City of Kingston  
Ordinary Council Meeting  
28 July 2008

An Ordinary Meeting of Kingston City Council was held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 28 July 2008.

1. Apologies
2. Confirmation of Minutes of Previous Meetings
   Minutes of Special Council Meeting 7 July 2008.

3. Declaration by Councillors or Officers of any Interest or Conflict of Interest
4. Petitions

5. Presentation of Awards
   Mayor Cr Bill Nixon advising the meeting of the “Friends of Mentone Station and Gardens Inc” receiving a Judges Commendation for Community Government Partnership from Keep Australia Beautiful for ‘Sustainability of the Mentone Station Precinct’.

6. Reports from Village Committees
   Recommendations from the July cycle of meetings are enclosed. 

7. Reports from Delegates Appointed by Council to Various Organisations

8. Corporate Services Reports
   K 101 Draft Annual Report of the Chairman of the Audit Committee Page 6
   K 102 Appointment of Councillor to Audit Committee Page 11

9. Environmental Sustainability Reports
   K 103 Town Planning Application Decisions June 2008 Page 12
   K 104 43 – 45 McLeod Road Carrum, Amendment C80 Page 13
   K 105 Northern Non – Urban Area Framework Plan Page 26
   K 106 Stanley Street Ave, Cheltenham Page 44
   K 107 VCAT Failure Appeal - KP904/07 Planning Report 17 Collocott St, Mordialloc Page 49
   K 108 Mordialloc Shopping Precinct Special Charge Page 70
   K 109 Vegetation Vandalism Signs - Mordialloc Page 75
   K 110 Draft Coastal Management Plan Page 78

10. Community Sustainability Reports
    K 111 2008/2009 Community Grants Program – Funding Allocations Page 81
    K 112 Walter Galt Master Plan Page 87
    K 113 Bonbeach Reserve Master Plan Page 90

11. Organisational Development and Governance Reports
    K 114 Naming Proposal – “The Horse Paddock” Mordialloc Page 94
    K 115 Quarterly Reports to Council & Community Plans – June Quarter Page 96

12. Notices of Motion
13. Question Time Page 24
14. Urgent Business
15. Items in Camera
Minutes of the Ordinary Meeting of the Kingston City Council held at the Cheltenham Office at 1230 Nepean Highway, Cheltenham, on Monday, 28 July 2008 at 7.00pm.

**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
- Caroline Kinnear – Acting General Manager, Organisational Development and Governance
- Michael Petit – Manager Communications and Promotions
- Michael Fry – Team Leader Council Business

1. **Apologies**

Nil.

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

   **Crs West /McKeegan**

   That the minutes of the Ordinary Council Meeting held on 23 June 2008 and the special Council Meeting on 7 July 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**

   Cr Petchey declared an interest in relation to agenda items K110, as she is a foreshore resident, and K111, with respect to the Yarrabah School, Chelsea Community Support Services and Mordialloc Brass Band.

   Cr West declared an interest in relation to agenda items K105, as she is the co-ordinator of the Green Wedge Coalition, but not in relation to the City of Kingston, and K110, as she is a foreshore resident.
The Mayor, Bill Nixon, declared as interest in K111, with respect to the Mordialloc Community Centre, Central Bayside Community Health Services and St Vincent de Paul Society.

4. Petitions

Nil.

The Mayor Cr Bill Nixon advised that question time would close at 7.30pm and that questions would be considered following consideration of agenda item K102.

5. Presentation of Awards

Mr Gary Stanley, on behalf of the Friends of Mentone Station and Garden Inc., presented to the Mayor, the Judges Commendation the group received in relation to the Community Government Partnership, at the Keep Australia Beautiful 2008 4th Annual Sustainable Cities Awards, with respect to the ‘Sustainability of the Mentone Station Precinct’ project.

Mayor Cr Bill Nixon received the Judges Commendation on behalf of the City of Kingston, commending the work done by the Group.
6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6(a) Cheltenham Village Committee
Chairperson-John Natoli
Report of Meeting held on 8 July 2008

Highlight: Nil

6(b) Mordialloc Village Committee
Chairperson-Andrew Gustke
Report of Meeting held on 8 July 2008

Highlight: The Horse Sculpture

6(c) Mentone/Parkdale Village Committee
Chairperson-Dorothy Booth
Report of Meeting held on 8 July 2008

Highlight: The promotion of the Village Committees to create community interaction

6(d) Dingley/Heatherton Village Committee
Chairperson-Bruce Reynolds
Report of Meeting held on 9 July 2008

Highlight: Nil

6(e) Chelsea/Chelsea Heights/Bonbeach Village Committee
Chairperson-Nigel McGillivray
Report of Meeting held on 9 July 2008

Highlight: Exit from Netball Courts

6(f) Patterson Lakes/Carrum Village Committee
Chairperson-Glen Baker
Report of Meeting held on 9 July 2008

Highlight: Redevelopment of the Patterson Lakes Community Centre and Library.

6(g) Moorabbin/Highett Village Committee
Chairperson-Ian Shearer
Report of Meeting held on 10 July 2008

MB22 Right Turning Lane and Arrows - Keys Road / Chesterville Road Intersection
This Committee is extremely disappointed at the reply regarding the Keys Road / Chesterville Road intersection and in particular the decision not to install right-turning arrows for South and North bound traffic in Chesterville Rd. It appears to the Committee that whoever is making the recommendations has not experienced the delays and problems that we have in using this intersection, particularly at peak hour.

Committee Recommendation
The Committee resolved that Council make stronger representation to VicRoads to determine just what sort of investigation has taken place for them to arrive at their decision. The Committee requests that VicRoads should re-investigate this intersection, especially at peak hour.

Officers Comment
The concerns of the Village Committee are understandable and supported. Council officers meet regularly with VicRoads to work through road and traffic management issues. This intersection will be listed for detailed discussion on the issues raised by the Village Committee and a report on the outcome will be presented to the August Village Committee meeting.

Ian Shearer, on behalf of the Moorabbin / Heatherton Village Committee, presented this item to the Council.

<table>
<thead>
<tr>
<th>Crs Alabaster/West</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council officers meet with VicRoads and report back to the August Village Committee meeting.</td>
</tr>
</tbody>
</table>

Carried

6(h) Aspendale/Edithvale/Aspendale Gardens Village Committee
Chairperson- Kevin Griffiths
Report of Meeting held on 10 July 2008

Highlight: Progress on resolving long standing traffic management issues.

7. Reports from Delegates Appointed by Council to Various Organisations

Cr West reported on the meetings with the Victorian Local Governance Association and the Metropolitan Transport Forum.

