

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**27 October 2008**

An Ordinary Meeting of Kingston City Council was held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 27 October 2008.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 22 September 2008.  
Minutes of Special Council Meeting 6 October 2008.  
Minutes of Special Council Meeting 20 October 2008.
- 3. Declaration by Councillors or Officers of any Interest or Conflict of Interest**
- 4. Petitions**
- 5. Presentation of Awards**  
Presentation of certificate of appreciation to Jack Mitchell in recognition of his outstanding contribution to the establishment and on-going success of the Mentor Partner's Program.
- 6. Reports from Village Committees**  
There were no Village Committee meetings in the October cycle.
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Environmental Sustainability Reports**

K 159	Town Planning Application Decisions – September 2008	Page 7
K 160	Planning Application KP525/08 – 216 Station Street, Edithvale	Page 13
K 161	Planning Application KP14/08 – 139 Como Parade East, Parkdale	Page 32
K 162	Amendment C95 to the Kingston Planning Scheme: Planning Permit Application KP825/07 (Dingley Village Shopping Centre Redevelopment)	Page 50
K 163	Amendment C76 to the Kingston Planning Scheme: Planning Permit Application KP850/07 (Extension of Parkview Estate)	Page 55
K 164	Amendment C96 to the Kingston Planning Scheme: (Mentone Bowls)	Page 59
K 165	Amendment C102 to the Kingston Planning Scheme: 1 Bowman Street, Aspendale (Removal of Environmental Audit Overlay)	Page 63
K 166	Amendment C81 to the Kingston Planning Scheme: Request a Panel (Thrift Park)	Page 65
K 167	Authorisation for Planning Scheme Amendment – Local Policy 52.28 Gaming	Page 77
K 168	Stage 2: Mordialloc Bay to Rail	Page 87
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K 170	Southern Road Extension	Page 93
K 171	Proposed addition of a tree to the City of Kingston Register of Significant Trees.	Page 96
K 172	Chicquita Park	Page 98
K 173	Kingston Foreshore reference Group – Workshop Summary	Page 99
- 9. Community Sustainability Reports**

K 174	Proposed Amendments to Amenity Local Laws	Page 102
K 175	Compulsory De-sexing of Dogs and Cats	Page 110
K 176	Local Law 2.15 Shopping Trolleys	Page 113
K 177	Changing Contracting Arrangements – AccessCare Southern	Page 121
K 178	Community Safety Strategy 2008 - 2011	Page 127
K 179	Moorabbin Bowling Club	Page 131
K 180	Chelsea Heights Community Garden	Page 136
K 181	Adoption of policies to enrolment & Inclusion of children with additional needs in school age child care.	Page 140
K 182	45 Oakes Avenue, Clayton South Maternal and Child Health and Multicultural Playgroups Relocation to Westall Preschool	Page 142

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- K 183 Walter Galt Reserve Master Plan Page 148  
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**10. Organisational Development and Governance Reports**

- K 185 Constitutional Recognition for Local Government Page 156  
K 186 Quarterly Reports to Council Plan Page 161  
K 187 Annual Report – Presentation to Ordinary Council within 30 days of  
Submission to Minister as Required under Local Government Act 1989 Page 164

**11. Corporate Services Reports**

- K 188 Investment Policy Page 166  
K 189 Contract No 08/59: Vehicle Leasing and Fleet Management Services Page 167

**12. Notices of Motion**

- 13. Question Time** Page 101

**14. Urgent Business**

**15. Items in Camera**

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Minutes of the Ordinary Meeting of the Kingston City Council held at the Cheltenham Office at 1230 Nepean Highway, Cheltenham, on Monday, 27 October 2008 at 7.05pm.

**Present:**  
Cr Bill Nixon OAM (Mayor)  
Cr Greg Alabaster  
Cr Arthur Athanasopoulos  
Cr Justin McKeegan  
Cr Topsy Petchey  
Cr John Ronke  
Cr Rosemary West OAM

**In Attendance:**  
John Nevins – Chief Executive Officer  
Trevor McCullough – General Manager Community Sustainability  
Paul Franklin – General Manager Corporate Services  
Tony Rijs – General Manager Environmental Sustainability  
Elaine Sowerby – General Manager, Organisational Development and Governance  
Michael Petit – Manager Communications and Promotions  
Catherine Franklin, Major Events Co-ordinator  
Ian Nice – Manager Planning and Building  
Michael Fry – Team Leader Council Business

***Question Time***

The Mayor Cr Nixon advised that question time would close at 8.00pm.

**1. Apologies**

Nil.

**2. Confirmation of Minutes of Previous Meetings**

**Crs Athanasopoulos/Ronke**

That the minutes of the Ordinary Council Meeting held on 22 September 2008 and the Special Council Meetings held on 6 October and 20 October 2008 be confirmed.

**Carried**

**3. Declaration by Councillors or Officers of any interest or conflict of interest in any items on the Notice Paper, pursuant to Section 79 of the Local Government Act 1989**

The Mayor (Cr Nixon) declared an interest in relation to agenda item K 182 as he is a board member of Central Bayside Community Health Services

Cr West declared an interest in relation to agenda items K172, as she is a former member of the Friends of Chicquita Park.

**4. Petitions**

Nil.

**5. Presentation of Awards**

The Mayor, Cr Nixon, advised the meeting of three awards as follows:

***Jack Mitchell***

The Mayor, Cr Nixon, in presenting a Certificate of Appreciation to Jack Mitchell, made the following statement:

*“It gives me great pleasure to recognise the community contribution of Jack Mitchell who is retiring as a Mentor with Council’s Mentor Partners Program after being with the program since its inception in 2001. In fact, Jack was involved in working with Council to get the program started.*

*Over the past seven years Jack has assisted a diverse range of small businesses bringing over 40 years of corporate experience to the role. He has also provided advice and assistance to new mentors as they have joined the program. He brought an enormous amount of mentoring experience to our Program from his time working as an Australian Business Volunteer in the developing countries of the Asia-Pacific.*

*As a volunteer small business mentor Jack has given countless hours of his time to assisting his mentees improve their business practices and thereby become more sustainable. He did this for the small businesses in the cities of Kingston and Glen Eira even though he doesn’t live in this area. He would visit his clients on at least a fortnightly basis, sometimes even weekly if he felt that was required. As well as the time spent within the business, each visit involved a 90 minute round trip from his home in Pakenham which is partly why Jack has decided to continue his community contribution closer to home.*

*While Jack’s participation in the Mentor Partners Program will be greatly missed, the City of Kingston is extremely grateful for the time and effort that he has put in to strengthening the viability of so many small businesses. On behalf of my fellow Councillors, I wish Jack all the best for the future.”*

*The Mayor also acknowledged the presence of representatives of ‘Meals in a Moment’ mentees of Jack Mitchell, in the audience.*

***Trevor McCullough, General Manager Community Sustainability  
Catherine Franklin, Major Events Co-ordinator***

The Mayor, Cr Nixon, in presenting Certificates of Appreciation to Trevor McCullough and Catherine Franklin, made the following statement:

*“We have very special presentations to make tonight to two members of staff who have rendered outstanding service to this Council and to the entire Kingston community.*

*Both are leaving Kingston after a combined service in excess of a quarter century. Not to retire, but to answer new challenges.*

*There would be few people in this room who are not familiar with the outstanding contribution made by our General Manager for Community Sustainability Trevor McCullough and our Major Events and Festivals Impresario, Catherine Franklin.*

*Trevor is leaving after accumulating a series of major successes and community outcomes over the last nine years. He is known as the “go to guy” for contentious projects that would turn wiser hands idle. In fact, he absolutely thrived on them. I need only mention Moorabbin Reserve and negotiations with the St Kilda Football Club to paint the picture.*

*In those nine years, Trevor and his very supportive team have achieved outstanding results for Council and the community.*

*Annual surveys by the State Government have affirmed that the standard of our community services from youth to aged care are highly regarded. Not just in Kingston but in comparison with Councils and Shires across Victoria.*

*We also know that Trevor takes great personal satisfaction in the complicated issues and funding obstacles that were overcome to see a great new community centre in Clarinda and the work commenced on a new library and upgraded community centre in Patterson Lakes. In between those were improvements to capital works in community centres, sporting clubs and a host of other community assets across the City.*

*If I went through the results achieved in his portfolio on his watch, we’d be here all night.*

*Our next presentation should be accompanied by a drum roll, music and a Bollywood chorus line. Whatever musical entertainment you fancy, Kingston’s Major Events and Festivals Impresario Extraordinaire Catherine Franklin has served it up. Along with great meals and fine wines to go with it.*

*We’ve had jazz, reggae, rock, folk and even country and western for Councillor McKeegan on a festival program that dates back even before Kingston was founded. We’ve had Bollywood, folkloric states, monks, fireworks, bonfires and on one particularly rainy Carols, drenched Vikings unable to shoot off their fire arrows. Next year, it was back to fireworks.*

*I know Catherine Franklin better than most. We go back to the Mordialloc Council days where she was amalgamated to the new Kingston Council in late 1994 and I waited with others for the return of local government democracy. The Chinese curse says “May you live in interesting times.” Catherine readily admits that amalgamation was indeed an interesting time. She kept her head down and came up trumps.*

*Anyone who has attended the scores of festivals that Catherine has stage-managed over the years knows how good they are. I and my fellow Councillors have heard ringing endorsements from members of the community over the years.*

*Often a mention on how we could do a better job on this or that ends with the comment that “the family really enjoyed the Fine Food, Wine and Music by the Bay last weekend.” Or*

*Globe to Globe, Carols by the Bay, Australia Day, the Harvest Festival and a myriad of special events and launches.*

*We will miss Catherine. But there is good news. Catherine will remain in Kingston and use her considerable skills and talents as a consultant in this area that she knows so well. There is even a chance that she might assist with our events from time to time.*

All Councillors took the opportunity to endorse the comments of the Mayor in wishing Trevor and Catherine all the best in their future endeavours.

**6. Reports from Village Committees**

There were no Village Committee reports.

**7. Reports from Delegates Appointed by Council to Various Organisations**

Cr McKeegan reported on the meeting of the Municipal Association of Victoria's State Council meeting on 17 October and the Annual Dinner held the previous evening. Cr McKeegan advised that each of Council's three motions were adopted at the State Council meeting and therefore become MAV endorsed policy/position.

**Crs Ronke/Alabaster**

That the report of the delegate be accepted and the delegate be thanked for his report.

**Carried**

**K 159 Town Planning Application Decisions – September 2008**

**Approved By:** Tony Rijs-General Manager, Environmental Sustainability

**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of August 2008.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	86	78
Notice of Decision	12	11
Refusal to Grant a Permit	7	6
Other - Withdrawn (1) - Prohibited () - Permit not required (2) - Lapsed (2)	5	5
<b>Total</b>	<b>111</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

**Crs Alabaster/Ronke**

That the recommendation be adopted.

**Carried**

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<b>Planning Decisions September 2008</b>						
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP01/778-A	81 BEACH RD MENTONE, VIC 3194	2-Oct-07	24-Sep-08	DWELLING	Permit Issued	
KP1003/07	6 DAHMEN ST CARRUM, VIC 3197	19-Dec-07	29-Sep-08	3 DWELLINGS	Permit Issued	
KP1014/07	101-105 EDITHVALE RD EDITHVALE, VIC 3196	21-Dec-07	12-Sep-08	28 DWELLINGS	Notice of Decision	
KP108/02-A	107 BERRY AVE EDITHVALE, VIC 3196	26-Sep-08	26-Sep-08	2 DWELLINGS	Permit Refused	
KP137/08	14 LOCHIEL AVE EDITHVALE, VIC 3196	25-Jan-08	18-Sep-08	2 DWELLINGS	Notice of Decision	
KP151/08	51 MCKAY ST MORDIALLOC, VIC 3195	1-Feb-08	12-Sep-08	2 DWELLINGS	Permit Issued	
KP173/08	30 CLAY ST MOORABBIN, VIC 3189	7-Feb-08	23-Sep-08	3 DWELLINGS	Permit Refused	
KP174/08	67 BONDI RD BONBEACH, VIC 3196	8-Feb-08	15-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP175/07	8/204 NEPEAN HWY ASPENDALE, VIC 3195	20-Mar-07	23-Sep-08	ALTERATIONS AND ADDITIONS	Permit Issued	
KP175/08	90 FAIRBANK RD CLAYTON SOUTH, VIC 3169	11-Feb-08	2-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP197/08	232 - 240 CHARMAN ROAD CHELTENHAM, VIC 3192	18-Feb-08	5-Sep-08	MIXED USE DEVELOPMENT	Permit Refused	
KP198/08	20 AVON ST MOORABBIN, VIC 3189	19-Feb-08	4-Sep-08	4 DWELLINGS	Notice of Decision	
KP202/08	3 FLORENCE ST MENTONE, VIC 3194	18-Feb-08	17-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP204/07	321 OLD DANDENONG RD DINGLEY VILLAGE, VIC 3172	30-Mar-07	19-Sep-08	ANIMAL BOARDING FACILITY	Notice of Decision	
KP217/08	132 WHITE ST MORDIALLOC, VIC 3195	21-Feb-08	29-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP247/08	1/84 KEITH AVE EDITHVALE, VIC 3196	4-Mar-08	23-Sep-08	1 DWELLING	Permit Issued	
KP261/08	21 HENRY ST HIGHETT, VIC 3190	7-Mar-08	17-Sep-08	2 DWELLINGS	Permit Issued	
KP262/07	20 LEVANTO ST MENTONE, VIC 3194	10-Apr-07	3-Sep-08	CHANGE OF USE	Permit Issued	
KP271/03-A	60 ARGYLE AVE CHELSEA, VIC 3196	11-Feb-08	30-Sep-08	ALTERATIONS & ADDITIONS	Permit Issued	
KP276/08-A	2-3 EVERGREEN CIRCUIT CHELTENHAM, VIC 3192	16-Sep-08	22-Sep-08	ALTERATIONS & ADDITIONS	Permit Issued	
KP280/08	1/44 WARREN RD CHELTENHAM, VIC 3192	14-Mar-08	9-Sep-08	FRONT FENCE	Permit Issued	
KP31/04-A	54 ROYENA RD MOORABBIN, VIC 3189	26-Sep-08	26-Sep-08	2 DWELLINGS	Permit Refused	
KP315/08	9 LAURA ST CLAYTON SOUTH, VIC 3169	28-Mar-08	3-Sep-08	2 DWELLINGS	Notice of Decision	



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KP327/08	89 SCOTCH PARADE BONBEACH, VIC 3196	4-Apr-08	8-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP338/08	107-109 MCLEOD RD PATTERSON LAKES, VIC 3197	9-Apr-08	17-Sep-08	BUILDINGS & WORKS	Permit Not Required	
KP344/08	25 BOUNDARY RD MORDIALLOC, VIC 3195	9-Apr-08	23-Sep-08	CHANGE OF USE	Permit Withdrawn	
KP351/08	3/598-618 MAIN ST MORDIALLOC, VIC 3195	10-Apr-08	16-Sep-08	BUILDINGS & WORKS	Permit Lapsed	
KP362/08	361 NEPEAN HWY PARKDALE, VIC 3195	14-Apr-08	19-Sep-08	BUILDINGS & WORKS	Notice of Decision	
KP363/08	3/163 CHESTERVILLE RD MOORABBIN, VIC 3189	14-Apr-08	19-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP364/08	10 JOHNSON AVE CARRUM, VIC 3197	14-Apr-08	23-Sep-08	4 DWELLINGS	Notice of Decision	
KP370/08	6 ROYAL TCE HIGHETT, VIC 3190	16-Apr-08	15-Sep-08	3 DWELLINGS	Permit Issued	
KP379/08	3 SECOND ST CLAYTON SOUTH, VIC 3169	18-Apr-08	12-Sep-08	2 DWELLINGS	Permit Issued	
KP385/08	101 BONDI RD BONBEACH, VIC 3196	22-Apr-08	30-Sep-08	2 DWELLINGS	Notice of Decision	
KP398/08	49 WHATLEY STREET CARRUM, VIC 3197	22-Apr-08	18-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP408/08	14 DOUGLAS AVE CHELSEA, VIC 3196	28-Apr-08	15-Sep-08	2 DWELLINGS	Permit Issued	
KP412/08	180/266 OSBORNE AVE CLAYTON SOUTH, VIC 3169	29-Apr-08	17-Sep-08	STORAGE	Permit Issued	
KP422/08	3 SOMME PDE EDITHVALE, VIC 3196	1-May-08	24-Sep-08	3 DWELLINGS	Permit Refused	
KP425/08	65 HOWARD RD DINGLEY VILLAGE, VIC 3172	2-May-08	12-Sep-08	2 DWELLINGS	Permit Issued	
KP428/08	292 CHARMAN ROAD CHELTENHAM, VIC 3192	5-May-08	26-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP432/08	272 WICKHAM RD HIGHETT, VIC 3190	7-May-08	22-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP440/08	29 DACTYL ROAD MOORABBIN, VIC 3189	8-May-08	3-Sep-08	2 DWELLINGS	Permit Issued	
KP455/08	134 COLLINS STREET MENTONE, VIC 3194	15-May-08	3-Sep-08	3 DWELLINGS	Notice of Decision	
KP458/08	40-42 ISABELLA STREET MOORABBIN, VIC 3189	16-May-08	5-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP466/08	72 TURNER RD HIGHETT, VIC 3190	20-May-08	18-Sep-08	2 DWELLINGS	Permit Issued	
KP498/08	20 LEVANTO STREET MENTONE, VIC 3194	13-May-08	11-Sep-08	56 LOT SUBDIVISION	Permit Issued	
KP502/08	47 GLENOLA ROAD CHELSEA, VIC 3196	26-May-08	23-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP506/08	48-54 COCHRANES ROAD MOORABBIN, VIC 3189	28-May-08	3-Sep-08	BUILDING AND WORKS	Permit Issued	
KP509/08	1/19-21 BOND STREET MORDIALLOC, VIC 3195	29-May-08	18-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP511/07	405 STATION ST BONBEACH, VIC 3196	13-Jul-07	4-Sep-08	15 DWELLINGS	Permit Issued	
KP531/07	2 SINCLAIR AVE EDITHVALE, VIC 3196	20-Jul-07	23-Sep-08	2 DWELLINGS	Permit Issued	

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KP533/08	20 SYCAMORE AVENUE MENTONE, VIC 3194	23-May-08	29-Sep-08	2 DWELLINGS	Permit Issued	
KP535/08	41 EULINGA ROAD CLARINDA, VIC 3169	3-Jun-08	10-Sep-08	2 DWELLINGS	Permit Issued	
KP536/07	278-281 NEPEAN HWY EDITHVALE, VIC 3196	18-Jul-07	15-Sep-08	CREATE EASEMENT	Permit Issued	
KP539/08	27-29 NEPEAN HIGHWAY MENTONE, VIC 3194	5-Jun-08	4-Sep-08	CHANGE OF USE	Permit Issued	
KP540/08	37-39 MARCUS ROAD DINGLEY VILLAGE, VIC 3172	5-Jun-08	3-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP542/07	1090-1124 CENTRE RD OAKLEIGH SOUTH, VIC 3167	26-Jul-07	27-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP544/08	7/13 DOWNARD STREET BRAESIDE, VIC 3195	10-Jun-08	3-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP545/08	351-353 WARRIGAL ROAD CHELTENHAM, VIC 3192	10-Jun-08	22-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP550/08	2-4 LLEWELLYN AVENUE ASPENDALE GARDENS, VIC 3195	4-Jun-08	18-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP556/08	9 ALBANY CRESCENT ASPENDALE, VIC 3195	11-Jun-08	24-Sep-08	2 DWELLINGS	Permit Issued	
KP557/08- A	18 BATH STREET CHELSEA, VIC 3196	22-Sep-08	22-Sep-08	REDUCTION IN OPEN SPACE CONTRIBUTION	Permit Issued	
KP566/08	10 STURDEE STREET CHELSEA, VIC 3196	16-Jun-08	24-Sep-08	ALTERATIONS AND ADDITIONS	Permit Issued	
KP579/08	57A NEPEAN HIGHWAY ASPENDALE, VIC 3195	17-Jun-08	11-Sep-08	ALTERATIONS AND ADDITIONS	Permit Issued	
KP580/08	31-33 CANTERBURY ROAD BRAESIDE, VIC 3195	17-Jun-08	4-Sep-08	WAREHOUSE	Permit Issued	
KP589/08	38 MOUNT VIEW ROAD HIGHETT, VIC 3190	19-Jun-08	9-Sep-08	2 DWELLINGS	Permit Refused	
KP595/07- A	1/226 GOVERNOR ROAD BRAESIDE, VIC 3195	18-Aug-08	2-Sep-08	CAFE	Permit Issued	
KP603/08	189-199 NEPEAN HIGHWAY MENTONE, VIC 3194	23-Jun-08	30-Sep-08	BUILDINGS AND WORKS	Notice of Decision	
KP612/08	10 CONNORS STREET HIGHETT, VIC 3190	23-Jun-08	22-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP634/08	21 MANOON ROAD CLAYTON SOUTH, VIC 3169	4-Jul-08	25-Sep-08	2 DWELLINGS	Permit Issued	
KP646/08	5/1090-1102 CENTRE ROAD OAKLEIGH SOUTH, VIC 3167	11-Jul-08	2-Sep-08	CHANGE OF USE	Permit Issued	
KP653/08	66 KINGSTON ROAD HEATHERTON, VIC 3202	15-Jul-08	15-Sep-08	OFFICE	Permit Issued	
KP655/08	446-450 WARRIGAL ROAD HEATHERTON, VIC 3202	15-Jul-08	5-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP664/08	77A & 77B Como Parade East Parkdale, VIC 3195	17-Jul-08	12-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP666/08	360 BOUNDARY ROAD DINGLEY VILLAGE, VIC	16-Jul-08	24-Sep-08	CHANGE OF USE	Permit Issued	

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	3172					
KP668/08	6/10-12 MYOLA STREET CARRUM, VIC 3197	17-Jul-08	24-Sep-08	ALTERATIONS & ADDITIONS	Permit Issued	
KP669/08	29-35 WHITESIDE ROAD CLAYTON SOUTH, VIC 3169	17-Jul-08	5-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP680/08	39 KALIMNA STREET CARRUM, VIC 3197	21-Jul-08	16-Sep-08	2 DWELLINGS	Permit Lapsed	
KP689/08	2 BIBBY COURT MOORABBIN, VIC 3189	23-Jul-08	8-Sep-08	MOTOR VEHICLE SALES	Permit Issued	
KP694/08	2 MENTONE PARADE MENTONE, VIC 3194	23-Jul-08	9-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP695/08	50 LAMANA ROAD MORDIALLOC, VIC 3195	25-Jul-08	5-Sep-08	MOTOR VEHICLE SALES	Permit Issued	
KP698/08	2 BEACH PARK RESERVE MORDIALLOC, VIC 3195	25-Jul-08	24-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP704/08	9 WALKER STREET BRAESIDE, VIC 3195	28-Jul-08	30-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP708/08	45 BROADWAY BONBEACH, VIC 3196	25-Jul-08	15-Sep-08	3 LOT SUBDIVISION	Permit Issued	
KP716/07	83 CHUTE ST MORDIALLOC, VIC 3195	12-Sep-07	15-Sep-08	2 DWELLINGS	Permit Issued	
KP716/08	39-47 SUNMORE CLOSE HEATHERTON, VIC 3202	31-Jul-08	29-Sep-08	WAREHOUSE	Permit Issued	
KP723/08	CARPARK/1239-1241 NEPEAN HIGHW HIGHETT, VIC 3190	4-Aug-08	18-Sep-08	SIGNAGE	Permit Issued	
KP754/08	45 CAVANAGH STREET CHELTENHAM, VIC 3192	8-Aug-08	8-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP755/08	26 CAMELIA GROVE CHELTENHAM, VIC 3192	8-Aug-08	11-Sep-08	5 LOT SUBDIVISION	Permit Issued	
KP756/08	6 LAURA STREET ASPENDALE, VIC 3195	11-Aug-08	17-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP759/08	8 LENNOX STREET MOORABBIN, VIC 3189	8-Aug-08	11-Sep-08	BUILDINGS & WORKS	Permit Issued	
KP761/08	76 WARREN ROAD MORDIALLOC, VIC 3195	11-Aug-08	12-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP762/08	20 JACK HOLT WAY MORDIALLOC, VIC 3195	11-Aug-08	15-Sep-08	DWELLING	Permit Issued	
KP764/08	26 WOODBINE GROVE CHELSEA, VIC 3196	11-Aug-08	15-Sep-08	4 LOT SUBDIVISION	Permit Issued	
KP773/07	91-185 KINGSTON RD HEATHERTON, VIC 3202	1-Oct-07	18-Sep-08	CLEAN FILL	Notice of Decision	
KP775/08	41 WATERSIDE DRIVE WATERWAYS, VIC 3195	15-Aug-08	4-Sep-08	DWELLING	Permit Issued	
KP778/08	1486-1550 CENTRE ROAD CLAYTON SOUTH, VIC 3169	15-Aug-08	17-Sep-08	BUILDINGS AND WORKS	Permit Issued	
KP780/08	3/5 ELM GROVE PARKDALE, VIC 3195	14-Aug-08	3-Sep-08	ALTERATIONS & ADDITIONS	Notice of Decision	
KP782/08	326 HIGHETT ROAD HIGHETT, VIC 3190	18-Aug-08	7-Sep-08	CHANGE OF USE	Permit Withdrawn	
KP787/08	16 MCDONALD STREET MORDIALLOC, VIC 3195	15-Aug-08	22-Sep-08	5 LOT SUBDIVISION	Permit Issued	
KP797/08	15 LORIKEET LANE WATERWAYS, VIC 3195	25-Aug-08	8-Sep-08	1 DWELLING	Permit Issued	

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KP800/08	42 EMMA STREET CARRUM, VIC 3197	25-Aug-08	30-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP801/08	31 CHELSEA ROAD CHELSEA, VIC 3196	25-Aug-08	22-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP808/08	64 EMBANKMENT GROVE CHELSEA, VIC 3196	27-Aug-08	30-Sep-08	DWELLING	Permit Issued	
KP818/08	73 HARBOUR DRIVE PATTERSON LAKES, VIC 3197	1-Sep-08	3-Sep-08	ALTERATIONS AND ADDITIONS	Permit Not Required	
KP821/08	74 ISLAND POINT AVENUE WATERWAYS, VIC 3195	1-Sep-08	8-Sep-08	DWELLING	Permit Issued	
KP824/07	11 PINE CRES ASPENDALE, VIC 3195	16-Oct-07	5-Sep-08	2 DWELLINGS	Permit Issued	
KP833/08	42 ISLAND POINT AVENUE WATERWAYS, VIC 3195	4-Sep-08	24-Sep-08	1 DWELLING	Permit Issued	
KP843/08	5 BARMAN PLACE WATERWAYS, VIC 3195	10-Sep-08	24-Sep-08	1 DWELLING	Permit Issued	
KP859/01- A	7 GLENBROOK AVE CHELSEA, VIC 3196	26-Sep-08	26-Sep-08	2 DWELLINGS	Permit Refused	
KP899/08	32 HEALEY STREET MOORABBIN, VIC 3189	30-Sep-08	30-Sep-08	2 LOT SUBDIVISION	Permit Issued	
KP955/07	50 BLANTYRE AVE CHELSEA, VIC 3196	30-Nov-07	29-Sep-08	2 DWELLINGS	Permit Issued	
KP98/240- A	2 BAPAUME AVENUE EDITHVALE, VIC 3196	25-Jun-08	29-Sep-08	ALTERATIONS & ADDITIONS	Permit Refused	

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**K 160**

**Planning Application KP525/08 – 216 Station Street,  
Edithvale**

<b>Applicant:</b>	Peninsula Planning Consultants
<b>Address Of Land:</b>	No. 216 (Lots 1 and 2 on TP594815W) Station Street, Edithvale
<b>Melway Ref:</b>	92K9
<b>Proposal</b>	Eleven (11) dwellings
<b>Contact Officer:</b>	Elizabeth Wickham
<b>File No:</b>	KP525/08
<b>Zoning:</b>	Residential 1
<b>Kingston Planning Scheme Ordinance Controls:</b>	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing  <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>Residential Policy Area:</b>	Increased Housing Diversity
<b>Neighbourhood Character Area:</b>	Area 67
<b>Decision By:</b>	1 <sup>st</sup> August 2008
<b>Nett Days:</b>	119 days @ 29 <sup>th</sup> September 2008

**Reason for being heard at Council Meeting**

- Councillor's request

The main considerations with regard to this application relate to neighbourhood character, building form and intensity of development.

**Development Assessment Table**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision (all secluded private open space)</b>	<b>Clause 22.11- Residential Policy Requirement</b>
<b>Private Open Space</b>	An area of 40m <sup>2</sup> , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m <sup>2</sup> , a minimum dimension of 3 metres and convenient access from a living room OR A balcony of 8m <sup>2</sup> with a minimum width of 1.6 metres and convenient access from a living room OR A roof-top area of 10m <sup>2</sup> with a minimum width of 2 metres and convenient access from a living room.	Dwelling 1 – 13.62m <sup>2</sup> balcony Dwelling 2 – 12.61m <sup>2</sup> balcony Dwelling 3 – 11.9m <sup>2</sup> balcony Dwelling 4 – 18.52m <sup>2</sup> balcony Dwelling 5 – 15.84m <sup>2</sup> balcony Dwelling 6 – 15.84m <sup>2</sup> balcony Dwelling 7 – 8.17m <sup>2</sup> balcony Dwelling 8 – 9.93m <sup>2</sup> balcony Dwelling 9 – 40.28m <sup>2</sup> ground level open space Dwelling 10 – 40.02m <sup>2</sup> ground level open space Dwelling 11 – 63.45m <sup>2</sup> ground level open space	As per ResCode
<b>Car Parking</b>	One (1) space for each 1 or 2 bedroom dwelling Two (2) spaces for each 3 bedroom dwelling One (1) visitor space per 5 dwellings	All car parking spaces are provided within a basement car park, and are allocated as follows: Dwelling 1 – 1 car space Dwelling 2 – 1 car space Dwelling 3 – 1 car space Dwelling 4 – 1 car space Dwelling 5 – 1 car space Dwelling 6 – 1 car space Dwelling 7 – 1 car space Dwelling 8 – 1 car space Dwelling 9 – 1 car space Dwelling 10 – 1 car space Dwelling 11 – 1 car space Independent Visitors – 2 car spaces	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser– 9 metres	Minimum setback – 9 metres	As per ResCode

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<b>Site Coverage</b>	Maximum 60%	Site coverage is 58.7%	As per ResCode
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**Existing Conditions**

The subject site comprises a regular shaped allotment located on the east side of Station Street, Edithvale, approximately 85m north of Edithvale Road. It has a frontage width to Station Street of 20.42 metres, and a depth of 60.96 metres, resulting in an overall area of 1244m<sup>2</sup>. The site does not contain any easements.

The site has a considerable fall of approximately 3m from its front to rear property boundary.

