



Special Council Meeting

Notice is given that a Special Meeting of the Kingston City Council will be held at 7.00pm on Wednesday 30 January 2013 at 1230 Nepean Highway, Cheltenham.

- 1 Apologies**
- 2 Disclosure by Councillors, Officers or Contractors of any Conflict of Interest**
- 3 Items of Business**

Notice is given that a Special Meeting of the Kingston City Council has been scheduled for 7.00pm on Wednesday 30 January 2013 at 1230 Nepean Highway Cheltenham.

Business will be as follows:

- 1. Apologies**
 - 2. Disclosure by Councillors, Officers or Contractors of any Conflict of Interest**
 - 3. Items of Business**
- O 223 Landowner consent to make an application for a planning permit for land adjoining the property at 48 Como Parade West, Mentone

Special Council Meeting

30 January 2013

Agenda Item No:

LAND ADJOINING 48 COMO PARADE WEST, MENTONE

Contact Officer: Newton Gatoff

Purpose of Report

This report seeks direction from Council in relation to its willingness to consent to the use of Council land in Florence Street immediately adjacent to 48 Como Parade West, Mentone for the purposes of the owner making an Application for Planning Permit.

This report does not seek direction from Council on the merits of any future Planning Permit Application given this would be subject to further consideration in accordance with the provisions of the Planning and Environment Act 1987. Furthermore this report does not seek to authorise Officers to sell or lease Council owned or controlled land. These decisions being subject to future reports to Council.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

Recommendation

If Council is of the view not to allow the use of its land immediately adjacent to 48 Como Parade West it should move:

That Council does not consent to its land in Florence Street immediately adjacent to 48 Como Parade West being included in an application for a planning permit:

Or

If Council is of a view to consent to the inclusion of its land in Florence Street immediately adjacent to 48 Como Parade West in a planning application it should move:

Council consents to an application for a planning permit to be submitted for Council consideration to include Council land in Florence Street immediately adjacent to 48 Como Parade West, in accordance with the plans provided as Appendix 1 to this report.

1. Executive Summary

Council has been approached by the owners of land at 48 Como Parade West, Mentone seeking consent to allow the owners to make an application for a Planning Permit which will incorporate Council land immediately south of the subject site to assist it in establishing a Food and Drink Premise. This report does not seek direction from Council on the merits of a yet to be submitted Application for Planning Permit, nor does it provide an indication or intent that Council would be willing to sell, lease or licence the land to the adjoining owner. These decisions being subject to future reports to Council.

Discussions have previously been held between the land owner and various Departments regarding this proposal. An outstanding issue that requires resolution as part of further

discussions with the landowner once the direction of Council is known on the use of Council land for the purpose of making a Planning Permit Application, is to ensure that potential future use of Council land would not compromise the traffic operations within Florence Street as it meets Como Parade West. The land owner is aware that any change to the road reserve to accommodate the divestment of land and potentially improved access to the subject land would necessitate civil works and the land owner will be required to contribute to the cost of these works.

2. Background

Following the private sale of land at 48 Como Parade West, Mentone, the purchaser has approached Council about the establishment of a Food and Drink Premise on the subject land.

The use of the land for a Food and Drink Premise does not require a Planning Permit as this use is a Section 1 Use on the subject land. A Planning Permit Application is however required given it is proposed to undertake buildings and works to the heritage listed building and a likely reduction in car parking rates pursuant to Clause 52.06 of the Planning Scheme.

Given the constraints of his own property the land owner has explored the potential use of additional Council land to the immediate south of subject land (in Florence Street, presently footpath) to expand the development proposal. The preliminary plans which have been prepared indicate that the land owner would be seeking to use the Council land to provide for minor additions to the building. The subject land totals approximately 15m² as indicated in Appendix 1 to this report.

Council resolved on September 24th 2012 *“That Council not consent to its land immediately adjacent to 48 Como Parade West being included in an application for a planning permit.”*

3. Discussion

3.1. Council Plan Alignment

Planned Outcome 2 – A Sustainable Environment

Strategy 2.1.4 – Implement and continue development of Activity Centre Structure Plans

It is clear that the adopted Mentone Structure Plan seeks to promote an active use of the island building given its high profile role in the Activity Centre.

3.2. Consultation/Internal Review

Internal Consultation

The City Development Department has sought the advice of the Property Services Team as to the process involved in obtaining consent to use Council land for the purposes of making a Planning Permit Application. This report seeks specific direction from Council as to its view in relation to whether or not it consents to the use of the land for the purpose of lodging an Application for Planning Permit. It does not mean that Council has formed a view of any planning permit application or any intent to sell, lease or licence the Council land.

The Infrastructure Department has provided advice that indicates that further work is presently being undertaken to determine how much of the land immediately south of the subject land in Florence Street could be potentially used to ensure the longer term plans for Mentone are not compromised. The outcomes of this work will form part of preliminary discussions with the permit applicant and its design team, should

Council consent to granting permission for a permit application to be submitted on Council land.

The City Strategy Department have indicated that opportunities may exist in exploring this proposal to enhance and activate this high profile site in the Mentone Activity Centre. They have also ensured that should an Application for Planning Permit be made, advice be sought from Council's Heritage Advisor given the significance of this heritage place.

A discussion with the land owner and its representatives was held with available Ward Councillors on the Tuesday 21st August, 2012. During this meeting the Ward Councillors requested that a meeting be conducted with the Mentone Village Committee and Mentone Chamber of Commerce.

External Consultation

A meeting was held with the Village Committee and Mentone Chamber of Commerce on the 12th September, 2012.

3.3. Discussion

3.3.1. Consent to Use Council Land

The matter that is presently before the Council is whether or not Council is prepared to support consent being provided to use part of its land as indicatively outlined in Appendix 1 for the purposes of an Application for Planning Permit.