The Mayor Cr Bill Nixon thanked Cr West for her reports.
K 101 Draft Annual Report of the Chairman of the Audit Committee

Author: Ray Liggett, Chairman

Introduction

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

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

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

1. The enhancement of the credibility and objectivity of internal and external financial reporting;

2. Effective management of financial and other risks and the protection of Council assets;

3. Compliance with laws and regulations as well as use of best practice guidelines;

4. The effectiveness of the internal audit function; and

5. The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

Membership

The membership of the Audit Committee during the reporting period was:-

<table>
<thead>
<tr>
<th>Name</th>
<th>Qualifications</th>
<th>Role</th>
<th>Period</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Ray Liggett</td>
<td>BSc, MBA</td>
<td>Independent Member &amp; Chair</td>
<td>July 2007-June 2008</td>
<td>4 of 5 meetings</td>
</tr>
<tr>
<td>Mr Hugh Parkes</td>
<td>BA, MBA, FCA, CISA</td>
<td>Independent Member</td>
<td>July 2007-June 2008</td>
<td>5 of 5 meetings</td>
</tr>
<tr>
<td>Mr Claude Baxter</td>
<td>BA, MA</td>
<td>Independent Member</td>
<td>July 2007-June 2008</td>
<td>5 of 5 meetings</td>
</tr>
<tr>
<td>Cr Topsy Petchey</td>
<td>Mayor, Councillor</td>
<td>Internal Member</td>
<td>July 2007-November 2007</td>
<td>2 of 2 meetings</td>
</tr>
<tr>
<td>Cr Bill Nixon</td>
<td>Mayor, Councillor</td>
<td>Internal Member</td>
<td>July 2007-June 2008</td>
<td>4 of 5 meetings</td>
</tr>
<tr>
<td>Cr Justin McKeegan</td>
<td>Deputy Mayor, Councillor</td>
<td>Internal Member</td>
<td>December 2007-June 2008</td>
<td>0 of 3 meetings</td>
</tr>
</tbody>
</table>

Meetings

The Audit Committee have met on 5 occasions in 2007/08:-
• 23 August 2007
• 18 September 2007
• 18 December 2007
• 18 March 2008
• 17 June 2008

2007/08 Review
I am pleased to report that Kingston has in place a strong Audit Committee that has in 2007/08 undertaken a thorough and comprehensive review of many of Council’s higher risk profile systems and processes. It has also continued to oversee the activities of Council’s contracted Internal Auditor and External Auditor who is appointed by the Auditor-General.

The activities of 2007/08 have been guided by the Strategic Internal Audit Plan which over a rolling three year period continues to examine higher risk areas of Council’s operations to give a level of assurance that Council’s stewardship of the Kingston community’s assets is maintained at the highest level.

Below are some detailed comments on how the Audit Committee has responded to its Charter. This is primarily achieved through the consideration of reports that are provided by both Management and the Internal Auditor, and monitoring the effectiveness of the Internal Audit program.

1. The enhancement of the credibility and objectivity of internal and external financial reporting.

To achieve this outcome the Audit Committee considered and commented on the following reports:-
• Consideration of Draft 2006/07 Financial Statements (August 2007);
• 2006/07 Annual Accounts progress (September 2007);
• 2006/07 Annual Accounts Management Letter Review (December 2007);
• 2007/08 Auditor General’s Engagement Letter (June 2008);
• 2007/08 Annual Accounts Timetable (June 2008);
• 2007/08 Annual Accounts Audit Work Plan/Audit Strategy (June 2008);
• Draft 2008/09 Annual Budget (June 2008); and
• Draft 2008/09 Council Plan (June 2008).

2. Effective management of financial and other risks and the protection of Council assets.

To achieve this outcome the Audit Committee considered and commented on the following reports:-
• Internal Audit: Follow up of selected high risk matters (September 2007 and June 2008);
• Internal Audit: Rates Revenue (September 2007);
• Internal Audit: Property Portfolio Report (September 2007);
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- Internal Audit: Access Care Southern Review (December 2007);
- Delegations Framework (December 2007);
- Internal Audit: Capital Works Management (March 2008);
- Purchasing Policy (March 2008);
- Auditor General’s Report into Local Government (March 2008);
- Internal Audit: Maternal & Child Health (June 2008);
- Corporate System Replacement Progress Report (Each Meeting);
- Internal Audit Progress Report (Each Meeting); and
- Status of Internal Audit Recommendations (Each Meeting).

3. Compliance with laws and regulations as well as use of best practice guidelines;

To achieve this outcome the Audit Committee considered and commented on the following report:-

- Internal Audit: Building Safety Compliance and Essential Safety Measures (March 2008); and
- Workcover Management (June 2008).

4. The effectiveness of the internal audit function;

Council’s current Internal Auditors are WHK Horwath (following a name change from WHK Day Neilson in December 2007) who have extensive experience in the Local Government sector, both as Internal and External Auditors at other municipalities.

WHK Horwath commenced their contract in August 2005 for a three year period. Upon commencement of this contract, in consultation with Senior Management at Council, an organisational risk assessment was undertaken. This formed the basis of the triennial Internal Audit Strategic Plan, which is reviewed by Internal Audit and Management and then adopted by the Audit Committee annually. The Internal Audit program that the Committee has overseen is in place to assist both Council and Management to achieve sound control over all Council activities. Internal Audit is not involved in the day to day internal transaction checking but provides an independent and objective assurance that the appropriate processes are in place.

Prior to accepting each report submitted by the Internal Auditor, the Committee examines the recommendations made in each report and management’s comments thereon.

To enable the Committee to closely monitor the implementation of Management’s agreed actions to address the recommendations contained in the Internal Auditor’s reports a progress report from Management is provided to each meeting. It is particularly pleasing that during the year a large number of actions, including some very long standing ones have been completed by management. Management’s focus on them is acknowledged and appreciated.
The three year appointment of WHK Horwath is due to end in June 2008 and Council has conducted a tender process to select a contractor for the next 3 years and an appointment will be made shortly.

5. **The provision of an effective means of communication between the external auditor, internal audit, management and the Council.**

Council’s current External Auditor is the Victorian Auditor-General. The Auditor-General has elected to contract this activity for 2007/08 to Mr Mark Strickland of RSM Bird Cameron. Mr Strickland is responsible for providing a recommendation to the Auditor-General that the Annual Financial Statements of Council present fairly and in accordance with applicable Accounting Standards. Representatives of RSM Bird Cameron met with the Audit Committee during June to brief the Committee on how he would be conducting the annual audit. It is usual practice to meet again with Mr Strickland in August to allow him to report on the findings of his examination of Council’s financial records. It is normal practice for the External Auditor to review the Internal Audit program to better understand the internal control framework that exists at Council.