The subject site currently contains a double storey, attic style, brick dwelling. Vegetation on the site comprises landscaping typical of urban garden species including semi-mature and mature trees. A *Phoenix canariensis* (Canary Island Date Palm) is located within the front setback of the dwelling, and is considered to be worthy of retention.

An existing single width crossover provides vehicle access to the site from its Station Street frontage.

Immediately surrounding residential development is characterised by detached, brick and weatherboard dwellings of one and two storeys in height. A relatively recent four dwelling development is located on the northern corner of Station Street and Edithvale Road. The Melbourne to Frankston Railway line is located opposite the site, running between Station Street and Nepean Highway.

The use and development of land surrounding the subject site is summarised as follows:

Surrounding land uses:	North: Three single storey brick dwellings separated from the subject site by a common driveway East: Two single storey dwellings fronting Clydebank Road, with rear private open space abutting subject site South: Single storey weatherboard dwelling and associated outbuildings West: Station Street and the Railway Reserve
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**Proposal In Detail**

It is proposed to construct eleven (11) dwellings on the site, within two, two-storey contemporary apartment style buildings, with basement carparking.

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Key elements of the proposal are as follows:

<i>Dwelling</i>	<i>Floor Area</i>	<i>Private Open Space</i>	<i>No. of Bedrooms</i>	<i>Car Parking Spaces</i>
1	74.35m <sup>2</sup>	Dwelling 1 – 13.62m <sup>2</sup> balcony	2	Dwelling 1 – 1 car space
2	75.17m <sup>2</sup>	Dwelling 2 – 12.61m <sup>2</sup> balcony	2	Dwelling 2 – 1 car space
3	86.01m <sup>2</sup>	Dwelling 3 – 11.9m <sup>2</sup> balcony	2	Dwelling 3 – 1 car space
4	59.52m <sup>2</sup>	Dwelling 4 – 18.52m <sup>2</sup> balcony	1	Dwelling 4 – 1 car space
5	69.05m <sup>2</sup>	Dwelling 5 – 15.84m <sup>2</sup> balcony	2	Dwelling 5 – 1 car space
6	69.15m <sup>2</sup>	Dwelling 6 – 15.84m <sup>2</sup> balcony	2	Dwelling 6 – 1 car space
7	72.91m <sup>2</sup>	Dwelling 7 – 8.17m <sup>2</sup> balcony	2	Dwelling 7 – 1 car space
8	83.13m <sup>2</sup>	Dwelling 8 – 9.93m <sup>2</sup> balcony	1	Dwelling 8 – 1 car space
9	61.46m <sup>2</sup>	Dwelling 9 – 40.28m <sup>2</sup> ground level open space	2	Dwelling 9 – 1 car space
10	76.23m <sup>2</sup>	Dwelling 10 – 40.02m <sup>2</sup> ground level open space	2	Dwelling 10 – 1 car space
11	83.72m <sup>2</sup>	Dwelling 11 – 63.45m <sup>2</sup> ground level open space	2	Dwelling 11 – 1 car space
				Independent Visitors – 2 car spaces

Vehicle access to the site would be provided via a proposed 5.0m wide crossover located towards the site's north-west corner, facing Station Street. The existing crossover provided to the site would be removed and the kerb and channel reinstated.

The submitted plans indicate that all vegetation on the site is proposed to be removed, with the exception of three mature trees located within the site's frontage, and two trees at the site's southern (side) property boundary. The Phoenix canariensis (Canary Island Date Palm) is proposed to be retained.

The applicant has submitted a concept landscape plan, which indicates that additional landscaping in the form of trees and tall shrubs, screening shrubs, foreground shrubs and ground covers and creepers would be provided within the site's front setback area to Station Street, within the secluded private open space area of dwellings at ground level, along the



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common walkway along the site's southern (side) property boundary, and the eastern (rear) property boundary.

It is proposed to construct a 1.2m high brick fence along the site's Station Street frontage.

Building Materials and colours have been nominated as:

<i>Roof:</i>	<i>Colorbond – “Woodland Grey”</i>
<i>Walls:</i>	Combination of face brickwork – “Austral” Hawthorn Melbourne Range; Render – “Dulux” Grey Pebble and “Dulux” Mud Pack; Alucobond - “Alucobond” Creme
<i>Garage door:</i>	Colorbond – “Woodland Grey”
<i>Windows:</i>	Colorbond – “Woodland Grey”
<i>Driveways:</i>	Coloured concrete with all-weather seal-coat
<i>Front fencing:</i>	1.2m high brick fence
<i>Boundary fences:</i>	As existing.

The proposal would result in a site coverage of 58.7%, and a site permeability of 34.8%.

**Details of Any Restrictive Covenant(s)**

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the title. The submitted certificate of title on the file confirms this.

**Background / Planning Permit History**

Council records indicate that no previous planning applications have been made for this site.

**Planning Scheme Requirements**

The site is located within a Residential 1 Zone and pursuant to Clause 32.01-4 of the Kingston Planning Scheme a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Kingston Planning Scheme (ResCode).

**Other**

The land is located in an ‘Increased Housing Diversity’ as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

**Amendment To The Application Before Notification**

No amendments made.

**Advertising**

The proposal was advertised under Section 52 of the Planning and Environment Act 1987, by:

- *Sending notices to the owners and occupiers of adjoining land.*

- *Displaying a notice on the subject site for a period of fourteen (14) days*

In response to notification of the proposal, eight (8) objections were received.

The grounds of concern may be summarised as follows:

- *Dwelling on site is local landmark and should not be demolished*
- *Loss of privacy, overlooking*
- *Impact on local traffic*
- *Visual bulk*
- *Overshadowing*
- *Overdevelopment*
- *Not in keeping with neighbourhood character*
- *Noise from additional residents*
- *Parking issues*

### **Preliminary Conference**

A preliminary conference was held on the 27<sup>th</sup> August, 2008, where the above issues were discussed.

All of the issues raised by objectors in attendance were thoroughly discussed, however, no agreement was reached and no objections have been withdrawn.

### **Amendment To The Application After Notification And Re-Notification**

No Amendments made.

### **Planning Scheme Provisions**

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.01-4 of the Kingston Planning Scheme (the Scheme). In addition, according to

ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

### **Referral**

No external referrals were required in respect of this application.

<i>Internal Council Referrals (where appropriate amended applications have been re-referred)</i>	<i>Advice/Response/Conditions</i>
<i>Drainage Engineer</i>	<i>No objection subject to the inclusion of nominated conditions on any permit issued</i>
<i>Vegetation Management Officer</i>	<i>No objection, subject to the inclusion of suitable conditions on any permit issued.</i>

**Assessment**

**Kingston Planning Scheme Provisions**

**Clause 12: Metropolitan Development**

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

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

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

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

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

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

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

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

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

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

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

It is considered that this application meets these objectives.

**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

- § Respects the character of the neighbourhood.
- § Improves housing choice.
- § Makes better use of existing infrastructure.
- § Improve energy efficiency of housing.

It is considered the proposal meets the provisions of the relevant sections of the State Planning Policy Framework as detailed above.

Located within the Edithvale Neighbourhood Activity Centre, the subject site is well serviced by existing infrastructure, including public transport, opportunities for passive and active recreation, education, retail and other community facilities within an existing residential area.

The proposed dwellings, with smaller areas of private open space compared to that of the traditional form of housing, is considered to improve housing choice for future occupants of the proposed dwellings, whilst the proposed design creates a more liveable and attractive urban environment, through the use of high quality finishes and contemporary architectural design.

The proposed dwellings will also achieve a high level of energy efficiency through the attached form of the development, and through the orientation of living areas and private open space areas towards the north.

Although the proposed buildings are more contemporary in architectural form than the existing dwellings within the immediate vicinity of the site, this is considered appropriate given its apartment style, and the site's location on Station Street. It is considered likely that the number of contemporary style developments along Station Street will increase given its prominent location, proximity to Nepean Highway and the foreshore. Given these features, and the site's location within an Activity Centre, this is considered an opportune site for this

type of apartment style development. Furthermore, Council's Municipal Strategic Statement (as outlined below) recognises that the character of Increased Housing Diversity areas will evolve over time.

This proposed design response provides for an opportunity to meet the urban consolidation principles outlined in this section of the Scheme. Massing the building towards the centre of the site and the provision of generous side and rear setbacks from the upper levels of the development ensures that any adverse off-site amenity impacts are minimised.

#### **Clause 21.05 MSS - Residential Land use**

##### **Increased Housing Diversity**

The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established but evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposal will need to display sensitivity to the existing residential context and amenity standards in these areas.

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Encourage the retention of existing vegetation wherever possible.

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

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal creates a good standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area due to generous setbacks from the upper levels of the development to abutting properties.

While the proposed building mass is greater than typical dwellings and multi dwelling developments within the area, it is considered that the design is consistent with local planning policy with respect to increased housing diversity areas and responding to the evolving character of this area.

#### **Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy. It is considered that the proposal satisfactorily meets these requirements.

The proposed dwellings are designed in response to their neighbourhood setting and present the opportunity to provide for a greater diversity of housing stock within the City of Kingston.

The proposed dwellings will provide a good standard of amenity for future occupants, and the careful design and siting of the proposed dwellings with respect to adjoining properties ensures that potential off-site amenity impacts are reduced. Building bulk has been minimised through the articulation of the elevations, including the use of varied colours, materials, finishes, the modulation of the building footprint, the provision of varied window shapes and detailing to create visual interest in the design. The upper levels have been

provided with greater setbacks from the lower levels, thus avoiding a 'box like' type development, in accordance with this policy.

It should be noted that the proposed side and rear setbacks of the development are considerably greater than the standard requirements contained in ResCode (Clause 55 of the Kingston Planning Scheme).

The proposed dwellings are considered to be of a high design standard, respect and complement existing neighbourhood character, and are provided with an adequate level of car parking to support the proposed development, inclusive of two (2) independent visitor car spaces.

The proposed development incorporates the retention of existing vegetation, and provides for landscaping opportunities along site boundaries and within private open space areas. The proposal therefore ensures that landscaping and trees (including those identified as worthy of retention) remain an important element in the appearance and character of the area.

The proposal should not overload the existing drainage infrastructure in the area, as any development of the site will be required to be provided with storm water works which incorporate the use of water sensitive urban design principles to improve storm water runoff quality and which also retains on site any increase in runoff as a result of the approved development.

**Neighbourhood Character Area Guidelines (Incorporated Document)**

The land is located within Area 67 of the Neighbourhood Character Guidelines. While single storey detached dwellings have been identified as making a 'major' contribution to neighbourhood character, it is considered that apartment style development is appropriate, having regard to the site's location within an Increased Housing Diversity area which encourages a wider diversity of dwelling types and sizes which are within convenient walking distance of public transport and activity centres.

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character. It is considered that the proposed development does not raise any significant issues of non-compliance with these guidelines.

**Clause 32.01: Residential 1 Zone**

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

**Clause 55: Rescode**

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

**Neighbourhood Character and Design Detail** – While the proposed development is a different form than the prevailing character of the street, the contemporary apartment style is considered appropriate in this location. The proposed development intensity is considered to be consistent with Council’s policies for Increased Housing Diversity Areas, and development in and around activity centres. It is considered that the proposed building should be compatible with the existing character of the area which contains a variety of dwelling types and architectural styles, while contributing to the evolving character of the Increased Housing Diversity area.

**Dwelling Diversity** – Standard B3 requires that in developments of 10 or more dwellings, a diversity of dwelling sizes should be provided incorporating a different number of bedrooms. The development provides 2 one-bedroom, and 9 two-bedroom dwellings. It is considered that the development will add to the diversity of housing stock available in the area, and the size of the dwellings are appropriate for a development within an activity centre.

**Overlooking** – All proposed windows and balconies within the development which have an outlook within 9.0m of adjoining secluded private open space and habitable room windows of existing dwellings have been screened in accordance with the requirements of Standard B22. However, the existing north, east and south boundary fencing is not of a sufficient height to prevent overlooking from the ground level deck areas and habitable windows of proposed dwellings 9, 10 and 11. A permit condition is recommended to ensure that new 2.1m high timber paling fences are provided along these property boundaries, at the developer’s cost.

Further, a condition is recommended to require details including a cross-section of the proposed louvre screening, in order to ensure compliance with the requirements of Standard B22 of ResCode.

**Clause 65: Decision Guidelines**

This clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

**Response to Grounds of Objection**

In response to the objections raised, the following assessment has been undertaken:

Objection: Dwelling on site is local landmark and should not be demolished.

Response: The dwelling is not heritage-listed and therefore Council has no control over the demolition of this dwelling.

Objection: Loss of privacy/Overlooking

Response: The submitted plans comply with the overlooking provisions of ResCode and indicate that any potential views from the development will be limited by appropriate screening devices, where required. As mentioned in the above ResCode assessment, new



2.1m high timber paling fences will be required to be provided along the site's north, east and west property boundaries, adjacent to dwellings 9, 10 and 11, in order to prevent any overlooking opportunities from the ground level habitable room windows and deck areas of the development.

**Objection:** Impact on local traffic

**Response:** While the number of vehicle movements to and from the subject site will increase as a consequence of the development, it is not considered that this additional traffic could not be accommodated on Station Street and surrounding the street network. The proposed 5.0m wide passing area at the entrance of the site should ensure that vehicle movements into and out of the site are safe and efficient. The basement carparking area allows a workable turning area to ensure that vehicles exit the site in a forward direction, and the 1.2m high front fencing adjacent to the vehicle entrance should ensure that driver visibility of pedestrians, cyclists and other motorists is not compromised.

**Objection:** Visual bulk

**Response:** It is considered that the proposed development has been appropriately designed to minimise visual bulk through the creation of two separate and detached buildings, the modulation of the elevations and through the stepping back of the upper levels from the lower levels. The use of a combination of colours and materials including brick, render and alucobond finish and a flat and skillion roof profiles also serve to articulate the building.

**Objection:** Overdevelopment

**Response:** The proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking, overshadowing, excessive site coverage, insufficient car parking and poor internal amenity for future residents of the dwellings. The site is also located within an Increased Housing Diversity area and Activity Centre, where the density of residential development is usually higher than in other areas of the municipality and where greater rates of change are expected. For these reasons, Council Officers do not consider the proposal to be an overdevelopment of the site.

**Objection:** Overshadowing

**Response:** The submitted shadow diagrams indicate that the proposal complies with the overshadowing provisions of ResCode, and that no unreasonable shadow impact should occur as a result of the development.

**Objection:** Not in keeping with neighbourhood character

**Response:** This part of Station Street contains a number different dwelling types and styles, and the character of the area is evolving due to recent multi-dwelling developments. There are no characteristics which give this precinct a single, unifying character. The proposal is considered to have been designed to respect adjoining properties and the streetscape. While apartment style is not typical of this area, as mentioned above, the site's location within an Increased Housing Diversity area presents an opportunity to provide a more intensive form of development and an alternative dwelling type to the area.

Objection: Noise from additional residents

Response: It is not considered that the noise generated by future residents should be any greater than that reasonably expected from any residential development. The combination of screening to decks in close proximity to adjoining properties' private open space, landscaping to be planted along property boundaries, and a permit condition requiring new 2.1m high timber paling fences to be provided along the north, south and east property boundaries adjacent to dwellings 9, 10 and 11 should assist in minimising any potential noise impacts.

Objection: Parking issues

Response: The proposal provides for car parking in accordance with the requirements of ResCode, including the provision of two (2) independent visitor car spaces. Inspection of the site by Council Officers confirmed that there does not appear to be any on-street car parking problems at this portion of Station Street.

### **General Comment**

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

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

It is considered that the objectors' concerns have been addressed where appropriate, and on balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

### **Recommendation**

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for eleven (11) dwellings, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council, on 2 June 2008, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:

- i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
  - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
  - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
  - iv. a range of plant types from ground covers to large shrubs and trees;
  - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - vi. the provision of two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of the site, and one (1) small (at maturity) tree within the private open space area of each ground level dwelling, with the species chosen to be approved by the Responsible Authority.
  - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
  - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
  - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
  - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
  - xi. the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3, 4 and 5 of this permit, including all nominated tree protection zones to be drawn to scale on the plans.
- b. the entry/exit driveway of the basement car park provided with a apex no lower than 150mm above the back of existing footpath level at the Station Street frontage;
  - c. the relocation of the existing 2H parking sign at the site's Station Street frontage;
  - d. the access to the basement car park and the headroom within the basement car park constructed in accordance with Australian Standard AS2890.1 to the satisfaction of the Responsible Authority;
  - e. the number of bicycle parking spaces nominated, and dimensioned in accordance with 'The Bicycle Parking Handbook' by Bicycle Victoria;
  - f. the provision of new 2.1 metre high paling fences along the site's north, east and south property boundaries adjacent to dwellings 9, 10 and 11, terminating at the rear of the basement car park;
  - g. the provision of a method of surveillance from inside each dwelling to their respective front entrance areas;
  - h. the provision of a Waste Management Plan detailing how waste will be stored and collected from the site to the satisfaction of the Responsible Authority;
  - i. the provision of a cross-section of the fixed horizontal screen louvres within the development, demonstrating full compliance with the requirements under Standard B22 of Clause 55.04-6 of the Kingston Planning Scheme;

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- j. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings and driveway, inclusive of the proposed basement car park door; and
    - k. the provision of a Site Management Plan which clearly sets out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builders' vehicles etc.
2. The permitted use must not commence and the subject site must not be occupied for the use until all buildings and works and the conditions of this permit have been complied with, unless with the further prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be observed at a distance of three (3) metres in a radius surrounding the *Phoenix canariensis* (Canary Islands Date Palm) within the front setback from Station Street.
4. The following must be observed within the TPZ area (without the further consent in writing of Council's Vegetation Management Officer):
  - 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;
  - 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.
5. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre (or larger) high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected around the *Phoenix canariensis* (Canary Islands Date Palm) at the distances specified for the TPZ.
6. 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.
7. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
8. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible

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- Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
9. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  10. 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 options.
  11. 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 impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  12. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties.
  13. The entry/exit driveway of the of the basement car park must incorporate an apex no less than 150mm above existing back of footpath level on Station Street. The levels at site boundary must not be altered.
  14. Construction on the site must be restricted to the following times:

Monday to Friday	7:00am to 7:00pm; and
Saturday	9:00am to 6:00pm.

Or otherwise as approved by the Responsible Authority in writing.
  15. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must reinstated to the satisfaction of the Responsible Authority.
  16. 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.
  17. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.

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18. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner. All fencing and boundary wall finishing as required pursuant to conditions 1f) of this permit are to be at the whole cost of the applicant/owner.
19. Prior to commencement of the development hereby permitted, the Site Management Plan required under Condition 1k) of this permit must be submitted to and approved by the Responsible Authority. 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.
20. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
21. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the approved plans 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. 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.
23. 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.
24. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent 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 and use are not started before two (2) years of the date of this permit.\*
  - The development is not completed before four (4) years of the date of this permit.\*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.

The meeting was addressed by Mr Craig Charlton on behalf of the objectors.

**Crs Petchey/Ronke**

That a Notice of Refusal to Grant a Permit be issued on five grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal would detract from the visual amenity of the locality and the streetscape.
3. The proposal would detrimentally affect the amenity of the neighbourhood.
4. The proposal exhibits excessive building scale and mass, to the detriment of the character of the area.
5. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.04-6 Overlooking Objective and Clause 55.03-8 Landscaping Objectives.

**Carried**





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<b>Private Open Space</b>	An area of 40m <sup>2</sup> , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m <sup>2</sup> , a minimum dimension of 3 metres and convenient access from a living room.	<p>Dwelling 1 – 71.64m<sup>2</sup> of which 51.5m<sup>2</sup> is secluded private open space</p> <p>Dwelling 2 – 40.37m<sup>2</sup> of which 27.92m<sup>2</sup> is secluded private open space</p> <p>Dwelling 3 – 40.37m<sup>2</sup> of which 27.92m<sup>2</sup> is secluded private open space</p> <p>Dwelling 4 – 40.7m<sup>2</sup> of which 28.25m<sup>2</sup> is secluded private open space</p>	As per ResCode
<b>Car Parking</b>	Two (2) spaces for each 3 bedroom dwelling.	<p>Dwelling 1 – three (3) car spaces – two (2) in double garage and one (1) in tandem</p> <p>Dwelling 2 – two (2) car spaces - one (1) in single garage and one(1) in tandem</p> <p>Dwelling 3 – two (2) car spaces - one (1) in single garage and one(1) in tandem</p> <p>Dwelling 4 – two (2) car spaces - one (1) in single garage and one(1) in tandem</p>	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	Site is technically on a corner – Dwelling 2 - 3 metres	<p>Dwelling 1 – 4m from Como Parade East &amp; 3m from Bethell Avenue</p> <p>Dwellings 2-4 – 3m from Bethell Avenue</p>	As per ResCode
<b>Site Coverage</b>	Maximum 60%	Site coverage is 56.3%	As per ResCode

**EXISTING CONDITIONS:**

The subject site is located on the north-east corner of Como Parade East and Bethell Avenue in Parkdale. The land comprises three smaller sized allotments that have a combined frontage width of 15.82 metres to Como Parade East, a frontage of 34.4 metres to Bethell Avenue and an overall site area of 672m<sup>2</sup>. No easements are contained within the subject site. The land has a gradual fall of 0.6 metres from the north-east corner to the south-west corner of the site.

At present, the subject site is occupied by a single storey brick veneer dwelling fronting Como Parade East. Vehicle access to the site is via an existing right-of-way located adjacent to the north-east (rear) of the subject site. No significant vegetation exists on the land.

The surrounding area is characterised by predominately single storey dwellings and some double storey dwellings with recent examples of multi-dwellings closer to the Parkdale Railway Station. It is noted that the land on the opposite (southern) side of Bethell Avenue is zoned Business 1.

The site is located within close proximity to the Parkdale Railway Station (about 100m to the east), local shops (about 50m to the south opposite the railway line) and local schools (about 1.25km from Parkdale Primary School and about 1.75km from Parkdale Secondary College). Public bus services also run along Como Parade East and West including to Southland Shopping Centre.

**SITE HISTORY:**

Planning Application No.KP144/06 was refused by Council on 16<sup>th</sup> August 2006, with an appeal subsequently lodged with the Victorian Civil and Administrative Tribunal (VCAT). In its written order issued on 17<sup>th</sup> July 2007, the Tribunal upheld Council's decision to refuse a permit for the development of the site for four (4) double-storey dwellings.

In his determination, the Tribunal member provided a number of design suggestions for any future site development, stating:

*“To assist the applicant in this matter I suggest that if he wishes to pursue the four two storey dwellings then he should:*

- *make greater attempt to step the upper level footprint of Dwellings 2, 3 and 4 back from both side boundaries so that they produce a more recessive form and mass.*
- *consider deleting at least one bedroom, the retreat, and either the ensuite or bathroom of each of those dwellings; this might amount to a reduction of about 50% of the footprint to that shown on each of those dwellings.*
- *provide a greater separation between Dwellings 2 and 3 for the entire separation distance and not just where it abuts the bedrooms of Dwellings 2 and 3.*

- *delete each protruding ensuite I recommend these features should be located behind the line of the front bedrooms, rather than protruding forward and accentuating their prominence on the Bethell Street Streetscape.*

*No doubt if each dwelling is reduced to two bedrooms only, there is less onus to provide as many car parking spaces and it may obviate the car overhang issue.”*

It is considered that the new proposal has substantially addressed the above design suggestions, with any minor outstanding design deficiencies able to be addressed via permit conditions. This will be discussed later in the Rescode section of this report.

**RESTRICTIVE COVENANT:**

A registered Covenant No.1477873 exists on the Certificate of Title for the subject land which states (amongst other things) that heirs, executors, administrators and transfers on:

*“will not at anytime carry away or remove nor permit or allow to be excavated, carried away or removed from earth, clay, stone, gravel or sand from the said land except for the purpose of excavating for the foundation of any building to be erected thereon or layout gardens to be occupied therewith.”*

The proposed development, however, should not contravene the existing registered covenant on the subject site.

**PROPOSAL IN DETAIL:**

It is proposed to demolish the existing dwelling and construct four (4) double storey attached dwellings on the subject site. All dwellings would be attached construction at the ground level, with dwellings 1 and 2 also attached at first floor level. No existing vegetation would be retained as part of the proposal.

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	71.62m <sup>2</sup> 81.80m <sup>2</sup>	51.5m <sup>2</sup>	3	2 + 1 tandem car space
2	64.70m <sup>2</sup> 59.40m <sup>2</sup>	27.92m <sup>2</sup>	3	1 + 1 tandem car space
3	65.55m <sup>2</sup> 59.40m <sup>2</sup>	27.92m <sup>2</sup>	3	1 + 1 tandem car space
4	66.40m <sup>2</sup> 59.40m <sup>2</sup>	28.25m <sup>2</sup>	3	1 + 1 tandem car space

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Dwelling 1 would be provided with a double car garage and tandem car parking space whilst dwellings 2-4 (inclusive) would be provided with a single car garage with provision for a tandem car parking space. A new double width crossover would be constructed along the site's Como Parade East frontage whilst the existing double crossover adjacent to the eastern corner of the site would be widened to accommodate new access for dwelling 4. A new single width crossover would also be constructed along the site's Bethell Avenue frontage for dwellings 2 and 3.

Building Materials and colours have been nominated as:

Roof:	Concrete tiles "charcoal"
Walls:	Ground – brown face brick with dark grey render to front of garage and entrance First floor – light grey render with dark grey weatherboards and weathertex panels in off-white
Garage doors	Panel lift - dark grey render to front
Windows:	Aluminium
Driveways:	Charcoal coloured sealed concrete
Front fencing:	A 1.8m high horizontal timber slat fence would be provided along the Como Parade East frontage and along a section of the site's Bethell Avenue frontage for dwelling 1. The remaining section of the site's frontage along Bethell Avenue for dwellings 2-4 would be fenced with a 1.5m horizontal timber slat fence.
Boundary fences:	A new 2m high horizontal timber slat fence would be constructed along the site's side (north-west) property boundary. A new 1.8m high horizontal timber slat fence would also be constructed along a section of the site's north-east (rear) property boundary from the garage of dwelling 4 then tapering down to 1.2m at a setback of 1m from Bethell Avenue.

The development would have a site coverage of 53.6%.

**ADVERTISING**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining two (2) notices on site for fourteen (14) days. A total of fifteen (15) objections were received to the application and can be summarised under the following headings:

- Overdevelopment;
- Neighbourhood character;
- Loss of amenity, (overlooking, overshadowing);
- Visual bulk; and
- Car parking and traffic.

**PRELIMINARY CONFERENCE**

A preliminary conference was held at Council's Cheltenham office on 3<sup>rd</sup> April 2008, with the applicant, owner, objectors, the Ward Councillor and a Council planning officer. The above issues were discussed, however no resolution was reached.

### **PLANNING SCHEME PROVISIONS**

A planning permit is required to develop land for two or more dwellings on a lot, pursuant to Clause 32.01-4 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement.

### **OTHER**

The land is located in the “Increased Housing Diversity Area” of the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

As previously discussed, a restrictive covenant is registered on the Certificate of Title to the land.

No Overlay controls affect the subject site.

### **REFERRAL**

Given that the proposed development does not vary significantly from the previous planning application on the subject site, Council officers consider that comments received from Council’s Development Approvals Engineer and Vegetation Management Officer are relevant in the consideration of the proposal.

No objection was offered from either department, subject to the inclusion of suitable conditions if any permit is issued for the development of the subject site. A number of concerns were also raised by Council’s Vegetation Management Officer with regard to the limited opportunities for the planting of canopy trees within the front setbacks of dwellings 2-4 and also within each of the rear private open space areas.

It is noted that (subject to modifications outlined later in this report) the new proposal shows increased front setbacks for these dwellings, and therefore a greater ability to provide canopy trees.

### **DISCUSSION**

#### **Kingston Planning Scheme Provisions:**

##### **Clause 12: Metropolitan Development**

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

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

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

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

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

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

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

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

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

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

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

It is considered that this application meets these objectives.

**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of

neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

- § Respects the character of the neighbourhood.
- § Improves housing choice.
- § Makes better use of existing infrastructure.
- § Improve energy efficiency of housing.

It is considered that this application clearly meets these objectives.

**Clause 21.05 MSS - Residential Land use**

*Increased Housing Diversity*

The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established by evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposal will need to display sensitivity to the existing residential context and amenity standards in these areas.

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

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

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

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity*)

*areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.

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

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

#### **Clause 22.11 - Residential Development Policy**

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

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



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

There are six (6) built form characteristics in Neighbourhood Area No.20 that are considered to make major contributions to the residential area, being:

- Perceived lot pattern;
- Building placement;
- Building footprint;
- Type and height of development;
- Front boundary and garden; and
- Other building features (windows on corners and porches).

It is considered that the proposal is consistent with the main built form characteristics of the area profile.

**Clause 32.01: Residential 1 Zone**

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

**Schedule**

The requirements under this Schedule relating to the height of front fencing have not been met. Specifically, the Schedule suggests that the maximum front fencing height be restricted to 1.2 metres along street with the existing of land that fronts a main road (where a maximum fence height of 2 metres is permissible). This will be discussed further in the Rescode section of this report.

**Clause 55: Rescode**

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

**Clause 55.02 - Neighbourhood Character & Infrastructure**

**Standard B1 Neighbourhood Character** – it is considered that the proposal is consistent with the existing neighbourhood character. The surrounding area is predominately residential, with residential use and development abutting the north-west property boundary, and a laneway abutting the length of the north-eastern boundary. Whilst land directly opposite on the south-eastern side of Bethell Avenue is developed for residential use, it is located within a Business 1 Zone that continues along Como Parade West to Parkers Road. Opposite the site is the Railway Line, with the Parkdale Shopping Centre on the opposite south-western side of the Railway Line. Bethell Avenue is a residential street, containing brick and weatherboard dwellings, the majority of which are single storey with a scattering of double storey extensions. The site is located within an Increased Housing Diversity Area, and is within very close proximity of public transport, commercial and community facilities

and recreational areas. The area is can be characterised somewhat by the existence and proximity of commercial development.

As highlighted earlier in this report, the previous application for the site considered by Council (KP144/06) was refused, with an appeal subsequently lodged with the Victorian Civil and Administrative Tribunal (VCAT). In its written order the Tribunal upheld Council's decision to refuse a permit for the development of the site for four (4) double-storey dwellings, and provided a number of design suggestions, should the applicant pursue a four (4) dwelling double storey development. These design suggestions essentially relate to neighbourhood character, and how the development could more appropriately present to the street and abutting properties. These suggestions have been addressed by the applicant, and with respect to this the following comments are made:

- *make greater attempt to step the upper level footprint of Dwellings 2, 3 and 4 back from both side boundaries so that they produce a more recessive form and mass.*

The upper level footprint of dwellings 2, 3 and 4 has been further setback from the side boundaries, and as a result, the building mass has been reduced. It is considered that the upper level of dwellings 2-4 (inclusive) could also be recessed in further from the Bethell Avenue frontage, to improve the appearance of the dwellings from the streetscape perspective. An additional 0.5 metres along each frontage would suffice, and this can be required under Condition 1 of any approval issued. The lower ground level should also be recessed in slightly more, particularly given that the porch will intrude into the proposed 3 metre frontage setback. With regard to the lower level, an additional 0.2 metres should suffice, which can also be addressed via Condition 1 of any approval issued.

