with a small number of companies expressing interest and only one valid tender received. Given the specialised nature of the work, a large response was not expected. The lowest cost option is recommended.

The works need to proceed in parallel with the proposed Mordialloc Creek Stage 2 Dredging program. Additionally, the provision of access to the Creek for small boat activities is considered as a requirement of the sea wall design. Currently there are limited safe access points for the launch of small boats such as canoes and kayaks. The Sea Scouts have been consulted on the preferred shape and this was reconfirmed on the 22nd Feb 2012.

2. Background

An ageing and dilapidated retaining wall infrastructure along the northern face of Lambert Island has necessitated the requirement to seek tenders for its replacement.

The poor condition of this section of the sea walls has been noted for a long period of time but has not been rectified before dilapidation. The design life of a new sheet pile wall is anticipated to be in the order of 50 years using vertical, interlocking steel sheets with block capping.

Consulting Engineers from W P Brown & Partners Pty Ltd conducted an investigation of the retaining structures along the Southern bank of Mordialloc Creek and retaining structures around Lambert Island. The report dated 11 February 1999 titled "Site Investigation of Southern Bank of Mordialloc Creek" details the following in a discussion regarding existing conditions: *"The concrete wall on the North West corner has signs of spalling which indicate the carbonation front has reached the reinforcement and active corrosion has commenced. This condition is expensive to treat and the cost is further increased due to the location. It is not considered worth repairing the wall as you would only increase the life expectancy by around 10 years. This wall is considered more critical than those on the southern bank due to the commencement of active corrosion."* The concrete wall extends from the slipway on the western side of the island up to the indented area. Refer points X to Y on Figure 1.

The site investigation report continues: *"The steel sheet pile wall on the North side of the island is in relatively good condition and is considered the most stable wall, however, its replacement before the southern bank walls is considered appropriate to complete the island works."* The sheet pile wall incorporates the indented area and extends up to the north-east tip of Lambert Island. Refer points Y to Z on Figure 1.

In 2010, a section of the concrete capping block along the north east corner of Lambert Island became displaced. As a result, vessel mooring in this area has been prohibited indefinitely due to the possible collapse of further sections.

The Community Buildings team has submitted various reports to CLG/Council detailing discussions in regards to the 4th Mordialloc Sea Scouts and Guides building located directly adjacent to sheet piling works. Reports indicate that Council is still in discussions with Scouts Victoria in regards to the future of this building.

The draft Foreshore Building Audit Report prepared by Campeyn in June 2010 (Trim Ref: 12/70766) for the Community Building team in regards to the Sea Scouts building, details *"evidence of internal penetration of water into building"*. This water penetration is as a direct result of ageing sheet pile infrastructure located within the indented area, directly below the Sea Scouts building.

Tender to remove and replace existing dilapidated and ageing retaining wall extending from the North-East tip of Lambert Island, across the northern face of the island up to the slipway on the western side of the island (Refer points X to Z on Figure 1) closed on 15 December 2011.

Two Options were proposed in this tender.

Option A requires the installation of sheet pile incorporating the indent directly adjacent to the 4th Mordialloc Sea Scouts and Guides building as indicated by blue line in Figure 1.



Figure 1: Lambert Island Sheet Pile Installation - Option A

Option B requires the installation of sheet pile across the northern face of the Island as indicated by red line in Figure 2. This option widens the main channel of the Creek and allows additional mooring places and a pontoon landing for small boat launches.



Figure 2: Lambert Island Sheet Pile Installation - Option B

3. Discussion

3.1. Council Plan Alignment

The works address a number of the strategic objectives listed in the Council Plan including:

- 3.1.1 Sustaining Kingston's Assets. This is a renewal of an existing asset that is necessary to protect existing building assets.
- 3.1.2 Accessible and shared open spaces that promote social connectedness and active health lifestyles.
- 3.1.3 Quality communication facilities that are accessible, safe and well utilised.

3.2. Consultation/Internal Review

A discussion was held with Stuart McMillan, Kingston District Commissioner for Scouts Australia and Council Representative from the Roads and Drains department early in 2011 in regards to the proposed sheet pile installation works. The main concern detailed at the time was ensuring that there was provision made for canoe access point. It should be noted that the original access way to the river provided within the indent was a wooden slatted ramp commonly used by rowing clubs. This method of accessing the water safely is not necessary appropriate and is a costly option. The Sea Scouts are currently using various points to access the water including boat slipways which is deemed an unsafe option.

Both design Options A and B assume that the new alignment across the north face will also widen the main creek by some 2m at the north-west tip of the Island, in order to increase the practical channel width at this location.

Recently Stuart McMillan has provided with the diagrams of the two options and no objections have been raised with either. The offer by council to provide a safe access structure (pontoon with ramp) to launch boats is the more important issue.

Reference interviews were conducted for the preferred tenderer for Sheet Pile Installation tender. All companies interviewed indicated that the contractor completed works within the time frame, if not sooner and the contractor had the capacity, expertise and experience to undertake works with minimal issues in relation to construction and/or cost. Referees also indicated that the preferred tenderer is economical with tender submissions and is able to undertake the works with lower than expected variations to the tender, if any.

3.3. Operation and Strategic Issues

In considering whether the works are necessary and whether there are alternate treatments available, the following observations are made:

- A stone or block wall would be more durable but extremely expensive to install.

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- A sloped bank or revetment using hard materials may be a similar price to install but would require additional costs to provide mooring jetties and landings.

Other operational and strategic issues include:

- The Tender submissions for Stage 2 dredging Mordialloc Creek from the Mouth to the Governor Boat Ramp are currently being evaluated. It is anticipated that once consultation with other government agencies has been undertaken, the project should commence in April 2012 with proposed completion of October 2012. Any works undertaken within the Creek must occur between April and October in order to meet EPA dredging guidelines related to fish breeding cycles.
- Undertaking dredging works prior to replacing sheet pile wall may have a detrimental impact on the structural stability of existing retaining wall infrastructure.
- The preferred tenderer for sheet pile installation works envisages a 17-week works program from tender award to practical completion date.
- All works within Mordialloc Creek requires Coastal Management Act Consent (CMA Consent) to be provided by the Department of Sustainability and Environment (DSE). The process for this is in the order of 6-8weeks. The process is dependent on the successful contractor's development of a project specific Construction Environmental Management Plan (CEMP). This CEMP will then form part of the CMA Consent application to DSE. DSE may take up to 28-days to review an application.
- If the preferred option is implemented, the successful contractor will be able to complete the works by mid August 2012. This will allow for dredging works to be undertaken in conjunction with sheet pile works.
- Preliminary estimate to construct an Access Point facility for the 4th Mordialloc Sea Scouts and Guides is in the order of \$150,000. An Access Point structure may be constructed within the indented area should Option A be adopted. Alternatively an Access Point structure may also be constructed along the north face should Option B be adopted. This is based on the landing structures recently developed for the northern shore of the Creek.
- One (1) tender was received for the sheet pile installation works by Bridge and Civil Pty Ltd. Consulting Engineers, GHD, developed tender and specification for this project. Table 1 details a comparison of price and estimate.

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Options	GHD Design Engineer's Estimate	Bridge & Civil Pty Ltd	Estimate to construct Access Point Structure	Available budget 2011/12
Option A	\$581,000	\$899,300	\$150,000	\$418,800
Option B		\$732,600		

3.4. Options

3.4.1. Option A

Award the Tender to Bridge & Civil Pty Ltd for \$899,300. This option involves the installation of sheet pile incorporating the indent directly adjacent to the 4th Mordialloc Sea Scouts and Guides building as indicated by blue line in Figure 1.

Advantages	Disadvantages
Council is seen to be taking immediate action to the problems faced by the boating community.	
	Increased total cost to complete sheet pile installation and provide access Point facility for Sea Scouts and others
Works completed in time for main creek dredging	
Improved access for all creek users (not just certain sectors) due to widened creek entrance.	
Minimal implication to ongoing discussions with Scouts Victoria.	

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3.4.2. Option B

Award the Tender to Bridge & Civil Pty Ltd for \$732,600. This option requires the installation of sheet pile across the northern face of the Island as indicated by red line in Figure 2.

Advantages	Disadvantages
Council is seen to be taking immediate action to the problems faced by the boating community.	
Total cost is less than Option B	Project cost is more than estimated budget.
Works completed in time for main creek dredging	
Improved access for all creek users (not just certain sectors) due to widened creek entrance.	
Minimal implication to ongoing discussions with Scouts Victoria.	

3.4.3. Option C

Do nothing and award tender in 2013/14 with price adjustment to be provided by tenderer.

Advantages	Disadvantages
	Council is seen to be negligent in addressing concerns in regards to dangerous retaining wall
	Council will be viewed as indecisive if project is re-tendered at a later stage.
	Re-tender price may increase due to increases in price index.
	Structural integrity of existing retaining wall compromised due to completion of main creek dredging.
Possibility of increased number of tender submissions if re-tendered.	

4. Conclusion

4.1. Environmental Implications

Failure to act will lead to further degradation of the existing infrastructure with the possibility of contaminating the waterway.

4.2. Social Implications

The Mordialloc Creek Master Plan details *“key issues to be identified through the master planning process include unrealised potential of assets such as Lambert’s Island”*... *“The variety of spaces along the Mordialloc creek are disconnected or under utilised. It has been recognised that the reconnection of these spaces as part of a unified vision will transform this precinct to a vibrant public destination. It will be one of the key ingredients in strengthening the identity, role and allure of Mordialloc as one of the Port Phillip Bay’s unique and distinct waterfront villages.”* The master plan has a vision to *“Protect, enhance and create nodes of activity to create a sequence of destinations; ... island park”*. Maintenance/upgrading the *“Heart of the Community”*, is recommended, especially to meet an ever-increasing demand for community gathering space.

4.3. Resource Implications

Council administers moorings on both the downstream and upstream side of Nepean Hwy. There are approximately 330 moorings which generates an income of approximately \$230,000 per annum. In addition, Council receives income from Governor Rd boat ramp in the order of \$38,500 per annum.

4.4. Legal / Risk Implications

None.

Author/s: Peter Bain, Manager Infrastructure

Reviewed and Approved By: Rachel Hornsby, General Manager Environmental Sustainability

**O 6 Contract No 11/115
Mordialloc Shopping Centre Streetscape Works**

Approved by: Rachel Hornsby – General Manager Environmental Sustainability

Author: Brian Trower – Team Leader Roads & Drains

1. Purpose

This report seeks Council's approval to accept tenders for Contract No. 11/115– Mordialloc Shopping Centre Streetscape Works. It is proposed that **CDN CONSTRUCTORS PTY LTD** be accepted as the preferred tenderer for this contract based on their submitted tender of **\$815,147.85**.

2. Council Plan

2.1. Sustaining Kingston's Assets

2.1.1. Implement Kingston's Asset Management program including:

- Identify & undertake priority works

3. Background

The sections of shopping centre footpath covered by this contract have been identified for replacement as part of council's standard shopping centres condition survey. The existing footpath has reached the end of its' expected life and is due for replacement to maintain a satisfactory streetscape works for shopping centres Whilst rebuilding the footpath, Council is taking the opportunity to improve the underground drainage system along Mordialloc Shopping Centre

4. Brief Description of the Work under the Contract

The works involved in this contract includes the reconstruction of Mordialloc Shopping Centre streetscape works. Items covered as part of this contract include:

- Replacement of feature footpath
- Replacement of concrete pram crossing, kerbs and channel
- Replacement of street furniture
- Construct landscape planting area
- Upgrading of stormwater drainage pipe and pit
- Construct indented parking bays
- Install street light and traffic sign with all associated works

5. Tenders Received

Tenders were advertised in The Age on Saturday 12 November 2011 and closed at 2.00pm on Thursday 01 December 2011. Three (3) tenders were received, details of which are set out in the *Confidential Attachment*.

6. Project Funding

The project is being funded from Council's "Economic Development – Local Shopping Centres Upgrade Budget". The budgeted amount for this project is \$910,100.00 therefore; project cost is expected to come under budget.

7. Evaluation Panel

The tenders were assessed by:

Tony Pell – Senior Construction Engineer
Chang Wuol – Construction Engineer

8. Summary and Conclusion

The Evaluation Panel has ranked CDN CONSTRUCTORS PTY LTD highly for this contract. The panel believes that CDN CONSTRUCTORS 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. 11/115 – MORDIALLOC SHOPPING CENTRE STREETScape WORKS.

9. Triple Bottom Line Checklist


- **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 streetscape issue in the area.
- **Social Impact** - There will be inconveniences during the works which are typical of streetscape works 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.
- **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 close to the Design Engineer's estimate and within Council's budget.

10. Recommendation

"That council awards CONTRACT NO. 11/115 – MORDIALLOC SHOPPING CENTRE STREETScape WORKS– on a Lump Sum basis to **CDN CONSTRUCTORS PTY LTD** for the tendered price of **\$815,147.85**."

Attachments:

(2) Confidential Attachments

 <p>CITY OF KINGSTON Division of Corporate Services, Management System Documentation for QCC Committees for 2011</p>
--

Refer/Assessment 2011-2011

Output	Date of expiry of requisite certification
QCC Compliance Policy, Information for the QCC members regarding the QCC Strategic Plan	2011-2012

Certification

There are no applicable certifications for this document. The document is a policy and is not subject to the same requirements as a contract or other legal document.

Name: **Eric Cross**
 Position: **Chief Executive Officer**

Signature: 

Date: 20/02/2012



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.