I feel that the above comments clearly demonstrate to Council that the Audit Committee has discharged its responsibilities to Council as set out in the Audit Committee Charter.

**Accountability**

In addition to this annual report, the Audit Committee provides the minutes of each of its meetings to Council’s Ordinary Meetings. Whilst the Committee has two Councillors as members, I also welcome any opportunity for further interaction with the other elected representatives.

**Acknowledgements**

I would like to acknowledge the professionalism and participation of all the members of the Audit Committee. The level of discussion on matters brought before the Committee have been of a very high standard, which I believe have resulted in tangible benefits to the community, Council and Council officers. The Committee has also greatly benefited from the contributions of the Councillor Committee Members who bring significant local knowledge and local community experience to the meeting table.

I also wish to record my appreciation of the work undertaken by Council staff in supporting the work of the Committee including the commitment and involvement of the Chief Executive Officer, Mr John Nevins with the Audit Committee.

**Conclusion**

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

**Recommendation**

That Council note the contents of the 2007/08 Annual Report on the activities of the Audit Committee.
Mr Liggett, Chairman of the Kingston City Council Audit Committee, attended the meeting to present the Audit Committee’s annual report.

**Crs Petchey/Ronke**

That the recommendation be adopted.  

Carried

The Mayor, on behalf of the Council, thanked Mr Liggett for his presentation and his efforts on behalf of the City, and requested that he pass on the thanks of the City to his fellow external members of the Audit Committee.
K 102  Appointment of Councillor to Audit Committee

Author:  John Nevins, Chief Executive Officer

1. Purpose

The purpose of this report is to recommend the appointment of a replacement Councillor to the Audit Committee following the resignation of Cr Justin McKeegan.

2. Background

Cr McKeegan has tendered his resignation from Council’s Audit Committee effective from 18 July 2008. At the Statutory Meeting of Council held on 6 December 2007, Cr Alabaster was nominated as Council’s substitute nominee to the Audit Committee. Accordingly it is appropriate for Cr Alabaster to be appointed to the Audit Committee to the end of the current Council term.

3. Issues

No issues are evident that should be brought to the attention of Councillors

4. Options

This is a compliance and governance matter and the appointment is in accord with the Audit Committee Charter.

5. Triple Bottom Line

5.1 Social

No Social implications.

5.2 Environment

No environmental implications.

5.3 Economic

No economic implications.

6. Recommendation

That Cr Alabaster be appointed as a Councillor of the Audit Committee for the remainder of this Council term.

Crs McKeegan/Athanasopoulos

That the recommendation be adopted.  Carried
K 103 Town Planning Application Decisions – June 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 June 2008.

A summary of the decisions is as follows:

<table>
<thead>
<tr>
<th>Type of Decision</th>
<th>Number of Decisions Made</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Permits</td>
<td>114</td>
<td>88</td>
</tr>
<tr>
<td>Notice of Decision</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Refusal to Grant a Permit</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Other - Withdrawn (1)</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>- Prohibited (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Permit not required (3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Lapsed (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>129</td>
<td>100</td>
</tr>
</tbody>
</table>

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

Crs Ronke/Alabaster

That the recommendation be adopted. Carried
1. Purpose

At its Ordinary meeting on August 27th 2007, Council resolved to make a request to the Minister for Planning to authorise the preparation of Amendment C80 to the Kingston Planning Scheme and planning permit application KP841/06 and subsequently place the amendment and planning permit application on public exhibition, pursuant to the requirements of the Planning and Environment Act 1987. Amendment C80 and planning permit application KP841/06 to the Kingston Planning Scheme have been exhibited and six (6) submissions were received.

This report considers the submissions received and recommends that Council request the Minister for Planning appoint an Independent Planning Panel to further consider and report on the merits of the combined Amendment and Planning Permit Application.

2. The amendment/permit application

The proposed amendment and planning permit application were received from Budget Drafting Service on behalf of the owners of the property at 43 – 45 McLeod Rd, Carrum.

2.1 The proposed amendment

The proposed amendment seeks to rezone land at 43 – 45 McLeod Road, Carrum from an Industrial 3 Zone to a Residential 1 Zone with an Environmental Audit Overlay. The amendment facilitates a two-storey development consisting of sixteen (16) apartments and basement car parking. The amendment also seeks to make changes to the maps in Clause 21.05 ‘Residential Land Use’ by including the above-mentioned land within the ‘Increased Housing Diversity Area’ and Clause 21.07 ‘Industrial Land Use Framework Plan’ by removing the subject site from the framework plan.

Council’s Municipal Strategic Statement and Local Planning Policy Framework outline a number of objectives concerning residential land use within the municipality.

The objectives (as relevant to this proposal) include:

- To provide a range of housing types across the municipality to increase housing diversity and cater for changing housing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of change.
To encourage increased residential densities and a wider diversity in housing types and size in areas which are within convenient walking distance of public transport and activity centres.

Overall, the MSS seeks to promote medium density housing around activity centres, promote a range of dwelling types, and to promote medium density housing which is respectful of its neighbourhood character.

Given the proposed sites’ location, it has minimal amenity impact on the surrounding properties as it has one residential interface to the north of the site and abuts roads to the other three interfaces. If the land were to be rezoned to a Residential 1 Zone it would be considered that this parcel of land could provide for the purposes encouraged under this zone.

2.2 The planning permit application

The planning permit application for the property at 43 – 45 McLeod Road, Carrum seeks approval for the development of a two-storey building consisting of sixteen (16) apartments. The development proposes a mix of apartment sizes with nine (9) apartments having one (1) bedroom, six (6) apartments with two (2) bedrooms and one (1) apartment with three (3) bedrooms.

At its highest point the development is proposed to be 10.106 metres. Existing surrounding developments such as the CFA building complex and the residential development fronting Tennyson St and Launching Way, Carrum, have similar building heights.

Each apartment is proposed to have car parking provided at basement level with six (6) visitor car parks to make a total of twenty-three (23) car parking spaces in the basement, with access to the car park off Melaleuca Drive. On site turning space is also available in the car park to enable all vehicles to exit the basement in a forward motion.

2.3 Subject site and surrounds

The subject site is located at the corner of McLeod Rd and Melaleuca Dr, Carrum approximately 500 metres from Carrum Train Station. The land at 43-45 McLeod Road, Carrum is currently used and developed for the purposes of industrial uses primarily focused on automotive trades. The site was developed with its current buildings in the 1960’s. The site abuts a residential property to the north and Launching Way to the west, McLeod Road to the south and Melaleuca Drive to the north-east. The subject site is 1832.11 m² with a depth of approximately 40 metres from the rear boundary to the McLeod Rd footpath.