The size of dwelling 1 was not mentioned by the Tribunal in the design suggestions, however, to provide a more consistent and less bulky development overall, it is considered that the upper level of dwelling 1, which is substantial in its size, be reduced in size through the deletion of the first floor living room. This can then result in greater setback of the north-western and south-eastern elevations.

- *consider deleting at least one bedroom, the retreat, and either the ensuite or bathroom of each of those dwellings; this might amount to a reduction of about 50% of the footprint to that shown on each of those dwellings.*

The building footprint of dwellings 2, 3 and 4 has been reduced, however, whilst the retreat has been deleted, a bedroom has not been deleted, and both the ensuite and bathroom remain. A condition of permit can require that at least one bedroom or the study be deleted from each dwelling. The upper level floor area will then be reduced in area, allowing greater side and rear setbacks.

- *provide a greater separation between Dwellings 2 and 3 for the entire separation distance and not just where it abuts the bedrooms of Dwellings 2 and 3.*

A greater separation between dwellings 2 and 3 has been provided in the new design.

- *delete each protruding ensuite I recommend these features should be located behind the line of the front bedrooms, rather than protruding forward and accentuating their prominence on the Bethell Street Streetscape.*

The protruding ensuite has been relocated to the rear (north-western) elevation, and has become less of a design feature, and more an element in the building form that provides visual interest and articulation.

Overall, it is considered that the new development clearly addresses the design suggestions outlined by VCAT, and provides an appropriate design solution for the site, that is consistent with the neighbourhood character and streetscape, without any adverse amenity impacts to adjoining properties. The Tribunal member also suggested that the number of bedrooms within each dwelling be decreased to reduce the need for onsite car parking spaces and therefore obviate the car parking overhang existent in the previous design. However, it is noted that the applicant has made other design modifications to the proposal to prevent and car overhang occurring.

**Standard B5 Integration with the Street** –it is considered that the development integrates well with both streetscapes. Each dwelling will be easily accessed from their respective frontage.

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

**Standard B6 Street Setback** - Having regard to the layout of the proposed dwellings and the street configuration, it is considered that the proposal, subject to the minor modifications to the lower level setback of dwellings 2-4 (inclusive), will respect the neighbourhood character and is considered appropriate both within the Como Parade East streetscape and Bethell Avenue streetscape.

**Standard B13 Landscaping** –there would be adequate areas provided on the site within front, rear and side setbacks to provide for landscaping, including canopy trees with spreading crowns that can soften the appearance of the dwellings. A condition of any approval issued will require the submission of a landscape plan.

**Standard B16 Parking Provision** – each dwelling would be provided with at least two (2) car parking spaces, which exceeds the requirements of Rescode. All car parking spaces are easily accessible, with the garage facility located behind the front wall of each dwelling.

It is noted that the crossover proposed for dwelling 1 is double width, which is unnecessary given that the dwelling would still be able to provide a double garage and tandem space, should the driveway and crossover be made single width. A condition of any permit can require that the crossover be made single width, and the driveway reduced in its entry width, which will present better to the streetscape.

#### **Clause 55.04 - Amenity Impacts**

**Standard B17 Side and Rear Setbacks** –as outlined previously in this report, the setbacks proposed in this development are considered appropriate, subject to some minor fine-tuning

as highlighted earlier. The side and rear setbacks described are considered adequate to maintain the amenity of the abutting residential property.

**Standard B18 Walls on Boundaries** –the north-eastern lower level wall would be provided directly on the north-eastern boundary, which abuts a laneway. The north-western garage wall of dwelling 1 would also be located directly on the boundary where it abuts the garage of the abutting property facing Como Parade East. The boundary construction provided is considered appropriate.

**Standard B21 Overshadowing Open Space** – the dwellings would not unreasonably overshadow the abutting property, with the majority of shadow cast over the front setback of dwellings 2-4 (inclusive) and side setback area of dwelling 1 along Bethell Avenue. The development does not raise any concerns with regard to overshadowing.

**Standard B22 Overlooking** –the upper level windows along the north-western elevation where these dwellings face the abutting residential property on Como Parade East would be either highlight or obscure glazed to prevent any overlooking occurring. The development does not raise any concerns with regard to overlooking.

**Clause 55.05 - On-Site Amenity and Facilities**

**Standard B28 Private Open Space** – Each dwelling would have at least 25m<sup>2</sup> private open space, with some additional open space within the front setback area. It is also noted that the site is located within close proximity of recreational areas, including the foreshore. The amount of open space proposed for each dwelling is considered adequate for the use of future occupants.

**Standard B29 Solar Access to Open Space** – dwellings 2-4 (inclusive) would have at least one area of 25m<sup>2</sup> private open space with good access to northern sunlight. Dwelling 1 would have a larger overall area of open space, however, it would not achieve as good access to northern sunlight. Given that this dwelling has an overall larger area of open space, which is still accessible from a main living room, the direct northern exposure can be waived.

**Clause 55.06 - Detailed Design**

**Standard B32 Front Fences** – whilst the type of front fence proposed (horizontal timber slat) is considered appropriate in terms of neighbourhood character and streetscape presentation, the height of the fence along the Bethell Avenue frontage (for dwellings 2-4 inclusive) at 1.5 metres is considered excessive. A higher (1.8 metres) fence along Como Parade East and the section of Bethell Avenue to the south-east of dwelling 1 is justifiable given that part of this dwellings private open space will be in this area, however the 1.5 metre high fencing along Bethell Avenue, to the south-east of dwellings 2-4 (inclusive) should be reduced to 1.2 metres. This can be required under Condition 1 of any approval issued.

**Clause 65: Decision Guidelines**

This clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

**Response to Grounds of Objection**

The following comments are made with respect to the objectors concerns:

- *Overdevelopment* – the proposal achieves a high level of compliance with the provisions of Rescode, and can be accommodated on the site without reducing the amenity of the abutting property.
- *Neighbourhood character* – as highlighted in this report, the proposal takes into consideration the Tribunals design suggestions, and subject to some minor modifications, is considered appropriate in terms of neighbourhood character.
- *Loss of amenity, (overlooking, overshadowing)* – as highlighted in the Rescode section of this report, the proposal will not allow any detrimental overlooking or overshadowing.
- *Visual bulk* – as highlighted previously in this report, the proposal is considered appropriate in terms of neighbourhood character, and does not display any excessive visual bulk.
- *Car parking and traffic* – as discussed earlier in this report, the development provides adequate on-site car parking. Furthermore, it is considered that the surrounding road network can easily accommodate any additional traffic that may be generated by the proposal.

**General Comment**

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

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

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

### **Recommendation**

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

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council, but modified to show:
  - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - xii. 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;
    - xiii. the delineation of all the garden beds, paved and grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - xiv. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is to be retained or removed;
    - xv. a range of plant types from ground covers to large shrubs and trees;
    - xvi. adequate planting densities (i.e: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - xvii. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the secluded open space area of each unit. Species chosen must be approved by the Responsible Authority;
    - xviii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - xix. all trees provided at a minimum of 2 metres high at time of planting;
    - xx. medium to large shrubs and trees to be provided in pot sizes of 200mm; and
    - xxi. the provision of notes regarding site preparation including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - b. Fencing to the south-west of dwellings 2-4 (inclusive) along Bethell Avenue, nominated as 1.2 metres in height;

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- c. The driveway for dwelling 1 modified to taper into single width (3 metres), and the crossover reduced in width to 3 metres (positioned about 2 metres in from the north-western boundary);
  - d. The additional area provided to the north-west of the driveway (following the modification required under Condition 1(c), nominated as landscaping;
  - e. The south-eastern first floor elevation of dwellings 2-4 (inclusive) nominated as setback 4.5 metres where 4 metres is presently proposed, and 4 metres where 3.5 metres is presently proposed;
  - f. The south-eastern first floor elevation of dwelling 1 nominated as setback (at least) 4 metres where 3.8 metres is presently proposed and (at least) 4.3 metres where 4.1 metres is presently proposed;
  - g. The living room deleted from the first floor of dwelling, thereby allowing greater setbacks for the first floor along the north-western and south-eastern elevations; and
  - h. At least one bedroom or the study deleted from the first floor of dwellings 2-4 (inclusive) allowing greater side and rear setbacks.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
4. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
5. The development of the site must be provided with stormwater treatment works which will entail on-site detention using water sensitive urban design principles (including re-use) to reduce run-off quantity and improve discharge quality. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on treatment options.
6. 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 impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing approved development.
7. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties
8. 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.

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9. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
10. 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.
11. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
12. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
13. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
14. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
15. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
16. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
17. 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.
18. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. External clothes drying facilities must be provided for each dwelling.



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

**NOD:**

**Expiry of permit:**

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development and use are not started before two years of the date of this permit.\*
- The development is not completed before four years of the date of this permit.\*

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.

*\*Should a planning permit issue a specified starting and completion date will be inserted.*

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

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

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

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

The meeting was addressed by Mr Michael Glowaski on behalf of the objectors and Mr George Doukas on behalf of the applicant.

**Crs Alabaster/West**

That a Notice of Refusal to Grant a Permit be issued on four grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive bulk and mass.
4. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.02-5 Integration With The Street Objective, Clause 55.03-1 Street Setback Objective; Clause 55.03-8 Landscaping Objectives, Clause 55.05-4 Private Space Objective; Clause 55.05-5 Solar Access To Open Space Objective; Clause 55.06-1 Design Detail and Clause 55.06-2 Front Fence Objective.

**Carried**



- Notice of the amendment and planning permit application was published in the Victorian Government Gazette on 4 September 2008.
- Notice of the amendment and planning permit application was published in the Moorabbin Kingston Leader on 10 September 2008.
- Notice of the amendment and planning permit application was erected on the site.
- Direct notification was sent via ordinary mail to all landowners and occupiers affected by the amendment and planning permit application on 4 September 2008.
- Amendment and planning permit documentation was made available on Kingston's Strategic Planning website, Cheltenham customer service centre, Department of Planning and Community Development website and the Dingley Library from 4 September 2008.

On 23 July 2008, Council invited the Dingley Village Community Association, Dingley Village Committee and Dingley Chamber of Commerce to a briefing on the proposal provided by the proponent. Approximately twenty seven people attended.

### *3.2 Submissions Received and Discussed*

During exhibition of the amendment, a total of nine (9) submissions were received one (1) of which by South East Water who has no objection to the combined amendment/permit subject to additional conditions placed on the permit. A summary of the submissions received is provided at Attachment 2.

The key issues identified in the submissions include.

- The proposal will result in an increase in noise.
- Do not support rezoning of existing residential land or road.
- No loading and unloading facilities provided for existing shops along Centre Dandenong Road.
- Location of proposed loading and unloading facilities will cause disruption and risk safety.
- New proposed internal road will result in a detriment in amenity to residential properties.
- Relocation of school crossing is not supported.

#### **3.2.1 Noise**

It is acknowledged that the proposal may result in an increase in noise. It is envisaged that the main increase of noise will come from vehicle and pedestrian traffic entering and exiting the site via Marcus Road, this impacts on the three (3) residential properties in particular, which currently back onto residential properties but as part of the proposal will abut a car park.. A condition of permit drafted for the development requires the applicant to provide a two metre high acoustic fence along the entire north east boundary between the residential properties and subject land. Details of the fencing are to be submitted to Council as part of Condition 1.

The proposal is not envisaged to result in an unreasonable increase in noise from other noise sources such as air conditioners, loading and unloading of deliveries, waste collection etc. The shopping centre currently exists and the building envelope of the proposed full line supermarket and mall are situated towards Centre Dandenong Road rather than the surrounding residential properties. It is acknowledged that there are concerns with existing noise levels coming from the site, the permit drafted for the proposal does impose delivery and waste collection times and requires details of external equipment to minimise loss of amenity.

### **3.2.2 Rezoning**

The proposal involves rezoning two (2) residential properties (one (1) of which has been used as a church) to a Business 1 Zone. It is considered that the proposed rezoning to allow the expansion of the shopping centre into these properties as a natural progression as it allows the existing car park of the shopping centre to extend in a lineal pattern. It has been acknowledged that the supermarket is small and of secondary quality the shopping centre is in a position where it is able to extend.

Concern has been raised over rezoning part of Marcus Road to a Business 1 Zone. Council roads are zoned in accordance to the surrounding areas zoning. This section of road proposed to be rezoned is currently zoned Residential 3 and it is appropriate to rezone the section of road to a Business 1 zone in accordance with the abutting land which is to be rezoned Business 1.

### **3.2.3 Loading and unloading facilities**

The development provides a new loading facility for proposed the full line supermarket which will have sole access via an access way from Marcus Road. The access way and loading facility addresses many issues currently being experienced at the shopping centre (conflict between delivery trucks and vehicles).

The applicant has failed to provide details of loading and unloading facilities for existing businesses stating that existing businesses will continue as they have. It is noted that there will no longer be loading access to the rear of the south west shops facing Centre Dandenong Road. A condition of the permit drafted for the proposal requires loading and unloading details for existing shops to be submitted to the satisfaction of Council.

### **3.2.4 Traffic, access arrangements and proposed new roads**

The proposal provides for a single entry/exit point further north of Marcus Road, than the existing access way. It is not proposed to change exiting access arrangements from Centre Dandenong Road. The new proposed access way is separate to that proposed for loading and unloading vehicles, minimising conflict. The location of the access way and internal arrangement provides for a convenient movement of traffic. The proposal does provide for car parking along the residential properties which were abutting residential properties, this is a change for these residents however a condition of the permit drafted for the proposal requires the provision of a 2 metre acoustic fence and planting of screening vegetation along this boundary.

The new access way does require the relocation of the existing school crossing. Council officers have meet with representatives from the school and discussions indicated a preference to relocate the crossing inline with the kindergarten as there was a strong relationship between the two facilities. The increased pedestrian movement along the northern side of Marcus Road is seen as positive as it encourages people to use the crossing next to the kindergarten or along the intersection of Centre Dandenong Road. This limits pedestrian movements along the busy shopping centre and conflict between vehicles and pedestrians. The submission received by the school is disappointing. Council officers will continue to meet with school representatives to discuss this issue.

### **3.3 Policy Consideration**

#### **3.3.1 State Planning Policy Framework**

The proposed amendment and planning permit application is considered to be consistent with the State Planning Policy Framework. In particular, the amendment gives effect to the objectives:

- Clause 12.01 ‘A more compact city’ by broadening the mix of uses that support the role and function of the Dingley Shopping Centre as a neighbourhood activity centre to meet local convenience needs.
- Clause 16 ‘Design and built form’ by applying appropriate design guidelines to achieve high quality urban design and architecture that enhances liveability, amenity and safety.
- Clause 17.01 ‘Activity centres’ by providing a variety of land uses that are accessible by the community.

#### **3.3.2 Local Planning Policy Framework**

The proposed amendment and planning permit application is considered to be consistent with the Local Planning Policy Framework. In particular, this amendment gives effect to the objectives of Clause 21.06 by:

- Promoting the expansion of the Dingley Village Shopping Centre at a level appropriate to its role as a neighbourhood centre.
- Allowing works to be undertaken which enhance the physical image of the centre and improve car parking and traffic management.
- Ensuring pedestrian connections to community facilities along Marcus Road and adjoining residential area.

#### **3.3.3 Retail and Commercial Development Strategy**

The Retail and Commercial Strategy, July 2006 was developed to guide the future direction of retail, commercial and office investment in Kingston. A recommendation of the Strategy is for Council to work proactively with Woolworths to explore opportunities for the Dingley Safeway in an attempt to protect the vital role of the supermarket as an anchor for the Dingley Village Neighbourhood Centre.

## **4. Options**

Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions received in respect to an exhibited amendment.

Section 23 of the Act specifies that after considering submissions, Council must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

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

- Environmental –The proposed development is required to submit an ESD report as part of the draft planning permit. The ESD report is required to detail initiatives including insulation, day lighting, storm water harvesting, energy efficient internal illumination, glazing and air locks.

- Social - The expansion and redevelopment of the Dingley Shopping Centre will result in a net community benefit. A redeveloped and enlarged supermarket and specialty shops will improve the range of retail outlets available. The physical design of the centre, including a small town square, will enhance the sociability of the Dingley Village as a shopping precinct.

## **6. Summary and Conclusion**

Amendment C95 and Planning Permit Application KP825/07 seek to facilitate the redevelopment of the Dingley Village Shopping Centre. The Amendment and planning permit application have been exhibited and submissions opposing the amendment and permit application have been received. Given the issues raised by submissions officers believe that it is appropriate for Council to request that the Minister for Planning to appoint an independent Panel to consider and report on the Amendment and permit application.

## **7. Recommendation**

1. That Council formally request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987 to further consider and report on Amendment C95 and Planning Permit Application KP825/07.
2. That all submitters to Amendment C95 be advised in writing of the above resolution.

### Attachments:

1. *Dingley Village Shopping Centre Redevelopment Plans*
2. *Summary of Submissions*

### **Crs Ronke/Alabaster**

That the recommendation be adopted.

**Carried**



- Amending dot point eight in Clause 22.08-4 to read “*Garden strips planted with native trees and ground covers and maintained to the satisfaction of the responsible authority.*”
- Deleting the last dot point in Clause 22.08-4 which requires lots to have a minimum size of 2000 square metres and an average size of at least 8000 square metres.

### **2.3 The Planning Permit Application**

The planning permit application is for a permit to construct and use thirty (30) (two (2) and three (3) bedroom) apartments in a two storey residential hotel comprising serviced apartments, small conference facility and access to a Road Zone Category 1.

## **3. Issues**

### **3.1 Public Exhibition**

Amendment C76 and Planning Permit Application KP850/07 was placed on public exhibition for a period of one (1) month between 11 September 2008 and 13 October 2008. Notice was given as follows:

- Notice of the amendment and planning permit application was published in the Victorian Government Gazette on 11 September 2008.
- Notice of the amendment and planning permit application was published in the Moorabbin Kingston Leader on 17 September 2008.
- Notice of the amendment and planning permit application was erected on the site.
- Direct notification was sent via ordinary mail to all landowners and occupiers affected by the amendment and planning permit application on 11 September 2008.
- Amendment and planning permit documentation was made available on Kingston’s Strategic Planning website, Cheltenham Customer Service Centre and Department of Planning and Community Development website from 11 September 2008.

### **3.2 Submissions Received and Discussed**

During exhibition of the amendment, a total of five (5) submissions were received. Three (3) of the submissions received were from referral authorities (Department of Sustainability and Environment, South East Water and VicRoads). The Department of Sustainability and Environment raised no objection to the amendment, South East Water requires additional permit conditions to be placed on the planning permit and VicRoads require further information.

The key issue identified in the opposing submissions relates to the proposed crossover located off Kingston Road to service the proposed residential hotel. Kingston Road is a Category 1 zoned road and the responsibility of VicRoads. VicRoads have requested additional information in relation to the traffic report submitted as part of the combined amendment and permit application. Discussions with VicRoads have indicated that they support the further information requested being required as part of a condition of permit and subject to any crossover being approved by VicRoads.

Kingston Road is able to cater for the additional traffic likely to be generated by the proposed residential hotel. Access to the remainder of the site which is subject to a separate permit application will need to be undertaken in consultation with VicRoads. It is acknowledged that there is community concern regarding the volume and speed of traffic travelling along Kingston Road and the difficulty residents have entering and exiting their streets. These concerns have been raised with VicRoads and the final details of any accessway to the proposed residential hotel will occur in consultation with and to the requirements of



VicRoads. An accessway can be provided off Kingston Road in the manner in which to this occur that needs to be finalised. Council officers are currently in discussion with the opposing submitters.

Council officers and the applicant met with RAID to discuss certain aspects of the proposal. As part of this meeting RAID raised concern regarding a condition on the draft permit pertaining to the hours to which deliveries could be made to the site. The applicant has agreed to reduce this time from 10pm to 8pm. The owner also agreed to maintain the land to the rear of the proposed service apartments in a satisfactory manner.

### **3.3 Policy Consideration**

#### **3.3.1 State Planning Policy Framework**

The amendment is considered to be consistent with the State Planning Policy Framework. In particular, the amendment gives effect to the following objectives:

- Clause 12.01 A more compact city by:
  - Encouraging uses and development that complements and responds to existing development patterns.
  - Providing development on the Principal Public Transport network. The site abuts the Principal Public Transport network on both Kingston Road and Warrigal Highway.
- Clause 12.02 Better management of metropolitan growth by containing urban development within the established growth boundary and protecting the adjoining green wedge.

#### **3.3.2 Local Planning Policy Framework**

The amendment is considered to be consistent with the Local Planning Policy Framework. In particular, this amendment gives effect to the following objectives:

- Clause 21.06 Key issues which:
  - Identifies the need for emerging retail trends and shopping patterns, including growth of peripheral sales activity and 'big box' retailing activity.
  - Encourages the consolidation of bulky goods retail activity in selected locations on major roads.
  - Recognises the particular requirements of bulky goods retailing which requires a site with main road frontage, good exposure to passing trade, accessibility to a wide regional or subregional catchment, and ability to accommodate required onsite parking.
  - Discourages the location of bulky goods outlets in established industrial areas.

Amendment C75 to the Kingston Planning Scheme seeks to implement the key recommendations of the Retail and Commercial Development Strategy, July 2006. The amendment seeks to make a number of Changes to Clause 21.06 of the Local Planning Policy Framework. These changes include recognising the significant supply of restricted retailing in Kingston and the need to limit activity to existing restricted retailing precincts and designated activity centres. Amendment C75 has been heard before an Independent Panel and is currently with the Minister for planning awaiting consideration.

#### **4. Options**

Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions received in respect to an exhibited amendment.

Section 23 of the Act specifies that after considering submissions, Council must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

#### **5. Summary and Conclusion**

Amendment C76 and Planning Permit Application KP850/07 have been exhibited and the two opposing submissions have been received regarding a proposed accessway from Kingston Road. Council officers are currently in discussions with the opposing submitters. An accessway for the proposed residential hotel can be accommodated for from Kingston Road, the final details of the accessway need to be negotiated with VicRoads. The proposal is considered to be consistent with the State Planning Policy Framework and Local Planning Policy Framework and should be approved.

#### **6. Recommendation**

3. That Council formally adopt Amendment C76 to the Kingston Planning Scheme and Planning Permit Application KP850/07 and submit it to the Minister for Planning for approval, with changes to the draft permit as outlined in this report and subject to the opposing submissions being withdrawn.
4. If opposing submissions are not withdrawn, Council formally request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987 to further consider and report on Amendment C76 to the Kingston Planning Scheme and Planning Permit Application KP850/07.
5. That all submitters to Amendment C76 and Planning Permit Application KP850/07 be advised in writing of the above resolution.

Attachments:

1. *Zoning map*
2. *Plans for the proposed residential hotel*

#### **Crs Alabaster/Ronke**

That the recommendation be adopted.

**Carried**



### **3.2 Panel Recommendations on Amendment C96**

Having considered all the submissions referred to it and all the material presented at the hearing, and the conclusions set out in the Panel report, the Panel made the following recommendations:

*Amendment C96 to the Kingston Planning Scheme should be adopted as exhibited subject to the following recommendation:*

*Prior to adoption, Council investigate the need for an Environmental Audit Overlay to apply to land currently zoned Business 3 and proposed to be rezoned Mixed Use as a result of the amendment and if necessary include an Environmental Audit Overlay over the existing Business 3 zoned land as part of the amendment for adoption.*

The Panel also made the observation that any S173 agreed that may be entered into between the proponent and Council should:

- *Minimise any duplication of matters that are currently addressed by the planning scheme.*
- *Require consolidation of the key redevelopment sites of 1--9 Balcombe Road with 33 and 35 Childers Street to coordinate redevelopment of the land.*

### **3.3 Panel Recommendations Discussed**

- *Prior to adoption, Council investigate the need for an Environmental Audit Overlay to apply to land currently zoned Business 3 and proposed to be rezoned Mixed Use as a result of the amendment and if necessary include an Environmental Audit Overlay over the existing Business 3 zoned land as part of the amendment for adoption.*

#### **Support Recommendation**

Discussions with a local historian, Dr Graham Whitehead revealed that the site was used as a timber yard in the late 1930s and 1940s until the existing Mentone Bowls building was constructed.

It is difficult to determine whether an Environmental Audit Overlay should apply, as it is not known whether timber preserving or treatment was undertaken (these activities have a high potential for contamination). The preserving or treatment of timber is a recent phenomenon with the popular use of pine. In the 1930s and 1940s more traditional types of timber such as red gum would have been used. Given, the uncertainty of the actual EPA activities that occurred on the site it has been recommended through discussions with the EPA that an Environmental Site Assessment be required rather than an Environmental Audit Overlay being applied to the land. An Environmental Site Assessment will determine whether there is any contamination and whether a Certificate of Environmental Audit is required. This can be required as part of the S173 proposed for the site.

### **3.4 Panel Observations**

- *Minimise any duplication of matters that are currently addressed by the planning scheme.*
- *Require consolidation of the key redevelopment sites of 9-11 Balcombe Road with 33 and 35 Childers Street to coordinate redevelopment of the land.*

It is proposed to enter into a S173 agreement with the landowner as part of the amendment to restrict the uses permissible in the Mixed Use Zone (in particular industry) for 1-9 Balcombe

Road, Mentone. The Panel notes that the current zone provisions provide sufficient consideration to restrict undesirable uses such as industry on the site. While, the planning scheme does provide guidelines in regard to this matter prohibiting such undesirable uses provides certainty and clarity and will avoid unsuitable planning permit applications that may be received for the site.

As part of the S173 agreement it is also proposed to include urban design, character and amenity considerations for 33-35 Childers Street, Mentone to protect the residential character of the street. The Panel notes that this is broad and could be better addressed at the time of planning permit application. Again, it is considered that addressing these matters as part of a S173 agreement provides certainty and clarity and will avoid unsuitable planning permit applications being lodged for the site.

The Panel notes that Council should consider as part of the S173 agreement to consolidate the key redevelopment sites (9-11 Balcombe Road with 33 and 35 Childers Street to allow development as a single entity to ensure issues of design and traffic management be addressed in a coordinated way. It is noted that these sites are in fragmented ownership and while we can encourage consolidation it is not appropriate to enforce such a requirement through a S173 agreement.

The proposed S173 agreement does not form part of the exhibited amendment and the Panel does not make a formal recommendation. The Panel notes the matter is for Council and the proponent to agree upon and sits outside the amendment. As discussed above it is considered appropriate to enter into a S173 agreement to limit uses for 1-9 Balcombe Road, Mentone and include urban design, character and amenity considerations for 33-35 Childers Street, Mentone.

#### **4. Options**

Section 27 of the *Planning and Environment Act 1987* directs that the planning authority must consider the Panel's report before deciding whether or not to adopt the amendment. Having considered the report Council may:

- Abandon the Amendment pursuant to Section 28 of the *Planning and Environment Act 1987*.
- Adopt the Amendment without changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.
- Adopt the Amendment with changes pursuant to Section 29 (1) of the *Planning and Environment Act 1987*.

Council received a favorable Panel report on Amendment C96. The Panel supported the strategic justification for the amendment to rezone the subject land to a Mixed Use Zone. It is therefore considered appropriate that Council adopt the Planning Scheme Amendment.

#### **5. Summary and Conclusion**

Amendment C96 has now been considered by a Planning Panel who has recommended the adoption of Amendment C96. The Panel has recommended that Council investigate the need for an Environmental Audit Overlay over the land currently zoned Business 3 and proposed to be rezoned Mixed Use as a result of the amendment.. Discussions with a local historian revealed that the site in question was used as a timber yard in the late 1930s and 1940s, given the uncertainty as to whether timber preserving or treatment would have occurred during this

time it has been determined through discussions with the EPA that requiring an Environmental Site Assessment rather than applying an Environmental Audit Overlay would be appropriate. The Environmental Site Assessment will determine whether there is likely to be any contamination and whether an Environmental Audit is required.

**Recommendation**

1. That Council, as Planning Authority, resolve to adopt Planning Scheme Amendment C96 to the Kingston Planning Scheme and submit it to the Minister for Planning for approval.
2. That Council enter into a S173 agreement with the landowner to:
  - Restrict the uses permissible in the Mixed Use zone for 1-9 Balcombe Road, Mentone.
  - Include urban design, character and amenity considerations for 33-35 Childers Street, Mentone.
  - Require an Environmental Site Assessment to be undertaken to the land currently zoned Business 3 and proposed to be rezoned Mixed Use to determine any land contamination and whether an Environmental Audit is required.
3. That all submitters be notified of the above resolution.

**Crs West/Alabaster**

That the recommendation be adopted.

**Carried**



on the adjoining title (Vol. 8180 Fol. 239), as this title contains a boat hire shed and slipway, still in use.

**3.2. Fast Track Amendment**

The protocol for fast tracking an amendment has been released by the Minister for Planning and has been developed in order to speed up processing amendments, which remove 'redundant provisions' or 'correction amendments'. In the case of this amendment, the site is subject to a 'redundant provision' as the overlay is no longer required, following the outcome of an Environmental Site Assessment recently carried out.

**4. Conclusion**

The site at 1 Bowman Street, Aspendale consists of two titles, Volume 5414 Folio 1082742 is primarily used for residential purposes, with a boat repair garage and slipway still in operation on the adjoining title. The previous boat building and maintenance activities operating from Volume 5414 Folio 1082742 were contained to a now-demolished shed on the where a bungalow now exists. An Environmental Site Assessment has been undertaken for this part of the site and the study concludes an Environmental Audit Overlay is not required, as it is not considered as having a high potential for contamination. However, the Environmental Site Assessment recommends the Environmental Audit Overlay be retained on the adjoining title (Volume 8180 Folio 239) which contains an operating boat repair garage and slipway.

**5. Recommendation**

1. That a request be made to the Minister for Planning to authorise the preparation of a fast track amendment to remove the Environmental Audit Overlay over part of 1 Bowman Street, Aspendale (Volume 5414 Folio 1082742).
2. That the existing Environmental Audit Overlay over part of 1 Bowman Street, Aspendale (Volume 8180 Folio 239) remain due to the continued usage of a boat repair garage and slipway.

Attachment:

*Map of 1 Bowman Street, Aspendale*

**Crs Petchey/Ronke**

That the recommendation be adopted.

**Carried**





- **Rezone land at 185-207 Nepean Hwy, Mentone from Business 4 to Business 1 Zone.**
- **Rezone land at 1 and 2 Long St, Mentone from Business 4 to Business 1 Zone.**
- **Apply the Design and Development Overlay Schedule 20 to the entire Thrift Park Precinct.**
- **Apply an Environmental Audit Overlay to the land at 8 Lower Dandenong Road, 10 Lower Dandenong Road and 165 Nepean Highway Mentone.**

Two planning permit applications have been lodged in conjunction with this Amendment pursuant to S96A of the Planning and Environment Act 1987.