CDN Constructors Pty Ltd
38 Malua Street, RESERVOIR Vic 3073

Scope of Works

E1, R1, R2, R3, R4, RM1, D1, W1, S1, U1, P1, KP1, KP2, L1

Code Description

Earthworks, Minor Road Reconstruction, Major Road Reconstruction, Subdivisional Roadworks, Freeway Construction, Road Maintenance, Stormwater and Outfall Drainage, Water Reticulation and Renewal, Sewer Reticulation and Renewal, Underground Power Reticulation, Asphalt or Sealing, Kerbing and Concrete Paving, Kerbing and Concrete Paving, Landscaping / Tree Management.

CCF Registration No:

P313/04

Period of Registration:

27 April 2011 to 27 April 2012

Conformity Assessment Body Reference:

001-358-C

Date of Assessment:

12 May 2011



Chris White
CCF Chief Executive Officer

Gerry Bonner, CEO
QMS Certification Services



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Ordinary Council Meeting

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Agenda Item No: O 7

MENTONE JUNCTION - PLANNING SCHEME AMENDMENT OPTIONS

Contact Officer: Jonathan Guttman

Purpose of Report

To obtain a decision from Council on modifications to the Kingston Planning Scheme in relation to design and built form objectives for land located on and near the junction of Balcombe Road, Warrigal Road and Nepean Highway, Mentone.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officers and/or Contractors who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

Recommendation

Officers recommend that Council:

1. Resolves to instigate a Planning Scheme Amendment over the following land parcels:
202 – 208 Nepean Highway, Mentone
90 – 116 Nepean Highway, Mentone
1-27 Balcombe Road, Mentone
10 – 12 to 44 Balcombe Road, Mentone
33-35 Childers Street, Mentone
2. Resolves which Planning Scheme Amendment (Appendix 2 or Appendix 3) officers should progress.
3. Write to the Minister for Planning requesting

The Minister exercise his powers under Section 20 (4) of the Planning and Environment Act 1987 to provide 'interim planning controls' consistent with the adopted schedule to the Design and Development Overlay.

Authorisation to commence a Planning Scheme Amendment pursuant to the provisions of the Planning and Environment Act 1987 to introduce the adopted schedule to the Design and Development Overlay.

1. Executive Summary

This report seeks a decision from Council on pursuing a Planning Scheme Amendment for a new schedule to the Design and Development Overlay that provides guidance on the intended design and built form outcomes for the following properties:

202 – 208 Nepean Highway, Mentone
90 – 116 Nepean Highway, Mentone
1-27 Balcombe Road, Mentone
10 – 12 to 44 Balcombe Road, Mentone
33-35 Childers Street, Mentone

The above properties, referred to as the subject properties, are identified in Appendix 1.

This report follows a series of discussions with Councillors in relation to possible planning scheme provisions for the subject properties. A precinct based urban design analysis was also completed in draft by Hansen Partnership Pty Ltd.

In order to assist Council the report presents two drafted schedules to the Design and Development Overlay for its consideration. The two options presented in the drafted schedules are as follows:

Option 1 – Proposed Schedule to the Design and Development Overlay which provides for development not to exceed 3 storeys (refer Appendix 2).

This option would provide for the introduction of a schedule to the Design and Development Overlay which provides for a 3 storey maximum building height. A preference for a 3 storey limit was outlined in the Council resolution of 27 April 2011.

During discussions with Councillors it has been requested that the properties at 23 – 27 Balcombe Road, Mentone be shown as maximum 2 storeys. This request has been reflected in Appendix 2.

The building setback provisions reflected in the drafted schedule contained within Appendix 2 are consistent with Option 2 below but in addition the street frontage setback on Nepean Highway of the property at 1-9 Balcombe Road, Mentone and the street frontage setback on Nepean Highway of the property at 202-208 Nepean Highway, Mentone is a 6 metres front building setback.

The risk associated with pursuing this option is that it is not informed through an urban design analysis. The benefit associated with this option is that it would remain consistent with the desired building height in the earlier resolution of the Council.

Option 2 – Proposed Schedule to the Design and Development Overlay based on urban design analysis by Hansen Partnership Pty Ltd (refer Appendix 3).

This option would provide for the introduction of a schedule to the Design and Development Overlay which is informed and based on the work completed by Hansen Partnership Pty Ltd (refer Appendix 4). That work generally recommends that the majority of the subject area building height be restricted to 3 to 4 storeys with some scope for building height to be six storeys on the northern component of the site at 1-9 Balcombe Road, Mentone. Along with providing a basis for the height of new buildings, Hansen Partnership has also given consideration to the setbacks for new buildings to provide for an appropriate relationship with the established residential areas.

The risk associated with this option is that it differs from the desired building height reflected in the earlier Council resolution. The benefit associated with this option is that it has been developed based on a thorough urban design analysis providing a greater basis for the establishment of a Planning Scheme Amendment.

Once Council determines the preferred form of schedule to the Design and Development Overlay (Option 1 or Option 2) it is recommended it also resolve to:

Write to the Minister for Planning requesting:

- a. The Minister exercise his powers under Section 20 (4) of the Planning and Environment Act 1987 to provide 'interim planning controls' consistent with the adopted schedule to the Design and Development Overlay.
- b. Authorisation to commence a Planning Scheme Amendment pursuant to the provisions of the Planning and Environment Act 1987 to introduce the adopted schedule to the Design and Development Overlay.

2. Background

Council resolved at its Ordinary Council Meeting on the 27 April 2011:

1. *That Council Officers develop a built form analysis with the intent of implementing building height controls of 3 storeys and a Design and Development Overlay on the following parcels of land:*
 - a. *202-208 Nepean Highway, Mentone*
 - b. *90-116 Nepean Highway, Mentone*
 - c. *1-21 Balcombe Road, Mentone*
 - d. *10-12 and 44 Balcombe Road, Mentone*
 - e. *33-35 Childers Street, Mentone.*
2. *That upon completion of the built form analysis a report be presented to Council indicating possible changes to the Kingston Planning Scheme.*

3. *That Council request the Minister for Planning to introduce interim controls that restrict development in the area bounded by Swanston Street, Station Street, Como Parade East, Warrigal Road and Nepean Highway, to three storeys.*

In addition to the above properties, for this report consideration has also been given to the allotments at 23-25 and 27 Balcombe Road, Mentone to incorporate all the land on the south side of Balcombe Road to Rogers Street, Mentone.

At the time of preparing this report Council has not received a response from the Minister for Planning to a letter forwarded on the 11 May, 2011 in relation to resolution 3 above.

Recent Planning Determinations

The following Planning Permits have been recently granted within the subject precinct:

33-35 Childers Street, Mentone - Planning Permit KP09/711

This application provides for the construction of forty one dwellings over 4 storeys.

15 Balcombe Road, Mentone – Planning Permit KP10/302

This application provides for the construction of twenty six (26) dwellings over 4 storeys.

A Planning Permit Application for 1-9 Balcombe Road, Mentone was considered by the Victorian Civil and Administrative Tribunal and subsequently refused.

Councillor Information Session – 30 January 2012

Councillors were briefed at the Councillor Information Session on the 30 January 2012. It was agreed that a subsequent meeting be conducted between Council Officers and the Central Ward Councillors to review the design analysis work completed by Hansen Partnership.

Councillor Information Session – 20 February, 2012

Councillors were further briefed at a Councillor Information Session on the 20 February, 2012. At that meeting it was agreed that officers should proceed with preparing a report to Council. This report provides options to Council as to how it may approach the conduct of a Planning Scheme Amendment.

3. Discussion

3.1 Council Plan Alignment

Should Council resolve to initiate a Planning Scheme Amendment this resolution would be consistent with the following planned outcomes and strategies of the Council Plan:

- Planned Outcome No.2 – A Sustainable Environment

- Strategy 2.1: Insightful, intergenerational planning and delivery by reviewing local planning and processes.

3.2 Consultation

Should Council determine that it wishes to pursue a Planning Scheme Amendment a statutory exhibition process would be conducted pursuant to the provisions of the Planning and Environment Act 1987. This process would allow all interested parties the opportunity to comment on the proposed Planning Scheme Amendment.

This report suggests that 'interim' Planning Scheme controls be sought immediately if Council resolve to introduce a Planning Scheme Amendment seeking to place new planning controls over the subject precinct. An exemption would be sought from the Minister for Planning pursuant to Section 20 (4) of the Planning and Environment Act to exempt the requirement to exhibit the interim controls.

3.3 Operation and Strategic Issues

Introducing new Planning Controls

In order for Council to seek to modify planning scheme controls applying to a parcel(s) of land in the City of Kingston, a Planning Scheme Amendment is required. In advancing a Planning Scheme Amendment, authorisation to proceed with an Amendment is required from the Minister for Planning.

Section 12 (2) of the Planning and Environment Act 1987 requires that:

- 2) *In preparing a planning scheme or amendment, a planning authority-*
 - (a) *must have regard to the Minister's directions; and*
 - (aa) *must have regard to the Victoria Planning Provisions; and*
 - (ab) *in the case of an amendment, must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme; and*
 - (b) *must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment; and*
 - (c) *may take into account its social effects and economic effects.*

In addition to the above requirements in justifying the Amendment its explanatory report must outline how the Amendment addresses both the State and Local Planning Policy Framework.

3.4 Options

Taking into account the requirements of the Planning and Environment Act and discussions with Councillors, officers have prepared two options for consideration by Council.

Option 1 – Proposed Schedule to the Design and Development Overlay which provides for development not to exceed 3 storeys (refer Appendix 2).

This option would provide for the introduction of a schedule to the Design and Development Overlay which provides for a 3 storey maximum building height. A preference for a 3 storey limit was outlined in the Council resolution of 27 April 2011.

During discussions with Councillors it has been requested that the properties at 23 – 27 Balcombe Road, Mentone be shown as maximum 2 storeys. This request has been reflected in Appendix 2.

The building setback provisions reflected in the drafted schedule contained within Appendix 2 are consistent with Option 2 below but in addition the street frontage setback on Nepean Highway of the property at 1-9 Balcombe Road, Mentone and the street frontage setback on Nepean Highway of the property at 202-208 Nepean Highway, Mentone is a 6 metres front building setback.

The risk associated with pursuing this option is that it is not informed through an urban design analysis. The Minister for Planning in considering whether or not to authorise a Planning Scheme Amendment in this form for exhibition will need to have regard to whether or not it sufficiently addresses responds to the requirements of the Planning and Environment Act 1987. If this option fails to receive support from the Minister for Planning a risk exists, that development proposals which may be deemed inappropriate could be advanced.

The benefit associated with this option is that it would remain consistent with the desired building height in the earlier resolution of the Council.

Option 2 – Proposed Schedule to the Design and Development Overlay based on urban design analysis by Hansen Partnership Pty Ltd (refer Appendix 3).

This option would provide for the introduction of a schedule to the Design and Development Overlay which is informed and based on the work completed by Hansen Partnership Pty Ltd (refer Appendix 4). That work generally recommends that the majority of the subject area building height be restricted to 3 to 4 storeys with some scope for building height to be six storeys on the northern component of the site at 1-9 Balcombe Road, Mentone. Along with providing a basis for the height of new buildings, Hansen Partnership has also given consideration to the setbacks for new buildings to provide for an appropriate relationship with the established residential areas.

The risk associated with this option is that it differs from the desired building height reflected in the earlier Council resolution.

The benefit associated with this option is that it has been developed based on a thorough urban design analysis providing a greater basis for the establishment of a Planning Scheme Amendment. Therefore when the Minister is considering whether or not to authorise the Amendment to commence it will be clearer as to how the basis for the Amendment has been established. Under this option it is considered more likely that an 'interim control' may proceed given the urban design analysis which supports the amendment.

The above options have been prepared to assist Council by providing one option that seeks to introduce a planning control based on its expressed intentions as part of its resolution at the Ordinary Council Meeting of 27th April, 2011. The other option follows an urban design analysis undertaken by Hansen Partnership Pty Ltd.

4. Conclusion

Officers recommend that Council decide which option it would wish to pursue as a Planning Scheme Amendment. The report recommends the use of a schedule to the Design and Development to the Kingston Planning Scheme. Two schedules have been drafted for the consideration of Council.

Should Council resolve to commence a Planning Scheme Amendment, it should also resolve to:

Write to the Minister for Planning requesting:

- The Minister exercise his powers under Section 20 (4) of the Planning and Environment Act 1987 to provide 'interim planning controls' consistent with the adopted schedule to the Design and Development Overlay.
- Authorisation to commence a Planning Scheme Amendment pursuant to the provisions of the Planning and Environment Act 1987 to introduce the adopted schedule to the Design and Development Overlay.

4.1 Environmental Implications

This report provides the Council with a series of options for consideration should it wish to undertake a Planning Scheme Amendment designed to influence the future form of development within the subject precinct. The introduction of a planning scheme control would be undertaken with the intention of positively influencing the visual appearance of the precinct under consideration.

4.2 Social Implications

Should a Planning Scheme Amendment be initiated an opportunity to seek input in relation to land owner and community views would be provided for in accordance with the provisions of the Planning and Environment Act 1987.

4.3 Resource Implications

Should Council resolve to conduct a Planning Scheme Amendment the costs associated with this process would be accommodated with the Departments operational budget and Departmental work program.

4.4 Legal / Risk Implications

Without modifying the Kingston Planning Scheme Council has a reduced ability to influence the design and built form of future development within the subject precinct. The risk of development that may be perceived as inappropriate eventuating is therefore increased.