The site is located in a residential area zoned Residential 3 Zone. Properties are zoned Residential 1 to the west of the site and properties are zoned Residential 3 to the east. To the south-east of the site (other side of McLeod Road) are single storey detached dwellings and McDougall Reserve, and to the west is a road providing access to Patterson River boat launching facilities and the volunteer coastguard. Further to the
west of the site exists a CFA fire station and a multi-dwelling development. (See Attachment 1)

3.0 Policy Context

3.1 State Planning Policy Framework

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

- Clause 16.02 – ‘Medium Density Housing’ by providing well designed medium density housing.
- Clause 18.02 – ‘Car Parking and Public Transport Access to Development’ by locating medium density development close to public transport.
- Clause 19.03 – ‘Design and built form’ by providing a development that responds to neighbourhood character and provides for a range of housing needs.

3.2 Local Planning Policy Framework

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

- Clause 21.05-3 ‘Residential Land Use’ Objective 1 by amending the Residential Framework Plan map to include the site within the increased diversity area to cater for diverse housing types across the municipality for current and future populations.
- Clause 21.07-3 ‘Industrial Land Use’ Objective 5 by redeveloping smaller pockets of industrial land located within residential areas for innovative residential or mixed use development.
- Clause 22.11 – ‘Residential Development Policy’ by addressing built form, siting and scale of development, as well as car parking and vehicle access.

3.3 Ministerial Direction No. 1

Ministerial Direction No. 1 seeks to ensure that potentially contaminated land is suitable for sensitive uses, which could be considered should the Amendment be approved. The Direction requires that the planning authority include in the amendment a requirement to the effect that before a sensitive use commences or
before the construction or carrying out of buildings or works in association with a sensitive uses commences:

- A certificate of environment audit has been issued for the land in accordance with Part IXD of the Environment protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of the Act that the environmental conditions of that land are suitable for the sensitive use.

In order to comply with this direction it is proposed to place an Environmental Audit Overlay over the site which may be removed once the above is satisfied.

### 3.4 The City of Kingston Industrial Strategy Final Draft 2005

The City of Kingston Industrial Strategy 2005, identified the subject site as one of the last existing small industrial precinct areas within Kingston. The Strategy suggests that a review of the zoning of this site should occur to consider the most appropriate long-term use for the site as the strategy does not identify this site as critical to its long term industrial strategy.

### 4.0 Exhibition and Submissions

#### 4.1 Public Exhibition

Amendment C80 was placed on public exhibition for a period of one month between 24 April 2008 – 26 May 2008. Notice was given as follows:

- Notice of the amendment was published in the Victorian Government Gazette on 24 April 2008.
- Notice of the amendment was published in the Mordialloc Chelsea Leader on 28 April and 12 May 2008 and also in the Chelsea Independent on 29 April and 13 May 2008.
- Direct notification was sent via ordinary mail to adjoining and surrounding landowners and occupiers.
- Notices were erected on the effected sites.
- The amendment and planning permit application plans were made available at the Chelsea Library, Cheltenham Planning Counter and online at [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au).

#### 4.2 Submissions received

During the exhibition of the amendment a total of six (6) submissions were received. Three (3) of the submissions were received from referral authorities, two (2) which raised no objection to the amendment, with the other opposing the rezoning.
A summary of the submissions received are provided in the table below:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Summary of Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Submitter 1</td>
<td>• No objection</td>
</tr>
<tr>
<td>2</td>
<td>Submitter 2</td>
<td>• No objection</td>
</tr>
<tr>
<td>3</td>
<td>Submitter 3</td>
<td>• Does not object to the site being developed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Traffic flow and safety concerns with the ingress and egress point onto Melaleuca Drive.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Does not comply with Clause 22.05 ‘high levels of amenity’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Believes the proposal does not display sensitivity to the existing residential area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Insufficient number of parking spaces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Not in character with Melaleuca Drive.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Design is not innovative (Clause 21.05-4)</td>
</tr>
<tr>
<td>4</td>
<td>Submitter 4</td>
<td>• 16 apartments is too much for the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 23 Car parks is not enough for the proposal.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Object to the access point being at Melaleuca Drive.</td>
</tr>
<tr>
<td>5</td>
<td>Submitter 5</td>
<td>• Supports the amendment</td>
</tr>
<tr>
<td>6</td>
<td>Submitter 6</td>
<td>• Objects to the proposed rezoning into a residential zone for the land owned by Melbourne Water.</td>
</tr>
</tbody>
</table>

5.0 Discussion of Submissions received

The following is a discussion around the main issues raised in submissions to combined Amendment C80 and Planning Permit Application KP841/06 to the Kingston Planning Scheme.

Traffic flow and safety concerns with ingress & egress points at Melaleuca Drive

VicRoads, have advised Council that they do not support an ingress and egress access point on McLeod Road. The reason for this is that access to the basement car park from McLeod Road would increase the conflict point, thus creating a dangerous situation for road users. Hypothetically if the access point was put on McLeod Road there will be 3 major stopping points in the space of 75m, and VicRoads want to minimise these conflict points. As the site is a corner block VicRoads believe the best place to put the ingress and egress points is in Melaleuca Drive.
The plans provide sufficient space for 2 cars to pass at the access point so there will not be any stationary vehicles in the street with relation to the basement car parking off Melaleuca Drive.

Does not comply with Clause 21.05 – residential amenity

Council Officers met with Budget Draft Services before the exhibition phase to discuss the following concerns with the proposed design of the building. The following objectives set out in Clause 21.05-3 were the areas of concern that officers wished to address:

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.

The building proposal did also not meet the following objectives in Clause 22.11-2:

To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the City of Kingston Neighbourhood Character Guidelines - February 2003.

To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.

The following changes were recommended by Council Officers to enhance the development and built form of the proposed development:

• Explore an alternative roof design to ensure that the development is more consistent and responds to the surrounding neighbourhood character and built form found within the immediate area.

• Incorporate an individual access point to each dwelling on ground level that fronts McLeod Road and Melaleuca Drive. Ensure that each dwelling on ground floor level has its own sense of address and integrates with the street frontage. A front gate also be included for each dwelling, which would further assist in ensuring that the proposed development links and corresponds with its frontage.

• Look at different visual variations to make the development individual to its apartment number.