**Planning Permit Application KP374/08 (Bonleaf site) proposes to:**

- **Redevelop and use the land at 8-10 Lower Dandenong Rd and 165-169 Nepean Hwy, Mentone for two buildings comprising retail tenancies, office, a medical centre, an indoor recreation facility (fitness centre), 40 residential dwellings and associated car parking. This application also seeks a variation to the car parking requirements (proposing 381 car parking spaces), removal of native vegetation, alteration of access to land in a Category 1 Road Zone, advertising signage and a variation to the height requirement in the existing schedule 11 to Design and Development Overlay.**

**Planning Permit Application KP375/08 (Fabcot site) proposes to:**

- **Redevelop and use the land at 171-185 Nepean Hwy, Mentone for two buildings comprising a new full line supermarket, speciality retail tenancies, a variation to the car parking requirements (proposing 243 spaces including 3 disabled), alteration of access to land in a Category 1 Road Zone, a variation to the height requirement in the existing schedule 11 to the Design and Development Overlay and a reduction in the number of bike facilities required under Clause 52.34.**

## **4. Exhibition and Submissions**

### **4.1 Public Exhibition**

Amendment C81 was placed on public exhibition for a period of one (1) month between 4 September 2008 and 6 October 2008. Notice was given as follows:

- Notice of the amendment was published in the Victorian Government Gazette on 4 September 2008.
- Notice of amendment was published in the Chelsea Mordialloc Mentone Independent on 9 September 2008, the Moorabbin Kingston Leader on 10 September and in the Mordialloc Chelsea Leader on 15 September 2008.
- Direct notification was sent via ordinary mail to all landowners and occupiers affected by the amendment on 4 September 2008.
- Amendment documentation was made available on Kingston's Strategic Planning website, customer service centres and libraries from 4 September 2008.

Direct notification was also forwarded to the following referral agencies, Ministers and adjoining municipalities:

§ Melbourne Water	§ United Energy
§ Telstra	§ South East Water
§ Department of Natural Resources and Environment	§ Vic Roads
§ Minister for Environment and Climate Change	§ Aboriginal Affairs Victoria
§ Minister for Agriculture	§ Minister for Energy and Resources
§ National Trust of Australia (Victoria)	§ EPA Victoria
§ Frankston City Council	§ Bayside City Council
§ Greater Dandenong City Council	§ Monash City Council
§ Glen Eira City Council	

#### **4.2 Submissions Received**

During exhibition of the amendment, a total of 11 submissions were received.

Melbourne Water, the City of Greater Dandenong, the Department of Sustainability and South East Water advised that they had no concerns relating to the proposed amendment.

Vic Roads provided a submission with a number of conditions relating to vehicle movement and access.

One submission was received in support of the amendment. Five submissions were received in objection to the proposal. However, one objection has subsequently been withdrawn

A summary of the submissions is attached.

The key issues identified in the submissions include concerns that the proposed Environmental Audit Overlay does not extend widely enough, traffic /safety concerns for Long Street residents, the size and location of the development, noise, bin and trolley storage issues, concerns regarding the hours of construction and hours of operation as well as concerns regarding the future of a business after the rezoning.

#### **4.3 Consideration of Submissions**

Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions received in respect to an exhibited amendment.

Section 23 of the Act specifies that after considering submissions, Council must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

**5. Discussion of Issues**

The following is a discussion around the main issues raised in submissions to Amendment C81.

**5.1 Concerns that the proposed Environmental Audit Overlay does not cover enough of the site(s).**

The proposed Environmental Audit Overlay (EAO) covers the ‘Bonleaf’ site, being that portion of land affected by planning application KP374/08 which proposes the development of two buildings for retail, office, medical centre, fitness centre and 40 residential apartments.

Council officers recall that part of this site was formerly used as a Taxi Depot and as such may potentially have been contaminated. The residential component of the proposed development on this site constitutes a ‘sensitive use’ pursuant to Ministerial Direction No.1. Accordingly, the planning authority is required to satisfy itself that the land is suitable for the proposed sensitive use.

Council received a submission stating that:

*“There was a petrol station at the Lower Dandenong Road end beside what is now the veterinary clinic – at the North East corner of the proposed Thrift Park redevelopment area. Also, there was a petrol station on the site where the Hair Dresser is now situated.”*

The submitters’ consider that given these historical uses of the Thrift Park precinct, the Environmental Audit Overlay should be extend to cover the entire precinct. Essentially, that means extending it across the ‘Woolworths’ site which is proposed to be developed with a new Safeway supermarket and speciality stores.

Council records show that there have indeed historically been petrol stations on the sites known as 171 and 81 Nepean Highway, Mentone (being those sites referred to by the submitter).

However, the proposed use of the Woolworths site for a supermarket, speciality stores and car park does not constitute a “sensitive use” as defined by the Ministerial Direction.

A “sensitive use” as defined in the Direction means “a residential use, a child care centre, a pre-school centre or a primary school”.

As the proposed Safeway site does not constitute a “sensitive use” there is no requirement that the site be subject to an Environmental Audit Overlay. However, it is considered suitable to incorporate the requirement that an Environmental Audit be undertaken on the site should the site ever be redeveloped with a ‘sensitive use’ such as residential accommodation. This can be achieved via a173 Agreement which would be registered on Title.

It should be noted that the submitters who raised this concern have recently had discussions with Council's planning officer. They have since advised verbally that they are willing to withdraw their objection in relation to this matter. It is anticipated that written confirmation of this should be received shortly.

Some submitters are concerned about ground and airborne contaminants from demolition of the existing buildings on the site.

The draft planning permits each contain a condition requiring that a Construction Management Plan be submitted to, and approved by, Council prior to development commencing. This plan is required to provide for (inter alia) dust suppression measures, general site management practices, and any other measures to minimise loss of amenity to the surrounding area during the construction phase of the development.

## **5.2 Traffic / Safety / Management**

A number of the submissions received have identified traffic and safety as a key concern with respect to this amendment. Submissions highlight that Long Street is used as a thoroughfare between Nepean Highway and Lower Dandenong Road. Submitters advise that access / egress from Long Street is often unsafe. In addition, they state that vehicles often speed down Long Street and that large trucks use the street creating potentially dangerous situations for local residents, particularly children.

The applicants have consulted with both Council and Vic Roads with regard to vehicle movement to and from the site. New signalised access is proposed for Nepean Highway. The new signals are to be located in the area approximately opposite Third Street, Parkdale. A plan showing the location of the proposed signals entitled "Indicative Signals - Road Access Strategy" was put on public exhibition together with the other relevant documentation relating to the proposal.

Council's Traffic Department considers that this proposed new, signalised access on Nepean Highway should serve to alleviate some of the traffic problems in and around the site. In particular, the signals would provide all traffic wishing to head north (ie towards the City) with a safer and quicker option than using Long Street to turn around.

Notwithstanding, Council's Traffic Department advises that it will investigate the feasibility of appropriate traffic calming measures in Long Street to discourage through commercial traffic. Potential traffic calming measures include speed humps or a narrowing of a portion of the road, which would make it difficult for commercial vehicles to utilise the street. Council's planning officer is involved in on-going discussions with the developers and residents regarding provision of traffic calming measures in Long Street. If an agreement is able to be reached regarding provision of traffic calming measures, this can be incorporated as part of a Section 173 Agreement and registered on the relevant title(s).

Speed humps in the car parking area, as have been requested by some submitters, are not supported by Council's Traffic Department. Apparently, such measures fail to deter 'hoons'.

Vic Roads have provided a submission requiring a number of conditions to be placed on any planning permits that issue. These conditions generally address the following issues:

- Access and egress to Nepean Highway, including truck movements resulting from the alterations to the service road and loading bay facilities at the site;
- Safety in terms of access to the site;
- Design and construction of road works.

Vic Roads advises that it has no objection to the proposed development, providing the specific conditions outlined on its submission are included on any permits that issue.

Some submitters are also concerned about “overflow” car parking from the site(s) extending into Long Street. There has been a request for resident parking permits for Long Street residents.

An assessment of the provision of car parking has been undertaken by GTA Consultants on behalf of the applicants. Council’s Traffic Department considers that these proposed number of car parking spaces being provided on site is acceptable. It is considered unlikely that there will be a significant need for additional parking in Long Street. However, Council’s Traffic Department advises that resident parking permits could be arranged post development if in fact there did turn out to be a need.

Finally, some submitters are unhappy with the parking of staff and customers of ‘SAAB’ and ‘Workout World’. It is clear that issues regarding vehicle parking and movement generally, are a problem for a number of residents of Long Street. However, parking issues relating to the businesses named above are not directly relevant to the current application.

In conclusion, Vic Roads and Council have given appropriate consideration to issues of parking and vehicle movement / safety. The proposed new signals, permit conditions, and willingness of Council and the developers to consider traffic calming measures in Long Street, should ensure an outcome that is designed to be as safe and efficient as possible.

### **5.3 Proximity of development to residential boundary / height / shading.**

Some submitters consider that the proposed development would be situated too close to their residential property in Long Street. They consider that the proposed development is too high and will overshadow their property.

The proposed supermarket and associated speciality shops are set back approximately 4.6 metres from the residential properties in Long Street (with the exception of the bin and trolley storage areas). The main supermarket building would have a height of approximately 7 metres at this interface.

The proposed height and setback of the buildings are considered to be acceptable in terms of the relationship with the Long Street residents to the east. The shadow diagrams provided with the application indicate that the development should not be problematic in terms of overshadowing. The diagrams indicate that adjoining residential sites in Long Street will not receive any shadowing at all before midday at the September equinox.

The proposed trolley bay and storage areas are to be located 2m from the boundary with the Long Street residents. The proposed bin storage area is to be located 1.2 metres from the boundary. These parts of the proposed Safeway building are single storey. As such, these heights are considered to be acceptable in term of their relationship with the boundary and should not result in excessive overshadowing.

#### **5.4 Construction and operation hours**

Some of the submitters consider that the proposed construction hours are too long and will impact upon surrounding residents. Proposed hours of construction are outlined in the draft planning permits as follows:

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

(Or otherwise as approved by the Responsible Authority in writing).

These construction hours are considered to be acceptable. They do not extend late into the evening nor do they include Sundays. Although it is conceded that there may be times where construction noise and so on is inconvenient to residents, reasonable hours of construction are required in order for the development to proceed in a timely and efficient manner.

In relation to the proposed supermarket, the applicant advises that the hours of operation will be the same as for the Safeway currently operating on the site. That is, from 7am until midnight, 7 days per week.

These hours of operation are to be confirmed in the Management Plan required by Condition 4 on the draft planning permit. This condition specifies that the use must not commence until a Management Plan has been submitted to, and approved by, the Responsible Authority.

#### **5.5 Rubbish bins and trolleys**

Submitters consider that bin collection hours should be further restricted to minimise impact on neighbours. Proposed rubbish bin collection hours are outlined in the draft planning permits as follows:

7:00am to 10.00pm Monday to Saturday; and  
10:00am to 8.00pm Sunday.

This time frame is considered to be acceptable in terms of providing sufficient time for waste collection services to operate. Waste will not be able to be collected throughout the night.

#### **5.6 Noise**

A number of submitters are concerned about noise. Both from the development as a whole, and more particularly, from trolley bays, bin areas and loading bays.

In terms of general noise from the development, it is worth noting that, the site currently accommodates commercial development including a supermarket, speciality shops and car parking facilities. At the present time, there is no acoustic fencing or significant landscaping

along the Long Street boundary which would provide an acoustic buffer from the existing development.

Conditions outlined on the draft planning permits aim to minimise the impact of noise on surrounding residents. These conditions include the provision of acoustic fencing along the entire Long Street boundary, as well as quality landscaping and the requirement of adherence to relevant EPA noise requirements. This being the case, it is considered that residents may have a higher level of amenity following development of the site than what they currently enjoy.

In relation to the bin and trolley storage areas, it is noted that these are in reasonably close proximity to the Long Street boundary. It is considered that the conditions referred to above should serve to minimise the impact of noise on surrounding residents. However, in an attempt to further minimise the impact of noise, it is considered that a condition could be placed on any planning permits that issue which requires that the trolley storage and bin storage areas are constructed using materials which will provide acoustic protection to neighbours.

In terms of the loading bays, the main loading bay for the proposed Safeway Supermarket, is to be located adjacent to Nepean Highway. This is not in close proximity to any of the residential properties and should not impact on the amenity of residential neighbours. Safeway have advised Council's Traffic Department that their delivery trucks should be heading south, towards Frankston, on a specified route, following delivery of goods to Thrift Park. As such, these vehicles are not expected to use Long Street as a means of turning around to head north.

The loading bay for the speciality shops associated with the supermarket is located in the north-east corner of the development, adjacent to one of the proposed speciality shops. This loading area is not much larger than a conventional car parking space. As such, it should not be attracting large, noisy commercial vehicles which carry large volumes of goods.

Finally, some submitters have expressed concern regarding the level of noise emanating from cooling towers, chillers and HVAC systems. As outlined above, conditions on the draft planning permits provide that the emission of noise from the site must comply with the requirements of the Environmental Protection Authority.

## **5.7 Sanitation issues**

Some submitters are concerned with sanitation issues in terms of general bin storage, and the 'temporary bin storage area' near the speciality shops, being in close proximity to Long Street residents.

A condition on the draft planning permits specifies that commercial rubbish bins shall not be in view of the public and shall not emit any smells.

An additional condition specifies that the amenity of the area must not be affected by the emission of smell or the presence of vermin.

The owner(s) of the site are expected to adhere to these conditions to ensure that the amenity of surrounding residents, as well as visitors to the site, is not compromised.



In relation to the 'temporary bin storage area', the applicant advises that bins will be moved to this area once per week for collection. They will then be returned to the enclosed bin storage area. The bins would be moved to the temporary storage area by Centre Management and it is anticipated that they would only remain in this location for a few hours until collected by a private contractor. The temporary bin storage area will serve the specialty retail tenancies only (ie. not Safeway). Future tenants for the speciality shops are unknown at this stage.

In order to ensure that bins are not left in the 'temporary storage area' for long periods of time, a specific condition relating to this area can be placed on any permit that issues. Such a condition would refer to refuse collection from the temporary storage area and would state that the bins should not be left out for extended periods of time and must not be allowed to emit any smells or attract vermin.

Other submitters are concerned about future staff smoking in the area between the supermarket building and the boundary fence with the Long Street residents.

An appropriate condition can be placed on any permit that issues to ensure that this does not occur.

#### **5.8 Reduction in property values**

Some submitters are concerned that the proposed rezoning may diminish the value of properties in Long Street.

The effect of a proposed application for rezoning and redevelopment on the value of surrounding properties is not a relevant planning consideration.

#### **5.9 Concerns regarding future of Tyre Business**

The owner of the site which currently operates as "Bridgestone Tyre and Brake Services" objected on the basis that the rezoning may affect the current business and any future tenancy of a similar nature.

Council's planning officer has spoken with this submitter and has provided advice regarding how his business will be affected by the proposed rezoning. The submitter has now formally withdrawn his objection in writing.

#### **5.10 Conclusion on issues raised in submissions**

Council's Planning officer has been involved in on going discussions with those residents who have provided submissions in opposition to the proposal. Of particular importance to most of those submitters is the issue of traffic movement and safety in Long Street. Provision of traffic calming measures is currently being discussed with these residents. It appears that there is a possibility that the submissions may be withdrawn subject to satisfactory resolution of the traffic issues and the other matters outlined above.

Finally, it should be noted that a comprehensive S.173 Agreement is required to be entered into and registered on Title as a means of resolving a number of project matters. Such matters

include financial contributions for new traffic signals, vehicular access, drainage, furniture and landscaping matters to name a few. The requirement for this Agreement is outlined on each of the draft planning permits in the form of a draft condition.

## **6. Changes to the Proposed Amendment**

As mentioned above in Section 2 of this report, changes were made to the amendment prior to exhibition to accord with the Minister for Planning's authorisation:

It is not proposed at this stage to further modify Amendment C81, other than to add to or modify permit conditions as outlined above.

## **7. Strategic Justification**

### **7.1 State Planning Policy Framework**

**The proposed amendment is considered to be consistent with the State Planning Policy Framework. In particular, the amendment gives effect to the following:**

- Furthering the objectives of the Metropolitan Strategy (Clause 12);
- Achieving settlement objectives by ensuring a sufficient supply for commercial land uses (Clause 14);
- Improving employment and economic activities in a location that is readily accessible to the community (Clause 17);
- Making efficient use of existing infrastructure (Clause 18); and
- Providing opportunities for good quality, energy efficient urban design (Clause 19.03).

### **7.2 Local Planning Policy Framework**

**The proposed amendment is considered to be consistent with the Local Planning Policy Framework.**

In particular, the amendment is consistent with Clause 21.06 of the Municipal Strategic Statement which sets out the strategic direction for retail and commercial land use in the municipality. The amendment seeks to address the decline in the viability of the Thrift Park Neighbourhood Activity Centre by enabling retail and mixed use uses that compliment the supermarket and zoning which facilitates its redevelopment.

The amendment aims to enhance the Centre by providing a zone to facilitate redevelopment and new uses that will provide a good mix of retail and other services that will cater for the weekly needs of households commensurate with the neighbourhood role of the centre within the retail hierarchy.

## **8. Change to Planning Permit Numbers**

As the result of a minor administrative error, the original documentation was sent to residents referring to the draft permit for the 'Bonleaf' site as **KP347/08**. This should have been **KP374/08**.

It is noted that a follow up letter was sent to all of those residents who had originally been notified regarding the proposal. This letter was sent on 19 September 2008 and advised residents of the correct permit details.

## **9. Conclusion**

Amendment C81 to the Kingston Planning Scheme seeks to rezone the properties at 8-10 Lower Dandenong Road, 185-207 Nepean Hwy, 1 and 2 Long St, Mentone from Business 4 Zone to a Business 1 Zone, to apply a Design and Development Overlay to the entire Thrift park Precinct and to apply an Environmental Audit Overlay to the land at 8 Lower Dandenong Road, 10 Lower Dandenong Road and 165 Nepean Highway Mentone.

The Amendment has been exhibited and submissions opposing the amendment have been received. Concerns among residents include traffic, noise and general amenity issues. Council's planning officer is continuing to work with those residents who have provided submissions in opposition to the proposal. It is considered that there is some likelihood that the issues may be able to be successfully resolved. Given that this is the case, Council's planning officer considers that it is appropriate for Council to adopt the amendment subject to:

- the submissions being formally withdrawn; and
- the Section 173 Agreement relevant to the development being signed by all relevant parties prior to the amendment documentation being sent to the Minister for approval.

Alternatively, if the issues cannot be resolved and the submissions in opposition are not withdrawn, Council should request the Minister to appoint a Panel to further consider the amendment.

### **Recommendation**

1. It is recommended that Council resolve to adopt proposed Amendment C81 subject to all of those submissions in objection to the proposal being successfully resolved and all submitters formally withdrawing their objections in writing.

It is recommended further, that Council, resolve that in the event that all objections are formally withdrawn, the S.173 Agreement relating to the proposed development must be signed by all relevant parties prior to the amendment documentation being sent to the Minister of Planning for approval.

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2. Alternatively, in the event that the issues are unable to be resolved and the submissions are not formally withdrawn, it is recommended that Council formally request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987 to further consider and report on Amendment C81.
1. That all submitters to Amendment C81 be advised in writing of the above resolutions.

**Crs West/Ronke**

That the recommendation be adopted.

**Carried**



With the consent of Council Socom Public Relation were engaged to facilitate and document consultations with the framework developers (SGS and Coomes), representatives of Department of Justice, electronic gaming industry representatives, academics and social advocates, solicitors and local community through town hall meetings.

Socom submitted a report detailing the methodologies employed and the findings of the consultation themed by issue and classified by participant (e.g. industry, community, operator, etc).

### **3. Issues**

#### **3.1. The Proposed Amendment**

In addition to the decision guidelines of Clause 65, the proposed amendment will provide guidance when considering a permit that is required to install or use a gaming machine. This does not apply in either of the following circumstances:

- Clause 52.28-3 or Clause 52.28-4 specifically prohibits a gaming machine.
- The gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.
- Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.

This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

#### *3.2. Public Exhibition*

Council is required to give notice of an amendment under section 19 of the *Planning and Environment Act 1987*. Accordingly, this report recommends that Council seek authorisation from the Minister for Planning and if this is provided place the proposed amendment on public exhibition. It is envisaged that the amendment would be placed on public exhibition for a period of 4 weeks once authorisation is received with the following consultation to be undertaken:

- Amendment documentation available at Council's Cheltenham and Mentone offices and website.
- Notices placed in the Government Gazette and local paper.
- Direct notification to local gaming venue operators and community agencies.

### **4. Triple bottom line**

- Environmental – Not applicable
- Social – According to Council's commissioned report *Striking a Balance* (2002), gambling social costs include:
  - International and Australian research demonstrates a strong association between access to gambling and to EGM gambling and the population prevalence of problem/pathological gambling
  - Common themes that have been voiced by community agencies on the impact of gaming venues on inner city municipalities of Melbourne include individual depression, dependence on welfare, family conflict, family breakdown and child neglect

- Evidence suggests that 5 to 10 other people can be directly affected to varying degrees by the behaviour of a problem gambler and there are consequent demands on the resources of community and public services
- Up to two-thirds of problem gamblers in counselling have committed a crime to finance their gambling.
- Financial –
  - The return of planning powers to Council has added, and will continue to add, to the existing workloads of staff in the areas of Social Strategies, Strategic Planning and Statutory Planning. Statutory Planning will now have to process planning permits for electronic gaming in licensed venues and this is expected to involve the assistance of staff of Strategic Planning and Social Strategies. Social Strategies will continue to submit economic and social impact assessments in response to gaming license applications locally and in neighbouring municipalities to the Victorian Commission for Gaming Regulation.
  - It is anticipated there will be costs incurred for procuring legal representation at VCAT relating to future rejections by Council of EGM-related permit applications.

## **5. Conclusion**

Council has no planning policy guidelines to inform permit decisions, no strategic objectives for the provision of gaming locally and an extremely limited capacity to defend permit decisions if appealed at VCAT.

It is contended that the proposed local policy will improve Council's capacity to make defensible, evidence-based decisions concerning gaming-related social and economic impacts and will aid in reducing the negative impacts that EGMs can have upon the community by ensuring that venues have suitable location and amenity criteria and that the distribution of venues and machines is sustainable.

The proposed amendment is considered to be consistent with the State and Local Planning Policy. The proposed amendment is believed to have a sufficient strategic basis to warrant a request to be made to the Minister for Planning to authorise preparation of an amendment and exhibit the amendment if authorisation is granted.

## **6. Recommendation**

Under Section 9(2) of the *Planning and Environment Act 1987* that Council make a request to the Minister for Planning to authorise the preparation of an amendment to the Kingston Planning Scheme to bring into effect the changes shown in Attachments A and B.

### Attachments:

- A. Changes to the MSS
- B. New Local Policy Electronic Gaming
- C. Final Report: Conclusions Drawn Post-Public Consultation on the Draft Planning Frameworks for Electronic Gaming Produced by SGS Economics and Planning and Coomes Consulting for the Southern Region Councils, (City of Kingston, October 2009)

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**Crs Alabaster/Ronke**

That the recommendation be adopted.

**Carried**



Attachment A: Changes to the MSS

**City of Kingston**

**Clause 21.06 Retail and Commercial Land Use**

Key Issues

Insert:

- *Potential conflicts and poor community outcomes arising from gaming machines taking place in existing or proposed neighbourhood and local shopping centres and strip shopping precincts*

Objectives, Strategies and Implementation

Following the final strategy of Objective 1, the following sentence should be inserted:

- *Encourage gaming machines and associated entertainment and leisure facilities to be located in higher order activity centres having regard to links to nearby land uses in and around centres and the socio-economic impacts of the proposal*

Following Objective 3, insert the following strategy:

- *Encourage appropriately located mixed uses, including entertainment, leisure, recreation and tourism opportunities that take into account and community needs.*

Policy and exercise of discretion

Insert:

- Using local policy to ensure gaming machines are located in accordance with the criteria set out in Policy 22.xx Gaming
- Using the schedules to Clause 52.28 prohibit gaming in specified shopping complexes and strip shopping centres

Reference Documents

Insert:

- The heading 'Reference Documents' above
- Coomes Consulting Group and SGS Economics and Planning, *Gaming Policy Framework – "South-Eastern Consortium"*, 2007

Attachment B: New local policy Electronic Gaming

**Policy 22.18**

**Policy application**

This policy applies to applications under clause 52.28.

**Policy basis**

This policy builds upon the findings of a study examining gaming in south-east Melbourne: *South East Councils Gaming Policy Framework* and the objectives and strategies of Clause 21 of the Municipal Strategic Statement (MSS).

This policy is based on an understanding that:

- Levels of socio-economic disadvantage vary considerably within the City of Kingston and more broadly across south-east Melbourne.
- Apart from the casino, gaming premises typically have primary catchments within surrounding suburbs.
- The provision of gaming in shopping centres and areas of high community assembly is likely to encourage convenience gaming.

**Objectives**

- To discourage new gaming machines in locations of socio-economic disadvantage.
- To achieve net social, economic and environmental benefits in the location and relocation of gaming machines.
- To reduce the likelihood of increased problem gaming locally.
- To locate gaming machines where the community has a choice of non-gambling entertainment or recreation activities within the local area.
- To locate gaming machines in venues where non-gambling entertainment or recreation activities are provided within the venue.
- To protect the amenity of areas surrounding gaming venues.

**Location:**

Gaming machines should be located only:

- In areas that are not socio-economically disadvantaged.
- In or on the edge of activity centres or rural townships which serve more than a local catchment area, particularly those major and principal activity centres. (this does not apply to a large club);
- Outside of the main transport, shopping, community and civic areas;
- Outside areas where the number of gaming machines has been capped.
- In local communities that have a range of established non-gambling related recreation activities with similar operating hours.
- On land that serves a substantially developed residential catchment;
- In areas where densities do not exceed 10 electronic gaming machines per 1000 adults within a 5 kilometre radius of the site.

**Venue Characteristics:**

Gaming machines should be located only in venues that:

- Offer social and recreational opportunities other than gaming as the primary purpose of the venue;
- Have gaming floor area of less than 25% of the total floor area of the venue;

- Promote responsible gaming practices;
- Provide a substantive period of time whereby gaming machines are non-operational.
- Have a range of entertainment and leisure options which operate during the times the proposed gaming machines will operate; and,
- Do not detrimentally affect the amenity of the surrounding area through any of the following:
  - § Operating hours;
  - § Management of patrons; or
  - § Generation of noise and disturbance.

### **Application requirements**

Applications should include as appropriate the following information:

- A robust assessment of the net social and economic impacts of the proposal.
- An assessment of the local demographics within the venue catchment with consideration for socio-economic disadvantage.
- Details of the net community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
- An explanation of the net community benefit if machines are to be relocated from one part of the municipality to another with regard to social and economic impacts.
- Details about the existing and proposed distribution of machines in the municipality
- Details of any historical gaming expenditure at the venue;
- Forecasts of anticipated expenditure.
- Gaming expenditure that is likely to be transferred from other venues, including:
  - § particulars as to how the level of transfer has been calculated (including, but not limited to, comparison of existing and projected expenditure per machine at the venue, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines);
  - § the amount of transfer expenditure anticipated;
  - § the resulting impact on revenue of the venue from where the expenditure is transferred, and;
  - § the resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, impact on ability to provide services etc).
- Details of the design and layout of the premises including evidence of compliance with any relevant gaming regulations concerning premises layout, design and operation.
  - Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities at the venue and within the local area.
  - The distance to shopping complexes and strip shopping centres, community facilities, counselling services and public transport.
  - Pedestrian counts outside the proposed venue on different days and at a variety of times, including comparisons with base levels in core areas of the activity centre.

### **Decision Guidelines**

In deciding on an application, the responsible authority must consider all of the following matters, as appropriate:

- The extent to which the application achieves the objectives and policies of this policy.
- The extent to which the application satisfies the application requirements of this policy.

**References**

- Final Report: Conclusions Drawn Post Public Consultation on the Draft Planning Frameworks for Electronic Gaming Produced by SGS Economics and Planning and Coomes Consulting for the Southern Region Councils, (City of Kingston, October 2009)
- South East Region Gaming Policy Framework (Coomes, December 2007)
- Analysis of Electronic Gaming Sustainability in the South East Region of Melbourne (SGS Economics and Planning, September 2007)
- South East Region Gaming Policy Framework Attachments (Coomes, December 2007)

Attachment C:

**Final Report: Conclusions Drawn Post-Public Consultation on the Draft Planning Frameworks for Electronic Gaming Produced by SGS Economics and Planning and Coomes Consulting for the Southern Region Councils, (City of Kingston, October 2009)**

There is a demonstrated need for a local policy on electronic gaming. Local policy will create a higher level of certainty for both community and industry on the conditions upon which a permit will be granted to install or use a gaming machine, or use land for the purpose of gaming in the City of Kingston.

The draft planning frameworks and associated reports prepared by *Coomes Consultants* and *SGS Economics and Planning* in 2007 provided a foundation for the development of local policy for electronic gaming; however, the complex nature of electronic gaming and its varied impacts upon the community demanded exhaustive public consultation.

Socom Public Relations was engaged to facilitate and document consultations with the framework developers (SGS and Coomes), representatives of Department of Justice, electronic gaming industry representatives, academics and social advocates, solicitors and local community through town hall meetings.

In developing the local policy all background reports have been considered.

It has thereby been concluded that to achieve net social, economic and environmental benefits in the location and relocation of gaming machines, requires:

- § Recognition that planning frameworks have considerable potential to achieve positive outcomes for the community but will not eliminate problem gambling.
- § Gambling behaviour is driven by both socio-economic and psychographic factors. Electronic gaming in any location carries potential risk for some individuals and warrants continued vigilance and adherence to responsible gaming codes of conduct by venue operators.
- § Machines not be located inside areas of 'demonstrated' social disadvantage as these communities have a reduced capacity to manage the negative social and economic consequences of problem gaming.
- § Considered application of geo-spatial data techniques for identifying areas that may be more vulnerable to the negative impacts of electronic gaming. Current methods employed by regulators and industry including SEIFA (ABS), Localities within Jurisdictions Ranked According To Relative Disadvantage (Jesuit Social Services) and Retail Gravity Modelling (Tabcorp) all contain inherent limitations in determining population level vulnerability and, in the case of retail gravity modelling, determining estimated spend.
- § The Gaming Vulnerability Index developed by SGS Economics and Planning be used judiciously. It contains limitations but remains the only available tool for estimating gaming expenditure in Victoria short of accessing the central monitoring system.
- § The provision of alternative (non-gaming) recreation both within venues and within the venue's primary catchment can help reduce the likelihood of increased problem gaming locally and maximise the broader benefits to the community by providing a mix of recreational opportunities.

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- § Gaming venues be not ‘highly convenient’ to access such as in the middle of shopping centres and adjacent to train stations. This position is in accordance with State Government legislation to restrict venues in strip shopping areas. However, locating venues outside of activity centres, even if at the periphery, would be in conflict with the policy outcomes of Melbourne 2030 and could cause greater conflicts with existing land uses, such as residential areas.



- Invitation to meet with neighbouring property owners and tenants.
- KYC article.
- Project information made available on our website.