5. Appendices

Appendix 1 – Precinct area and property numbers map

Appendix 2 – Proposed Schedule to the Design and Development Overlay which provides for development not to exceed 3 storey's

Appendix 3 – Proposed Schedule to the Design and Development Overlay based on urban design analysis by Hansen Partnership Pty Ltd

Appendix 4 – Mentone Junction Precinct Urban Design Analysis (Draft) – Prepared by Hansen Partnership Pty Ltd, February 2012

Author/s: Jonathan Guttman - Manager City Strategy and Rosa Zouzoulas - Team Leader Strategic Planning

Reviewed and Approved By: Rachel Hornsby - General Manager Environmental Sustainability

Ordinary Council Meeting

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Agenda Item No O 8

KINGSTON INTEGRATED WATER CYCLE STRATEGY ADOPTION

Contact Officer: Tony Barrett

Purpose of Report

To obtain approval for the Kingston Integrated Water Cycle Strategy.

Disclosure of Officer / Contractor Direct or Indirect Interest

Nil

Recommendation

Officers recommend that the Council:

1. *Receive the information*
2. *Adopt the Kingston Integrated Water Cycle Strategy (Appendix 1)*

1. Executive Summary and Background

Our variable climate and metropolitan population growth places immense pressure on every aspect of the water cycle. For Kingston this has serious implications for flooding, water security, stormwater quality, groundwater quality, wastewater generation and waterway health.

Kingston Councillors recognised the need for a co-ordinated approach to water management and asked officers to prepare a strategy.

The Kingston Integrated Water Cycle Strategy recognises that all elements of the water cycle are linked. It identifies the issues and opportunities associated with drinking water, stormwater, wastewater and groundwater in a holistic way. This new strategy builds on the successes of the Kingston Stormwater Quality Management Plan (2000) and Sustainable Water Use Plan (2006) and presents a new, integrated way of thinking.

The Victorian Government has also adopted an integrated approach to sustainable water management in their 'Living Melbourne, Living Victoria' program (released in March 2011). The first objective under that plan is to establish Victoria as a world leader in liveable cities and integrated water management.

The Kingston Integrated Water Cycle Strategy has two supporting documents, the Implementation Plan and the Technical Report.

The Kingston Integrated Water Cycle Strategy will position Kingston at the forefront in this regard and will provide a strong basis for substantial capital funding for projects within our municipality.

2. Discussion

2.1 Council Plan Alignment

The relevant action in the Council Plan is 2.1.4 "development and implementation of key strategies including Water Cycle Strategy."

2.2 Consultation/Internal Review

The Kingston Integrated Water Cycle Strategy was prepared by AECOM, one of the leading, global consultants in the field of sustainable water management. Key Council departments were consulted throughout every aspect of the strategy. This included a series of intensive 'one-on-one' meetings where almost every department in Council staff provided input to the draft and approved the actions that were developed as part of the Strategy. These meetings informed the development of the Strategy and ensured widespread support and ownership of the Implementation Plan.

The strategy has also been reviewed by selected external stakeholders including Melbourne Water, South East Water and other Councils leading the way in sustainable water management (e.g. Manningham, Hume and Port Phillip).

2.3 Operation and Strategic Issues

2.3.1 A new integrated approach

The Kingston Integrated Water Cycle Strategy recognises that our urban water streams (stormwater, drinking water, wastewater, and groundwater) are interlinked. Therefore this document outlines the guiding principles and sets targets for the entire urban water cycle. Achieving these targets will guide Kingston towards becoming a Water Sensitive City. This new, integrated approach to sustainable water

management reflects the Victorian Government's directions in their Living Melbourne, Living Victoria Roadmap.

2.3.2 Achieving best practice targets

The Kingston Integrated Water Cycle Strategy sets a range of targets for Council and our community. These are predominately based around reductions in drinking water consumption and increased stormwater quality targets.

The Strategy is supported by an operational Implementation Plan. The total cost of delivering the implementation plan is \$868K per annum over the first five years of implementation (commencing 2012/13). This includes 'business as usual' actions (approximately \$394K per annum) and additional actions that have been identified as the building blocks towards sustainable water management (approximately \$474K per annum). The "business as usual" actions can be delivered through the Council's standard budget process. The additional actions will be funded through key external initiatives such as the Melbourne Water Living Rivers program and the Federal Government's Water for the Future funding.

2.3.3 Maintaining Council leadership

The Kingston Integrated Water Cycle Strategy demonstrates Council's commitment to integrated water management and as such has already attracted interest from key stakeholders. Kingston has recently secured \$200K funding from Melbourne Water's Living Rivers Program, with an additional \$250K coming in 2012/13 to implement actions in the Implementation Plan.

The actions in the Implementation Plan (including a doubling in private rainwater tank installations and one large partnership project every five years - for example the Namatjira Park scheme), will achieve the best practice stormwater quality target by 2040. If Council were to continue at the current rate of investment in water management, without any external or additional funding, it is estimated to take 164 years to reach the best practice stormwater quality targets. The additional external investment of \$474K per annum will accelerate the achievement of the targets.

2.3.4 Cost effectiveness of implementation

In addition to the environmental drivers that provide a sound basis for lifting Council's levels of investment, there are compelling economic arguments to reduce mains water consumption.

Council consumed around 191 megalitres (ML) of mains water

during the 09/10 financial year at a cost of \$560K. The Essential Services Commission, who review the price of mains water and regulate the water retailers, have indicated consumer water costs will increase by 70%-84% over the next five years. For Kingston, this price increase will push the annual cost of mains water consumption close to \$1 million. It will be difficult to recover this exponential price increase without significant improvements in water efficiency.

In addition, Council has a responsibility to its users of Council venues who receive water bills to ensure its infrastructure is designed to reduce the water cost burden. Council also plays a key role as a planning authority in ensuring that new development is designed in such a way to reduce its reliance on drinking water and thus reduce the economic burden on residents of new development.

The Kingston Integrated Water Cycle Strategy has already attracted interest from key stakeholders and, once adopted, it will provide a secure platform for collaborative partnerships.

2.4 Options

2.4.1 That Council adopt the strategy

Adopting the strategy will establish a prioritised framework to achieve the targets and aspirations set out in this strategy. At an operational level, this will assist every department in Council to manage their activities in a way that promotes sustainable water management. It will also provide support in future applications for State and Federal funding. Achieving the targets in the Strategy will result in reduced risk of flooding, greater water security, better stormwater quality, improved groundwater quality, less wastewater and better waterway health. Adopting the strategy also has the potential to retain Kingston's position as a leading council in sustainable water management.

2.4.2 That Council do not adopt the Strategy

Not adopting the strategy will result in a business as usual approach to sustainable water management. Forecasting undertaken in the development of the technical report indicated that best practice targets would not be achieved until 2175. Without targets, Council would be unable to prioritise actions in a cost effective way.

3. Conclusion

The Kingston Integrated Water Cycle Strategy establishes a framework for our water sensitive future. The strategy will be used to prioritise Council's efforts on a range of projects and activities, to help reach agreed water

management targets and objectives including risk of flooding, stormwater quality and reduced reliance on mains water.

It is for these reasons that officers recommend approval of the Strategy.

3.1 *Environmental Implications*

The Kingston Integrated Water Cycle Strategy will transform the way we manage our water cycle in the City of Kingston and will reduce flooding risk, improve water security, stormwater quality, groundwater quality, wastewater generation and poor waterway health including the Mordialloc Creek and Port Phillip Bay. Additional environmental benefits such as reducing emissions associated with transporting water and reducing the urban heat island effects will also be realised.

3.2 *Social Implications*

Adopting an Integrated Water Cycle Strategy will place Council as a regional and community leader in sustainable water management. It will also provide an excellent education opportunity for residential, developers commercial and industrial to move towards a water sensitive future. Increasing and improving open space has multiple health benefits, as does the reduction in the urban heat island effect.

3.3 *Resource Implications*

Council's annual expenditure on mains water currently equates to \$560K. The anticipated price increases will see this annual cost top \$1 million within 5 years. Best practice drinking water management should see a 30% reduction in amount of water used which would equate to \$300K per year saving on drinking water costs. This strategy will also reduce the significant economic exposure Council and its community has to the rising costs of flooding, dredging, drinking water and loss of amenity.

3.4 *Legal/Risk*

There are no anticipated legal risks associated with the adoption of the Kingston Integrated Water Cycle Strategy.

4. Appendices

4.1 Appendix 1 – Kingston Integrated Water Cycle Strategy (TRIM: 12/9856)

Author: Tony Barrett, Environmental Projects Officer
Reviewed and Approved By: Rachel Hornsby, General Manager Environmental Sustainability

11. Organisational Development & Governance Reports



ORDINARY COUNCIL MEETING

27 February 2012

Agenda Item No O 9

QUARTERLY REPORT TO THE COUNCIL PLAN (OCTOBER – DECEMBER 2011)

Contact Officer: Linda Yeo, Organisational Planning and Performance Officer

Purpose of Report

To present the 2009/13 Council Plan Second Quarter Report (October – December 2011).

Disclosure of Officer / Contractor Direct or Indirect Interest

Nil

Recommendation

Officers recommend that Council note the second quarter report to the 2009/13 Council Plan actions and quarterly standard statements.

1. Executive Summary

The attached quarterly report and standard statements highlight achievements against the outcomes and strategies of the Council Plan for the second quarter of 2011/12. Of the 162 actions, 8 actions are completed, 137 actions are on track, 17 actions are expected to have delays or issues rectified by next quarter and no actions are delayed significantly.

2. Background

The 2009/13 Council Plan was endorsed by Council on 16 June 2009 and updated in June 2011. The Council Plan sets out Council's four year vision under five outcome areas, associated strategies and indicators. This quarterly report provides progress against each of the strategies of Council Plan for the period October - December 2011.

3. Discussion

3.1 Council Plan Alignment

The report provides a quarterly update to Councillors and the Community of the progress of Strategic Actions identified in the Council Plan.

3.2 Consultation/Internal Review

The attached quarterly report has been prepared by the relevant managers. The quarterly report is available to the community on Council's website.

3.3 Operation and Strategic Issues

During the second quarter of 2011/12, significant progress has been made against the outcomes of the Council Plan. Some of the highlights and challenges have been noted below.

3.3.1 Highlights and Challenges

Outcom 1: Infrastructure for a Safe and Active Community

Highlights

1.2.2 – The sport and recreation group has now been established.

1.1.2 - Council has now integrated its Municipal Fire Prevention Plan into the Municipal Emergency Management Plan as an appendix and the stand alone plan no longer exists. Council has created a new joint Fire Management Committee with the City of Greater Dandenong. The Kingston Fire Management Committee reports directly to the municipal emergency management planning committee.

1.2.2 – Completed the installation of new playgrounds at Bald Hill Park and Roy Dore Reserve. Construction is well underway at Reg Marlowe Reserve and is anticipated to be completed by Australia Day. Community consultation has been completed for Racecourse Reserve and construction is proposed to commence at the end of February 2012.

Challenges

1.1.4 - Multiple priorities for the property department have delayed finalisation of the strategy. It is now intended to go to the Corporate Leadership Group (CLG) in early 2012.

1.2.1 – The development of Sportsground Infrastructure Policy paper has been deferred pending the outcome of sportsground lighting audit information.

1.2.2 - No progress has been made on the Active Leisure Plan for this quarter.

1.2.2 - No progress has been made on the sports specific strategies such as the Kingston Tennis Strategy for this quarter.

Outcome 2: A Sustainable Environment

Highlights

2.1.1 - Second round of consultation currently being undertaken for the Green Wedge Management Plan. This will be incorporated into the final version of the plan.

2.3.1 - The Committee had its last meeting under the current Terms of Reference in August 2011 and is due to be reviewed by Council in March 2012. An additional meeting of the group has been requested by Councilors for February 2012.

2.3.3 – Re-vegetation works completed for the 2011 calendar year. Encroachment removals will take place over the summer months.

Currently in design phase of the Carrum Rock erosion control wall which is expected to go to tender at the end of November, with work commencing after summer.

Challenges

No challenges have been identified for outcome 2

Outcome 3: Healthy, Strong and Connected Communities

Highlights

3.1.5 - Youth & family Services facilitated a series of community education forums addressing: Parenting Skills; Mental Health wellbeing; coping with grief and loss; and teenage suicide.

3.1.7 - Officers have been working closely with local businesses to plan the annual fundraising dinner and the annual grants round has been completed.

3.4.1 - Council's Public Health and Wellbeing Plan has identified a range of actions to address key health and social issues. These actions are being progressively implemented. One of the actions has resulted in a Commonwealth Government grant of \$566k over 18 months to deliver healthy eating and lifestyle programs to target populations.

Challenges

No challenges have been identified for outcome 3.

Outcome 4: A Prosperous, Innovative Business City

Highlights

4.2.1 - Kingston's Business Sustainability Framework has been developed. Funding obtained from State Government for group program to assist businesses become more sustainable. Program completed in Dec 2011.

Challenges

No challenges have been identified for outcome 4.

Outcome 5: Community Inspired Leaders

Highlights

5.1.3 - Implementation of Phase 1 of the Customer Request System (CRM) completed. Nearly 25000 requests received to end of December. In December the completion rate was over 97% to timelines. Phase 2 of the CRM is underway with Community Buildings and Depot being set up and integrated with Asset Management System and work being undertaken with Planning and Economic Development departments.