Some minor changes were made to the height of the skylight on the roof, however the other concerns raised were not addressed by the applicant. It was considered that the concerns could be included as condition 1 requirements of the permit. The permit was exhibited as part of the combined amendment and permit application process and the conditions are considered to ensure that the development meets Clause 21.05.
Insufficient number of car parking spaces

The proposed development meets the requirements of Standard B16 of Rescode. The development requires 17 spaces for the nine (9) apartments having one (1) bedroom, six (6) apartments with two (2) bedrooms and one (1) apartment with three (3) bedrooms and a further 4 spaces for visitors and an area for bicycle storage facilities. When analyzing these car parking figures against Clause 55.03 – Standard B16 which states:

- One space for each one or two bedroom dwelling.
- Two spaces for each three or more bedroom dwelling, with one space under cover.
- Developments of five or more dwellings should provide visitor car parking of one space for every five dwellings.
- In developments of five or more dwellings, bicycle parking spaces should be provided.

Based on the above the minimum car parking this development needs to provide is a total of twenty-one (21) car spaces. This development proposes to have twenty-three (23) spaces which exceeds the minimum requirement. Also with regards to the bicycle parking spaces the development proposes to have 2 areas for bicycles which exceeds the minimum requirements.

Accordingly the development is considered to comply with the provisions of the Kingston Planning Scheme in relation to car parking.

Design is not innovative

As discussed earlier in this section of the report, Council Officers requested that changes be made to the design of the building to better reflect the neighbourhood character of the area and to create less visual bulk. A submission stated that the development is not innovative and does not meet the requirements of an implementation strategy in Clause 21.05-4. The proposed Condition 1 as outlined in the draft permit is considered to sufficiently provide for the concerns outlined in the submissions.

16 apartments is too much for the site

The proposed development meets the requirements of Standard B8 – site coverage objective of Rescode, which states that the maximum site coverage should not exceed 60% if there is nothing is specified in the schedule to the zone (in this case the Residential 1 Zone). The proposed development has an overall building site coverage of 53.69%.

The proposed development meets the requirement of Standard B21, due to the placement of the proposed development on the site, its setbacks, lot orientation and its three road frontages the development does not overshadow the rear properties open space at any time during the day.
The proposed development also meets the requirements of Standard B28 – private open space objective of Rescode, with all minimum requirements exceeded by the proposal with relation to ground floor and first floor private open space objectives.

The amendment proposes to rezone the land to a Residential 1 Zone and include in the area nominated an ‘Increased Housing Diversity Area’ on the Residential Land Use Framework Plan at Clause 21.05 to the Local Planning Policy Framework. Council’s Residential land Use Framework states that ‘the intention in these areas is that new medium density housing comprising of a variety of housing types and layouts will be promoted responding to the established and evolving urban character.

The Residential Land Use Framework also promotes the development of a range of housing types including medium density housing on large residential opportunity sites, particularly where the sites have good access to public transport and other facilities. Bus services run past the site along McLeod Road, and the site is also within 600 metres of the Carrum train station.

The development is not considered to be an overdevelopment of the site.

6.0 Changes to the Proposed Amendment

Council received a late submission from Melbourne Water regarding the proposed rezoning of the subject site. As pointed out by Melbourne Water there has been a zoning anomaly within the planning scheme and a piece of their land has been zoned Industrial 3 Zone along with the existing industrial operations.

Melbourne Water objects to the rezoning of this land to a Residential 1 Zone as Melbourne Water does not support residential development in the area of Melbourne Water owned land due to the proximity of an underground drain (Whetley's Drain 016/63).

Melbourne Water believe that it is appropriate to rezone this land to a Public Use Zone. Council Officers support this recommendation as it will correct and existing zoning anomaly within the Kingston Planning Scheme and place the Melbourne Water owned land into a more appropriate zone for them to govern.

The proposed change is shown in Attachment 2.

7. Options

Section 22 of the Planning and Environment Act (1987) requires that Council ‘must consider all submissions,’ a process which Council has worked through as outlined in this report. Under Section 23 of the same Act, Council is then required to make a decision regarding whether to, and if so how to proceed with the Amendment. In this instance it is felt appropriate, that the proposed amendment and submissions received should be the subject of further consideration by an Independent Panel appointed by the Minister for Planning.
8.0 Conclusion

Through the public exhibition period six (6) submissions were received in relation to combined Planning Scheme Amendment C80 and Planning Permit Application KP841/06, 2 of which raised no objection to the proposal. The issues outlined in the submissions were primarily related to the potential amenity impact of the development traffic caused by the development, the access point for the basement car parking and the amount of apartments on the site.

The proposed amendment and planning permit application are considered to appropriately respond to ResCode and Council’s local planning policy framework and the state planning policy framework.

Recommendation

1. That Council, as Planning Authority, request the Minister for Planning to appoint an Independent Planning Panel to convene and consider combined Amendment C80 and planning permit application KP841/06 to the Kingston Planning Scheme.

2. That all submissions received in respect to combined Amendment C80 and planning permit application KP841/06 be referred to the Panel for further consideration.

3. That all submitters to combined Amendment C80 and planning permit application KP841/06 be advised in writing of resolutions 1 and 2 above.

Crs McKeegan/Ronke

That the recommendation be adopted.  

Carried
13. **Question Time**

**John Noseda** asked the following question regarding the Stanley Avenue Parkland:

‘Can you please explain the purpose of an “Open Space Levy” paid by developers?

Is it true that the revenue raised by these levies are to be spent on developing open space within close proximity of the development?

Is the Quest Apartment development in Station Road charged this “Open Space Levy”?

The Chief Executive Officer advised that the money collected through open space contributions, as part of planning permit conditions, is “quarantined” and directed to acquisition of open space and open space improvements within the municipal district. With regard to the Quest Apartment development, it is believed that was the case, however the General Manager Environmental Sustainability, Tony Rijs, will confirm the details and contact Mr Noseda on Tuesday, 29 July 2008.

**Andrew McIntosh** asked the following question regarding mud on Kingston and Old Dandenong Roads:

“When will the Council take responsibility of the mud on Kingston Road (and Old Dandenong Road) and the height excess on Transpacific Site in Heatherton”

The Chief Executive Officer advised the meeting that Council is actively pursuing measures to reduce the level of mud on Old Dandenong Road by:

- Working with tip operators to improve practices on site; and
- Increased level of street sweeping.

It is Council’s understanding that the levels at the Transpacific site are in accordance with planning conditions, however this will be verified.

**Ken Carney** asked the following question on the amount of acreage to be added to green wedge

“Can Council assure the community that an equal number of suitable adjoining hectares will be added to the Green Wedge to off-set the hectares lost by the proposed changes to the current green wedge boundaries?

The Green Wedge should remain the same number of hectares if change is necessary.