The merits of any future Application for Planning Permit will require a separate consideration in accordance with the Planning and Environment Act requirements.

The provision of consent to apply for an Application for Planning Permit to utilise the subject owned land does not obligate Council to sell the land should a Planning Permit be issued. Any divestment of Council land remains subject to the requirements of the Local Government Act and a further report to Council.

3.4. Options

3.4.1. Council do not consent to an Application for Planning Permit being made

Under this option Council would not consent to an Application for Planning Permit being made on Council land in Florence Street immediately south of 48 Como Parade West, Mentone. It would then be up to the owner of 48 Como Parade West, Mentone to determine what he wished to do with the subject land recognising that he may or may not require a Planning Permit to use it for a modified purpose.

3.4.2. Council consent to an Application for Planning Permit being made

Under this option Council would consent to an Application for Planning Permit being made on Council land in Florence Street immediately south of 48 Como Parade West, Mentone. It is understood that should this option be pursued an Application for Planning Permit would likely be prepared for consideration under the Planning and Environment Act.

4. Conclusion

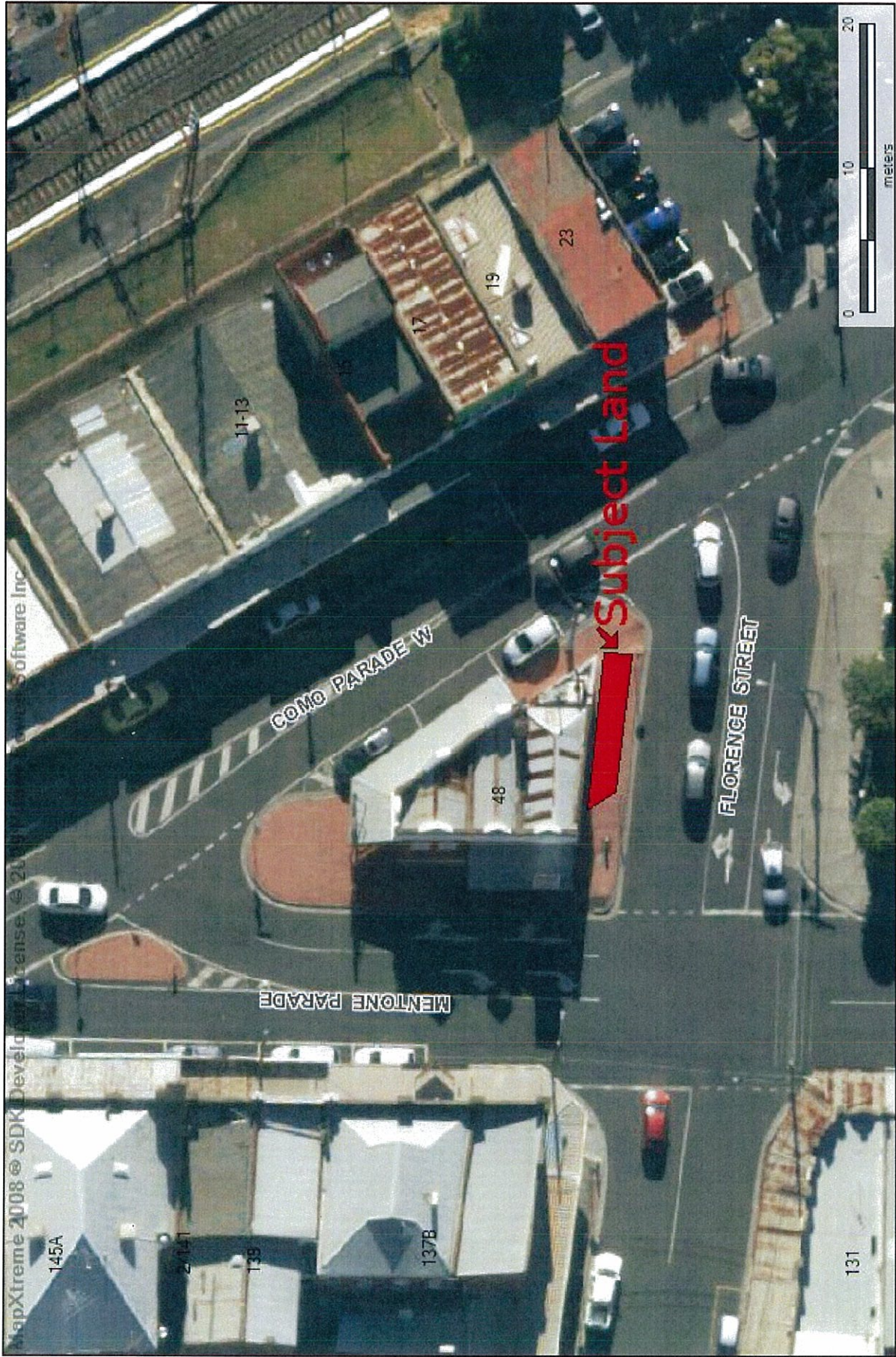
Officers have spent time with the owner of 48 Como Parade West, Mentone exploring options to activate a high profile building within the Mentone Activity Centre. An option which has been discussed includes the possible use of some Council owned land immediately south of the subject land. In order to advance an Application for Planning Permit the consent of Council to use the land indicated in Appendix 1 is required.

5. Appendices

5.1. Appendix 1 – Subject land identified adjoining 48 Como Parade West, Mentone

Author/s: Newton Gatoff – Team Leader Property Services

Reviewed and Approved By: Paul Franklin – General Manager Corporate Services



Proposed title
boundary
extension along
parts of southern
facade



1.5 metres