5.2.1 - Consultant and revised community visioning process approved at the Ordinary Council Meeting in December. Community representative appointment to the Steering Group finalised. "Make your Mark" naming competition launched at Carols by Candlelight on 18 December and QR (quick response) code established.

5.3.2 - Significant work has been undertaken on the implementation of the Asset Management System. The National Asset Management (AM) Framework has been updated and will be deployed during 2012. The review of AM Policies / Strategies and renewal funding model is due to be completed in early 2012.

5.4.1- LINK review of 2010/11 cycle has been completed by People and Culture and will be presented for CLG in February/March with a series of recommendations including a 3-year plan to be adopted. Online performance management systems are being reviewed as part of the Human Resource Information System (HRIS) tender with an online solution to be sourced with an estimated timeframe of 18 months.

5.4.1 - Request for Quotation process has been completed for the Occupational Health and Safety (OHS) Incident and Claims Management system together with the evaluation and system demonstrations. A recommendation for the preferred supplier has been made to the HRIS Steering Committee with the project timeframe to implement the OHS Incident and Claims Management system during the period March - May 2012.

Challenges

5.3.1 - The Family and Children's Strategy (Formerly the MEYP) will be launched in July 2012. There has been a hold up with this strategy due to policy changes from the Council of Australian Government which is out of our control. Once launched, the Family and Children's Services Partnership will undergo a review of its purpose and consider any role it may have in the implementation of the strategy.

3.4 Quarterly Financial Statements

The attached Standard Financial Statements for the six months to December 2011 comprise an Income Statement, Cash Flow Statement, Balance Sheet and a Capital Works Statement. These statements show that Council is largely on track to achieving its budget and variations are being managed to ensure the budget is met.

3.5 Options

Not applicable

4 Conclusion

That Council review the quarterly report and note the progress of strategic actions.

4.1 Environmental Implications

Nil

4.2 Social Implications

The report against the Council Plan provides information to the Council and Community on ongoing achievements against the Council Plan direction.

4.3 Resource Implications

All Council Plan actions have been funded in the 2011/12 Budget.

4.4 Legal/Risk

The Council Plan is a statutory requirement of the Local Government Act 1989 (the Act). Quarterly reporting against achievements is good practice to keep Council informed of progress achievements and challenges in delivering the Council Plan.

The Quarterly Financial Statements are a requirement of the Act s138 Quarterly statements.

5 Appendices

5.1 Appendix 1 – Quarterly report to the Council Plan December 2011

5.2 Appendix 2 – Quarterly Standard Statements Report December 2011

Author/s: 1. Linda Yeo, Organisational Planning and Performance Officer
2. Bernard Byrden, Manager Financial Services

Reviewed and Approved By: 1. Jason Stubbs, Manager Customer Service and Performance Planning
2. Elaine Sowerby, General Manager Organisational Development and Governance

Ordinary Council Meeting

27 February 2012

Agenda Item No: O 10

KINGSTON CITY COUNCIL GENERAL ELECTION 2012 - EXEMPTION BY THE MINISTER FOR LOCAL GOVERNMENT

Contact Officer: Phil DeLosa, Program Leader Governance

Purpose of Report

To inform Council about the change in the tender process for the provision of electoral services for the Kingston City Council General Elections 2012 which potentially changes the direction that Council adopted on 19 December 2011.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officers who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

Recommendation

Officers recommend that Council:

1. negotiate directly with the Victorian Electoral Commission (VEC) for the provision of electoral services for the Kingston City Council General Elections 2012.

12/17539

6. Executive Summary

As a result of the Ministerial exemption (dated 14 December 2011) from the requirement to conduct a tendering process for the provision of electoral services, Council can now negotiate directly with the VEC to provide this service. It is recommended that Council negotiate directly with the VEC rather than engage the Municipal Association of Victoria (MAV) as agent to undertake a public tender. In dealing directly with the VEC, marginal cost savings are anticipated (\$2,000).

Indicative pricing for the provision of electoral services has been received from the VEC and material increases from this indicative pricing are not anticipated. Prior contracts for electoral services and guidance from the Procurement and Contracts department will form the basis of the review of the contractual terms and conditions.

7. Background

At the Ordinary Council meeting on 19 December 2011, Council resolved to appoint the MAV as Council's agent to undertake a public tender for the provision of electoral services for the 2012 General Elections.

Subsequently on 21 December 2011 the Department of Planning and Community Development informed Council that the Minister for Local Government had approved arrangements pursuant to section 186(5)(c) of the Local Government Act 1989 (the Act). The arrangement exempts Councils from the requirement to conduct a tendering process under section 186(1) of the Act where Council enters into a contract with the VEC relating to Council's General Elections on 27 October 2012 and any by-elections or countbacks during the following term of office of the Council.

8. Discussion

8.1. Council Plan Alignment

Planned Outcome 5 – Community Inspired Leaders.

The 2012 Election is an important event in promoting community leadership.

8.2. Consultation/Internal Review

Council officers have been liaising with both the VEC and MAV. To date the VEC is unable to provide any data on the number of Councils who will implement the Ministerial exemption and deal directly with the VEC.

At this stage the MAV anticipates 65 Councils of a total 78 will engage it to act as their agent to conduct a tendering process. Of the 13 Councils who have opted to negotiate directly with the VEC, 6 are metropolitan, 5 rural and 2 are regional cities.

8.3. Operation and Strategic Issues

8.3.1. Sole provider of electoral services.

The VEC is the sole provider of electoral services and therefore a tendering process in effect becomes a negotiation process with the MAV acting as coordinator. The Ministerial exemption recognises that a tender process in a "one-supplier" environment is problematic. The sector has highlighted this anomaly in the process and hence the exemption provides Councils with the authority to negotiate directly with the VEC, the sole supplier. To continue on with the agency arrangement and engage the MAV as agent goes against the spirit of the Ministerial exemption which recognises Councils ability to negotiate their own terms and conditions directly.

The MAV's view is that Councils dealing directly with the VEC will be offered the VEC standard terms and conditions as a starting point, thereby placing Councils in "weak position" from the commencement of negotiations. However, Council staff have access to prior electoral services contracts and can seek guidance internally from the Procurement and Contracts department thereby placing it in a strong position to work directly with the VEC.

8.3.2. Financial implications

In October 2011 the Electoral Commissioner made assurances to Council representatives that the VEC will keep cost increases to a minimum. The VEC notes, however, that there have been significant increases since 2008 in the costs of materials, freight and postage, and labour. In preparing quotes for the 2012 general elections, the VEC has noted an overall marginal cost increase for Councils of 17.18%. Indicative costing of \$426,000 has been provided to Council by the VEC for the provision of the electoral services in relation to the Kingston City Council's 2012 general election. In 2008 costs were \$427,000. Although this is an indicative cost, Council does not anticipate a material change to this and the estimate provides a basis for on which the VEC must justify any substantial increase.

8.3.3. Resourcing impact

Council officers will deal directly with the VEC and not via MAV as Council's agent. Contract terms and conditions will be reviewed in-house with guidance from prior electoral services contracts and the Procurement & Contracts Department. It is not envisaged that an onerous amount of time will be required by Council officers.

8.4. Options

8.4.1. Option 1 – Council deals directly with the VEC, the sole supplier of electoral services.

Governance will review the terms and conditions with reference to prior contracts for electoral services and where necessary seek guidance from the Procurement and Contracts department. Direct contact with the MAV will ensure expedient negotiations of Council's contractual terms and conditions.

Work efficiencies are anticipated through direct negotiations with the VEC. Minor cost savings (\$2,000) are expected. Material cost increases for the provision of electoral services are not anticipated.

8.4.2. Option 2 – Council appoints MAV as the tender agent per the resolution passed at the Ordinary Council meeting on 19 December 2011.

This is the original Council endorsed approach however the subsequent Ministerial exemption has allowed Council officers to consider the benefits of dealing directly with the VEC. Although the original approach would provide access to MAV's documentation, a thorough review of the contract would still have been required to ensure Council's terms and conditions were addressed.

9. Conclusion

The preferred option is Option 1 - Council deals directly with the VEC. The Ministerial exemption provides the authority for direct negotiations with the VEC and to not implement the exemption is considered a step backwards given the intent of the exemption. Minor costs savings are also anticipated.

9.1. Environmental Implications

Not applicable

9.2. Social Implications

Elected Councillors set strategic & policy directions for the community. Elections are an important part of the community's democratic process.

9.3. Resource Implications

Council officers will be required to review all contractual terms and conditions.

9.4. Legal / Risk Implications

Financial risk – Estimate of electoral costs have been provided and no material increase from this estimate is anticipated. The VEC will need to justify any significant increase.

Legal risk - Council will have direct access to the VEC documentation and will be able to tailor the terms and conditions specifically to Kingston requirements without the layer of the MAV agency arrangement. Prior electoral service contracts and guidance for the Procurement & Contracts department will ensure Council's terms and conditions are addressed.

10. Appendices

- 10.1. Appendix 1 – DPCD Circular No. 43/2011 dated 21 December 2011
[12/14725]

Author/s: Angela Granter, Governance Officer

Reviewed and Approved By: Elaine Sowerby, General Manager Organisational Development & Governance



Ordinary Council Meeting

27 February 2012

Agenda Item No O 11

DRAFT PUBLIC ART STRATEGY 2012-16

Contact Officer: Suzanne Snooks

Purpose of Report

This report presents the Draft Public Art Strategy 2012-16 for Council to approve at the February Council meeting for a period of public consultation.

Disclosure of Officer / Contractor Direct or Indirect Interest

No direct or indirect interest.

Recommendation

Officers recommend that Council approve the Draft Public Art Strategy 2012-16 for a period of public consultation.

1. Executive Summary

This report presents the Draft Public Art Strategy 2012-16 for consideration.

The Draft Strategy contains 27 actions to be delivered over four years that seek to enhance and preserve the City of Kingston's Public Art collection. It compliments the Arts and Cultural Strategy 2011-15 (adopted July 2011) and the Public Art Policy (adopted December 2011).

The Draft Strategy has been developed through community consultation and input from Council's Arts and Cultural Advisory Committee.

The first year actions of the Strategy predominantly focus on conducting a review and audit of current public art and opportunities for public art across the municipality. This then leads to the development of a public art program to be delivered across the remaining years.

The Strategy has been developed to be delivered within existing resources. As such it focuses heavily on developing community-based partnership projects and will also rely on external grant funding to deliver any larger projects. The Strategy also seeks to raise awareness of, and improve access to, Kingston's current public art collection.

Implementation of the Strategy seeks to increase liveability through advancing opportunities for participation and street life in the public domain; improving aesthetics in public places; enhancing opportunities for local artists; increasing understanding and interest in our diverse cultures, stories, histories and heritages through collaborative development with the community, local businesses, state organizations and Council.

The Draft Strategy will be placed on public display for a period of four weeks for comment prior to adoption by Council.

2. Background

The 2005-08 Arts and Cultural Strategy was the first to be adopted by the City of Kingston. Consultation for this identified the need to develop a strategic direction for public art in Kingston.

In 2010, permission to extend the Public Art Policy to include some strategic work was given in order to fully address the issues relating to public art and to develop a strategic response and vision for public art in Kingston.

As a result, in 2011 independent arts industry consultant, Arts & Cultural Services Australia was engaged to consult, draft, and present Kingston's first Public Art Policy and Strategy.

The document has now been broken into two parts:

- The first part, the Public Art Policy, sets down a process or system for decision-making for managing public art in Kingston, and was adopted by Council in December 2011.
- The second part, the Public Art Strategy, which is the subject of this report, outlines a strategic response and vision for public art in Kingston and is now ready for comment and approval.

3. Discussion

3.1 Council Plan Alignment

The Public Art Strategy has six key strategic themes relating to the five Planned Outcomes of the Council Plan 2009 -2013 (updated 2011), and its development is directly related to:

Planned Outcome 3 – Healthy, Strong and Connected Communities

Strategy 3.2 - Strong, cohesive and engaged communities

Action 3.2.8 - Facilitate the development and enjoyment of arts and cultural opportunities for artists, community groups and individuals through the implementation of the Arts & Cultural Strategy

The Public Art Strategy arises from Kingston, a Liveable, Creative City: Arts and Cultural Strategy 2011-15.

3.2 Consultation/Internal Review

Community engagement and consultation methodologies were utilised to gather quantitative and qualitative information about the community's position on public art and their needs and values. The consultation methodologies included;

- Public Focus Group (x 28)
- Council Staff Focus Group (x 17)
- Written correspondence (x 9)
- Staff interviews (x 4)
- Public Art Steering Committee meetings (x 2)
- Arts and Cultural Advisory Committee meetings (x 1)
- Site Visits (x39)

The Strategy has been put together with the assistance of a cross-Council 'Public Art Steering Committee' to guide its development process as well as to provide specialised advice.

3.3 Operation and Strategic Issues

3.3.1 Auditing and maintaining Council's Civic Collection

In addition to the current asset register, there are a number of permanent art works in public places (sculptures, murals, mosaics) that need be added to this register. As such, the Draft Strategy recommends that when the next audit of the Civic Collection (paintings and artefacts) an audit of Council's collection of permanent art works is also undertaken (see Action 5.3). This will enable a maintenance plan to be put in place, appropriate public safety assessments to be made, and the opportunity to improve community awareness of the number of public artworks in Kingston (See Action 5.4).