**3.2 Submissions Received and Discussed**

A total of five (5) submissions have been made in relation to the Stage 2 of the Mordialloc Bay to Rail project. The issues raised in the submissions received are listed and discussed below.

<i>Submitter</i>	<i>Comments</i>
<p><b>Submitter 1</b> Disappointed that the whole of Centreway will not be improved at this stage.</p>	<p>The full reconstruction of Centreway is required to be delivered in stages as funding becomes available. The estimate cost of Stage 2 is \$380,000.</p>
<p>The spikes on the feature seat should be removed.</p>	<p>The use of the feature seats will be reassessed as part of detailed design work.</p>
<p>Additional bike racks should be provided at the southern entrance of Centreway.</p>	<p>The provision of additional bike racks at the southern entrance of Centreway will be investigated as part of detailed design work.</p>
<p>Bitumen and bluestone paving looks dark and heavy and should be relived by some stone vue bands.</p>	<p>Stage 2 of the project has been designed to be consistent with and complement Stage 1 works in the Mordialloc Station Forecourt. Stage 1 of the Bay to Rail project has achieved a high level of community acceptance. It is noted, that the paving treatment was heavily consulted with traders and the Village Committee as part of Stage 1.</p>
<p>Should incorporate some bluestone planters in some form either side of Centreway and along Main Street.</p>	<p>Planters throughout all of Kingston's shopping centres are being phased out for maintenance and aesthetic reasons. Ground mounted landscaping is proposed for Stage 2 and this will be continued along the remaining shopping strip of Main Street as funding and work programs permit.</p>
<p><b>Submitter 2</b> Existing Safeway car park can be dangerous when there are buses at the bus stop. Domed mirrors across from the car park driveway would allow people exiting the car park to have better vision.</p>	<p>The Safeway car park area is outside the scope of Stage 2 of the Bay to Rail project and will be looked at as part of further stages. The issue of view lines will be referred to the Traffic Department to consider separately.</p>
<p><b>Submitter 3</b> Proposal should allow for outside dining on the footpath of 588-590 Main Street Mordialloc, this would require the repositing of the proposed seating.</p>	<p>The exact location of seating will be considered as part of detailed design work and can be configured to allow for outside dining.</p>
<p><b>Submitter 4</b> Looking forward to the project starting believes the project will benefit their business in the long term. Would like permanent tables/benches in front of our café.</p>	<p>Council officers will discuss the provision of outside dining with the business. The location of any tables/benches will need to be considered as part of detailed design work.</p>



<p><b>Submitter 5</b> The proposed Banksia integrifolia is likely to perform poorly. Alternating asphalt and stone paving bands could be extended through pedestrian crossing alignments on Main Street. Supports seating but does not believe this is the best location for four feature seats, Narrowing the road could create additional traffic problems. Supports bicycling parking shaded areas are preferred. Renovation the bus stop should be a high priority.</p>	<p>Stage 2 of the project has been designed to be consistent with and complement Stage 1 works in the Mordialloc Station Forecourt. The use of the feature seats will be reassessed as part of detailed design work. Centreway is to remain two way. The exact location of bike racks will be investigated as part of detailed design work. The bus stop area and traffic issues will be looked at as part of further stages. The full reconstruction of Centreway is required to be delivered in stages as funding becomes available.</p>
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#### **4. Triple Bottom Line Checklist**

- Environmental – Capital works within Centreway offers an opportunity to provide for native vegetation planting.
- Social - The continued development of the Bay to Rail project will provide a demonstrated on-going commitment to the implementation of the Mordialloc “Pride of the Bay” Strategy. The project will create a pedestrian orientated corridor in which to generate greater “on-street” activity and stimulate new retail opportunities from neighbouring premises.
- Financial – Council has made a Round 4 funding application under the Creating Better Places program which is seeking \$200,000 for capital implementation. Council’s contribution can be accommodated through a current allocation of \$190,000 in the Capital Works Forward Plan for 2008/2009. If Creating Better Places funding is not forthcoming, then there is the option to utilise an allocation of \$150,000 from the capital forward plan in 2009/2010 to construct the project over 2 financial years.

#### **5. Summary and Conclusion**

The Bay to Rail project has been recognised by the State Government and has been supported financially through the Creating Better Places programs. The consultation process for Stage 2 of the project has indicated that the project has responded well to the sites opportunities and intent of creating a functional and appealing pedestrian orientated public space that is safe and accessible. Many of the comments received during the consultation process can be accommodated for during the detailed design work required to be undertaken. If Council is successful in obtaining Round 4 funding under the creating Better Places program construction could occur this financial year.

#### **6. Recommendation**

That Council resolve to:

1. Endorse Stage 2 of the Bay to Rail concept as exhibited.
2. Undertake detailed design and subsequent construction of Stage 2 of the Bay to Rail project subject to external funding and/or review of capital works allocations.

#### Attachments:

*Bay to Rail Precinct – Stage 2 Centreway*

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Cr Athanasopoulos left the chamber at 8.34pm prior to the vote being taken with respect to this matter.

**Crs Petchey/Alabaster**

That the recommendation be adopted.

**Carried**

**K 169**

**Victorian Local Sustainability Accord – The Kingston  
Environmental Sustainability Priority Statement**

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

**Author:** Desiree Lovell, Team Leader Environment and Planning

**1. Purpose**

This report seeks Council adoption of the attached ‘Kingston Environmental Sustainability Priority Statement,’ in order for fulfil the requirements of Sustainability Accord delivered through the Department of Sustainability and Environment

**2. Background**

The Victorian Local Sustainability Accord, launched in 2005, is an initiative of the Department of Sustainability and Environment (DSE), developed in consultation with local government peak bodies and five local governments.

The Accord is a partnership agreement between the Victorian State Government and local governments on environmental sustainability. It aims to strengthen cooperation, foster consistent environmental policies and increase the effectiveness of state and local environmental sustainability programs.

To date 58 Victorian Councils have signed onto the Accord and committed to the Accord principles, 20 of these councils have prepared and adopted Priority Statements.

**3. Discussion**

At the 23<sup>rd</sup> October 2006, Ordinary Council Meeting, Council committed to participate in the Sustainability Accord. Upon joining, Council committed to working with the DSE to develop a Local Environmental Sustainability Priority Statement. The Priority Statement (attached) identifies key local environmental priorities and regional partnerships to address common environmental issues. Key components of the Priority Statement include:

- Identification of current Council environmental policies and strategies
- Identification of priority environmental issues and programs
- Identification of barriers and opportunities for progressing environmental sustainability
- Exploring partnerships and regional approaches to local sustainability priorities and issues

Since committing to the Accord, Council officers have been developing a comprehensive Priority Statement in consultation with internal staff and the DSE.

In February 2007, the Environment Team held a workshop with key internal stakeholders to gain an understanding of current environmental initiatives and possible future programs. Information from this session informed the Priority Statement. Since this time the drafted Priority Statement has undergone further consultation with key individual internal stakeholders to ensure it is up-to-date with the latest achievements and challenges.

The DSE recently reviewed the Priority Statement and has provided informal signoff, this ensuring it meets the requirements of the Sustainability Accord.

To formally complete Council's requirements to the Sustainability Accord, the Priority Statement must now be formally adopted by Council.

#### **4. Triple Bottom Line Checklist**

Financial:

The Kingston Local Priority Statement outlines several key local environmental priorities which may be submitted for funding through the Sustainability Fund.

Environmental:

The Priority Statement identifies key local environmental priorities and regional partnerships to address common environmental issues.

Social:

There is community expectation that Council play a lead role in working towards environmental sustainability. Adopting the Priority Statement will demonstrate Council's commitment towards sustainability.

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

The Victorian Environmental Sustainability Accord is a key achievement in progressing partnerships between state government and Council. The Kingston Priority Statement recognises Council's achievements to-date in sustainability and identifies key local environmental priorities and regional partnerships. Formally adopting this document will complete Council's requirements to the Sustainability Accord.

#### **Recommendation**

That Council resolve to adopt the attached 'Kingston Local Priority Statement', in order to fulfil the requirements of the Sustainability Accord delivered through the Department of Sustainability and Environment.

*Attachment:*

*Kingston Environmental Sustainability Priority Statement*

#### **Crs West/Ronke**

That the recommendation be adopted.

**Carried**

**K 170                    Southern Road Extension**

**Author:**            Tony Rijs, General Manager Environmental Sustainability

**1. Purpose**

To determine a position on funding for a proposal to extend Southern Road to Second Avenue.

**2. Background**

In August a report was presented to a Councillor Information Session outlining the Moorabbin Airport Corporation's request that Council contribute approximately \$1.5million for works to enable Southern Road to be closed at the residential/industrial interface and extended to Second Avenue.

Subsequently a letter was forwarded to the MAC suggesting an alternative funding arrangement and traffic counts have been conducted in Southern Road to determine current traffic volumes.

**3. Traffic Volumes Southern Road**

Traffic counts conducted in September 2008 indicate that:

- 24 hour week day volume – Southern Road (industrial area) – 1,605
- 24 hour week day volume – Southern Road (residential area) – 1,843

Whilst Southern Road is a local road it has some characteristics of a local collector road given its generous width and the traffic signals at the intersection with Lower Dandenong Road which enable safe access to the arterial road network for a number of adjoining streets.

The RTA Guide to Traffic Generating Developments (2002) suggests the following maximum traffic volumes:

- Local street – 2,000 vpd (vehicles per day)
- Local collector road – 6,000 vpd

The current traffic volumes for Southern Road are at the upper limit of a local road but are unlikely to increase over time.

Recent traffic volumes of comparative streets are summarised below:

- Herald Street – 2,338 vpd
- Voltri Street – 3,812 vpd
- Glenelg Drive – 2,016 vpd
- Turner Road – 1,622 vpd

**Alternative Cost Apportionment**

In response to Council's letter, seeking an alternative cost apportionment, the MAC have verbally advised that:

- They are willing to reduce Council's contribution by \$75,000.
- They are prepared to defer works at the Grange Road/Second Ave intersection for a period of time.
- The MAC is prepared to contribute 50% of the costs involved in upgrading Second Avenue.

On this basis Council's initial contribution would be in the order of \$1.1million with a future liability for works with a value of \$200,000.

The MAC is only prepared to consider an apportionment based on projected traffic volumes if traffic volumes for the industrial zoned land, west of Grange Road are included in the calculation and apportioned to Council. Such an approach is unlikely to reduce Council's liability.

The MAC has also stressed that once their master plan is implemented, the MAC will be providing a road link between Centre Dandenong Road and Lower Dandenong Road which would be used by the broader community with no ongoing Council contribution.

#### **4. Options**

The future of the Southern Road extension rests with Council with the key question being – how much is Council willing to pay to achieve a road closure between the Residential and Industrial areas?

Council has previously agreed to allocate \$600, 000 towards the project

Traffic counts suggest that there will be a significant benefit to the residents that front onto Southern Road if the project proceeds, however, it is considered that a contribution of \$1million plus is excessive given the benefit to the broader Kingston community.

One of the key issues for Southern Road residents is the fact that there is no buffer between the residential and industrial zoned land. Rather than pursuing a closure at this point in time Council could investigate the potential for the residential conversion of the industrial sections of Southern Road. This option will not provide any relief in the short term.

If Council wished to continue to explore a road closure, Council could fund any costs above its current allocation by way of a special charge on all residential properties fronting Southern Road. If Council wished to recover \$600,000 over a ten year period, the annual charge would be in the order of \$2,500 per property. Such a solution is unlikely to be supported.

#### **5. Summary and Conclusion**

Given the extent of the Council contribution required to enable the extension of Southern Road to proceed, it is proposed that Council advise the MAC that it does not wish to proceed with the project.

#### **6. Recommendations**

That Council advise the Moorabbin Airport Corporation that it does not wish to proceed with the extension and closure of Southern Road and that Council commence a Strategic Study to investigate options for the residential conversion of industrial zoned land off Southern Road.

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Cr Athanasopoulos returned to the meeting at 8.37pm.

**Crs West/Alabaster**

That the recommendation be adopted.

**Carried**

**K 171                    Proposed addition of a Tree to the City of Kingston Register of Significant Trees**

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

**Author:** Mark Reynolds, Senior Vegetation Management Officer

**1. Purpose**

To recommend an additional tree for inclusion in the City of Kingston Register of Significant Trees.

**2. Background**

Council adopted the City of Kingston Register of Significant Trees in May 2007. At the time Council adopted the register, approximately 97 trees were considered to be significant within the municipality.

Last week an inspection of a property at 45 Baxter Avenue, Chelsea a large tree was identified at the rear of the existing dwelling. This tree is of the species *Phytolacca dioica* (Ombu Tree).

The species is a native of South America and very uncommon in cultivation within Melbourne. The species is generally confined to Botanic Gardens and some specialist gardens.

The species is a massive deciduous tree that has a broad spreading canopy to between 15 – 20 metres and can attain a height of around 15 metres. The wood is spongy and is not entirely woody, being able to be cut with a knife.

This tree is significant within the Kingston municipality and meets the significance criteria of Horticultural Value and Rare or Localised as it is the only known specimen within Kingston.

This tree was not identified in the initial assessment within the municipality and was unknown to exist at the site before last week.

Due to its rare status and horticultural value within Kingston it is considered that this tree should be included on the Register of Significant Trees and interim protection controls be sought via the Kingston Planning Scheme through a Environmental Significant Overlay so that it is given a higher status and protection than the Tree Protection Local Law.

**3. Recommendation**

1. That Council approve the addition of the tree at 45 Baxter Avenue, Chelsea to the City of Kingston Register of Significant Trees, May 2007.
2. That Council seek interim protection controls for the significant tree at 45 Baxter Avenue, Chelsea via the Kingston Planning Scheme through an Environmental Significant Overlay.



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**Crs Petchey/McKeegan**

That the recommendation be adopted.

**Carried**

**K 172**

**Chicquita Park**

**Approved by:** John Nevins, Chief Executive Officer

**Author:** Tony Rijs, General Manager Environmental Sustainability

**1. Purpose**

To provide Council with an update on negotiations with the developer of 20 Levanto Street and to seek Council endorsement on a proposal to enable the development to be fast tracked in order to minimise disruption to residential amenity caused by the building works.

**2. Background**

Council, at Special meetings held on 6 October and 20 October 2008, considered the terms of a draft agreement regarding the construction program for 20 Levanto Street. Council's position was put to the developer on Tuesday 21 October 2008. A response to this position is expected prior to the October Ordinary Council meeting and will be reported to Council.

**3. Recommendation**

That Council enter into an agreement with the developer of 20 Levanto Street to enable the development to be fast tracked in order to minimise disruption to residential amenity caused by the building works.

**Cr West**

***Motion:***

That the recommendation in the Council agenda paper be adopted.

Cr Alabaster queried whether the recommendation contained in the Council agenda paper was the current recommendation from the administration? The Mayor, Cr Nixon, confirming that the administration had sent all Councillors a memorandum containing a more up to date position based on further negotiations with the developer.

With the consent of the Council Cr West withdrew her motion.

**Crs West/Alabaster**

That Council enter into an agreement with the developer of 20 Levanto Street, Mentone with the objective of facilitating the early completion of the project on the basis that:

1. Payment for land to be purchased by Council be deferred and the following payment schedule be adopted.
  - \$200,000 upon completion of Scout Hall works as set out in previous agreements.
  - \$500,000 on 30 June 2009 at which time all open space areas will be handed over to Council.
2. On 30 June 2009 the developer will provide Council with a bond to secure the completion of any outstanding landscaping works.
3. All outstanding landscaping works be completed within 90 days of the final handover of open space.

**Carried**



- Hold a forum each year open to the general public on foreshore issues/projects independent of any foreshore reference group/s where the community can be heard regarding their concerns or suggestions and be engaged and informed of Council foreshore projects.

#### **4. Summary and Conclusion**

That the Kingston Foreshore Reference Group be concluded in its current form, and members be congratulated for their achievements over the past six years and thanked for devoting their time and success to date.

That those existing working sub-groups such as the Stormwater Group, the Cliff Erosion Working Group and the Beach Renourishment Working Group that wish to continue their work be allowed to do so in the interim, under the same arrangement they have enjoyed with KFRG.

That a revamped, renamed and parent committee be launched in 2009 which could comprise any members of the KFRG, Councillors, Council officers and any members of the public who wish to commit and participate based on the different skills that they can provide to the committee.

Nominations for the new foreshore committee could be called for in early 2009 once the terms of reference for the committee are developed to inform interested individuals what the roles and responsibilities of the group are prior to applying for membership.

In the interim Council officers will continue working with and supporting the existing Stormwater Working Group as required, including the development of a terms of reference for the group. Other specific working groups could be incorporated into the new model foreshore committee over time and as required with specific terms of reference.

The new foreshore committee would be updated on the progress of the Coastal Management Plan implementation, hear from key speakers, and encouraged to organise presentations from leading authorities on Coastal issues and Climate Change, as well as providing an opportunity for working groups to present updates on activities.

The committee would meet three times per annum; in March – leading up to the creation of the budget, in June – to guide the implementation of a larger Coastal forum and October – to review Coastal Management Plan. This group could also be charged with informing and educating the community on the works carried out by the subgroups.

It may well be that a larger working group would be borne from these forums to look at the challenges facing Kingston regarding Climate Change.

The annual Coastal Forum will be hosted in August and will be open to all members of the foreshore committee, and the community to discuss foreshore related issues and the implementation of the Coastal Management Plan.

**5. Recommendation**

- a. That Council disband the existing Kingston Foreshore Reference Group
- b. A letter be forwarded to all current members of the Kingston Foreshore Reference Group thanking them for their participation over the past six years. This letter to be signed by the Chair of the KFRG, Cr Topsy Petchey.
- c. A new foreshore committee be created and forums hosted as set out in the above report.

**Crs Petchey/Ronke**

***Motion:***

1. That Council disband the existing Kingston Foreshore Reference Group
2. A letter be forwarded to all current members of the Kingston Foreshore Reference Group thanking them for their participation over the past six years. This letter to be signed by the Chair of the KFRG, Cr Topsy Petchey.
3. A new renamed foreshore committee be created and terms of reference developed.
4. Forums to be hosted as set out in the above report.
5. Terms of reference to be developed for each working group as set out in the report.
6. The 5th Paragraph of the 'Summary and Conclusion' read as follows:  
    "In the interim Council Officers will continue working with and supporting the existing Stormwater Working Group, the Cliff Erosion Working Group and the Beach Renourishment Working Party as required, including the development of terms of reference for each group. Other specific working groups could be incorporated into the new model foreshore committee over time as required with specific terms of reference."

The motion was put and **carried**.

**13. Question Time:**

The Mayor, Cr Nixon, advised that there were no question in the question box.

**K174**

**Proposed amendments to Amenity Local Laws**

Approved by: Trevor McCullough General Manager Community Sustainability

Author: Neil Sheppard Team Leader Local Laws

**1. Purpose**

The purpose of this report is to report back to Council on public comments received relating to a number of minor amendments to Kingston's Local Laws aimed at assisting in improving the amenity and presentation of the City.

**There were no written or verbal submissions received.**

**2. Background**

Council receives regular complaints regarding the following issues:

- large obtrusive advertising signs placed on or affixed to parked vehicles and trailers;
- damaged and unsightly fences around vacant land;
- vehicles parked displaying for sale signs; and
- unsightly and dangerous land

Under the current Local Laws there is limited enforcement action that can be taken to resolve these issues. The proposed amendments listed below will assist in providing additional avenues to be able to respond to the complaints received and take the necessary action to remove the problems.

**3. Proposed Local Laws Amendments:**

**1. Advertising Signs**

Council often receives complaints pertaining to vehicles or trailers' large obtrusive advertising signs. Under current definitions Local Laws are unable to take corrective action. The proposed changes will allow Local Laws to take action when vehicles or trailers are parked with removable advertising signs on them. Only the definition of "Advertising sign" will require amending.

**Current Local Law:**

"**Advertising sign**" means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.

**Proposed changes:**

“Advertising sign” - means any placard, sign, pointer board, notice, poster, mobile billboards, banner or other similar device whether portable or affixed or attached to any land, building or vehicle, which is used for the purposes of:

- soliciting sales;
- notifying the presence or location of a property where goods or services may be obtained; or
- notifying an event or competition, including a community or recreational event.

**2. Fencing of Vacant Land**

There is no current fencing of vacant land Local Law. Introducing the proposed local law would allow Council to direct land owners to either replace or repair broken unsightly or inadequate fences adjacent to vacant land. This amendment would assist improving the general amenity of an area.

**Proposed Local Law 5.16(3):**

The Council or an authorised officer may, by notice in writing, direct the owner or occupier of any vacant land to:

- a. erect;
- b. repair;
- c. replace; or
- d. modify –

fencing enclosing the vacant land. A notice under this clause may specify:

1. the material with which any fencing to be erected must be constructed; and
2. the height and other dimensions of the fencing to be erected.

The owner or occupier of any land who receives a notice under clause (3) must perform any work specified in the notice within the time stated in the notice.

**Penalty: five (5) penalty units**

**3. Repairing Vehicles and Display of Vehicles for Sale**

The addition of a provision to address vehicles left standing on a roadway, Council or public land will enable enforcement action to be taken when a complaint is received, vehicle is parked dangerously or causing damage.

**Current Local Law 2.23**

**Repairing Vehicles**

A person must not on any **road** or **Council land** paint, dismantle or rebuild any **vehicle** or (except where necessary to enable it to be removed) repair any **vehicle**.

**Penalty: Twenty (20) Penalty Units**

**Proposed changes:**

This amendment will enable Officers to take action against cars parked with “for sale” signs on them.

**Repair and display of vehicles**

- a. A person must not on any road, Council land or Public place paint, service, dismantle or rebuild any vehicle or repair any vehicle (except where necessary to enable it to be removed);
- b. A person must not on any road, Council land or Public place without a permit, display for sale, a vehicle or trailer.

**Penalty: 20 penalty units**

**4. Unsightly and Dangerous Land**

The current wording of Kingston’s Unsightly/Dangerous Land Local Law is not specific enough. This proposed wording will broaden the scope of action that Officers will be able to undertake to address complaints; improve public safety and the general amenity of the area.

**Current Local Law 5.16**

**Unsightly / Dangerous Land**

1. The owner or occupier of **land** must not cause or allow the **land** to be kept in an unsightly or dangerous state, or in a state detrimental to the amenity of the neighbourhood.

**Penalty: Five (5) Penalty Units**

2. The owner or occupier of **land** must ensure that all necessary steps are taken to prevent fire and minimise the possibility of the spread of fire. This includes keeping the **land** free of undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing), and any other similar material or substance.



**Penalty: Ten (10) Penalty Units**

**Proposed changes:**

**Local Law 5.16 Unsightly/Dangerous Land**

- (1) The owner or occupier of any property must not allow or permit the property to be kept in a manner which is unsightly.
- (2) In this clause unsightly means any land containing:
- a. unconstrained rubbish;
  - b. excessive vegetation growth;
  - c. dead trees and vegetation;
  - d. a disused excavation;
  - e. waste material;
  - f. a building which is incomplete and not currently being constructed;
  - g. a building or other structure or thing which is detrimental to the amenity of the area;
  - h. graffiti on any building, structure or boundary fence.

For the purposes of Clause (2) a building may be detrimental to the amenity of the area if, in the opinion of an Authorised Officer, it has substantial adverse visual impact in the context of the surrounding area:

For the purposes of Clause (2) any land identified containing remnant and/or protected vegetation, or identified as a conservation area may be exempt.

Taking into account its appearance to the street or other public place, but not taking into account its intended design or siting. Where Council is of the opinion the property is unsightly; or

detrimental to the general amenity of the neighbourhood the Council may serve a Notice to Comply on the owner or occupier of the premises.

**Penalty: 10 Penalty Units**

Where the owner of the land fails to comply with the requirements of sub-clause (2), Council may carry out the work required and charge a fee determined by Council.

**Conclusion**

**Proposed changes:**

**Local Law 5.16 Unsightly/Dangerous Land**

- (3). The owner or occupier of any property must not allow or permit the property to be;
- a. kept in a manner which is dangerous or likely to cause danger to health, life or property;
  - b. haven for vermin, prohibited plants or insects;
  - c. used without a permit for the storage of any substance which in the opinion of an authorised officer is dangerous or is likely to cause danger to health, life or property; or
  - d. in any other condition determined by Council to be dangerous or likely to cause danger to health, life or property.
- (4) The owner of any land in a residential, business or industrial zone, as determined by reference to the Kingston Planning Scheme, shall at all times maintain their land in a neat and tidy condition by;
- a. Keeping grass and undergrowth cut to a height of no more than 150mm; and keeping the land clear of all rubbish and litter and must ensure that all necessary steps are taken to prevent fire and minimise the possibility of the spread of fire. This includes keeping the **land** free of undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing), and any other similar material or substance.

For the purposes of Clause (3) and/or (4) any land identified containing remnant and/or protected vegetation, or identified as a conservation area may be exempt.

**Penalty: 10 Penalty Units**

Where the owner of the land fails to comply with the requirements of sub-clause (3), Council may carry out the work required and charge a fee determined by Council. and/or (4).

These amendments will assist in being able to ensure that Kingston remains a safe and attractive place to live.

In accordance with S223 of the Local Government Act 1989 the process for the implementation of the proposed amendments to Local Law is as follows:

- September 2008 Public Notice of Council's intention; local papers, Government Gazette, display information on Kingston website; and submissions invited.
- October 2008 Submissions close (following a 14 day period to receive submissions).
- October 2008 Section 223 Submission Committee hearing (verbal submissions).
- October 2008 Report to Council (Council Meeting) including consideration of Section 223 Committee submissions; National Competition Policy Review; and Council decision.
- Advertisement in the Government Gazette.
- Local Law amendments come into operation once advertised in the Government Gazette.

**During the public viewing period there were no written or verbal submissions received by Council. As there were no submissions received the Section 223 Committee was not required to discuss submissions.**

**4. Recommendation**

That Council adopt the proposed amendments to Local Laws shown below:

**1. Amend Local Law 2 Roads and Traffic as follows:**

**Remove:**

Part 1 Preliminary Provisions definition "**Advertising sign**" means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.

**Add:**

Part 1 Preliminary Provisions definition

**"Advertising sign"** - means any placard, sign, pointer board, notice, poster, mobile billboards, banner or other similar device whether portable or affixed or attached to any land, building or vehicle, which is used for the purposes of:

- soliciting sales;
- notifying the presence or location of a property where goods or services may be obtained; or
- notifying an event or competition, including a community or recreational event.

**2. Add Local Law 5.16(3) to Kingston's Local Law 5 Environment and Amenity to read as follows:**

The Council or an authorised officer may, by notice in writing, direct the owner or occupier of any vacant land to:

- a. erect;
- b. repair;
- c. replace; or
- d. modify –

fencing enclosing the vacant land. A Notice to Comply under this clause may specify:

1. the material with which any fencing to be erected must be constructed; and
2. the height and other dimensions of the fencing to be erected.

The owner or occupier of any land who receives a notice under clause (3) must perform any work specified in the notice within the time stated in the notice.

**Penalty: five (5) penalty units**

**3. Amend Local Law 2.23 Roads and Traffic Section 23 Repairing Vehicles to read: Repair and Display of Vehicles**

- a. A person must not on any road, Council land or Public place paint, service, dismantle or rebuild any vehicle or repair any vehicle (except where necessary to enable it to be removed);
- b. A person must not on any road, Council land or Public place without a permit, display for sale, a vehicle or trailer.

**Penalty: 20 penalty units**

**4. Amend Local Law 5 Section 16 Unsightly/Dangerous Land to read:  
Local Law 5.16 Unsightly/Dangerous Land**

1. The owner or occupier of any property must not allow or permit the property to be kept in a manner which is unsightly.
2. In this clause unsightly means any land containing:
  - a. unconstrained rubbish;
  - b. excessive vegetation growth;
  - c. dead trees and vegetation;
  - d. a disused excavation;
  - e. waste material;
  - f. a building which is incomplete and not currently being constructed;
  - g. a building or other structure or thing which is detrimental to the amenity of the area;
  - h. graffiti on any building, structure or boundary fence.

For the purposes of Clause (2) a building may be detrimental to the amenity of the area if, in the opinion of an Authorised Officer, it has substantial adverse visual impact in the context of the surrounding area:

For the purposes of Clause (2) any land identified containing remnant and/or protected vegetation, or identified as a conservation area may be exempt.

Taking into account its appearance to the street or other public place, but not taking into account its intended design or siting. Where Council is of the opinion the property is unsightly; or detrimental to the general amenity of the neighbourhood the Council may serve a Notice to Comply on the owner or occupier of the premises.

**Penalty: 10 Penalty Units**

Where the owner of the land fails to comply with the requirements of sub-clause (2), Council may carry out the work required and charge a fee determined by Council.

**Local Law 5.16 Unsightly/Dangerous Land**

- (3). The owner or occupier of any property must not allow or permit the property to be;
  - a. kept in a manner which is dangerous or likely to cause danger to health, life or property;
  - b. a haven for vermin, prohibited plants or insects;
  - c. used without a permit for the storage of any substance which in the opinion of an authorised officer is dangerous or is likely to cause danger to health, life or property; or
  - d. in any other condition determined by Council to be dangerous or likely to cause danger to health, life or property.
- (4) The owner of any land in a residential, business or industrial zone, as determined by reference to the Kingston Planning Scheme, shall at all times maintain their land in a neat and tidy condition by;
  - a. Keeping grass and undergrowth cut to a height of no more than 150mm; and keeping the land clear of all rubbish and litter and must ensure that all necessary steps are taken to prevent fire and minimise the possibility of the spread of fire. This includes keeping the **land** free of undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing), and any other similar material or substance.

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**27 October 2008**

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For the purposes of Clause (3) and/or (4) any land identified containing remnant and/or protected vegetation, or identified as a conservation area may be exempt.

**Penalty: 10 Penalty Units**

Where the owner of the land fails to comply with the requirements of sub-clause (3) and/or (4), Council may carry out the work required and charge a fee determined by Council.

**Crs McKeegan/Alabaster**

That the recommendation be adopted.

**Carried**

**K 175**

**Compulsory De-sexing of Cats and Dogs**

**Approved by:** Trevor McCullough General Manager Community Sustainability

**Author:** Neil Sheppard Team Leader Local Laws

**1. Purpose**

The purpose of this report is to present information relating to commencing the process to introduce an Order requiring all newly acquired dogs and cats over the age of 3 months to be de-sexed, except those exempt under the legislation and any dog or cat currently registered with the City of Kingston before the adoption of the Order

The issue of compulsory cat and dog de-sexing has been highlighted in section 2.1.6 of Kingston's Domestic Animal Management Plan 2008-2011.

**2. Background**

Cats and dogs are able to start their reproductive lives at a very young age, and throughout their lifetime can potentially deliver many litters of kittens or puppies. For example, it only takes 2% of our domestic (non-de-sexed) cat population to replenish the entire cat population (the remaining 98%) over a period of one year. Or to view it another way, just one female cat can produce through its offspring 1,048,756 cats in ten years.