The Chief Executive Officer advised that the purpose of the report is to examine the area north of Kingston – Heatherton Roads. He advised that this matter is the subject of report number K105 on tonight’s agenda.”
Ken Carney asked the following question regarding the Green Wedge:

“Can Council explain why an alternative plan to protect and improve the existing Green Wedge has not been prepared as an alternative for community consideration alongside the plan that Council is considering tonight.”

The Chief Executive Officer advised that the plan presented at tonight’s meeting is the culmination of more than two year’s work and is based on detailed assessment of the area north of Kingston – Heatherton Roads, which largely consist of landfills and sandpits.

The brief to Council officers was very clear to make recommendations that would enable the land in this area to make a positive contribution to the Municipality rather than continue in its degraded state.

The current planning controls with respect to this land do not encourage its progressive rehabilitation.

Brian Pullen advised that recently Council briefed Counsel to oppose the granting of a permit for a Concrete Crusher in Kingston Road, Clarinda. Does not the proposal and the map – Attachment 1 – re agenda item K 105, conflict with Council’s action in opposing the application for a concrete crusher?

The Chief Executive Officer advised that there is no conflict, and that the draft plan is based on detailed strategy to control the future redevelopment of degraded sites.

A comprehensive proposal must be prepared for any future development proposal which will include the potential to improve the amenity of the area.
K105  **Draft Northern Non Urban Area Framework Plan**

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

**Author:**
Jonathan Guttmann – Manager, Strategic Planning and Building  
Luke Connell – Strategic Planner

1. **Purpose of Report**

The purpose of this report is to provide Council with an overview of the recent work and public consultation undertaken by Council Officers with the key stakeholders and wider community in the area north of Kingston/Heatherton Road. This report follows the previous report to Council on the 24 September 2007, which provided an overview to previous work and consultation conducted prior to the draft Northern Non Urban Area Framework Plan [the framework plan].

The report recommends that Council commences modifications to the City of Kingston’s Northern Non Urban Area Framework Plan in order for the amended document to be represented to Council for formal adoption.

2. **Background**

The following steps have been undertaken in developing the draft framework plan:

The following resolution was passed by Council on 24th July, 2006

‘Request Officers to develop a strategy for engaging with the Heatherton, Clarinda and Clayton South communities which live in close proximity to the study area’, the following actions occurred:

*Community Briefing (1)*

A community information session was conducted with the residential communities to the north of the study area on the 12th October, 2006. This meeting provided an opportunity for Council Officers to explain the challenges faced within the planning area in relation to creating sufficient incentive to see land rehabilitated over the medium to long term. It also provided the opportunity for residents to state what they would like to see eventually achieved in this area.

*Community Briefing (2)*

The second community briefing held on the 26th October, 2006 involved the communities to the west and south of the subject area and took a similar format to the other meeting in relation to explaining the challenges faced within the study area. Given the immediate proximity of this community to the Delta Pty Ltd owned site, this meeting also heard from a Delta Representative regarding its plans for the land within its ownership.
The above consultation assisted in the formulation of the draft framework plan, however it is recognised that often significantly different views were reflected amongst interested individuals/groups. Equally the level of understanding regarding the challenges faced within the study area differed substantially between the varying groups.

The groups listed below were also consulted throughout this phase:

**Private Parties**

- A.J Baxter Pty Ltd
- Delta Pty Ltd
- Alex Fraser Group
- Representatives of the Regional Site (Municipalities of Boroondara, Whitehorse, Glen Eira, Monash and Stonnington)
- Cleanaway Pty Ltd
- Members of the Baguley Family
- Permit Applicant over the Baguley Land

At the time of these discussions a number of the above businesses were being purchased by Trans Pacific Industries (TPI).

**Representative Groups**

- Heatherton Land Owners Executive
- Heatherton R.A.I.D Inc
- Defenders of the South East Green Wedge

**Government Agencies / Departments**

- Parks Victoria
- Melbourne Water
- Environment Protection Agency
- Department of Sustainability and Environment

**Councillor Briefing 3\textsuperscript{rd} July, 2007**

More recently a briefing was provided to Councillors on the 3\textsuperscript{rd} July, 2007 to outline some of the emerging ideas Officers had developed for the study area. Following this meeting Councillors supported the Officers’ view that preliminary discussions should be held with key land holders prior to releasing a draft framework plan.

Council Officers subsequently met with the following parties:

- Alex Fraser Group
- Municipal representatives of the Regional Site
- Delta Group
- Members of the Baguley Site
- Transpacific Industries Pty Ltd
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- Parks Victoria  
- Environment Protection Agency  
- Department of Sustainability and Environment

The purpose of these meetings was to discuss the ideas which had been generated as part of the development of the draft plan.

Following the above consultation processes, Council Officers commenced the preparation of the draft structure plan.

**Council Meeting 24th September 2007**

The purpose of the report that went to this Ordinary Council meeting was to provide Council with an overview of the work recently done regarding the meetings with key stakeholders in the northern part of its non urban area. Secondly the report recommended that Council exhibit the draft framework plan for the component of Kingston’s Non Urban area north of Heatherton/Kingston Road.

Following the above resolution made at the Council Meeting on the 24th September 2007, the following processes have occurred:

**Consultation**

The draft Northern Non Urban Area Framework Plan was placed on public exhibition between the dates of the 15th October 2007 – 30th November 2007.

Public notices were placed in the Mordialloc Chelsea Leader on Monday 22nd October and in the Moorabbin Leader on Wednesday 24th October 2007. The notice sought public comment on the draft framework plan and also contained an invite to the information sessions that was held in November. A public notice was also placed in the “Kingston Your City” paper in the November edition.

A letter was sent to people that had attended previous information sessions, submitted to previous work relating to this topic, landowners and state government agencies. This letter also informed the recipients of the exhibition period for the draft framework plan as well as the information session.

The same information was also put on the City of Kingston’s website, and the website also contained the draft framework Plan. Copies of the framework plan were also left at the Clarinda and Warrigal Rd libraries.

**Information session November 8th 2007**

This information session was held at the Clarinda Community Centre and was attended by Councillors and Council Officers. The information session was set up to brief the community on the Northern Non Urban Area Framework Plan and was followed by a workshop style feedback session. During the session each table had the opportunity to respond to the following two questions:

- Please provide any comments your table has on the Draft Framework Plan
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- Please provide any additional ideas your table has to further improve the Draft Framework Plan

The tables proceeded to present their findings to the meeting, which were recorded by Council Officers as part of the feedback to the consultation process. The attendees of this session were also encouraged to put any other concerns they had in writing to Council. Approximately 100 people attended this meeting.