3.3.2 Gateway Public Art

During community consultation, several community members expressed views around the need for gateway public art at entrance points to the municipality. Council already has gateway signage at these entry points. In addition to the gateway signage that already exists, Vic Roads has restrictions surrounding structures such as sculptural works being installed along roadsides i.e. in 80km zones structures must be situated at least nine metres from the roadside.

As a result, Action 1.5 proposes to conduct further investigation around its feasibility.

3.3.3 Scope and Resourcing of Strategy

The majority of actions within this Draft Strategy are to be undertaken within the existing operating budget and human resources.

However, during initial community consultation, a number of initiatives were put forward that would require additional funding to be able to be delivered.

Council currently has a \$20k annual capital works budget for Public Art but in some instances, Council would be required to seek external funding to resource the community driven projects from state and federal governments and the private and public sectors.

Opportunities for additional funding for community driven projects may also be sought through Council's community grant programs.

4 Conclusion

The Draft Public Art Strategy 2012-16 provides clear direction and outlines plans for the development of Public Art in the municipality over the next five years. The Draft has been developed with input from the community, and the Arts and Cultural Advisory Committee. The Draft Strategy is now presented to Council for their approval for its approval to be released for a period of public consultation.

The adoption of a Public Art Strategy 2012-16 will see a number of key outcomes for public art prioritised and implemented across the City, including;

- Establish of an Ephemeral, Temporary and Permanent Public Art Program that revitalises public spaces and places
- Ensure the Public Art Program encourages sustainable design practices
- Increase community engagement and participation in public spaces and places

- Build partnerships with artists, businesses and community groups to maximise resources and funding
- Continue to maintain, update and catalogue the City's Public Art Program including the Civic Art Collection
- Build knowledge, awareness and access to the Collection and the Public Art Program.

4.1 Environmental Implications

The Draft Strategy proposes that sustainable design practices are encouraged in all new public art. It seeks to create opportunities to revitalise public spaces and the built environment through the development of permanent, temporary or ephemeral public art.

4.2 Social Implications

The Draft Strategy highlights actions that will promote health, education and creative engagement across Kingston. There are opportunities to develop and engage new audiences and to further address the social and cultural needs of the community.

4.3 Resource Implications

The majority of actions within the Draft Strategy are to be undertaken within existing operating budget and human resources.

Council currently has a \$20k annual capital works budget for the development of Public Art. As such, additional funding may be required for the delivery of public art projects that arise as a result of this strategy. Opportunities to for additional funding may be sought through community grant programs, external agencies and community organisations.

4.4 Legal/Risk

The Draft Strategy proposes an audit of Council's Civic Collection to ensure the condition of art works are regularly assessed and do not present a risk to the community.

The Strategy also recommends that a thorough maintenance schedule be put in place to ensure all art works are maintained to a high standard and meet all Occupational Health and Safety requirements.

5 Appendices

5.1 Appendix 1 – Draft Public Art Strategy 2012-16

Author: Suzanne Snooks, Arts and Cultural Development Coordinator

Reviewed and Approved By: Elaine Sowerby, General Manager, Organisational Development and Governance

**City of Kingston
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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.

6. Recommendation

That Council notes the contents of this report.

Attachments:

Assembly of Council forms

**City of Kingston
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4. Issue

Please note this Ward Fund Expenditure report contains Ward Meeting expenditure where an exemption to the Policy's \$1,000 Council Contribution limit per annum is sought. (Refer to section 2.1 and 2.2 of the Policy) given there is no provision to accumulate ward funds for the purpose of Ward Meetings.

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

Table of Councillor requests:

Councillor	Ward	Initiative	Request Date	Amount \$
Cr West	Central	<i>Animalia Wildlife Shelter</i>	20/01/2012	\$250
Cr Staikos	North	<i>Animalia Wildlife Shelter</i>	21/01/2012	\$250
Cr Shewan	South	<i>Animalia Wildlife Shelter</i>	31/01/2012	\$250
Cr Athanasopoulos	North	<i>Animalia Wildlife Shelter</i>	20/01/2012	\$250
Cr Moloney	South	<i>Animalia Wildlife Shelter</i>	20/01/2012	\$250
Cr Brownlees	Central	<i>Animalia Wildlife Shelter</i>	15/02/2012	\$100
Cr Brownlees	Central	<i>2012 Marathon Challenge</i>	31/01/2012	\$200
Cr Brownlees	Central	<i>Moorabbin Hellenic Community - Festival support</i>	15/02/2012	\$500
Cr Peulich	North	<i>Moorabbin Hellenic Community - Festival support</i>	20/02/2012	\$500
Cr Brownlees	Central	<i>Cheltenham Football Club - Admin support</i>	15/02/2012	\$500
Cr Brownlees	Central	<i>St Patricks Primary School</i>	15/02/2012	\$200
Cr Ronke	South	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100

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Councillor	Ward	Initiative	Request Date	Amount \$
Cr Shewan	South	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Moloney	South	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Staikos	North	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Athanasopoulos	North	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Peulich	North	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Brownlees	Central	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr West	Central	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Dundas	Central	<i>Thalassemia Charity Cocktail Party</i>	13/02/2012	\$100
Cr Staikos	North	<i>Minus 18 Formal</i>	20/02/2012	\$350
Cr Ronke	South	<i>Chelsea Primary School Hardship funding</i>	20/02/2012	\$460
Cr Shewan	South	<i>Chelsea Primary School Hardship funding</i>	20/02/2012	\$230
Cr Moloney	South	<i>Chelsea Primary School Hardship funding</i>	20/02/2012	\$230
Cr Brownlees	Central	<i>St Patrick's Festival Purchase of prizes</i>	20/02/2012	\$200

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Councillor	Ward	Initiative	Request Date	Amount \$
<i>Ward Meetings</i>				
Cr. West	Central	<i>Ward Meeting 16 February 2012</i> <ul style="list-style-type: none"> • <i>Advertising</i> • <i>Catering</i> • <i>Distribution costs</i> • <i>Printing</i> 		\$193.00 \$96.00 \$150.00 \$1,012.50 \$800.00
Total				\$2,251.50
Cr. Shewan	South	<i>Ward Meetings 21 and 23 February 2012</i> <ul style="list-style-type: none"> • <i>Advertising</i> • <i>Catering</i> • <i>Distribution costs</i> • <i>Printing</i> 		\$96.50 \$180.00 \$990.00 \$800.00
Total				\$2,066.50

Recommendation

1. That Council approve the expenditure of ward funds in accordance with the table of Councillor requests; and
2. That Council approve the expenditure of wards funds for Ward Meetings for Cr. West and Cr. Shewan.

12. Corporate Services Reports

O 14 Request to appoint Scott Harrison as City Organist

Approved by: Paul Franklin, General Manager Corporate Services

Author: Adrian Nunes, Team Leader Arts and Cultural Services

1. Purpose

The purpose of this report is to recommend Scott Harrison from the Theatre Organ Society of Australia, Victorian Branch (TOSA) to be appointed as Kingston's City Organist.

2. Council Plan

- Planned Outcome 3 – Healthy, Strong and Connected Communities

Strategy 3.2.9 – Strengthen our arts and cultural facilities to enable vibrant and diverse arts and cultural activities to be performed and displayed.

Strategy 3.2.10 – Facilitate co-operative and innovative approaches for businesses and community groups to work together to meet local needs.

In the last five years, Scott Harrison's dedication to the development and presentation of Kingston's Wurlitzer Theatre Pipe Organ has brought the instrument to the attention of local patrons and internationally known theatre organ musicians alike.

By recognising Scott Harrison's contribution, Kingston has an opportunity to secure a developing audience for the instrument by providing an internationally known theatre organ specialist as a key musician and care taker for this rare asset. The recognition of Scott's work further consolidates the partnership that Kingston enjoys with TOSA to curate and develop the Wurlitzer Theatre Organ.

3. Background

3.1 Kingston's Wurlitzer

Built in 1928, Kingston owns one of only four Style 270 Wurlitzers ever built. Three of the four were installed in Australia and Kingston's is the only one left playable, one being destroyed by fire and the other suffering irreparable water damage.

The Wurlitzer company built 15 grand pianos for their organs, and Kingston's is the only one left in Australia, possibly the world. Kingston's Wurlitzer is the only publicly owned Theatre Pipe Organ in Australia and the only one that remains in tact (with matching piano).

The Wurlitzer was Heritage listed by the National Trust Victoria 10 years ago who stated that it is an instrument of 'National Significance'.

The Kingston Wurlitzer is known worldwide by theatre organ artists and groups as being one of the most significant organ installations in the world and one of the largest in Australia.

3.2 TOSA's Contribution to the Kingston Wurlitzer

TOSA is an incorporated society whose mission statement is to Preserve, Restore, Promote and Present the Theatre Pipe Organ as an instrument of entertainment along with the art of playing them. Formed in 1960, TOSA has played a major role in saving these instruments from theatres abandoned them.

In 1967 TOSA successfully negotiated with the City of Moorabbin to install the Wurlitzer into the newly opened Moorabbin Town Hall. Over the next 3 years, TOSA members spent several hundred man hours installing the instrument into the hall, refurbishing components where required. All labour contributed to the installation of the organ was provided on a voluntary basis as part of TOSA's mission statement.

Since the opening of the organ in Moorabbin 1970, the instrument has been regularly maintained by members of TOSA. In 2003 – 2005 the organ was again extensively overhauled with the major job of sourcing and installing a new relay system, complete rewiring of the entire instrument along with substantial replacement of parts in the two chambers above the stage house at the City Hall.

TOSA remain the leading authority on the technical upkeep of these instruments. A few years ago the cost of maintaining the Kingston Wurlitzer by a party other than TOSA was researched, revealing possible costs in the vicinity of \$100,000 plus.

Kingston's partnership with TOSA saves the city approximately \$85,000 in labour annually and provides a team of dedicated specialists and musicians in close proximity.

3.3 Scott Harrison's Contribution to the Kingston Wurlitzer

Scott Harrison has been playing the Kingston Wurlitzer since 1986 and was offered the position of City Organist in 1987, a post which he held for six years before work took him abroad. Upon returning to Australia a year later, Scott resumed playing the Wurlitzer for TOSA and Council functions which he continues to do to this day.

In the last four years Scott has been on the Committee of Management for TOSA, and has spent a significant amount of time working on the organ to improve its reliability and musicality. He has introduced the instrument to a number of people, including visiting international artists to play the Kingston Wurlitzer and provide feedback and advice to develop the instrument. Kingston's Wurlitzer had a reputation of being somewhat unreliable in the past but the current feedback is very positive in regards to the reliability and musical transformation of the organ due to Scott's work.

Despite this instrument not belonging to TOSA, Scott's aim is to make it musically, the best theatre organ in Australia.

Scott has been instrumental in the growth of the partnership between Kingston and TOSA and the development of the current access and maintenance agreement between the two parties. He has facilitated significant change with TOSA's approach to the partnership to bring them up to date with Kingston's compliance requirements.

Scott performs as a Theatre Organist around Australia, New Zealand, England and the United States and is invited to tour annually.

Despite this, he coordinates his tours to fit in around his appearance dates for Kingston and makes himself readily available for performances, repairs, maintenance and any promotions for the organ.

4. Summary and Conclusion

Scott Harrison is an internationally recognised Theatre Organist who has been instrumental in the development of Kingston's heritage listed Wurlitzer Pipe Organ. He has facilitated substantial change to the use and development of the organ as a member of TOSA's Committee of Management and has been a preferred performer for Kingston's programmed and Council events since 1987.

It is proposed that Scott be considered for the position City Organist, a title that has been endorsed by the TOSA Committee of Management, which recognises his contribution to the Wurlitzer, Kingston and the community.

5. Consultation

The TOSA Committee of Management has been consulted in relation to this recommendation and has warmly endorsed the proposal. A letter of support has been presented and is attached.

6. Issues

6.1 Performer Exclusivity

The position of City Organist would not provide exclusivity to Scott Harrison for performances. Whilst Scott is the preferred performer, event organisers would, as a matter of courtesy, consult with Scott about the best performer for any given event.

6.2 Curatorship of the Kingston Wurlitzer

Scott is very well regarded by the TOSA Committee of Management and is expected to consult with them and Kingston on all matters related to the organ. The City Organist position does not give exclusive curatorial rights to the instrument.

7. Triple Bottom Line Checklist

- **Social**

Scott Harrison is has been the strongest advocate for Kingston's Wurlitzer Theatre Organ to date, locally and internationally. Appointing him as City Organist would consolidate his relationship with Kingston and the community and provide enormous encouragement for his work in promoting and developing the instrument.

- **Financial**

The appointment of a City Organist would have no increased financial impact on Kingston. Currently, Scott is engaged on a per event basis for a set performance fee of \$180 for a short set (approximately 30 mins prior to a main performance) or \$800 for a full concert (between 60 to 90 mins) and it is expected that this model will continue. Scott's work in promoting the organ via tours and demonstrations has been voluntary and this too would continue.

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9. Recommendation

That Council resolve to appoint Scott Harrison as Kingston's City Organist.

Attachments:

Letter of Support from the Theatre Organ Society of Australia.

9th December, 2011

Attention: Adrian Nunes

Team Leader
Art & Cultural Services
City of Kingston
Cnr. South Road & Nepean Highway
Moorabbin Vic. 3189

Dear Adrian,

**Re: Proposed official post – City Organist:
Recommended appointment of Scott Harrison**

As you have observed, Scott Harrison has demonstrated a strong and devoted commitment to the Kingston City Hall 4/22 WurliTzer Theatre Pipe organ on behalf of our organisation and for the Council and its Arts & Cultural Services.