Currently, pet owners must decide whether to de-sex their pet, or whether they prefer to leave it entire. Many pet owners who don't want their pet to breed have it sterilised. In doing this, the owner no longer needs to take precautionary steps to prevent their pet from mating. There are many good reasons to have your cat or dog de-sexed. Importantly, pet owners who choose not to de-sex their pet must, as a consequence, fulfil extra obligations to ensure their pet does not have unwanted litters or impregnate other pets.

In 1996 the Domestic (Feral and Nuisance) Animals Act introduced compulsory cat registration as a means to reduce the numbers of unwanted cats. However, after eight years of implementation, it is evident that registration (by itself) has done little to reduce the numbers of unwanted cats. In fact, the numbers entering shelters has risen slightly from 45,000 in 1990 to 48,000 in 2004. As this is a problem of cat overpopulation, de-sexing is the answer. In addition, it is now possible to de-sex kittens from eight weeks of age, which has only more recently been accepted by the general public.

Although registration has led to little decrease in the numbers of unwanted cats, it has contributed to increasing the numbers of cats with identification and therefore an increase in the numbers being reclaimed. It has made municipal Councils accountable for cats as well as dogs and thereby created a pound system for them where they must be held for eight days to give their owners a chance to find them. It also has generated, via registration fees, funds to be used to address the cat problem.

Pets of any age can be de-sexed, even as young as eight weeks. The operation is undertaken by a vet and is a very straightforward procedure, causing minimal discomfort to a pet. Most pets are fully recovered within twenty-four hours.

### **3. Issues**

During the public viewing period for the Domestic Animal Management Plan Council received a total of 29 submissions.

Support for compulsory de-sexing of cats received 10 submissions.

Support for compulsory de-sexing of dogs and cats received 4 submissions.

There were no submissions against the compulsory de-sexing of dogs or cats.

As to be expected animal welfare and management can be a highly emotive issue.

- Impact on animal welfare organisations – introducing compulsory de-sexing would no doubt reduce the number of unwanted and stray cats and dogs being presented at animal shelters. The number of unwanted animals being euthanized should also decrease.
- Impact on municipal animal management – nuisance complaints to Council could reduce, the number of dogs and cats wandering should reduce, less incidences of territorial behaviour (dog attacks, cat spraying), the number of unwanted animals requiring removal/trapping should be reduced.
- Impact on residents – less unpleasant odours from cat spraying and cats defecating on private land, less cat fights, fewer aggressive dogs and less bitches howling when on heat.
- Cat overpopulation should decrease (currently in Victoria over 48,000 surrendered and over 30,000 euthanased per year)
- Animal behaviour and health – a de-sexed animal is less likely to show aggressive tendencies and be territorial.

There is clear support for the introduction of compulsory de-sexing of dogs and cats. To facilitate the phasing out of all non de-sexed animals Council should introduce the requirement for all newly acquired dogs and cats over the age of 3 months to be de-sexed except those exempt under the legislation. This would not impact the current owners of registered dogs and cats.

The primary reason for promoting de-sexing is to improve animal welfare. It is a powerful tool to reduce the tragic, large, and not decreasing numbers of animals euthanased in Victorian shelters annually. The overwhelming percentage are young and healthy and are euthanased simply because supply has outstripped demand. If they had not been born, they would not need to be euthanased. There is a large oversupply of cats and dogs that have nowhere to go - the solution, de-sex them before the unwanted litters are produced.

The figures speak for themselves - in Victoria alone, **30,000 dogs and 48,000 cats (112,000 cats nationally)** enter pounds and shelters annually – these unwanted animals place a huge financial, physical and emotional burden on those in shelters. Up to 50% of dogs entering pounds and shelters will be euthanased and between 65 – 70% of cats are euthanased.

The need then to advance de-sexing within the community is also an ethical one - should we continue to euthanase thousands of unwanted kittens and puppies each year, when de-sexing prevents this and helps control the problem of overpopulation?

#### 4. Triple Bottom Line Checklist

##### Financial

There will be a drop in revenue received from animal registrations depending on which option is chosen by Council. The current cost of registration for an entire animal is far greater than the reduced cost for a de-sexed animal.

Council currently supports the Australian Veterinary Association/Municipal Association of Victoria's local government animal de-sexing voucher scheme. If compulsory de-sexing were to be introduced there could be an increase in the number of residents taking advantage of this scheme therefore increasing the cost to Council.

##### Social

Animals that have been de-sexed have a more placid demeanour. De-sexed dogs have a reduced desire to wander at large and become territorially aggressive. Dogs could be socialised with other dogs with less risk of an aggressive incident taking place.

##### Environmental

De-sexed cats become less likely to wander the neighbourhood and spray other people's properties with their urine, defecate in garden beds and fight over territory.

#### 5. Summary and Conclusion

There needs to be some control over animal de-sexing within the municipality to help overcome the problem of unwanted animals.

It would be too onerous a task to ensure all currently registered animals were de-sexed. A more realistic and achievable control measure would be that all animals must be de-sexed before they can be registered. Exemptions to this order would be granted to registered breeders.

The process required to introduce an Order under the Domestic (Feral and Nuisance) Animals Act 1994 is as follows:

- Council to resolve to introduce an Order
- Advertise the Order in the Victorian Government Gazette
- Advertise the Order in a newspaper circulating in the municipality.

#### 7. Recommendation

That Council resolve to introduce an Order requiring all newly acquired dogs and cats over the age of 3 months to be de-sexed (except those exempt under the legislation).

##### Crs McKeegan/Ronke

That the recommendation be adopted.

**Carried**



**K 176**

**Local Law 2.15 Shopping Trolleys**

**Approved by:** Trevor McCullough  
General Manager Community Sustainability

**Author:** Neil Sheppard Team Leader Local Laws

**1. Purpose**

The purpose of this report is to report back to Council on public comments received on the proposal to amend Local Law No. 2.15 Roads and Traffic (referred to as 'Shopping Trolley Local Law' in this report) and to present a final recommendation.

**2. Background**

In 2005 a complete review of all the City of Kingston Local Laws was undertaken to ensure the Local Laws were current and continued to meet Council and community needs and expectations.

Following the preparation and exhibition of updated Local Laws, including the consideration of public submissions, Council made the following Local Laws:

- Local Law No. 1 (2005) – Public Health;
- Local Law No. 2 (2005) – Roads and Traffic;
- Local Law No. 3 (2005) – Management of Council Property;
- Local Law No. 4 (2005) – Foreshore Reserves;
- Local Law No. 5 (2005) – Environment and Amenity;
- Local Law No. 6 (2005) – Birds, Animals, Poultry, Rodents and Bees; and
- Local Law No. 7 (2005) – Meeting Procedures.

The revised Local Laws came into operation on 30 September, 2005.

The City of Kingston recognises that shopping trolleys can be a hazard to pedestrians and vehicles if they are abandoned in inappropriate locations. They also have an environmental impact when dumped in drains and waterways. Local Law No. 2 (2005) contains provisions under Clause 15 with regard to regulating the use of shopping trolleys in most public places within the Municipality.

These provisions create the offence of leaving a shopping trolley in most public places, and empower City of Kingston staff and contractors to impound an abandoned shopping trolley. Supermarkets wishing to claim impounded shopping trolleys may do so by paying a release fee of \$80 for each impounded trolley. This Local Law also provides for penalties for the offence of abandoning a shopping trolley; being 'on-the-spot' fines of \$100 for each offence, or court penalties of up to a maximum of \$1000 for each offence.

Also, there has been an expectation that, because of the value of each shopping trolley (originally approximately \$500, made in Australia, but now down to approximately \$60, made in China) and the need for them to be readily available for use by customers, the supermarket operators would take reasonable steps to regularly collect the trolleys and return them to the appropriate trolley bays provided.

Council officers have implemented a range of initiatives, over several years, to reduce the incidence of abandoned shopping trolleys, through co-operation between supermarket operators, Council officers and shopping trolley collection contractors who are employed by the supermarkets.

These initiatives by Council Officers have included:

- Implementation of a system of notification to supermarkets when abandoned trolleys were observed;
- Regular contact requesting attention to specific 'hot spots' where trolleys were a particular nuisance;
- Requests for supermarkets in the same areas to co-operate with each other in collecting trolleys; and
- Close liaison with contractors engaged to collect trolleys.

These initiatives did not prove to be as effective in reducing the number of trolleys being abandoned as officers had expected, and a new approach was developed in 2006. In 2006 and 2007 a more proactive approach was implemented, utilising the local knowledge, experience, and transport capacity of Council's depot staff. Any abandoned shopping trolleys that are observed during the course of normal daily activities can be transported by the depot staff to the Shopping Trolleys Storage Area in the Council depot in Mentone. Abandoned shopping trolleys transported to the Shopping Trolleys Storage Area are formally impounded, as provided for in Local Law No. 2, and the owner of the shopping trolleys is advised in writing by the Local Laws Dept.

In recent times two Village Committees have raised the possibility of Council introducing a Local Law to require coin operated mechanisms on all shopping trolleys in Kingston.

### **3. Issues**

Objectives of the Roads and Traffic Local Law include:

- To provide for the peace, order and good government of the people in the Municipal District;
- To control and regulate the leaving of shopping trolleys on roads, bicycle paths, municipal places or vacant land; and
- To provide for the enforcement of this Local Law, including issue of notices to comply and infringement notices.

#### **City of Kingston Experience**

There are many Kingston residents and visitors who choose to use a shopping trolley to take shopping home by walking, sometimes over significant distances. In such circumstances it is highly unusual for people to return the shopping trolley to the supermarket. As a result there are numbers of shopping trolleys left around the streets and in other public places such as parks and waterways. These abandoned shopping trolleys are not only unsightly, but also create a hazard for traffic and pedestrians.

The contractors engaged by the supermarket operators to collect abandoned shopping trolleys generally only collect in the immediate vicinity of the supermarket and conduct less frequent patrols of outlying areas. Officers have requested that supermarket operators increase the level of service that is provided by the contractors they engage to collect abandoned shopping trolleys in problem areas.

Meetings between shopping centre management, supermarket management, contractors collecting shopping trolleys, and Council officers have revealed that residents are concerned about shopping trolley related problems in Kingston. Such issues are damage caused to shop windows, garden beds and parked cars by persons presumed to be intoxicated and using shopping trolleys for 'go-kart' type racing on the down-hill footpaths. Traffic hazards occur when shopping trolleys are left on the middle of busy streets and roads.

There are already supermarkets in Kingston that do operate a limited number of shopping trolleys that have been fitted with coin deposit locking mechanisms. However there are currently no standard mechanisms to control the use of shopping trolleys in most public areas within the City of Kingston, and there are no incentives for people to return them. The retailer that has already installed coin operated mechanisms to their shopping trolleys has provided informal advice to officers that this measure has reduced the number of their trolleys that are abandoned in public places.

Local Laws do not currently receive a high number complaints relating to abandoned shopping trolleys.

#### **Experience in Other Municipalities**

The City of Casey implemented the Casey Community (Shopping Trolley) Local Law No. 6 on 1 March, 2006. Officers of the City of Casey found in their consultation process that shopping trolley operators were not resistant to the installation of coin operated mechanisms in their shopping trolleys. Their reluctance to fit these mechanisms in the past had been the concern that consumer resistance could mean a movement of customers to their competitors. The Local Law removed this concern as all shopping trolley operators within the City of Casey are subject to the same compliance requirements.

Whilst the City of Casey's Shopping Trolley Local Law has been introduced relatively recently, it has been found to be ineffective in reducing the numbers of trolleys abandoned in public places. There are currently over **400** shopping trolleys fitted with coin mechanisms in the Council depot.

Another issue from informal feedback from officers of the City of Casey has indicated complaints are being received from some elderly residents who experience difficulty with manipulating the coin deposit locking mechanism, due to the reduced dexterity of their fingers and hands. They have also received complaints from shoppers who have had to walk further to return shopping trolleys, because the shopping trolley return facilities and locking mechanisms used by the various shopping trolley operators are not compatible. This issue contributes to more trolleys being dumped.

The City of Frankston has also recently implemented a similar Shopping Trolley Local Law, which took effect on 1 July, 2007. The main concern raised by the supermarket chains with the City of Frankston has been Frankston's original proposal to limit the coin operated lock to a \$2 coin or equivalent token. From the outset of Frankston's discussions with the

supermarket operators, the flexibility of \$1 and \$2 coins was requested. Given the collective view of the Supermarket chains, the flexibility of \$1 and \$2 coins was included in the Shopping Trolley Local Law adopted by the City of Frankston.

The City of Frankston's Shopping Trolley Local Law also provides for the granting of exemptions from the requirement to have a coin operated mechanisms fitted to shopping trolleys, for the very small operators. Frankston also provides for a penalty to be imposed on any supermarket operator that fails to claim impounded shopping trolleys within a specified time.

Bayside City Council proposed to introduce a similar Local Law in 2007. However, after completing public consultation and examining statistics of shopping trolley complaints and numbers of impounded trolleys it was determined that the level of reported abandoned shopping trolleys did not justify the introduction of a control.

### **Feedback from Supermarket Operators**

Local Laws contacted the managers of 19 supermarkets located in Kingston to determine what their response would be if a shopping trolley coin mechanism Local Law were introduced.

- § 9 supermarkets supported the idea (six of these were Safeway stores)
- § 1 supermarket was against the idea
- § 6 supermarkets do not have many trolleys so were not concerned
- § 3 supermarkets did not wish to make any comments but said it would be up to head office

Supermarkets contacted were

- § Safeway
- § Coles
- § IGA
- § NQR
- § Cheltenham Food Clearance
- § Edithvale Licensed Supermarket
- § A & L Variety Store

This information indicates that it would not be a problem to Safeway stores and those smaller independent supermarkets with either none or few shopping trolleys.

Communicating to residents about the proposed changes during the lead up to the implementation of the Shopping Trolley Local Law is important, to ensure that shoppers are aware of how the new system will operate. This will be achieved by Council and the shopping trolley operators collaborating in the release of information through the local press, together with signage in supermarkets nearer to the commencement date.

The process for the implementation of the Shopping Trolley Local Law is as follows:

- August 2008 Public Notice of Council's intention; local papers, Government Gazette, letters to supermarkets in Kingston; display information on Kingston website; and submissions invited.

- September 2008 Submissions close (following a 14 day period to receive submissions).
- October 2008 Section 223 Submission Committee hearing (verbal submissions if requested).
- October 2008 Report to Council (Council Meeting) including consideration of Section 223 Committee submissions; National Competition Policy Review; and Council resolves to amend the Local Law.
- November 2008 Public Notice of making new Local Law; and Local newspapers and Government Gazette.
- November 2008 to January 09 Retailers to fit coin mechanisms and change their processes; and time for limited education and publicity.
- 1 February 2009 Local Laws come into operation; and Copy of Local Laws to Minister.

During the public viewing period Council received a total of 2 submissions. The breakdown of the submissions is as follows:

<b>SUMMARY OF SUBMISSIONS</b>
<ul style="list-style-type: none"><li>• One objection from an aged pensioner who states that he needs help as he cannot use the coin mechanisms and suggested a Local Law preventing trolleys from being removed from the supermarket car park;</li><li>• One letter of support that believes the Local Law will reduce the number of trolleys abandoned in Mordialloc residential streets, reserves and the creek.</li></ul>

Both of the people making submissions were contacted and both declined the opportunity to make a verbal submission in support of their written submissions.

The Section 223 Committee of General Manager Community Sustainability Trevor McCullough, Councillor Greg Alabaster and Acting Manager Local Laws and Health Services Neil Sheppard have discussed the submissions and recommends to Council that the proposed amendment to the Local Law now proceed.

#### **4. Options**

##### **Option 1**

Amend the current Local Law to require Supermarket operators to fit coin lock mechanisms to shopping trolleys. Undertake the following actions:

- weekly patrol around shopping centres by Local Laws Officers utilising the new Hyundai van to impound trolleys
- information on Council's website advising people to report abandoned trolleys directly to the ARAV Shopping Trolley Hotline 1800 245 022
- information on Council's website listing direct telephone numbers of all major supermarkets

*This option is recommended*

**Option 2**

Undertake a trial period requiring Supermarket operators to voluntarily fit coin lock mechanisms to shopping trolleys.

*This option is **not** recommended as individual operators are unlikely to agree to pay for the cost of a trial if other operators area not treated the same.*

**Option 3**

Postpone any decision to amend Local Law for a 12 month period during which time further steps will be taken to help reduce the number of abandoned shopping trolleys. Actions to be taken may include:

- weekly patrol around shopping centres by Local Laws Officers utilising the new Hyundai van to impound trolleys
- information on Council's website advising people to report abandoned trolleys directly to the ARAV Shopping Trolley Hotline 1800 245 022
- information on Council's website listing direct telephone numbers of all major supermarkets

A further report can then be prepared in 12 months time making a recommendation based on the effectiveness of these measures and any other evidence from other Councils.

*This option is **not** recommended*

**6. Triple Bottom Line Checklist**

The possible reduction in the number of abandoned shopping trolleys that could result from the implementation of the Shopping Trolley Local Law may reduce costs that are associated with impounding and storage.

**Environmental**

Removing shopping trolleys from drains and waterways protects the environment, reducing the number of shopping trolleys obstructing roads and paths, protects the community from potential injury, and hence prevents economic loss.

Shopping trolleys that are not returned to the collection facilities that have been provided may adversely impact visual amenity in the community; they may cause damage to shop windows and parked cars; abandoned shopping trolleys are often damaged and then scrapped as not being worth the costs of repair; abandoned shopping trolleys tie up staff and contractors when they need to be addressing other urgent and important issues; and may contribute to the degradation of streams and waterways.

**Social**

A reduction in abandoned shopping trolleys will improve neighbourhood amenity and reduce resident complaints. Abandoned shopping trolleys add to the perception that an area is not cared for, which can lead to safety concerns. There are also safety risks associated with abandoned shopping trolleys and they are often used in the breaking of windows on shop fronts, at great expense to traders, property owners, and insurance companies.

Elderly residents may have some difficulty with manipulating the coin deposit locking mechanisms that businesses will be required to have fitted to all shopping trolleys, and they may have to walk longer distances to be able to recover their coin deposit.

**Financial**

The cost to business to fit the proposed coin deposit locking mechanisms (approximately \$50 each) to thousands of shopping trolleys will be considerable and these costs may be indirectly passed on to our community.

The current system is wasteful as shopping trolleys are damaged when left abandoned, and even those with minor damage may then be rejected by retailers, meaning they need to purchase new shopping trolleys. A reduction in abandoned shopping trolleys will lead to a lower level of wastage.

**6. Summary and Conclusion**

Shopping trolleys can present a problem to the community if they are not managed properly.

If Council were to introduce the requirement for shopping trolleys to be fitted with coin mechanisms there would be minimal resistance from some supermarkets. It would also be very difficult to convince most supermarkets to voluntarily fit coin mechanisms for a trial period as this would be quite expensive.

Current statistics show that whilst the number of complaints received by Council relating to shopping trolleys is minimal it is still a regular occurrence to observe abandoned shopping trolleys on major roads in the City of Kingston. Introducing the new Local Law would be another step towards helping to reduce the number of abandoned shopping trolleys.

**7. Recommendation**

That Council resolve to adopt the amendment to Local Law 2.15 as set out below that will require supermarket operators to fit coin mechanisms to shopping trolleys:

**SHOPPING TROLLEYS AND COIN MECHANISMS**

(1) Subject to sub-clauses (2) and (3), a retailer must not make available for use, or permit to be used, a Shopping Trolley which does not have a coin mechanism attached.

**Penalty:** 2 Penalty Units;

(2) Sub-clause (1) does not apply when a retailer makes available for use, or permits to be used, 20 shopping trolleys or less.”

(3) A retailer may apply in writing for a Permit for an exemption from the application of sub-clause (1).

(4) An Authorised Officer may issue a Permit to exempt a retailer from the application of sub-clause (1), in respect, of all shopping trolleys, or particular types of shopping trolleys provided by that retailer, either temporarily or permanently.

(5) A retailer must not obtain or attempt to obtain an exemption by wilfully making or causing to be made any false representation.

**Penalty:** 20 Penalty Units.”

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**Crs Alabaster/McKeegan**

That the recommendation be adopted.

**Carried**





- are in compliance with tendering requirements under the Local Government Act; and have been signed in accordance with Council's delegated levels of authority.
2. All potential service provider references should be reviewed prior to engagement.

The ACS Review was then combined with the follow up to the Audit recommendations. The Review concluded that:

1. the current model of service provision via brokered services is preferable to directly employing direct care or allied health workers and that
2. the current contracting arrangements with Providers required several changes, in accordance with the Audit, to improve efficiency, quality assurance and compliance with COK contracting arrangements and with the Local Government Act.

The Audit Committee was satisfied that ACS would meet the requirements of the Local Government Act and Kingston's contracting arrangements by publicly advertising for services to register to pre-qualify to form a panel of providers. Consequently the following processes have been implemented:

- Existing Service Providers were informed of the new arrangements and requested to extend the July 2006-June 2008 Service Agreement until September 30<sup>th</sup> 2008.
- Expressions of Interest (EOI) were advertised in the Age in June 2008.
- EOI closed on 17<sup>th</sup> July 2008.
- Short listing of EOIs has been completed- this has included paper audit, reference checks and interviews with larger providers.
- A Panel of Providers has been selected from those submitting EOIs.
- The selection process has been extremely time-consuming. As a result current providers have been again requested to extend their Agreements until the end of January to allow for completion of the process and a lengthy transition period.
- Service Agreements are under revision with Russell Kennedy, lawyers.

Service Agreements are to be signed by the end of October, in accordance with Council's delegations.

### **3. Issues**

#### **3.1 Number and Type of Current Providers Compared with Number and Type of Respondents to the EOI**

The current number of providers with Service Agreements total 135. These include Government and non-Government, not-for-profit and private services across a broad range of categories, but especially including HACC funded and HACC-type services such as domestic and personal care, home maintenance, nursing and allied health.

In addition to those with Service Agreements there are several providers currently without them. These include the Councils: Cities of Bayside, Stonnington, Glen Eira and Port Phillip,

Community Health Services, gardeners, electricians, plumbers, non-Council meals and non-Council home maintenance.

Respondents to the EOI applied to provide services in one or more of the following three (3) categories: (1) Home Care and General HACC and HACC-Type Services (2) Nursing and Allied Health and (3) equipment suppliers, home maintenance, meals and other personal services. Under the new arrangements categories 1 and 2 will be required to sign Agreements and those from category 3 will sign only if staff are likely to have unsupervised access to clients inside their homes.

Results:

- 41 EOIs were received across all categories. Of those 41, 7 were from new providers and only 4 were from existing Government funded providers;
- Of the current pool of providers with Service Agreements (135), 34 applied (25%);
- Of the 101 (75%) current providers who did not apply 30 are Government funded and 71 are non-government providers. These 71 include small providers such as private allied health e.g. physiotherapists, podiatrists, and others such as gardeners and cleaners.

Reasons for not applying:

Whilst providers have not been canvassed for their reasons, it is known from some of the anecdotal feedback from providers that, as tendering or EOI is not generally used to contract services in the community care sector, the process was seen to be too onerous, or was simply not understood, especially for small providers delivering only a small number of services in a year. On the other hand, some Government-funded providers did not see the need to, or objected to applying, as they are aware that the shortage of community providers, especially in the niche areas for which they receive funding eg specialist ethno-specific, disability and some nursing services, will ensure that their services will continue to be needed.

Of the 7 HACC-funded providers offering reduced, or 'core' rates, through the historical 'maintenance of effort' arrangements with the Linkages program, 6 have not applied. ACS is not in a position to lose the benefit of these reduced rates as they are critical to providing reasonable levels of care to clients. However ACS can readily contract additional non-core services from providers other than Councils.

Reasons for applying:

Conversely, private and not-for-profit providers of HACC-type services have been the most enthusiastic respondents. Some of these organisations already receive in excess of \$100,000 of business from ACS over a 2 year period and want the opportunity to compete with fewer providers for ACS business.

**3.2 Outcomes and Implications for ACS Service Provision**

The following have been selected to form the panel:

Category 1: A panel of 12 preferred providers has been selected. These are grouped into 2 levels as follows:

Level 1:

1. Blue Cross Community Care Services
2. Calvary Home Care Services trading as Calvary Silver Circle

3. MECWACare
4. Mercy Home and Community Care
5. Prestige Home Healthcare
6. Seniors Community Care

Level 2 :

1. Arcare
2. At Home
3. Australian Home Care Services
4. Help in the Home
5. Home Carers
6. Stanhope Healthcare Services
7. Food Matters

In addition, where a specialist provider is needed they will be included in the panel. These include specialist disability providers Disability Attendant Support Services (DASSI) and Impact Leisure Association and the ethno-specific provider Jewish Care.

Category 2: The following have been selected:

1. Independent Rehabilitation
2. Inkerman Physiotherapy
3. La Joie D’Huile Massage Therapy
4. More Than Physio
5. Physio By The Bay
6. Southern Health Home Based Allied Health
7. Suzanne Gyorki Counselling Services
8. Karen Cusack Podiatry

Category 3: The following have been selected:

1. Equipment suppliers: Statewide Home Health Care; Independence Solutions.
2. Meals Services: Mealtime Marvels; Garern (Patterson Retirement Village);
3. Gardening and Home Maintenance: Coyles Maintenance Services; Richard Brown Gardening Services; Top Cut Property Maintenance.

The process has enabled ACS to improve its selection processes for service providers and to concentrate more services with fewer providers. However, as mentioned above, a significant number of essential providers did not apply. The outcome is that ACS will need to approach some of these providers to request their continuation. ACS proposes to have separate discussions with the other Councils to reach agreement on the most appropriate type of arrangement to ensure that quality service provision is maintained and appropriate service agreements are in place.

During the term of the Service Agreement any new providers will be dealt with by quotation as per the contracting arrangements. References will be checked.

**4. Triple Bottom Line Checklist**

- Environmental – not applicable
- Social - continuing to contract services from a range of providers will be essential to satisfy clients and Government expectations of care ‘tailored’ to meet clients’ needs

- Financial – the budgeted expenditure on contracted services across Linkages, CACPs and EACH for the 2008/2009 year is \$3,442,395. Several providers will be expected to receive more than \$100,000 per year.

## **5. Summary and Conclusion**

ACS has reviewed its brokerage model of service delivery and has undergone a Kingston Internal Audit. As a result ACS has followed a public process of advertising for Expressions of Interest from businesses and organisations wanting to pre-qualify to form a panel of preferred providers. Selected panel members are to sign Service Agreements by the end of October.

Advertising for a panel of providers across all categories has meant that small and large providers have been included. This process is likely to have been responsible for some essential and specialist providers not applying. ACS will need to separately negotiate Agreements with these providers.

It is suggested that ACS, in future, complies with the Local Government Act by advertising for Expressions of Interest from high-value providers only, that is, those likely to supply more than \$100,000 of services during a contract period.

## **6. Recommendation**

That Council approve the appointment of the following organisations to a panel of providers for services to AccessCare Southern for a period of 2 years, with an option to extend annually for 3 years (total 5 years).

### **Category 1 (Home Care and General HACC and HACC-Type Services)**

#### Level 1:

1. Blue Cross Community Care Services
2. Calvary Home Care Services trading as Calvary Silver Circle
3. MECWACare
4. Mercy Home and Community Care
5. Prestige Home Healthcare
6. Seniors Community Care

#### Level 2:

1. Arcare
2. At Home
3. Australian Home Care Services
4. Help in the Home
5. Home Carers
6. Stanhope Healthcare Services
7. Food Matters

### **Category 2 (Nursing and Allied Health)**

1. Independent Rehabilitation
2. Inkerman Physiotherapy
3. La Joie D’Huile Massage Therapy
4. More Than Physio
5. Physio By The Bay

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6. Southern Health Home Based Allied Health
7. Suzanne Gyorki Counselling Services
8. Karen Cusack Podiatry

**Category 3**\_(Equipment Suppliers, Home Maintenance, Meals and Other Personal Services)

1. Equipment suppliers: Statewide Home Health Care; Independence Solutions
2. Meals Services: Mealtime Marvels; Garern (Patterson Retirement Village)
3. Gardening and Home Maintenance: Coyles Maintenance; Richard Brown Gardening Services; Top Cut Property Maintenance

**Crs Athanasopoulos/Alabaster**

That the recommendation be adopted.

**Carried**

**K 178**

**Community Safety Strategy 2008 – 2011**

**Approved by:** Trevor McCullough, General Manager, Community Sustainability

**Author:** Heath Stenton, Team Leader, Community Engagement

**1. Purpose**

To provide a background regarding the *Draft Community Safety Strategy 2008 – 2011*, elaborate on the development process and outline a proposal for the implementation of a new *Kingston Community Safety Strategy 2008 – 2011*.

The draft *Kingston Community Safety Strategy 2008 – 2011* is attached as Appendix A.

This strategy relates to the visions set out in the Council Plan 2008 - 2013, in particular:

- Strategy 3.1 Strive to create and maintain an environment where people feel safe and secure
- Strategy 3.3 Connect and improve the strength and capacity of local communities
- Strategy 3.4 Community Education.

**2. Background**

Through its first Community Safety Strategy, developed in 2004, Council resolved to assist with providing a safe and secure environment for those that live, work and participate in the life of the City.

The development of the second Community Safety Strategy 2008 - 2011 continues to commit Council to enhancing the safety and security of the Kingston community. Council's role is one of coordination and facilitation, and working in partnership with the community to improve and maintain safety within Kingston.

The Strategy incorporates crime and injury prevention as well as broader quality of life and well-being issues. It promotes people's confidence to participate fully in the life of their community without fear of, or actual, harm or injury.

The Strategy includes data from a range of sources and key stakeholders. This has been collated to assist with the identification of the key community safety issues, both actual and perceived, in Kingston. A wide range of interest groups, key stakeholders and community members were invited to make comment in drafting the Strategy.

In summary, consultation included input from:

- Three public community safety forums
- Community safety surveys
- Community Safety Technical Reference Group (CSTRG). Its members include Victoria Police, Metropolitan Fire and Emergency Services Board, Country Fire Authority, Vicroads, Central Bayside Community Health Services, and Department of Education.
- Youth Forum & Youth Consultative Committee
- Community Satisfaction Survey
- Council officers
- Individual community members.

The Strategy has also considered material arising from the following sources:

- World Health Organisation Safe Communities Program
- World Health Report on Violence and Health
- The National Research Project into Good Practice in Community Crime Prevention
- A Fairer Victoria State Government social policy document
- Best practice in other local governments in Victoria
- Police reported crime statistics for Kingston.

### **3. Issues**

The Community Safety Strategy 2008-2011 is an evidence-based, overarching strategy intended to fill any gaps and complement, rather than override or duplicate, other existing Council strategies. Community Safety is an all-embracing concept, incorporating many aspects of community life and Council responsibility. As such, there are a number of strategies in existence, coordinated by a range of Council departments, which consider aspects of community safety. These include:

- Municipal Public Health Plan 2006-2009
- Emergency Management Plan
- Municipal Fire Prevention Plan
- Alcohol & Other Drugs Strategy
- Kingston Youth Strategy 2007-2010
- Disability Action Plan
- Multicultural Action Plan
- Community Plan 2006-2010.