The main comments from the feedback session were:
- Community is happy Council is conducting a strategic plan for the area.
- Concerns around the current road network and traffic congestion.
- What are the large land parcels allowed to be zoned?
- No recycling plants.
- Potential storage of water for the parklands.
- Want more community facilities in the non urban area, aged care, BBQs & recreation.
- Want green space and more of it.
- Concerned about what the employment zone will look like.
- Support shared for cycling and walking paths through the Green Wedge.
- Public Golf Course.

3. Submissions

During the exhibition period following the above notification processes, a total of 30 submissions were received from landowners within the study area, community interest groups, residents of the surrounding area and state government agencies. The topics raised in the submissions related broadly to the direction of the draft framework plan and can be summarised as follows:

- Traffic concern in the existing road networks.
- Extent of tip sites.
- Position of the Urban Growth Boundary
- Extent of proposed future parkland
- Greater buffers around Spring Valley Golf Course
- Resource Recovery Precinct
- Appropriateness of the Employment Zone

A detailed summary of submissions has previously been circulated to all Councillors.

3.1 Traffic concern in the existing road networks

Most of the comment received in relation to submissions relating to traffic related issues was associated with congestion around Old Dandenong Road and Kingston Road. At present the first stage of the Dingley Freeway alignment has been constructed from Warrigal Road to Old Dandenong Road. Council is aware that the resultant effect of these works is that significant congestion is occurring during peak periods at the intersection of Old Dandenong Road and Kingston Road. As these roads are arterial roads, Council has reflected its concerns to VicRoads who are understood to be undertaking some immediate works to try and widen the above mentioned intersection to support greater vehicle capacity.
Council has, however, through its communications with the community and key stakeholders in relation to this issue, continued to reinforce the importance of the full implementation of the key recommendations relating to arterial road construction in this area. It is felt that the Kingston Traffic Study completed in May 2004 appropriately articulates the strategic road improvements required in this area.

**Comment:**

Although no modifications to the draft Framework Plan are recommended the concern of the community is noted through issues expressed in the submissions and it is considered appropriate that Council continues to raise the importance of implementing the outcomes of the Kingston Traffic Study with VicRoads.

3.2 **Extent of tip sites**

Residents have expressed concern in relation to the number of remaining land fill sites within the study area. In explaining this issue to the community through the draft Northern Non Urban Framework Plan, Council has sought to clearly communicate the timelines identified for the filing of the remaining sites. In addition Council has sought to reinforce that the zoning regime applied within the area has been used to reinforce the area’s historical extractive industry role.

Council Officers also consider it important that recognition is given to the draft Metropolitan Waste and Resource Recovery Strategic Plan (MWRRSP) given its release after the consultation period on the Draft Northern Non Urban Area Framework Plan. Council Officers believe it appropriate to adopt consistent naming conventions and schedule details as contained in the MWRRSP to ensure consistency between the documents. It is also considered necessary to update other components of the draft framework plan including the Waste Management Framework component given it presently refers to the earlier waste management plan.

Also importantly reinforced in a subsequent section of this report is the role the draft Northern Non Urban Area Framework Plan seeks to plan in encouraging the establishment of a precinct which actively seeks to divert waste from landfill which, to a degree, is contrary to some community expectations to have sites filled expeditiously. It is considered that the draft framework plan provides an appropriate balance between the required rehabilitation on previously extracted sites as well as recognising the environmental imperatives for waste minimisation into the medium to longer term.

**Recommendation:**

- That the Northern Non Urban Area Framework Plan be modified to make:
  - Changes which incorporate the same naming conventions (existing and identified sites) and timing for site filling as indicated in the draft Metropolitan Waste and Resource Recovery Strategic Plan; and
  - Changes being made to the sections of the draft Framework Plan where reference remains to the South East Waste Management Plan.
Council received a number of submissions concerned around the loss of the green wedge area or relocation of the Urban Growth Boundary. Throughout the consultation process Council Officers have sought to differentiate the area under investigation from other Green Wedge areas such as the Mornington Peninsula or Yarra Valley, where the positive visual attributes of these green wedges are clearly prevalent and have been undisturbed by extraction or land filling.

The consultation process has reinforced the legacy left through extensive extractive industry activity, the challenges associated with the potential end uses following land filling and the implications associated with strategic infrastructure elements like road reservations which exist in the study area. It is apparent that throughout the study area (north of Kingston/Heatherton Road) opportunities to support large scale farming, wineries or significant agricultural production are compromised as a result of the existing condition of the land or the existing land uses which are prevalent.

Council Officers remain of the view that in significant parts of the study area where the landscape has been blighted or is under threat of being blighted by further extractive industry, sufficient incentive needs to be provided to encourage rehabilitation. The areas where such incentives are considered most necessary are the areas generally located between Old Dandenong Road, Clayton, Victory and Kingston Road where the ‘planning future’ of much of this area is not defined by land acquisitions for parkland or other established activities. The draft framework plan identifies the following range of land uses already occurring in the identified ‘Enterprise Sites’ precinct:

- The substantive former Pioneer sand extraction and processing facility
- Virgin land which has not been extracted however is surrounded by extracted sites and land filling.
- Existing land filling operations between Leslie Road and Victory Road.
- A series of urban activities along Clayton Road including a Panel Beater, a substantial manufacturing business, a reception centre and scattered residential dwellings.
- A concrete batching facility on the corner of Clayton Road and Victory Road.

This precinct also contains the current proposal for a materials recycling and refuse transfer Station on Kingston Road that is the subject of a current Advisory Committee hearing prior to formal consideration by the Governor in Council.

It is apparent to Council Officers that given the above range of disparate activities, without sufficient incentive to provide for a co-ordinate approach to development within this precinct as identified in the draft framework plan, the following will be perpetuated:

- A continuation of a disjointed array of urban activities enjoying existing use rights along Clayton Road.
- No incentive provided to owners of sizeable extractive industry sites to pursue activities which if properly master planned could make substantive improvements to the visual presentation of the area.
It has been suggested in submissions that consideration be given to using former extractive industry sites to store water, which is something Council is presently investigating. Although this is a matter presently under consideration, it is considered that due to the environmental conditions of many of these sites, providing for such storage opportunities may be problematic. Further, preliminary indications are that any water stored would most likely be used for recreational and agriculture uses which are primarily located south of Kingston / Heatherton Road and as such would be better located in these areas should they be feasible. Importantly, Melbourne Water has reviewed the study area and identified two locations where some opportunities for retarding basins may be possible. These opportunities are reflected in the draft Framework Plan.