This commitment has been at three levels.

1. The work that Scott has put in to the maintenance of the instrument to ensure the highest standard of functioning and performance;
2. The promotion of the use of the instrument for functions and events for our organisation, the Kingston Arts & Cultural services/Council, and the wider community;
3. His ready availability to play the instrument at programmed and community events throughout the year, sometimes at short notice.

From our perspective, Scott has been an excellent ambassador for the WurliTzer and its use, encouraging Kingston to recognise, acknowledge, and use the asset it owns.

He has also established an excellent relationship and rapport with the City of Kingston, in particular with the staff of Arts and Cultural Services, on his own behalf and on behalf of our organisation.

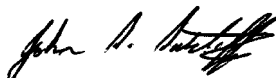
Therefore, we are very pleased and proud that you would consider recommending Scott to an official post of “City Organist” as a means of recognising and acknowledging his willing efforts as mentioned above.

Whilst we would continue to encourage Kingston Arts & Cultural Services to utilise the services of a number of our organists as appropriate to its various programmes and events, we see absolutely no reason at all why this proposal should not be approved and acted on as you recommend.

It is with much pleasure that I advise you that our Committee of Management unanimously agreed to endorse this proposal with a letter of support.

To this end, I am delighted to write this letter to you, supporting your proposal of appointing Scott as “City Organist”, agreeing that this would be an excellent way of recognising and acknowledging the immense effort that he has invested into the maintenance and performance of the WurliTzer.

Yours sincerely



John S. Sutcliffe
President
T.O.S.A. (Victorian Division) Inc.

O 15 Appointment of Audit Committee Chair

Author: John Nevins, Chief Executive Officer

1. Purpose

The purpose of this report is to advise Council that Mr Ray Liggett, the chair of the Audit Committee since 2001, has advised that he wishes to retire from the role at the expiry of his current appointment in March 2012.

2. Council Plan

Planned Outcome 5 – Community Inspired Leaders
Strategy 5.3 – Sound governance and responsible financial leadership.

Kingston’s Audit Committee highlights the transparency and accountability of Kingston City Council.

3. Background

The Audit Committee Charter provides for one of the external independent members of the Committee to be appointed to the position of Chair by Council on the recommendation of the Chief Executive Officer.

4. Summary and Conclusion

It is recommended that Mr Hugh Parkes be appointed as Chair as of 1 April 2012 for a period of three years which will expire on 31 March 2015. Mr Parkes was first appointed to Kingston’s Audit Committee in August 2005 and his confidential resume is attached.

5. Recommendation

That Council resolves to appoint Mr Hugh Parkes as Chair of the audit Committee for a period of three years expiring on 31 March 2015.

*Confidential Attachment
Resume – Mr Hugh Parkes*

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O 16

Summary of Audit Committee Meetings

Approved by:

Paul Franklin, General Manager Corporate Services

Author:

Hayley White - Team Leader, Financial Accounting

As a part of Council's governance obligations to its community the Audit Committee was established as an independent Advisory Committee to Council in 1997.

The Audit Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted the Audit Committee under a Charter to facilitate the following outcomes as a part of its work program:-

1. The enhancement of the credibility and objectivity of internal and external financial reporting;
2. Effective management of financial and other risks and the protection of Council assets;
3. Compliance with laws and regulations as well as use of best practice guidelines;
4. The effectiveness of the internal audit function; and
5. The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

This report forms part of the on-going communication between the Audit Committee and Council. The key items considered by the Audit Committee in the December 2011 meeting (refer to confidential attachment for detailed minutes) included:

- Tendering Process Internal Audit – Terms of Reference
- Final Internal Audit Report on Cash Handling
- Status update on progress of Internal Audit Plan
- Internal audit register status update of outstanding items
- Update on Organisational Development & Governance
- Auditor General's report on the results of the 2010/11 Local Government Financial Audits
- Recent Reports by the Auditor-General and the Ombudsman
- Update on recent IT event
- Status Update on Pool Compliance Orders

Conclusion

Council has an on-going obligation to the community to properly utilise the resources put at its disposal. The Audit Committee and the activities that it oversees is one mechanism that allows the community to feel confident that Council is properly discharging stewardship and governance obligations.

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Recommendation

<p>That the summary of the Audit Committee activities be noted and the Audit Committee be thanked for its good work.</p>
--

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Agenda Item No: O 17

AUDIT COMMITTEE REMUNERATION

Contact Officer: Paul Franklin, General Manager Corporate Services

Purpose of Report

The purpose of this report is to recommend to Council an adjustment to the current remuneration paid by Council to its Audit Committee members.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officers and/or Contractors who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

Recommendation

Officers recommend that Council:

Adopt the revised Audit Committee rates of:

1. Chair - \$8,750;
2. Member - \$7,000; and
3. Annually adjust the above rates by the Australian Bureau of Statistics published CPI index in January each year.

5. Executive Summary

Remuneration for Audit Committee Members has not been reviewed since 2006 and it is recommended that Council increase their remuneration and link it to CPI to ensure they are fairly paid for their work and Council can continue to retain and attract high calibre individuals to this important role.

6. Background

Council's Audit Committee is comprised of three independent paid members, the Mayor, one Councillor and the CEO. The committee is supported by the General Manager Corporate Services, staff and Councils Internal Auditor, Deloitte.

The committee drives a programme of internal audits, considering outcomes and recommendations and provides an independent and expert review of these matters. The committee is an essential pillar in Kingston's governance and operational structure.

7. Discussion

7.1. Council Plan Alignment

Planned Outcome 5 – Community Inspired Leaders
Strategy 5.4 – Inspired, Dynamic and Accountable people.

- An active and engaged Audit Committee assists the organisation to continue to be accountable to the community.

7.2. Consultation/Internal Review

Benchmarking has been undertaken with other municipalities.

Benchmarking amongst ‘Category One’ Councils shows that Kingston is in the top quartile of remuneration of Audit Committee members. The highest paying municipality is Stonnington Council with the chair paid \$9,450 and ordinary members \$6,300. This is followed by Monash Council at \$8,750 (chair) and \$7,000 (member).

The following table shows audit committee remuneration for municipalities of similar size, complexity and demographic.

Council	Chair	Member
Stonnington	\$ 9,450	\$ 6,300
Monash	\$ 8,750	\$ 7,000
Moonee Valley	\$ 8,000	\$ 6,500
* Kingston	\$ 7,500	\$ 6,000
Boroondara	\$ 7,500	\$ 6,000

The maximum rates to be paid to our Audit Committee members were set in July 2006, no review has been undertaken since this time. In order to update the maximum fees a CPI adjustment has been undertaken.

Date	CPI Index	Chair	Member
September 2006	155.7	\$ 7,500.00	\$ 6,000.00
December 2011	179.4	\$ 8,641.60	\$ 6,913.00

These fees have been checked against the benchmarking work and it is recommended that the following rates be adopted as maximums:-

Chair - \$ 8,750
Member - \$ 7,000

It is also recommended that these rates be adjusted annually to CPI to ensure fees are maintained in real terms.

8. Conclusion

The following options were considered:

1. adopt revised audit committee remuneration with annual CPI adjustment
Chair \$ 8,750
Member \$ 7,000
2. adopt revised audit committee remuneration without annual CPI adjustment
Chair \$ 8,750
Member \$ 7,000
3. Do not adopt any change to remuneration.
4. Determine a different remuneration package.

4.1 Environmental Implications

Nil

4.2 Social Implications

An active, professional and highly engaged Audit Committee is one of the pillars of good governance for Kingston. Whilst the main motivation for audit committee members is not financial, fair remuneration will continue to attract and retain the calibre of individuals required to perform this important task for the community.

4.3 Resource Implications

Adopting the recommended rates will result in an increase in Audit costs of \$3,250 per annum which has been included in the framing of the upcoming budget.

Author/s: Paul Franklin, General Manager Corporate Services

Reviewed and Approved By: John Nevins, Chief Executive Officer

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4. Discussion

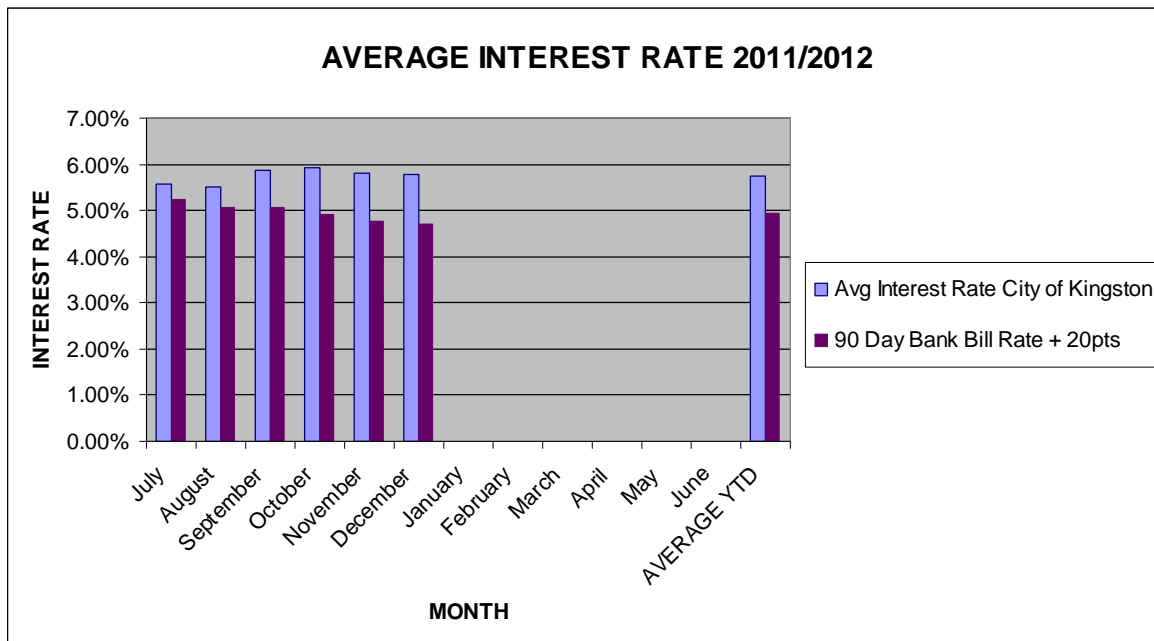
Cash has been invested in the following ways:

	December 2011	December 2010
Type of Investment	Amount (\$'000)	Amount (\$'000)
Cash at Bank	2,629	4,680
Cash At Call	2,000	5,000
Funds Invested (Fixed term investments)	21,000	14,750
Total	25,629	24,430

Council had funds of \$21.0 million invested as at 30th December 2011. The investments have been made for fixed terms periods from 3 month to 12 months. The interest rates achieved as at 31st December 2011 were in the range of 5.50% to 6.50% p.a.

The attached Investment Schedule details our investments by credit rating, by bank and by maturity and demonstrates compliance with the Investment Policy. The schedule shows that 81% of funds are invested in AA or AAA rated investments (Prescribed minimum is 75%). The majority of funds are invested as follows: Commonwealth Bank 33% and Westpac 29%. All are below the 60% maximum required by the Investment Policy. 100% of funds are invested for less than 1 year.

5. Portfolio Performance



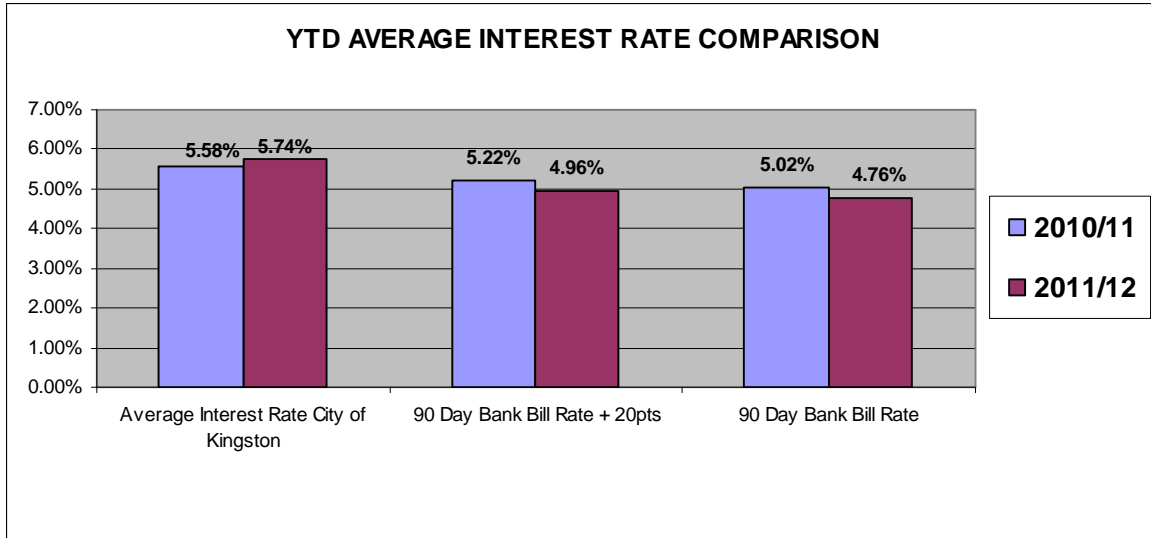
The average interest rate 31st December 2011 is 5.74% (Dec10 – 5.58%) which is 98pts ahead of the average 90 Day Bank Bill Rate of 4.76% (Dec10 – 5.02%) and 78pts ahead of the investment policy target of the average 90 Day Bank Bill Rate plus 20pts of 5.96% (Dec10 – 5.22%). The