In presenting the *Community Safety Strategy 2008-2011* it is important to recognise that the strategy is not Council's only response to Community Safety but is a complementing strategy to existing Council Actions, Strategies and Plans.

#### **Key Areas for Action in the Strategy**

A background report *Community Safety: Emerging Issues in Community Safety* was produced in late July 2008. This report informed the development of the *Community Safety Strategy 2008 - 2011*, and identified six key action areas where Council's efforts and resources should have focused strategic actions. The key areas of focus were identified as:

- Coordination & Leadership of Community Safety
- Safety Related to Young People
- Safety in Public Open Space
- Effects of Alcohol & Other Drugs on Crime, Violence and Injuries
- Safety on and around Public Transport
- Home and Family Safety.

The strategic actions related to these areas of focus are identified in Appendix B of the attached Draft Community Safety Strategy 2008-2011.

### **4. Options**

- 4.1** That the strategy is endorsed by Council and the *Draft Community Safety Strategy* is released for public comment for one month.
- 4.2** That the new strategy is formally adopted by Council in December following public comment.



- 4.3** That Council's Community Engagement Team facilitates an internal priority setting session and liaises with external stakeholders as part of implementing the new *Community Safety Strategy*.
- 4.4** That the Community Engagement Team leads the implementation of strategic actions identified in the *Community Safety Strategy* in partnership with identified stakeholders.

**Alternative Options:**

- 4.5** That Council does not release the *Draft Community Safety Strategy* for public comment.
- 4.6** That Council does not pursue the strategy.

**7. Triple Bottom Line Checklist**

**Environmental:**

Activities pertaining to the *Community Safety Strategy* will be undertaken utilising existing environmental resources. In particular the strategy addresses:

- Promoting the use and natural surveillance of public spaces
- Conducting safety audits (night and day) of perceived 'high risk' locations identified through community consultations.
- Design and implementing strategies using crime prevention principles to address safety concerns in identified perceived 'high risk' locations.
- Safety Strategies to improve environment, amenities and facilities for the community.

**Social:**

The Strategy seeks to achieve the following social outcomes:

- Increased ownership and participation of individuals, to enable local safety issues to be identified and addressed in partnership with the community.
- Implementation of inclusive programs, acknowledging the diversity of cultures, issues and need throughout the municipality.
- Improved community perceptions of safety through the implementation of a range of strategies that address actual and perceived safety issues.

**Financial:**

Activities pertaining to the *Community Safety Strategy* will be undertaken within existing resources.

**6. Summary and Conclusion**

Adoption of the *Community Safety Strategy 2008- 2011* will continue to enable Council to take a lead role in providing a safe and secure environment for the people who live, work and participate in the life of the City.

The *Community Safety Strategy* recognises the role that the community has in creating a safe community and that it is only through partnerships with key stakeholders and the community that this objective can be realised. The *Community Safety Strategy* is an evidence-based, overarching strategy intended to fill any gaps and complement, rather than override or duplicate, other strategies of Council. Community Safety is an all-embracing concept,

incorporating many aspects of community life and Council responsibility. As such, there are a number of strategies in existence, coordinated by a range of Council departments, which consider aspects of community safety.

The Community Safety Strategy again highlights that Kingston is a relatively safe place to live, and there are a number of facets to living in the City of Kingston that contribute to safety and feelings of being safe.

**7. Recommendation**

That Council resolve to approve the *Draft Community Safety Strategy* for public comment for one month.

That following public comment the strategy is presented to Council for adoption.

Attachments:

*Community Safety Strategy 2008-2011*

**Crs Ronke/Athanasopoulos**

That the recommendation be adopted.

**Carried**

**K 179**

**Moorabbin Bowling Club**

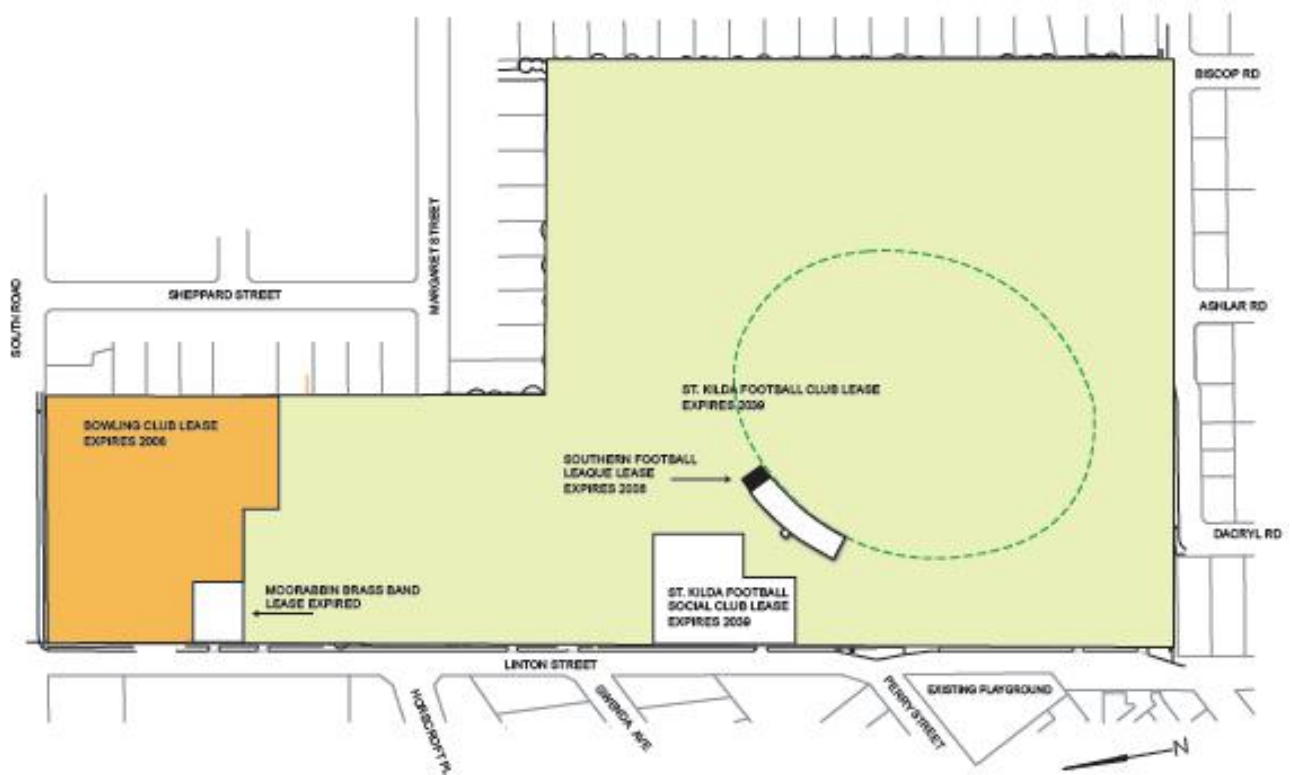
**Author:** Trevor McCullough, General Manager Community Sustainability

**1. Purpose**

To propose a plan for the future development of the Moorabbin Bowling Club on Moorabbin Reserve.

**2. Background**

The Moorabbin Bowling Club currently lease the northern part of Moorabbin Reserve and occupy the area shown on the plan below.



The Bowling Club lease expired in April 2008 and is planned for renewal on a 9 year lease. The Club currently operates 3 grass bowling greens, although the rear bowling green has fallen into disrepair through infiltration of roots from the neighbouring Reserve and a decision by the Club not to retain it as a competition green.

The Bowling Club became entangled in Council's negotiations with the St Kilda Football Club about the future use of Moorabbin Reserve and, in particular, the earlier proposals to sell land to the St Kilda Football Club. The uncertainty regarding the outcome of these discussions has caused some problems for the Club over the past 3 or 4 years, contributing to decline in membership.

In October 2007 Council, in conjunction with the Bowling Club, commissioned the preparation of a business plan for the Bowling Club by ASR Research Proprietary Limited. The business plan concluded, amongst other things:

- The upgrade of lights on the front green is justified and should proceed. (This work has recently been completed);

- A synthetic green can be justified provided that the Club can demonstrate financial viability going forward and, in particular, capacity to make provision of approximately \$10,000 per annum contribution to the replacement fund for a synthetic green.

The business plan went on to suggest that the Club work hard to develop social bowls and increase membership and that Council review its decision to provide a synthetic green once the impact of the Club's efforts can be assessed.

Council also agreed to waive the 2007/08 rental of \$3,850 to assist the Club get on a more sustainable financial footing.

The Moorabbin Brass Band hall adjacent to the Bowling Club has recently been demolished and this site is now vacant.

### **3. Issues**

The Bowling Club 2007/08 Annual Report reports an increase in membership and, in particular, an increase in social membership for the year. The finances of the Club have significantly turned around during the financial year with a \$25,648 surplus reported in 2007/08 compared to a \$6,332 loss in 2006/07. This change in financial fortunes is due primarily to the increase in social bowls activities and the reduced maintenance cost as a result of the Club's decision to only maintain two of their 3 greens. The Club's financial report records \$60,521 in investments and cash on hand that are uncommitted.

It is now appropriate for Council to review a decision on whether it supports the installation of a synthetic green at the Moorabbin Bowling Club and, if so, on what basis.

### **4. Options**

In meetings with the Bowling Club Committee, the Club have indicated their strong preference to install a synthetic green on the basis that it will assist further with reduced maintenance costs and make the Club more attractive to both social and more serious playing members. The Club have indicated a willingness to reconfigure their leased area to forgo the third (southern-most) green and realign the parking areas if that assists Council's longer term plans for the Reserve.

The only condition that the Club were concerned about was that the existing number of car parking spaces (approximately 80) be retained in any new arrangement.

Reconfiguration of this area also provides the opportunity to open the Reserve up from South Road as shown on the attached plan.

The implementation of this plan could be staged as capital funds become available but the first step would be to construct a synthetic green to replace the "Jack High" green at an approximate cost of \$200,000.

\$427,000 has been allocated to the Moorabbin Reserve development in the 2008/09 Capital Works Budget, approximately \$200,000 of which had been earmarked for a possible Council contribution to the demolition of grandstands, if an agreement can be struck with the St Kilda Football Club. The balance of this amount (\$227,000) is available for the redevelopment of the Bowling Club and other improvements on the Reserve.

The Moorabbin Bowling Club would have limited capacity to contribute to the capital cost of any synthetic green, but it is important to have the Club contribute to the capital cost to ensure their buy-in to the project. It would also be important to ensure that the Club sets aside some of their current uncommitted investments to set up a sinking fund for the replacement of the synthetic green in 10-15 years time. It would not be proposed to install the synthetic green until after the current summer bowling season which would give the Club the opportunity to further increase their savings to contribute to the project. A Bowling Club contribution of \$20,000 to the capital cost of the synthetic green is considered appropriate with an additional \$20,000 to be set aside to set up a sinking fund for the replacement of the green.

An application could be made for a Sport and Recreation grant for the green, however, given the \$500,000 contribution by the State Government to the St Kilda Football Club for the demolition of the grandstands at Moorabbin Reserve it is highly unlikely that the State would allocate any more money for Moorabbin Reserve in the foreseeable future. Given that there is a limit to the number of SRV grants that can be applied for, it is not recommended that this project be included in Council's grant applications at the expense of other projects that would be more likely to succeed.

The Council budget requirement for the synthetic green would be a net of \$180,000. That would leave approximately \$47,000 from the Moorabbin Reserve Capital Budget to make a start on reconfiguring the car park and Reserve. More detailed design of these works would be required to determine the best lay out, construction materials and cost of these works, but \$47,000 would at least allow for design works and some preliminary landscaping to be completed. Plans for the construction of the car park and opening up of the Reserve can then be referred to the 2009/10 Budget process.

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

### Financial

Funding is available to implement the recommended synthetic green from the 2008/09 Capital Works Budget. Installation of a synthetic green will assist the Moorabbin Bowling Club become more financially viable in the future by reducing maintenance costs and providing a better quality facility to attract more members.

### Environmental

The installation of a synthetic green will require less water. The implementation of the proposed development plan including the opening up of Moorabbin Reserve to South Road and increasing the size of the publicly accessible park area will improve recreation opportunities for residents in the area.

Social

Ensuring the longer term viability of the Bowling Club adds to the social fabric of the Moorabbin community.

**6. Summary and Conclusion**

A business plan for the Moorabbin Bowling Club commissioned by Council and the Club in October 2007 recommended that Council consider the conversion of one of the Club's greens to a synthetic green but only after the Club had demonstrated an increase in membership and a commitment to a more financially sustainable business approach.

Over the past year the Club has done a lot of work in developing membership and in particular social bowls activities and has taken some hard decisions to reduce maintenance costs. The result has been a significant turn around in their financial fortunes to record a \$25,648 surplus in 2007/08.

It has now recommended that Council support the installation of a synthetic green at the Moorabbin Bowling Club as part of a broader redevelopment plan with the Club that includes the decommissioning of the Club's third (southern-most) green and the reconfiguration of the car park and Bowling Club leased area.

**7. Recommendation**

That Council:

1. Commit up to \$180,000 in 2008/09 capital funds to the installation of a synthetic green subject to the Moorabbin Bowling Club making a contribution of \$20,000 to the capital cost of the synthetic green.
2. Request officers to develop plans for the decommissioning of the southern-most bowling green; reconfiguration of the car park; and redesign of the northern area of Moorabbin Reserve to open it up to South Road generally in line with the attached concept plan in consultation with the Friends of Moorabbin Reserve.
3. Approve officers to prepare a new 9 year lease with the Moorabbin Bowling Club that redefines the lease area consistent with the re-alignment of the car park boundary and including a requirement of the Club to establish a sinking fund for the replacement of the synthetic green with an initial Club allocation of \$20,000.

**Crs Alabaster/Athanasopoulos**

That the recommendation be adopted.

**Carried**



**K 180**

**Chelsea Heights Community Garden Proposal**

**Author:** Trevor McCullough, General Manager Community Sustainability

**1. Purpose**

To present, for Councillors consideration, a response to a proposal from the Chelsea Heights Community Centre for a community garden in Chelsea Heights.

**2. Background**

Council received a proposal from the Chelsea Heights Community Centre in July 2008 for a community garden to be located in the vicinity of the Chelsea Heights Community Centre.

A copy of the proposal is attached (Trim No 08/61862). The main features of the proposal are as follows:

- Proposed location near the front entrance of Beasley Reserve.
- Area approximately 625m<sup>2</sup>.
- Proposal to collect water from the roof of the adjacent Chelsea Heights Community Centre for use on the garden, the Community Centre and the Chelsea Heights Tennis Club.
- Garden to be run by volunteers under the auspice of the Chelsea Heights Community Centre.

The proposal sought an allocation of land and funding contribution from Council to establish the garden. The cost of establishment is estimated in the proposal at between \$20,000-\$30,000 depending on the type of fencing used. This costing excluded any cost of water tanks and pumps which could be in the order of an additional \$50,000-\$70,000.

The proposal recognises the need to source some of the funds from other sources such as local service clubs, user groups, State and Federal Government grants and sponsorship.

Council recently provided an establishment grant of \$10,000 for a community garden at the Apsendale Gardens Primary School.

The Chelsea Heights Community Centre proposal is supported by 7 letters of support from prospective user groups and a petition with 239 signatures.

**3. Issues**

The proposal has been well developed by the Community Centre and contains considerable detail on the proposed content and operations. The proposal is clearly well supported in the community although further work will need to be done by the group on sponsorship and grants to support the staged establishment of the garden and, in particular, if the proposed rainwater capture is to be realised.

The main concern with the proposal as presented is the proposed location at the front entrance to the Reserve. One of the key outcomes of the recently completed Beasley Reserve Masterplan was the need to remove the now disused sporting pavilion, open up the front entrance to the Reserve, add a junior playground and significantly improve the presentation



of the front of the Reserve. The concern with the proposed location of the community garden is that it would prevent these aspects of the Masterplan from being delivered. Community gardens, by their very nature, tend to be informal and sometimes untidy in their appearance.

A number of meetings have been held with the main proponents of the community garden to discuss alternative locations in close proximity to the Chelsea Heights Community Centre. After examination of a number of options an alternative site to the north-west of the current tennis pavilion was identified as a suitable alternative site (see attached plan).

After some discussion on the pros and cons of the alternative locations, the alternative location is now accepted by the group as something that they are prepared to go forward with. Council officers would not support the originally proposed location at the front entrance of the Reserve.

The proposed alternative location is shown in more detail below. Whilst not ideal due to the location of trees potentially shading garden areas and the longer distance from the Community Centre, the site offers a number of other advantages in terms of its consistency the with Beasley Reserve Masterplan.



#### **4. Options**

If Council wishes to support a proposal for a Community Garden at the Chelsea Heights Community Centre, the key questions to answer are: what is an appropriate level of financial or other support and, when might any funds be made available to the group to help establish a garden?

In order to retain some sort of relativity between this proposal and that supported at Aspendale Gardens it is proposed that Council consider creating a lease for the area shown on the attached plan to the Chelsea Heights Community Centre, construct a fence around the area at Council's cost (approximately \$5,000-\$6,000), and provide the Community Garden Committee with a start up grant of \$10,000 to fund the first stages of establishment.

This would provide the Community Garden Committee with the same start up amount as provided to Aspendale Gardens, the additional cost being that of fencing the Council land to define the site. (The Aspendale Gardens site was on the Primary School grounds).

It would be further proposed that Council then provide ongoing community development support through the Community Engagement Department to help the Committee get set up and, in particular, to access funding sources for future development and rainwater harvesting.

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

### Financial

Funds have been not provided for this project in the current budget. If Council wish to support the project in the current financial year then a total allocation of \$16,000 would be required to be set aside as part of the November Budget Review.

### Environmental

A community garden would encourage a broader understanding of sustainability issues within the local community.

### Social

A community garden would also provide a social outlet for members and participating groups.

## **6. Summary and Conclusion**

Council has received a proposal from the Chelsea Heights Community Centre for a community garden in Chelsea Heights. The main concern with the proposal as presented is the proposed location at the front entrance to the Reserve. This is not consistent with the Beasley Reserve Masterplan and the location is not supported.

An alternative location to the north-west of the existing tennis club is, however, considered suitable.

It is proposed that Council consider supporting the Chelsea Heights Community Garden in the location as shown, grant a lease to the Community Centre for the land, provide for fencing of the site and a start up grant of \$10,000 for the Community Garden Committee.

## **7. Recommendation**

That Council:

1. Grant a lease to the Chelsea Heights Community Centre for the area land shown on the attached plan for the purpose of establishing a Chelsea Heights Community Garden.
2. Provide a boundary fence around the site at Council's cost.
3. Provide a start up grant of \$10,000 from the 2008/09 Budget.
4. Request the Council Community Engagement Department to provide ongoing support and assistance to the Community Garden Committee in setting up the community garden and obtaining sponsorship and grants for the staged implementation of a garden.

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**Crs Ronke/McKeegan**

That the recommendation be adopted.

**Carried**



Council complies with the Disability Discrimination Act, Occupational Health and Safety, Children's Services Act and Regulations and other legislative, quality and risk frameworks.

These policies and procedures were distributed at City of Kingston SACC programs and parents were informed of them via newsletters. No comments were received.

#### **4. Triple Bottom Line Checklist**

##### *Social Impact*

Council has indicated its social justice commitment to continue to include children with additional needs into SACC programs. These policies / procedures will ensure that this commitment is operationalised, whilst ensuring the programs continues to meet the needs of all participants, in a safe environment.

##### *Budget/Financial Impact*

As requests for access to Councils SACC care programs increase, the overall cost of Council's contribution to support the inclusion of children with additional may also increase. However, by minimising the current risks in the program, potential savings may be evident.

#### **5. Summary and Conclusion**

SACC programs are universal services and therefore predominantly cater for children with mainstream needs. In recent years Council's SACC programs have experienced a significant increase in the demand to accept enrolments for children with additional needs.

The attached policies / procedures will ensure that all children are appropriately assessed for their suitability for the program and the capacity of the program to meet their needs. The policies / procedures also ensure that if a child's needs, or a service's resources change or children and families behaviour becomes inappropriate, an open and reasonable process is in place regarding a client's exclusion from the program.

#### **6. Recommendation**

That Council approve the adoption of Behaviour Management Procedure, Service Limits Guideline and Enrolment and Induction procedure as formal policies relating to School Age Child Care.

##### *Attachments*

*Service Limits Guidelines (Trim 07/63520)*

*Behaviour management procedure (Trim 07/63522)*

*Enrolment and induction procedure (Trim 07/63524)*

##### **Crs Ronke/West**

That the recommendation be adopted.

**Carried**

**K 182**

**45 Oakes Avenue, Clayton South  
Maternal and Child Health and Multicultural Playgroups  
Relocation to Westall Preschool**

**Approved by:** Trevor McCullough, General Manager Community Sustainability

**Author:** Sharon Bahn, Manager, Family Youth and Children's Services  
Newton Gatoff, Coordinator Property Services  
Donna Feore, Children's Services Development Officer  
Rob Savoia, Team Leader Building Facilities

**1. Purpose**

- 1.1 Seek approval to relocate the existing Council operated services, Maternal and Child Health (MCH) and Multicultural Playgroups, currently operating from the facility at 45 Oakes Ave, Clayton South to the Westall Preschool at 43-45 Westall Road, Clayton South.
- 1.2 Seek approval for Council to negotiate a termination of the lease for 45 Oakes Avenue, Clayton South with Central Bayside Community Health Services (CBCHS).

**2. Background**

Council currently leases a portion of the facility operated by CBCHS situated at 45 Oakes Avenue, Clayton South to deliver Maternal and Child Health Services and Multicultural Playgroups.

This facility was originally funded by the Nissan Motor Company for a 24 hour Multicultural Childcare and Community Centre on land owned by the Victorian Government with the building structure vested in the ownership of the Commonwealth Government. This service ceased operation in 1999.

CBCHS were granted a lease from the Commonwealth Government as principle tenants in 2000 with Council becoming a co-habitant under a sublease to CBCHS in 2001 for the operation of a Maternal and Child Health Centre and Playgroups.

The lease commenced on 1<sup>st</sup> September 2001 and has a term of 15 years and is due to expire 30 August 2016. The lease holds Council responsible for non-structural repairs to the leased section of the building and Council does not pay any rent for the use of this facility.

The building has been constructed in an area which has extremely reactive soils and with the enduring droughts the structure of the building occupied by Council has been severely compromised to the point that extensive and costly remedial works are required.

At a meeting between CBCHS and Council in 2007, Council expressed concern over the deterioration of the property. The CEO of CBCHS indicated at that time that CBCHS were unwilling to invest funds in the building as it has been proposed that the Oakes Ave facility will be demolished in the next five to ten years to make way for a Regional Health Centre.

Preliminary estimates of the required remedial works are at approximately \$150,000\*

<b>Breakdown of Remedial Works</b>	<b>Estimated Cost excl GST</b>
Consultants & Investigation	\$8,000
Glazing Section 1	\$11,000
Glazing Section 2	\$1,000
Glazing Section 3	\$13,000
Structural Underpin	\$28,000
Concrete Reinstatement	\$17,000
Wall Repairs to Brick work & Plaster	\$7,000
Roof Repairs incl A/C relocation	\$26,000
Painting	\$10,000
Associated ancillary works	\$4,000
Contingency	\$25,000
<b>TOTAL ESTIMATED COST REMEDIAL WORKS</b>	<b>\$150,000*</b>

\*This estimated cost could easily blow out to well in excess of this amount when the underlying structure is exposed and thus the risk of commencing the remedial works and costs blowing out is relatively high.

### **3. Issues**

The structural defects have been evident for a few years and have been monitored to ensure that the safety of the facility occupants and users was not compromised. Interim minor works have been undertaken to mitigate immediate risks but the time has now come to re-evaluate Council's tenure and financial contribution to undertake and fund the remedial works.

As indicated above, Council does not own the land or building at this location and therefore have no legal obligation to undertake any structural remediation of this facility. Council has previously lobbied both State and Federal Government Agencies for financial support, but funding has not been forthcoming and hence the building has remained in a state of disrepair.

### **4. Policy Context**

#### **4.1 State Government**

*Blue Print for Early Childhood Development and School Reform* sets the priority directions for education and early childhood development over the next five years. This reform focuses on three areas:

1. Partnerships with parents and community,
2. System development and reform, and
3. Workforce reform.

The reform aims to strengthen local service planning coordination and delivery with a focus on developing early childhood services that meet community needs, including the provision of multiple services being delivered at a single site or 'one stop' parent and child centers.

## **5. Options**

Council Officers from the Property Services Team, Family, Youth and Children's Services Department and Building Facilities Team have been working together to review options for Council's services operated from 45 Oakes Avenue to an alternative location.

*The following options have been considered and are discussed below:*

### **Option 1 – Continue tenancy at 45 Oakes Ave facility and not invest in any remedial works.**

#### Implications

- Retain the continuity of services being provided at this location.
- Uphold principles of social justice by providing accessible services to vulnerable community.
- Continued and increased risks to the safety of facility users and Council employees.
- Continued and increased public liability risks to Council.

### **Option 2 - Continue tenancy at 45 Oakes Avenue facility and invest \$150,000+ to undertake remedial works.**

#### Implications

- Retain the continuity of services being provided at this location.
- Uphold principles of social justice by providing accessible services to vulnerable community.
- Council would be required to invest a substantial sum of money on an asset which is not Council owned.
- Decreased risks to the safety of facility users and Council employees.
- Decreased public liability risks to Council.
- This estimated cost could easily blow out to well in excess of this amount when the underlying structure is exposed and thus the risk of commencing the remedial works and costs blowing out is relatively high.

### **Option 3 - Cease the services currently provided at 45 Oakes Avenue and not replace them.**

#### Implications

- There is sufficient community demand for the services with the nearest alternative MCH Service located at 21 Jacobs Drive Clarinda.
- Council has endorsed the ongoing delivery of the Multicultural Playgroups. Refer to TRIM Reference 07/38014.
- Undermine the principles of social justice by withdrawing services from a vulnerable community.
- Completely mitigate risks to the safety of facility users and Council employees.
- Completely mitigate public liability risks to Council.



**Option 4 - Relocate the MCHC Service and Multicultural Playgroups to Council Owned Scott Ave, Clayton South**

Implications

- This facility is a purpose built MCH centre located off Westall Road in a residential subdivision, and is currently being used in an interim manner by Community Engagement for the delivery of the Connecting the Community Program.
- Following a review in 2001, this facility was considered to be too remote from transport facilities such as the Westall train station and difficult for clients to access due to location.
- This venue isn't an appropriate venue to deliver playgroups and an alternative separate venue will need to be sought.
- Reduced the accessibility of MCH service.
- Reduce levels of service coordination and community access to "one stop" child and parent centers.
- Mitigate risks to the safety of facility users and Council employees.
- Mitigate public liability risks to Council.

**Option 5 - Relocate the MCH Service and Multicultural Playgroups to Council owned Westall Preschool, Clayton South**

Implications

- This facility is situated at 43-45 Westall Road, Clayton South and includes a double preschool facility purpose built to deliver early childhood services. Currently, the facility is occupied by a community preschool service only and is ideal for conversion to a 'one stop' child and parent center with the capacity to co-locate a MCH Centre, Multicultural Playgroups and the existing Preschool service.
- A "Land to be used as a Medical Centre" Planning Permit will be required for MCH to operate from this facility as it is located in a Residential 3 Zone.
- The Preschool Committee of Management is supportive of the co-location of services to create a "one stop" child and parent centre.
- The facility is ideally located on Westall Road service road, has excellent exposure, car parking and is located close to the Westall Railway Station, Westall Primary and Secondary Colleges and Rosebank Avenue strip shopping centre.
- Continue to uphold principles of social justice by continuing to provide accessible services to vulnerable families.
- Maintain continuity of service provision by continuing to provide services in a similar location for vulnerable families.
- Create "one stop" child and parent centre by co-locating services relevant to families including Preschool, MCH and Playgroups as per Victorian Government policy direction.
- Preliminary estimates of the cost to convert the Westall Preschool facility plus undertake other improvements for disabled persons access and amenities are in the order of \$120,000; however this provides an investment in a Council owned property.
- Mitigate risks to the safety of facility users and Council employees.
- Mitigate public liability risks to Council.

## **6. Triple Bottom Line Checklist**

### Financial

An allocation of \$100,000 was made in the 2007/08 Capital Works Program for repairs to the Oakes Avenue facility on the basis of receiving government funding to offset this amount. As the Government funds were not made available the project did not proceed and the project did not carry forward to the 2008/09 Capital Works Program.

Preliminary estimates of the cost to convert the Westall Preschool facility plus undertake other improvements for disabled persons access and amenities are in the order of \$120,000

### Social Impact

The development of a 'one stop' child and parent centre at the Westall Preschool facility creates the opportunity for increased collaboration, service planning and service integration to support vulnerable newly arrived and refugee families to access and navigate the early years service system. This co-location has the capacity to create a seamless early intervention system for these families and increase the participation of difficult to reach children and families in universal health and education services.

### Environmental Impact

Nil

## **7. Summary and Conclusion**

Council currently leases a portion of the facility operated by CBCHS situated at 45 Oakes Avenue, Clayton South to deliver Maternal and Child Health and Multicultural Playgroups. This facility requires substantial Council financial investment to bring it up to an acceptable standard.

An opportunity has now arisen to relocate this Council operated services to a suitable Council owned facility to create a 'one stop' child and parent centre in partnership with the Westall Preschool.

State Government directions for education and early childhood development over the next five years focus on developing early childhood services that meet community needs, including the provision of multiple services delivered at a single site or 'one stop' parent and child centers.

## **8. Recommendation**

That Council:

1. Endorse Option 5, as outlined in this report.
2. An amount of \$120,000 funding be derived from the current 2008/09 Capital Works budget as an unforeseen item of works so that the project can be implemented in the current financial year.
3. Property Services negotiate the termination of the Oakes Avenue lease with CBCHS on the grounds that the building has become unserviceable.

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The Mayor, Cr Nixon, reiterated his declaration of interest in relation to this matter as a board member of Central Bayside Community Health Services.

**Crs Athanasopoulos/Alabaster**

That the recommendation be adopted.

**Carried**

**K 183**

**Final Version - Walter Galt Reserve Master Plan**

**Approved by:** Trevor McCullough, General Manager Community Sustainability

**Author:** Hannah Croughan, Leisure Planner

**1. Purpose**

The purpose of this report is to present the final Walter Galt Reserve Master Plan to Councillors for explanation and discussion. Support to subsequently present the final master plan to Council for formal adoption is also sought.

**2. Background**

Walter Galt Reserve, located in Parkdale on Warren Road, is a 6.6ha Reserve comprising Don Tatnell Leisure Centre, Mordialloc Youth and Community Centre and both active sporting and passive recreational elements such as a playground, two sporting grounds, large open space area, 3 netball courts, and a tennis rebound wall.