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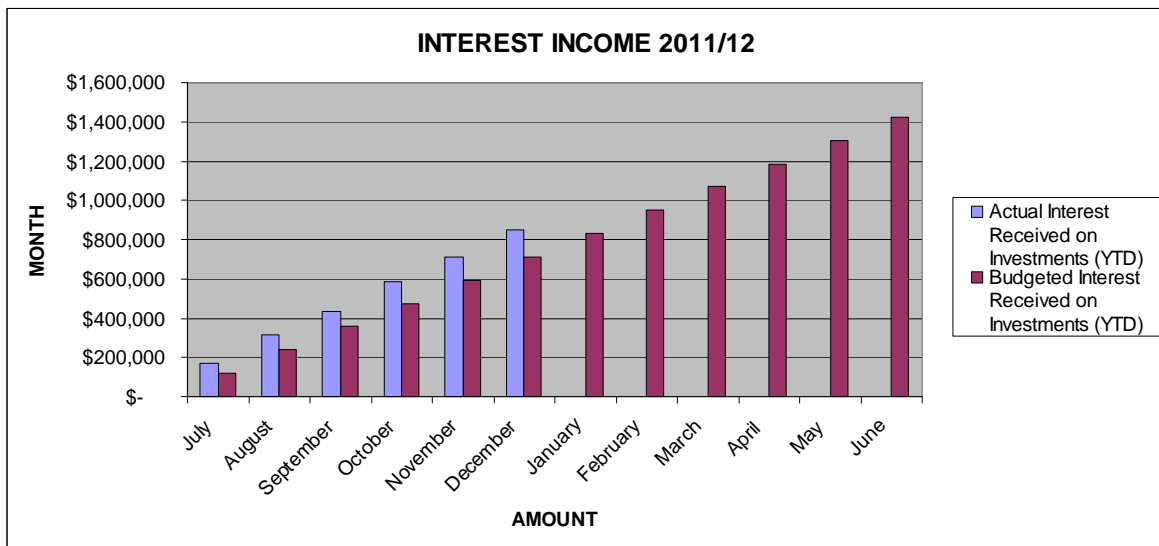
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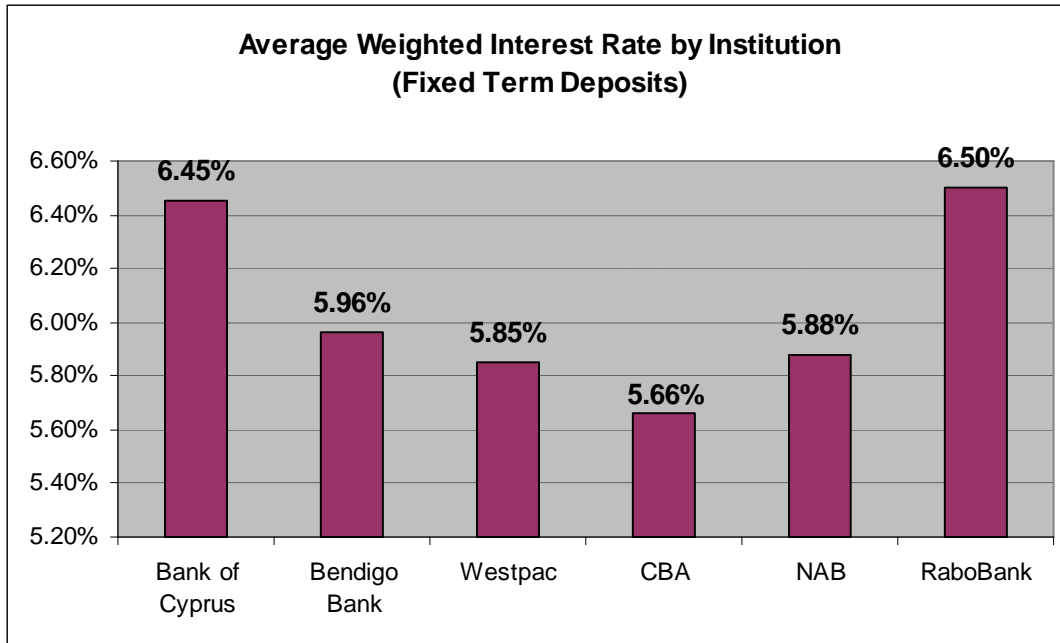
favourable rate variance is expected to reduce over the coming months as we invest in a lower rate environment.



The December 2011 YTD average interest rate of 5.74% is 16pts higher than Dec10 and the 90 Day Bank Bill Rate of 4.76% is 26pts less than last year.



Interest Income received on investments at 31st December 2011 totals \$851k, which is \$139k favourable to the budget of \$712k. Interest income is expected to become less favourable over the coming months as we invest in a lower rate environment.



As at 31st December 2011 the average weighted interest rate per institution ranges from 5.66% to 6.50%.

5. Recommendation

That Council note that funds at 31st December 2011 are being invested in line with the risk management profile prescribed in Council's Investment policy.

Attachment:
Investment schedule – 12/3920

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Operating Surplus /(Deficit)		27,000 F
<i>Add back unplanned items:</i>		
Heatherton Park Works Landfill Remediation	100,000 U	
Increased cost of Green Wedge Study	70,000 U	
Increased cost of approved new Park Cleaning contract	150,000 U	
Extra Annual Hard Waste Collection Costs	98,000 U	
Contribution to Chelsea Golf Club	50,000 U	
Legal Costs for TPI VCAT hearing	100,000 U	
Sub Total		568,000 U
Underlying Favourable forecast		
2011/12 Operating Outcome		595,000 F

Part 2 – Capital Budget

Variations to the 2011/12 Capital Budget have been progressively reported in the Monthly Capital Program updates. A detailed review of Capital Project delivery timeframes by responsible officers, and the inclusion of recommendations coming from separate reports to Council for additional projects or increased funding, have contributed to this consolidated summary of adjustments to the 2011/12 Capital Program.

Overall Capital Program Budget

The adopted 2011/12 Capital Budget of \$37,359,034 is proposed to become \$42,899,476 – a increase of \$5,540,442 comprising:

a	Supplementary 2010/11 end of year adjustments	\$1,212,750	increase
b	Additional Capital Grant and Contributions	\$2,362,692	increase
c	Project Reallocations previously approved by Council	nil change	
d	Variations proposed to Adopted Budget	\$965,000	increase
e	Brought Forward Projects	\$1,000,000	increase
	Net Increase	\$5,540,442	increase

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These items are detailed further below.

a. Supplementary end of year adjustments

At the close of 2010/11 Financial year supplementary budget adjustments are identified, due to the budget being adopted prior to the 30 June Financial Statements being finalised with the processing of final claims for payment not known at the time of the budget adoption. This is a reconciliation process that ensures approved unspent allocation is Carried Forward to 2011/12, or in the case of an overrun a corresponding budget is Brought Forward to 2011/12 to balance the books. This does not provide additional funding to a project and has no net affect to the overall project allocation (over the two year period). The following table is a summary of adjustments required. A detailed listing with comments was provided to CIS in August and referred to this Budget review for formal adoption.

Code	Project Description	Supplementary Adjustments
N0024	Heating & Cooling System Renewals & Upgrades	\$39,400
N0027	Renewal Programs Identified Through Audit	\$27,000
N0030	OH&S Improvement Program	\$1,400
N0181	Essential Safety Compliance Works - (Building Survey)	\$49,200
N0399	Chelsea Hall - Compliance Works	-\$33,800
N0493	Foreshore Building Risk Assessments - urgent work	-\$9,900
N0038	Water Conservation Program	-\$32,700
N0182	Energy Conservation Program – Building retrofitting	\$26,000
N0278	Southland Youth Services reception	\$8,300
C0093	Shopping Centre Amenity Renewal - Mordialloc (Main St)	-\$7,700
C0033	Bike and Waling Trails	-\$14,100
N0488	Patterson Lakes Primary School – Warm Session Grasses	\$2,950
N0489	Aspendale Court surface conversion – inc SRV grant	\$14,700
C0084	Tom Johnston Pavilion - Chelsea Rec Res	\$128,200
N0491	Warm Season Oval Conversions (inc \$60,000 SRV Grant)	\$7,300
C0099	Chelsea Sportswomen's Centre (inc \$168,000 Grant)	\$73,100
C0049	Waves – Asset Replacement Strategy	\$20,600
N0139	Don Tatnell Asset Replacement Strategy	\$23,700
N0189	Shirley Bourke Hall Renovations	-\$20,200
N0018	Mordialloc Creek Maintenance & Dredging	\$100,700
C0019	Foreshore Environmental Management and Upgrades	\$5,000
N0020	Foreshore Infrastructure Renewal	-\$19,300
N0021	Beach Bike Path - Implementation	-\$42,900
N0397	Public Toilets Renewal Program - Victory Park, Chelsea Foreshore	-\$11,700
C0205	Carrum Life Saving Club (INCOME)	\$119,900
C0018	Parks & Urban Design Strategy Implementation	-\$22,400
N0191	Parks Asset Renewal	-\$23,800
C0064	Phone Projects	\$21,000
C0133	Corporate Reporting Software	-\$118,400
N0156	Corporate Systems	\$6,700
C0134	RD- Asset Management Software & Integrations	\$68,300
N0368	RD – Mernda Av, Bonbeach	\$285,400
N0259	RD – Warren Rd, Mordialloc	\$540,800
		\$ 1,212,750

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b. Additional Capital Grants and Contribution Income

Since the adoption of the Capital Budget there have been a number of new grants and contributions received. This has resulted in an additional \$2,362,692 being added to the capital works program. The incomes from external sources are:

Code	Project	Income	Source
C0212	Mordialloc Bowls Club – Lighting	\$30,000	SRV Grant
C0212	Mordialloc Bowls Club – Lighting	\$30,000	Bowls Club Contribution
N0018	Mordialloc Creek Dredging & Maintenance	\$2,000,000	Initial Payment of total \$6 million grant
C0031	Edithvale Recreation Reserve	\$7,200	SRV Grant
N0136	Kingston Leisure Plan	\$4,000	SRV Grant
N0185	Playground Strategy Review	\$4,000	SRV Grant
N0490	Skate, BMX and Youth Spaces Study	\$2,700	SRV Grant
N0491	Warm Season Oval Conversion	\$6,600	SRV Grant
C0152	Roy Dore Reserve Flood Lighting	\$11,000	SRV Grant
N0021	Beach Bike Path Implementation	\$15,192	State Govt
C0220	Victory Park Boardwalks	\$100,000	DSE Grant
C0175	Reg Marlow Reserve	\$27,000	Developer Contribution
C0012	Playground Improvements	\$75,000	Grant
C0219	Namatjira Park Fitness Equipment	\$50,000	DSE Grant
Total Additional Capital Income		\$2,362,692	

c. Project Reallocations previously approved by Council

Council has previously considered the following adjustments to the Capital Budget, which are now proposed to be formalised through this report

Code	Project	Reallocations	
		Increase	Decrease
C0216	81 Albert Road, Mordialloc - Purchase	\$900,000	
N0087	Drainage Program – Springs Rd		\$900,000
N0492	Foreshore Development Projects (FDP) Fund		\$1,005,000
C0205	FDP-Carrum Life Saving Club Development	\$130,000	
N0540	FDP-Mundy Street Toilet upgrade	\$100,000	
N0541	FDP-Mentone Life Saving Club Toilet upgrade	\$250,000	
N0542	FDP-Dixon St Toilet upgrade	\$100,000	
N0543	FDP- Birdwood Avenue Landscaping	\$25,000	
N0544	FDP- Naples Rd Shelter Consultation	\$30,000	
C0217	FDP- Carrum Foreshore Precinct Plan	\$300,000	
N0545	FDP- Foreshore vegetation North of Mordialloc Creek	\$70,000	
		\$1,905,000	\$1,905,000

These transfers have no net effect on the overall budget

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d. Variations to Adopted Budget – Additional

During the progression of the year some “New Projects” have been approved by Council or emerged during the course of 2011/12 with additional funding requirements.

Set out below are details of 2011/12 capital projects that require additional funding:

Code	Project	Total	Capital Increase	
C0215	29 Park Way, Braeside – Land Purchase	\$45,000	\$45,000	New Rate funded project
N0536	Windows on the Bay Landlord Works	\$170,000	\$170,000	Offset by Rental income
C0216	81 Albert Rd Land & Building purchase	\$1,150,000	\$250,000	\$250,000 Part Asset Sales \$900,000 Internal transfer from Springs
N0547	81 Albert Rd Asset Protection Works	\$500,000	\$500,000	\$500,000 for Asset Sales
Total:			\$965,000	

Total Variation for new projects adds \$965,000 to the Capital Program

\$750,000 of this amount is to be offset by the sale of Owen St Property. A further \$170,000 is to be offset by Windows on the Bay rental income leaving an amount of **\$45,000 as the net rates funded budget increase.**

e. Bring Forward Projects from 2012/13

The Renewal of HVAC (Heating Ventilation & Air Conditioning) is part of a \$3,500,000 planned refurbishment program of works at 1230 Nepean Hwy which has been adopted by Council. These works are funded in the Long Term Financial Plan from borrowings, and are currently budgeted in 2012/13. There is an opportunity for early delivery of these works before the end of June 2012.