Council engaged Sykes Humphreys Consulting in February 2008 to assist with the development of a master plan for the Reserve. In order to ensure the master plan was developed to reflect current and future local demand a Walter Galt Reserve Master Plan Working Group was established and included representatives from sporting club user groups, Don Tatnell Leisure Centre, Mordialloc Youth and Community Centre, Scope Disability Services, the Walter Galt Committee of Management, Mordialloc Village Committee, the Ward Councillor - Mayor Bill Nixon, two Council Officers and the project consultants.

Preparation of the master plan has included a thorough review of the local area demographics/residential trends; a review of Council and other relevant literature; extensive consultation with all Reserve user groups; public meetings and community surveys with local residents; and Working Group meetings and on-site workshops with Council staff.

The draft Master Plan was made available for a four week public comment period from 29 July until 26 August 2008. All sporting clubs and community groups consulted during development of the master plan were specifically invited to provide feedback, as well as those stakeholders that provided a survey response or attended the public forums. The draft Master Plan was also made available on Council's website and at the Mentone Customer Service Centre and Parkdale Public Library for the duration of the four week public comment period.

72 submissions were received from stakeholders during this period. A list of submissions, comments and responses is attached.

### **3. Issues**

The Walter Galt Reserve Master Plan found that the Reserve caters for a large diversity of activities both formal and casual in nature and that the Reserve is highly valued and utilised by local residents (68% use the Reserve weekly). The Master Plan identifies a number of usage issues and proposes solutions that should be further investigated and implemented. The overall amenity of the Reserve is currently poor as there is no standard provision of park infrastructure such as seating and signage. Opportunities to enhance pedestrian access within the Reserve exist and are greatly supported by local residents and user groups alike.

Significantly it was identified by current users that provision of car parking is an issue and presents a common barrier to their activities. A more formal approach to car parking is proposed including clearly defined entry and exit points as well as improved traffic management measures within the Reserve. Sustainable transport modes such as walking and cycling as an alternative for accessing the Reserve can be supported by provision of clearly delineated pedestrian access, bicycle parking and links to existing on road bicycle lanes and local shared paths.

In response to these issues, the key recommendations made by the master plan include:

- Improving vehicular entry and egress at the Reserve;
- Improving pedestrian access to, from and within the Reserve;
- Optimising opportunities for car parking within the Reserve;
- Improving the overall amenity of the Reserve through signage, landscaping and park furniture; and
- Relocation of the dog off-leash zone to provide to specific sporting surfaces;
- Relocation of the cricket training nets;
- Installation of adult exercise equipment along the pedestrian trails; and
- Relocation of the multi-use outdoor courts to eliminate traffic hazards.

Of the 72 submissions received, the key issues arising included traffic management and car parking issues within the Reserve; creation of a third sporting ground within the Reserve; and the proposed relocation of the cricket nets.

In response to the feedback received the proposed amendments of significance to the final version of the master plan include:

- **Relocation of the cricket nets** - It is a general principle of sports ground planning and provision in Kingston that cricket nets be orientated towards an existing sporting space i.e. facing into the sports ground. This is for two reasons; other park users 'anticipate' that the space is used for sporting purposes and that in this instance, cricket activities are inherent. Additionally by repositioning the cricket nets, turf based sporting activities are contained within the western half of the Reserve. This will assist to alert all users that they need to assume a greater degree of care/caution whilst using this area.

The existing position of the cricket nets excludes all other use of this open space *pocket* of the Reserve whilst the nets are being used for cricket training. Given it is the only area available as specific 'open space' it is preferable that this be available for access at all times unlike the sporting grounds and dog off leash areas. Throughout the surveying and consultation process neighbouring residents made it very clear that they highly valued the open space within the Reserve; it should also be noted that this is the only Reserve within Parkdale which comprises 'open space' as opposed to just sporting grounds.

Officers acknowledged the Kingston Saints Cricket Clubs' concerns regarding the original net location proposed within the draft master plan including the Club's anticipated inability to use the main oval for games whilst the cricket nets are being used for training. In response to the Club's concerns, as a compromise Officers now propose an alternate location - the north east corner of the smaller oval at Walter Galt Reserve. There is adequate space to provide the standard size of nets (including prescribed run up). Whilst the cricket net run ups would be located within the sports ground dimensions this can be managed in the winter season similarly to a synthetic centre wicket i.e. the surface will be covered, and will not impact the winter user's activities.

It is also important to note that this is a long term recommendation of the master plan (5 to 7 years). Its timing is dependent upon the relocation of the playground from the Warren Road frontage which will only occur at the end of the playground's useful life.

- **Third Sporting Oval** - Numerous requests for the creation of a third sporting ground at Walter Galt Reserve were received during the public comment period, largely from sporting club representatives and members. This option had been investigated throughout the master planning process, however was not supported by Council officers on the basis that there was insufficient space to provide a purposeful third designated sporting space without compromising outcomes in other areas; the household survey had identified that the community highly valued the open space areas within the Reserve; and creation of a third sporting ground would see the current balance of active and passive leisure and recreation opportunities within the Reserve dominated by active sporting pursuits. As an alternative, informal usage of the open space area for junior skills based training (i.e. Auskick) will be considered on an annual basis via Council's seasonal allocation process.

Officers have advised tenant Clubs that access to other local sporting grounds that are presently underutilised can be provided, and Council's Sport and Recreation Development Coordinator will assist Clubs to gain such access should they require it for their sporting activities.

A master plan implementation plan and budget has been developed which takes into consideration the priorities indicated by stakeholders during the public comment period, potential Council and external funding availability, and project staging requirements. The total cost to implement the master plan is estimated to be approximately \$1,760,500.

#### 4. Options

n/a

#### 5. Triple Bottom Line Checklist

- **Environmental** – Implementation of the adopted master plan will have a positive environmental effect through amenity and landscaping improvements as well as sustainable water re-use options and retention of significant vegetation.
- **Social** - Positive social outcomes have been attained via this project through a process of consultation which meaningfully engaged the community and involved them in the future planning of the Reserve. Additionally, planning a Reserve to correspond with existing and forecast local need and recreation interests will ensure that the community's ability to gain the social, health and wellbeing benefits associated with physical activity is improved.
- **Financial** – Should the master plan be formally adopted by Council, funding for implementation of the Plan would need to be progressively sought through Council's budget process over a ten year period commencing 2009-2010. Project priorities (short, medium and long term) will guide annual budget submissions. Funding contributions will also be sought from current user groups where appropriate as well as external funding programs.

#### 6. Summary and Conclusion

This report seeks Councillor support to progress the Walter Galt Reserve Master Plan to Council for formal adoption.

During a four week public comment period 72 submissions were received each of which has been addressed either within the master plan or has been able to be responded to with no impact on the final master plan e.g. some submitters used the public comment period to reiterate or seek a reconsideration of an issue which has previously been investigated and resolved via the master planning process.

#### 7. Recommendation

That Council approve the final version of the Walter Galt Reserve Master Plan.
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Attachment(s):

TRIM Ref. 08/58764: Walter Galt Reserve – Site Analysis Plan  
TRIM Ref. 08/84559: Walter Galt Reserve master plan drawing  
TRIM Ref. 08/83467: Walter Galt Reserve master plan report  
TRIM Ref. 08/67428 (NB: sheet 2): Proposed responses to feedback received during public comment period  
TRIM Ref. 08/87553: Walter Galt Reserve proposed implementation plan and costings

**Crs Ronke/West**

***Motion:***

“That Council approve the final version of the Walter Galt Reserve Master Plan.

That the Master Plan be reviewed on a regular basis.”

The motion was put and **carried**.





The proposed 2008-2010 committees will ensure that Council continues to receive the highest quality of advice to meet the needs of residents with a disability or from ageing, multicultural or indigenous backgrounds.

Further details on those short listed are included as Attachment A & Attachment B.

Applicants who are not appointed will be encouraged to remain involved with the progression of the advisory committees through community forums which will occur several times a year as a function of both committees.

#### **4. Options**

##### **Preferred Option:**

**4.1** That Council endorse the appointment of the short listed candidates to the committees.

##### **Alternative Options:**

**4.2** That Council do not support the appointment of the short listed candidates to the committees.

**4.3** That further nominations for the committees are requested.

#### **8. Triple Bottom Line Checklist**

##### Environmental

Effective contribution of the Committee will enhance Council's approach to the environment.

##### Social

Establishment of efficient and effective advisory Committees focusing on issues of the community will result in increased access for all residents to Council services and programs and demonstrate best practice.

##### Financial

The support of the Access & Equity and Positive Ageing committees is provided within Council's operational budget.

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

Council received a great level of interest from the community through the nomination process for both of these committees. This has demonstrated that there is strong commitment amongst the target communities for continued dialogue between community groups and Council, which these committees provide.

A fair and open assessment process was used to propose the most appropriate committee members that are representative of the community. The proposed committee short lists contribute to a reasonable committee balance and bring a range of experiences and expertise that will benefit Council in continuing to address issues related to ageing, disability, multicultural and indigenous issues.

**7. Recommendation**

That Council resolve to support the appointment of the short listed candidates set out in attachment A to the Access and Equity Committee and the short listed candidates set out in attachment B to The Positive Ageing Committee for a two year period to the end of 2010.

Attachments:

*Nominations for the Positive Ageing and Access & Equity Committees*

**Crs Athanasopoulos/Ronke**

That the recommendation be adopted.

**Carried**

**K 185**

**Constitutional Recognition for Local Government**

**Approved by:** Elaine Sowerby  
General Manager,  
Organisational Development and Governance

**Author:** Acting Manager, Governance and Performance Planning

**1. Purpose**

To recommend that Council submit an online feedback form to the Australian Local Government Association (ALGA) in anticipation of their National Summit on constitutional recognition for local government.

**2. Background**

Local Government currently has no formal position in the Australian constitution. The ALGA, which has long been a supporter of constitutional recognition for local government, has convened a national summit in Melbourne from 8-11 December 2008 to discuss the issue. The ALGA is hoping for a clear direction from councils at the summit, informed by submission of an online feedback form, which would then be taken to the Federal Government who had promised during its election campaign, to consult with local government on this issue during its first term of government.

A resolution of Ordinary Council is required to submit the online feedback form to the ALGA.

**3. Issues**

The feedback form asks councils to consider the general question: “*What objectives does your Council believe would most assist your communities and which could be supported/achieved through Constitutional recognition for local government?*” and then asks Council to rate answers to certain specific questions in terms of importance from nil to high.

It is proposed that Council respond to the specific questions as follows:

***Question 1: Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through the States)***

This is considered to be of high importance. This would result in much more streamlined funding arrangements which could potentially see funding being made available more quickly than at present, and would ensure that only one source of funding needed to be dealt with rather than two currently (some funding does come direct from the Commonwealth. It could potentially address issues of cost shifting from the States an issue which currently a considerable concern for local government. However, this option would require a change to the Australian constitution which only currently provides for Parliament to provide assistance to the States, and not to local government. This proposal is likely to be resisted by State governments.

***Question 2: Providing a guarantee of funding to some minimum level***

This is considered to be of high importance given the linkage with the preceding question. If Federal funding was provided to local government in line with question 1, there would be minimal need for another guarantee of funding as it would be enshrined in the constitution. However, if this question is viewed independently from question 1, there would be a strong argument to say that a guaranteed minimum level of funding is of high importance to our community.

***Question 3: Symbolic recognition of local government***

This would result in local government being recognised in the Preamble to the Australian Constitution, recognition which it currently lacks. The value and impact of such recognition is however unclear. However, if constitutional recognition for local government is to be pursued, it is logical that symbolic recognition should be the minimum requirement and therefore the answer to this question should be shown as being of high importance.

***Question 4: Protection of the system of Local Government (require the States to maintain a system of Local Government)***

This question effectively asks what importance councils place on another form of constitutional recognition for local government, being institutional recognition and would mean that there was a constitutional requirement for the States to maintain a system of local government, so the institution of local government was enshrined by the States. What funding and other implications this type of recognition might have is not clear at this point. However, it is suggested that the answer to this question should be shown as being of high importance given that it is one step beyond the “minimum” symbolic form of recognition.

***Question 5: Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)***

This question could be viewed on various levels. At a simplistic level local government could suffer from the perception that it defers to the State Government on issues of importance to the local community, given the leverage State Government has to dismiss a Council/s. Additionally, a Premier or Minister could be seen as exerting undue influence over a democratically elected form of government given any threat of dismissal. Constitutional recognition of local government as the legitimate third tier of government in Australia would obviate those concerns and public perceptions.

The stronger position is that local government, the closest form of government to the people it represents, is, in its own right, a democratically elected body and arbitrary dismissal / amalgamation could be viewed as contrary to the exercise of the voters democratic right to elect the people it wants to represent them, both individually and collectively. Given the above information, the answer to this question should be shown as being of high importance.

**2. Timing**

The ALGA has asked councils to discuss the issue of constitutional recognition for local government, develop a position and then submit an online feedback form to the ALGA to inform the debate at the summit. No deadline has been given for submission of the feedback form, but it would need to be submitted prior to the summit.

The ALGA summit takes place two weeks after Kingston's election. During that time the new Councillors and Council officers will be involved in the Councillor induction program, and it is therefore unlikely that any Councillor from the City of Kingston will be able to attend the summit. However, this should not deter the completion of the online feedback form to inform the debate at that summit if Council wishes to submit its position in relation to this issue.

Following the summit, and assuming the desire of the summit is to proceed with lobbying on this issue, the ALGA will present the outcomes to the Federal Government and work with them to develop the appropriate legislation and a community consultation strategy.

Any change to the Australian Constitution to give effect to the proposal would go to a referendum. It is anticipated by the ALGA that any referendum on this matter could be held in 2010. However, the previous two referendum attempts to have local government recognised in the Australian constitution, in 1974 and 1988, received very little support.

It is likely that the summit is the first step in a national dialogue about constitutional recognition. It is expected that more information will be forthcoming from the ALGA and other sources once a position has been formed by the ALGA and discussions have been held with the Federal Government.

### **3. Value and form of recognition**

In considering this matter, Council is advised that it is not entirely clear what value any of the proposed forms of constitutional recognition would have for local government. This makes completion of the online feedback form a little difficult. Much more detail is needed before a full picture of the value of recognition can emerge and this is not available at the moment because no position has been formed on the matter by the Federal Government. However, if councils generally are overwhelmingly against, for example, symbolic recognition, that will at least inform the ALGA in their discussions with the Federal Government on the matter. In addition, it is also not clear what additional rights and responsibilities constitutional recognition might impose on local government. Accordingly a comment along these lines has been suggested on the attached feedback form.

In terms of forms of recognition, a fact sheet about possible forms of constitutional recognition (eg symbolic, institutional, or financial) from the ALGA is *attached*.

### **4. Triple Bottom Line Checklist**

- **Environmental** – none
- **Social** - Any referendum may generate more interest in local government from residents and may possibly be a way to increase awareness of what the City of Kingston does for its community. If formal recognition for local government in the Australian constitution is achieved, it may potentially affect the way in which residents view Council. Some may view Council in a more positive light due to local government being formally recognised. In general, however it is unlikely to have much practical impact.

- **Financial** – it is possible that there may be some financial impact at local level from constitutional recognition for local government although this is impossible to quantify at this stage as this may depend on the form of any recognition.

## **5. Summary and Conclusion**

The ALGA national summit provides councils with an opportunity to express their views on the issue of constitutional recognition and if Kingston Council so desires, an online form can be completed and submitted following a resolution of Ordinary Council, prior to the constitutional summit taking place in December. If Council has strong views on the matter, submission of the form is important in order to inform the summit's debate.

## **6. Recommendation**

That Council:

1. notes this report on the Australian Local Government Association's National Summit on constitutional recognition for local government;
2. resolves that it supports constitutional recognition;
3. submit the suggested online feedback form to the ALGA as attached to this report; and
4. note that in the event no Councillors are able to attend the National Summit, an officer will attend and report back to the Council.

### Attachments:

1. *Online feedback form*
2. *Summit program*
3. *Fact sheet "Styles of Constitutional Recognition"*
4. *ALGA presentation "Constitutional Recognition for Local Government"*

## **Crs McKeegan/Alabaster**

That the recommendation be adopted.

**Carried**

**CONSTITUTIONAL RECOGNITION  
EXTRACT FROM ALGA WEBSITE – ONLINE FEEDBACK FORM**

What objectives does your Council believe would most assist your communities and which could be supported/achieved through Constitutional Recognition of Local Government?

Please tick high/medium/low or nil for each objective.

**Council details**

Council  City of Kingston

State  Victoria

Contact Name  Paul D'Elia

Email  [paul.delia@kingston.vic.gov.au](mailto:paul.delia@kingston.vic.gov.au)

Council Meeting Date  2008/10/27

**Questions**

Questions	1	Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	High <input type="text"/>
	2	Providing a guarantee of funding to some minimum level	High <input type="text"/>
	3	Symbolic recognition of local government	High <input type="text"/>
	4	Protection of the system of Local Government (require the States to maintain a system of Local Government)	High <input type="text"/>
	5	Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)	High <input type="text"/>

Other (Please State)  200 characters left



K 186

**Quarterly Report to the Council Plan for the period to 30 September 2008**

**Approved by:**

Elaine Sowerby, General Manager,  
Organisational Development and Governance

**Author:**

Louise Barren, Acting Team Leader Performance Planning

**1. Purpose**

To present the Quarterly Report for the September 2008 quarter in respect of the Council Plan to Council.

**2. Background**

The 2006 – 2011 Council Plan was adopted by Council in June 2006. The Council Plan is broken down into five planned outcomes, with associated strategies, priorities and actions. The Council Plan was reviewed in 2007 and again in 2008 to ensure its currency and accuracy in reflecting Council priorities and emerging issues. The Quarterly Report to the Council Plan provides information about milestones and also tracks progress against each item.

The Community Plan was launched in March 2007 and included ten Local Area Plans. Actions arising out of the Local Area Plans have been reported against each quarter since then. As all agreed actions arising out of the Community Plan have now been completed or are ongoing in nature, the Community Plan will no longer be reported against. Instead, the front section of the document with a series of Community Visions' Statements will form the basis of a strategic directions document.

**3. Issues**

A) Report Against Council Plan

Whilst this is the first quarter for 2008/09, progress against some milestones has been significant and some highlights can be extrapolated from the reports as follows:

**Highlights of the September 2008 Quarter**

The first quarter of the 2008/09 financial year produced a number of highlights and achievements against the Council Plan. In particular:

- Contract let at Patterson Lakes Community Centre and Library redevelopment project to FIMMA Constructions and works commenced on 30<sup>th</sup> September
- Master plan formally adopted by Council for Bonbeach Recreation Reserve in September

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- The Regional Soccer Strategy was adopted by Council in September
- Appointed Smart Connection to develop an artificial sporting surfaces study
- Controls submitted and approved by Minister for Planning for P.L.A.N. project
- Final Agricultural Feasibility Study for Non Urban Area was completed in August
- Council adopted Kingston Coastal Management Plan in September with recommended changes following consultation. Changes are currently being made and business plan finalised prior to referring to DSE
- Successful in obtaining \$20,000 for Edithvale Wetlands and \$11,360 for Aspendale Foreshore under the Dandenong Living Links Project
- Completed the reinventory of greenhouse gas emission as part of Milestone 5 of the Cities for Climate Protection Program, which was then adopted by Council in August
- Identified three entrance signage sites at Bay Road, Thompsons Road, and Clayton Road as part of the program to continue implementation of Kingston's entrance signage and street signs
- A review and draft of the Community Safety Strategy for 2008-11 has been developed
- The new Recovery section of Municipal Emergency Management Plan (MEMP) was adopted in July
- The Domestic Animal Management Plan (DAMP) has been developed and was adopted by Council in September
- Construction Industry Careers night expo was held in August to bring together employers, training providers, schools and young people and their families
- In preparation for the November Council elections, candidate information sessions are currently being held for potential candidates interested in becoming Councillors at Kingston. A range of speakers have been involved in presenting information, including MAV and VEC. All attendees were provided with a kit of information including ward map and other useful election related information. The next session will be on 22 October hosted by VEC.
- The website has been updated to include information about standing for council, enrolling for elections and the display of the Exhibition Voter rolls. It will be continually updated as the election draws nearer as well as after the election, with results.
- A meeting with Bayside Council took place in September to review their risk management processes and software
- Infor Rates was implemented in July 2008
- Volunteers contributed more than 12,621 hours of service this quarter

The Quarterly Report to the Council Plan also notes triple bottom line indicators where a specific quarterly figure is available. The 2008/09 Annual Report (which has now been prepared and is available for public viewing) reports fully on these indicators.

**B) Report Against Community Plan**

There is no quarterly report on the Community Plan for this quarter as the specific actions required had been completed by the end of June 2008. Work on a new Community Plan will commence early in 2009.

**4. Triple Bottom Line Checklist**

- Environmental – not applicable
- Social - not applicable
- Financial – not applicable

**5. Summary and Conclusion**

As noted above and in the attached September Quarterly Report, significant progress is being made towards achieving the milestones identified in the Council Plan. In addition, all of the milestones from the 2007/08 Council Plan that were carried forward into 2008/09 Council Plan have now been achieved.

**6. Recommendation**

That Council resolve to note the Quarterly Report

Attachment:

1. *Quarterly Report to Council Plan September 2008 quarter*

**Crs Athanasopoulos/Ronke**

That the recommendation be adopted.

**Carried**

K 187

**Annual Report – Presentation to Ordinary Council  
within 30 Days of Submission to Minister as Required  
under Local Government Act 1989**

**Author:** Elaine Sowerby, General Manager Organisational  
Development and Governance

**1. Purpose**

To present to Council Kingston's 2008 Annual Report.

**2. Background**

In accordance with Council's obligations under the Local Government Act 1989, Council's 2008 Annual Report was submitted to the Minister for Local Government by 30 September 2008. The Annual Report has been placed on the Ordinary Council Agenda for 27 October 2008 in accordance with the Local Government (Finance and Reporting) Regulations 2004.

The 2008 Annual Report clearly conveys, through the achievements recorded against the 5 Planned Outcomes and Financial results, that performance in 2007-08 continues to be something of which Council can be very proud.

The Annual Report also presents the unqualified Auditor-General certified financial statements for 2007-08.

The 2008 Annual Report provides details of:

- How Council has performed in relation to the 5 planned outcomes in the 2006-11 Council Plan;
- Key achievements for the past financial year against Council Plan targets; and
- Information about what Council is planning for the future.

A "highlights" section at the beginning of the Annual Report continues to provide a holistic picture of significant events and major achievements that took place during the year.

Council has complied with Local Government Act requirements to place the Annual Report on public exhibition for 14 days prior to this Ordinary Council meeting, by making it available at customer service centres and libraries from 13 October 2008. It is also available on Council's website. A large print version of the Annual Report is also available to residents upon request.

Graphically-designed copies of the Annual Report will be distributed in December 2008.

**3. Recommendation**

That Council notes the City of Kingston's 2007-08 Annual Report.

Attachments:

*City of Kingston Annual Report 2007-08 (circulated separately)*

**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**27 October 2008**

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**Crs Athanasopoulos/Ronke**

That the recommendation be adopted.

**Carried**

**K 188**

**Investment Policy**

**Approved by:**

John Nevins, Chief Executive Officer

**Author:**

Paul Franklin, General Manager Corporate Services Officer

**1. Purpose**

The purpose of this report is to recommend that Council formally adopt an investment policy which will guide how Council manages its working capital and amounts held on behalf of other parties (eg Hostel Bonds held in Trust; employee Long Service Leave entitlements) or held for restricted purposes (eg Open Space Reserve, Hostel Renewal Reserve).

**2. Discussion**

Best practice would indicate that this policy should be adopted as a formal policy of Council. While this is rare in Victoria, it is a legislative requirement of Councils in Western Australia and is soon to be so for New South Wales Councils. The attached policy has been reviewed and endorsed by Council's Audit Committee. The Audit Committee noted the conservative nature of the policy that incorporates a low risk tolerance in regard to investments.

It is also relevant to note that Council does not have any exposure to the US subprime debt market nor has it invested in Collateralised Debt Obligations (CDOs) that have generated press over the recent past.

**3. Recommendation**

That Council adopt the attached Investment Policy.

**Crs McKeegan/Athanasopoulos**

That the recommendation be adopted.

**Carried**

**K 189**

**Contract No. 08/59 – Vehicle Leasing and Fleet  
Management Services**

**Approved by:** Paul Franklin, General Manager Corporate Services

**Author:** Colin Danks, Contracts Coordinator

**1. Purpose**

This report seeks Council's approval to place Contract No. 08/59 for Vehicle Leasing and Fleet Management Services with Custom Service Leasing Pty Ltd, trading as Custom Fleet, for a 3 year period with two 1 year options as set out in their tender submission dated 4 September 2008 for a total estimated contract sum over three years of \$2.35m Incl. GST (First Year \$781,500.00).

**2. Background**

Council maintains a fleet of approximately 190 vehicles comprising passenger cars, light commercial vehicles, trucks and buses. Within the fleet, 122 vehicles are currently under lease agreements which will expire over the next four year period. These leases have been arranged with two companies, Custom Fleet and Mercedes Benz Financial Services (formerly Easifleet Management), under a panel arrangement as a result of a public invitation in 2003. Over this period, Custom Fleet has also provided fleet management services for Council's entire fleet of vehicles including provision of fuel and repair authorisation cards, emergency breakdown assistance, accident management and vehicle reporting.

**3. Summary of Services Requested**

Options for supply of the services required are:

- a) Provision of vehicles under an Operating Lease arrangement;
- b) Provision of vehicles under an Operating Lease arrangement and Fleet Management Services;
- c) Provision of vehicle under a Novated Lease arrangement for Senior Staff; and
- d) Fleet Management Services only.

**4. Tenders Received**

Tenders were advertised in the Age on Saturday 9<sup>th</sup> August 2008 and closed at 2.00pm on Thursday 4<sup>th</sup> September 2008. Three tenders were received, details of which are set out in the *Confidential Attachment*.

**5. Evaluation Panel**

The tenders were assessed by:

Paul Franklin – General Manager Corporate Services

Bernard Byrden – Manager Finance

Colin Danks – Contracts Coordinator

**6. Tender Evaluation**

Detailed assessments were made of all three tenders against the following criteria as set out in the tender documents:

Tendered Prices/Rates	45%
Ability to perform the services	20%
Draft Quality and Risk Management Plans	5%
Ability to provide innovative approaches and ancillary services	5%
Relevant Experience	10%
Bona fides and past performance	10%
Compliance with tender conditions and conditions of contract	5%

**7. Scoring of Tenders**

Each tender was scored against the evaluation criteria with the following outcomes:

<b>LEASING OF VEHICLES</b>			
Tenderer	Custom Fleet	Fleet Plus	Summit Fleet Leasing
Tendered Prices/Rates	45.0	32.0	38.3
Ability to perform the services	18.0	15.0	12.0
Draft Quality and Risk Management Plans	4.5	3.0	3.5
Ability to provide innovative approaches and ancillary services	4.0	4.0	0.0
Relevant Experience	9.0	5.0	7.0
Bona fides and past performance	8.0	6.0	6.0
Compliance with tender conditions and conditions of contract	4.0	5.0	5.0
<b>TOTAL SCORES</b>	<b>92.5</b>	<b>70</b>	<b>71.8</b>

<b>FLEET MANAGEMENT SERVICES</b>			
Tenderer	Custom Fleet	Fleet Plus	Summit Fleet Leasing
Tendered Prices/Rates	25.7	0.0	45
Ability to perform the services	18.0	15	12
Draft Quality and Risk Management Plans	4.5	3.0	3.5
Ability to provide innovative approaches and ancillary services	4.0	4.0	0.0
Relevant Experience	9.0	5.0	7.0
Bona fides and past performance	8.0	6.0	6.0
Compliance with tender conditions and conditions of contract	4.0	5.0	5.0
<b>TOTAL SCORES</b>	<b>73.2</b>	<b>38.0</b>	<b>78.5</b>

**8. Recommendation**

At the completion of the evaluation and review process, the evaluation panel is recommending that Custom Fleet be contracted to provide Leasing of Vehicles and Fleet Management Services



on a sole supplier basis for a period of three years with the option to extend for two one year periods. Custom Fleet has been selected as the sole supplier due to:

- Custom Fleet scored the highest for the vehicle leasing requirement and their quoted lease rates are lower than the lease rates offered by the other tenderers across the board.
- Although it was envisaged that a panel of suppliers may be chosen for the vehicle leasing requirement, the lease rates tendered indicate that a second panellist would constantly loose out to Custom Fleet under a competitive quotation regime. In these circumstances it would be considered unjust to the second supplier to proceed with a panel arrangement.
- Custom Fleet has offered a significant concession if they are awarded sole supplier status - they will allow two penalty-free before end of lease vehicle returns per annum. This will provide greater flexibility in management of the vehicle fleet, particularly in relation to swapping larger vehicles for smaller, more fuel efficient vehicles.
- Although Summit Fleet Leasing scored higher for Fleet Management Services, their overall price for both Vehicle Leasing and Fleet Management combined was significantly higher than Custom Fleet. The Custom Fleet offer for these services also has the advantage of offering a greater variety of reports, on-line access for ordering and reports, a more flexible fuel card arrangement and the “Drive Lightly” program.

#### **9. Triple Bottom Line Checklist**

- Environmental – The vehicle fleet accounts for < 4% of Council’s total greenhouse gas emissions. The amount of greenhouse gas emitted by Council through its vehicle fleet is mostly related to vehicle selection which is out of the control of the vehicle lease contractor. Whilst the emissions of Council’s vehicle fleet are offset by our yearly subscription to Greenfleet, the Drive Lightly program offered by Custom Fleet can track the fleet’s carbon footprint and provide on-line training to drivers to promote fuel reduction techniques and safer driving.
- Social - Not applicable.
- Financial – The offer submitted by Custom Fleet represents the best value for money total solution for Council.

#### **10. Summary and Conclusion**

As a result of public tender action, the evaluation panel has recommended that Custom Fleet be accepted as the supplier of Leased Vehicle and Fleet Management Services to Council on a sole supplier basis as this company has submitted the lowest overall price for the combined services, has offered significant advantages relating to the services over the other offers received and, being the current supplier, is considered the lowest risk solution.

**11. Proposed Action**

That Contract No. 08/59 for provision of Vehicle Leasing and Fleet Management Services be awarded to Custom Service leasing Pty Ltd, trading as Custom Fleet, for a period of three years commencing on 1 December 2008 for an estimated total cost of \$2.35m (incl. GST).

That the two one year extension periods be delegated to the Chief Executive Officer subject to satisfactory performance and prices over the first 3 years of the tender period.

*Confidential Attachment*

**Crs Alabaster/Ronke**

That the recommendation be adopted.

**Carried**

**12. Notices of Motion**

There were no notices of motion.

**14. Urgent Business**

**Crs Petchey/Ronke**

That an item with respect to the proposed Remembrance Garden be considered as an item of Urgent Business

The motion was put and **carried**.

**Crs Petchey/Ronke**

“That Council support the concept of a remembrance garden at Edithvale Common and that Council looks forward to consulting on the concept plan with the community.”

The motion was put and **carried**.

**15. Items in Camera**

There were no items dealt with in camera.

There being no further business, the meeting closed at 9.40pm.

**Confirmed ..... His Worship The Mayor 24 November 2008**