Code	Project	Amount
N0546	1230 Nepean Hwy – HVAC Renewal	\$1,000,000

This is not new or unfunded project. It simply moves the current allocation from 2012/13 Capital program to the 2011/12 Capital Program for early delivery and is funded in the Long Term Financial Plan by borrowings.

f. Capital Summary

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

	Adopted 2010/11 Capital Budget	\$37,359,034
a	Carry Forward Projects from 2010/11	\$1,212,750
b	Projects funded by Additional Income	\$2,362,692
c	Project Reallocations – net effect	0
d	Additional Works	\$965,000
e	Brought Forward Projects from 2012/13	\$1,000,000
	Revised Capital Works Program	\$42,899,476

3. Conclusion

In summary the forecast Operating Budget is expected to result in a \$26,662 favourable (\$595,000 favourable underlying) to budget variance as at 30 June 2012.

Councillors are also asked to note a decrease in year end cash position of \$45,000 that arises from the value of variations to the adopted budget related to the land purchase at 29 Park way Braeside.

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

4. Recommendation

That Council note that above report and endorse the forecast operating budget position as at 30 June 2012 and detailed amendments to Council's adopted 2011/12 Capital Works Budget.

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Council Operating Financial Performance 6 Months to December 2011

	Current Forecast	Budget	Forecast vs. Budget Variance
Income			
1000 - Rates	<u>99,685,939</u>	<u>99,451,000</u>	<u>234,939</u>
1010 - Grants and Subsidies	<u>28,420,315</u>	<u>27,783,848</u>	<u>636,466</u>
1020 – Contributions, Reimbursements & Donations	<u>1,401,043</u>	<u>1,288,510</u>	<u>112,533</u>
1030 - User Fees & Charges	<u>23,082,393</u>	<u>23,062,333</u>	<u>20,059</u>
1040 - Interest Income	<u>2,250,000</u>	<u>2,100,000</u>	<u>150,000</u>
1050 - Other Income	<u>824,428</u>	<u>728,636</u>	<u>95,792</u>
Total Income	155,664,118	154,414,327	1,249,790
Expenditure			
2000 - Employee Costs	<u>61,189,043</u>	<u>61,403,316</u>	<u>214,273</u>
2010 - Materials, Contracts & Other	<u>61,248,330</u>	<u>59,393,641</u>	<u>(1,854,689)</u>
2020 - Bad and Doubtful Debts	<u>20,000</u>	<u>20,000</u>	<u>0</u>
2030 – Depreciation & Amortisation	<u>19,450,000</u>	<u>19,450,000</u>	<u>0</u>
2040 - Interest/Borrowing Costs	<u>1,142,711</u>	<u>1,535,000</u>	<u>392,289</u>
Total Expenditure	143,050,084	141,801,956	(1,248,128)
1060 - Net proceeds from Disposal of Assets	<u>25,000</u>	<u>0</u>	<u>25,000</u>
Net Operating Surplus / (Deficit)	12,639,033	12,612,371	26,662
Published Maintenance Expenditure (5 Series)	<u>3,593,000</u>	<u>3,593,000</u>	<u>0</u>
Adjusted Net Operating Surplus / (Deficit)	9,046,033	9,019,371	26,662
<i>Prepared on an Accrual Accounting Basis</i>			

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13. Notices of Motion

O 20 Notice of Rescission – Cheltenham Manor

Notice of Motion to Rescind Council Resolution:

I move that the resolution of Council at the Council meeting on Monday 19 December for agenda item N 230, KP79/11 – 8 to 18 Bendigo Street Cheltenham and 13 to 17 Wilson Street Cheltenham be rescinded.

Cr Trevor Shewan
Southern Ward

O 21 Notice of Motion - Cr West – Cheltenham Manor

Preamble

Considering that:

- A rescission motion has been lodged for the December resolution approving the Cheltenham Manor extension application,
- A foreshadowed motion would be necessary in the event that the rescission motion already lodged is carried.
- The December resolution to approve this application has a significantly deleterious impact on the amenity of neighbouring residents;
- Most or all councillors have now had the opportunity to visit and see the site personally, and most are now satisfied that more needs to be done to protect the amenity of the residents along the lines as described in the following motion;
- That officers have drawn up the wording to reflect conditions agreed on by Councillors at previous Ordinary Meetings and/or as discussed at last week's Councillor Information Session.

Motion

I move that the December motion be replaced with the following motion:

That a Notice of Decision to Grant a Permit be issued to develop the land for an extension to a Residential Aged Care Facility, 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 13 September 2011, but modified to show:
 - hh. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;

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- ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
- iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
- iv. a range of plant types from ground covers to large shrubs and trees;
- v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- vi. the provision of two (2) additional suitable medium sized (at maturity) canopy trees within the front setback of the property, with species chosen to be approved by the Responsible Authority;
- vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
- viii. all trees provided at a minimum of two (2) metres in height at time of planting;
- ix. the location of seating for residents within communal open spaces and any other communal facilities at ground level;
- x. medium to large shrubs to be provided at a minimum pot size of 200mm;
- xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- xii. the retention of the *Acmena smithii* (Lilly Pilly) growing within the front setback of 17 Wilson Street;
- xiii. the retention of trees numbered 11, 13, and 14 and provision of tree protection zones and fences where feasible, with no variation to setbacks. A notation to be included to read: That appropriate care to be taken eg that any work being done eg for drainage and other services should be hand-drilled through the roots, consistent with the requirements of condition 3a) to 3g) And that other sections of Condition 3 be applied as relevant..
- xiv. evergreen natives to be planted along the southern boundary fence line; and
- xv. the provision of a notation of the Tree Protection Details as provided in Conditions 3, 4 and 5 of this permit.

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- ii. the provision of setbacks from the southern site boundary to ensure that the development meets the requirements of Standard B21 of Clause 55 of the Kingston Planning Scheme, in relation to the overshadowing of the adjoining private open spaces of dwellings at No. 11 Wilson Street. Increase of setbacks to the southern boundary must be achieved through internal alterations and not reduce any other setbacks within the development;
- jj. a minimum of twelve (12) visitor car parking spaces, within the existing car park at No. 10-12 Bendigo Street;
- kk. the provision of a minimum of five (5) bicycle spaces at No. 10-12 Bendigo Street, accessible to employees and visitors to the site, with the dimensions of these spaces to comply with the requirements of Clause 52.34 of the Kingston Planning Scheme;
- ll. provision of crossover dimensions, with a minimum of 5.5 metres to the double crossover located near the southern site boundary to No. 13 Wilson Street;
- mm. a basement ramp longitudinal section with grades, demonstrating compliance with Australian Standard AS/NZS2890.1:2004;
- nn. relocation of the bin storage area from the site's frontage to Wilson Street, to within the basement level, with no loss of parking or loading areas;
- oo. the southern boundary fence reduced in height to 1.2 metres for a length from the street boundary of 2.5 metres, ensuring compliance with AS/NZS2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety;
- pp. a comprehensive drainage strategy for the development of the site, incorporating Water Sensitive Urban Design treatments;
- qq. the location of any rooftop plant equipment, with any plant equipment to be screened from views from the street and adjoining properties;
- rr. the vertical fin screening provided to the first floor dining room, angled with views enabled eastward, consistent with the living room vertical fin details, so as to prevent overlooking to the habitable room windows of No. 5/19-21 Wilson Street, in accordance with the requirements of Standard B22 of Clause 55 of the Kingston Planning Scheme;
- ss. screening to a height of 1.7 metres above the finished floor level to the entire length of the north facing balcony on the second floor;
- tt. elevation details of the screening to be provided to all balconies, with the screening designed with no more than 25 percent (25%) transparency and preventing downward views;

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- uu. the location of any existing east facing windows at No. 10-12 Wilson Street on first floor plans, and if required, new west facing windows appropriately screened to prevent internal views, with screening to be fixed (unopenable) with no more than 25 percent (25%) transparency and projecting approximately 400mm off the wall, to a height of 1.7 metres above the finished floor level;
 - vv. the provision of a roller shutter grille and secure entry at the car park entry;
 - ww. measures identified within the ESD Report required in Condition 6 of this Permit;
 - xx. direction signs for the entry and exit points for vehicles using the emergency vehicle entrance from Wilson Street;
 - yy. 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;
 - zz. the provision of a six (6) metre minimum setback from the northern boundary to the second floor dining/living area and balcony adjacent to the activities room and kitchenette;
 - aaa. the provision of a new 1.8 metre high timber paling fencing to the northern and southern boundaries at the developers own cost;
 - bbb. the replacement of the two (2) vertical living/dining room windows on the northern elevation at the second floor with one (1) highlight window with a minimum sill height of 1.7 metres above finished floor level;
 - ccc. the provision of a minimum 3 metre setback of the first floor balcony from the northern side boundary with screening to a height of 1.7 metres to prevent downward views;
 - ddd. provide new 1.8 metre high timber paling fencing to the western boundary of No's 6 and 7 /19-21 Wilson Street; and
 - eee. the provision of a cream brick cladding material for external building walls to the Wilson Street frontage and the adjacent north and south walls where visible from Wilson Street.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 6 metres from the *Acmena smithii* (Lilly Pilly) located in the front setback of the property facing Wilson Street. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 6m of the tree:
- a) the existing soil level must not be altered either by fill excavation;
 - b) the soil must not be compacted or the soil's drainage changed;

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- c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
- d) no storage of equipment, machinery or material is to occur;
- e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f) tree roots must not be severed or injured; and
- g) machinery must not be used to remove any existing concrete, bricks or other materials.

without the further consent in writing of Council's Vegetation Management Officer.

- 4. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 6m in a radius from the *Acmena smithii* (Lilly Pilly). The above requirements in condition 2 must be observed within this area.
- 5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
- 6. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the applicant must provide an ESD report prepared by a suitably qualified professional with this plan to 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 must thereafter be complied with. The ESD report must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, day lighting, collective rainwater tanks and/or individual rainwater tanks, landscape irrigation, energy efficient concepts, glazing and internal ventilation and the like.
- 7. Before the commencement of any buildings and works on the land, an improved 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 supply of bins for both 'general waste' and 'recyclable waste' and demonstrating how the garbage and recycling aspects of the development will operate, including minimisation of bin numbers where possible to increase collection efficiency;
 - b. The manner in which waste will be stored and collected including: type, size and number of containers and procedure(s) put in place as to how tenants/occupiers are required to dispose of waste;
 - c. Spatial provision for on-site storage;

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- d. Private contractor details; and
- e. The size of the collection vehicle and the frequency, time and point of collection, with waste collection to occur with minimal interference to pedestrian amenity.

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.

- 8. Prior to the removal of the street tree from the nature strip to the front of No. 13 Wilson Street, Cheltenham, the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$279.00) (including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
- 9. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
- 10. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
- 11. Prior to commencement of the development hereby permitted, a Construction 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 Construction 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.
- 12. Construction on the site must be restricted to the following times:
 - a. Monday to Friday 7:00am to 7:00pm; and
 - b. Saturday 9:00am to 6:00pm.Or otherwise as approved by the Responsible Authority in writing.
- 13. 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.

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14. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for 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 treatment.
 15. Before the development commences, a drainage plan showing the method of treatment and discharge to the nominated point must be prepared to the satisfaction of the Responsible Authority. The plan must be prepared by a qualified person and show all details of the proposed drainage works, including all existing and proposed features that may have an impact on the drainage (eg. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels etc).
 16. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 17. Existing property boundary and footpath levels are not to be altered.
 18. Footpath reinstatements must have a 200mm offset between the property boundary and the back of the footpath.
 19. Prior to the occupation of development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
 20. 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.
 21. Prior to the occupation of the development 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.
 22. Prior to the occupation of the development 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.
- Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

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23. 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.
24. 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.
25. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
26. 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.

Cr Rosemary West

15 February, 2012

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**O 22 Notice of Motion No. 4/2012 – Recent Ward Meeting
 Publication Breaches**

I move:

- 1) That Council considers recent ward meeting publications to be in breach of Council Policy (the policy under which they were created, printed and distributed) as the publications are newsletters which contain political and policy views of individual Councillors and go well beyond the Ward Meeting Policy.

- 2) And that those Councillors who directly benefited from such publications be required to repay the full costs associated with the printing and distribution of their ward meeting publication.

Cr Paul Peulich
North Ward

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**O 23 Notice of Motion No. 5/2012 – Review of Recent Ward Meeting
Notices/Publications**

I move:

That given that the recent ward meeting publications were breach of Council policy, and the Local Government Act 1989, and were not authorised as required under electoral rules, that a report be prepared by the Governance Department to be considered at the next Council outlining how future breaches will be prevented.

Cr Paul Peulich
North Ward

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O 24 Notice of Motion No. 6/2012 – Notices and Publications

I move:

That individual Councillor ward meeting notices and any publications prepared for individual Councillors, which are paid for by the City of Kingston and therefore by ratepayers, must not contain political content in the form of individual Councillor opinion and comment.

Cr Paul Peulich
North Ward

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O 25 Notice of Motion No. 7/2012 – Item N 150 – Kingston Bay Trail

At the Ordinary Meeting of Council meeting to be held on Monday 27 February 2012 I move the following Notice of Motion:

That Council alter the previous resolution of 26 September 2011 – Item N 150 – (Kingston Bay Trail Report)

Part a) to read:

- a) The section of trail from Charman Road (McBean Ramp) to Mundy Street car park will use the existing informal path located on the edge of cliff. The section of the trail to be a minimum of 2.5 metres maximum 4.5 metres in width and be constructed out of granitic sand.

Cr Lewis Dundas
Central Ward