Some submitters have also suggested that by relocating the Urban Growth Boundary to Kingston/Heatherton Road, broader strategic opportunities such as the delivery of the Sandbelt Open Space Project may be compromised. Council Officers do not support this view given the extent of the ‘core parkland’ identified for Public Acquisition already in the planning scheme and also given other land ownership components of the core parkland are controlled by Council through its existing ownership (see Attachment 2). Despite this Council Officers have reconsidered these comments as identified in Attachment 1 and indicated how the Urban Growth Boundary could be placed to facilitate the outcomes sought in the Enterprise Sites and Urban / Non Urban Integration Precincts.

Council Officers are not of the view that putting the land into the Green Wedge Zone will provide any incentive for substantial parcels of land to be rehabilitated or used for a productive purpose given the comments above relating to the existing range of activities. Nor is it considered that such an outcome would provide a mechanism whereby key land holders could engage with Council on seeking to provide for outcomes that would provide for broader environmental benefit within the area.

Notably it is apparent that the Expert Audit Group that was appointed by the Minister for Planning to Review Melbourne 2030 identified that areas such as the planning area under investigation may require a different focus to that of other more identifiable green wedge areas. The Audit Expert Group in fact said in relation to the Urban Growth Boundary that:

‘If Melbourne 2030, is to be successful and respond to the challenges presented in creating a sustainable future, the UGB should only be altered in compelling circumstances’ (Pg 48 – Audit Expert Group Report, March 2008)

The group then identified the following ‘compelling circumstance’ whereby moving the UGB may be required:

‘Responding to major land use change in the green wedges. For example, if substantial land occupier, such as an extractive industry, ceased operation, a decision would be required as to whether this land should be converted to urban uses or be acquired to incorporate in the regional open space system’.
It is considered that the above circumstance is illustrative of why the draft Northern Non Urban Area Framework Plan has been developed in terms of seeking to reconcile the extent of land identified for ‘regional open space’ and that which is left and what productive use much of it can be put to given the conditions in which it is found. Officers believe that process worked through in identifying and reinforcing the ‘core’ areas of the Sandbelt Open Space and the potential alternate uses of the planning area balances well with the recognition above by the Expert Audit Group of the circumstance which confronts Kingston north of Kingston / Heatherton Road which may well require some changes to the UGB.

For the reasons expressed above Officers remain of the view that the directions sought through the draft framework plan which seek the following broad outcomes be pursued and a resultant consequence is, at the appropriate time, a formal request be made to the Minister for Planning for a realigned Urban Growth Boundary. The directions include:

- On the land between Leslie and Tully Roads first give consideration to whether any of this land is required for organised sporting purposes or linkages into the ‘core’ Sandbelt Open Space areas to the immediate south. Following this investigation on the land not identified by Council as required for these purposes, rezone the balance of the land Residential 3 to provide for integration between the established urban community and the ‘core’ Sandbelt Open Space area south of Leslie Road.
- Splitting the Enterprise Sites precinct into a northern and southern zone which is broadly defined by the Victory Road alignment and pursuing:
  - Exploration of opportunities on the reclaimed land filling areas to provide for significant landscape improvements through the provision of a ‘carbon sink / urban forest’ adjacent to the ‘core’ Sandbelt Open Space area to the immediate north.
  - On the area generally south of the Victory Road alignment the creation of an integrated ‘employment zone’. This area would be the subject of detailed planning whereby the disparate range of activities would be removed to make way for a contemporary range of non industrial employment activities which met an identified regional employment need.

Having undertaken further consultation with the Baguley family, owners of the land parcel on the north east corner of Clayton Road and Heatherton Road, Clayton (461 Heatherton Road and 720-724 Heatherton Road, Clayton) Council Officers are of the view that this land should also be incorporated into the Enterprise Sites Precinct. The basis for this recommendation is that the prominence of this site on the major intersection and the fact that it has not been extracted or filled mean that it is more appropriately considered in this precinct when compared with the intentions sought for the precinct it is presently in, which is the Resource Recovery Precinct.

**Recommendation:**

- That the draft Northern Non Urban Framework Plan be amended to incorporate the land at 461 Heatherton Road and 720 – 724 Heatherton Road, Clayton into the Enterprise Sites Precinct.
3.4 Extent of proposed future parkland

Through consultation leading up to the release of the September 2007 Draft, Council has sought to consistently explain the extent of the study area identified as ‘core’ parkland as part of the Sandbelt Open Space Project which is broadly defined by the area in Attachment 2 to this report. As part of undertaking the development of the draft Framework Plan, Council has sought advice from Parks Victoria who are responsible for the delivery of this regional parkland.

The Department of Sustainability and Environment (DSE) and Parks Victoria have written to Council recently and reinforced through its submission its commitment to the Sandbelt Chain of Parks. The DSE has further reinforced the importance of continual dialogue between agencies such as VicRoads, Melbourne Water and Council in relation to the advancement of the project.

Discussions with Officers from Parks Victoria have however reinforced that the extent of the project in relation to its commitment to acquisition and development is defined by the ‘core parkland’ areas and not other parcels of privately owned land. The draft framework plan has been developed to reflect this view and it is considered that any future amendment to the Kingston Planning Scheme makes clear the areas where future parkland is envisaged.

**Recommendation:**

- That when future consideration by Council is given to initiating a Planning Scheme Amendment to implement the outcomes sought through the Northern Non Urban Area Framework Plan the amendment clarifies the actual area affected by the Sandbelt Open Space Project based on the ‘core’ parkland components.

3.5 Greater buffers around Spring Valley Golf Course.

A submission referring to buffers around the western boundaries of the site has been made, raising the issue that greater consideration needs to be given to the buffers and adjoining land uses immediately surrounding the golf club based on its existing exposure to smells, dust and litter. Council believes that the submission of the club is well reasoned and makes the case for some modifications to the Northern Non Urban Area Framework Plan which seeks to put in place mechanisms that provide for additional buffers to the golf club.

However, Officers do not support the view of the club in relation to its view that the ‘Resource Recovery’ precinct is inappropriate and for reasons identified below believe that with appropriate buffers the amenity of the club can be appropriately managed.

**Recommendation:**

- That the Northern Non Urban Area Framework Plan be modified to specifically highlight the need to further consult with the Spring Valley Golf Club as part of any precinct planning for the Resource Recovery Precinct.
That opportunities to modify the alignment of the ‘core parkland’ aspect of the Sandbelt Open Space project shown proximate to the Spring Valley Golf Club be pursued in an effort to provide an improved buffer.

3.6 Resource Recovery Precinct

The merits of the Resource Recovery precinct was questioned throughout a number of submissions to the draft Northern Non Urban Area Framework Plan.

Submissions from the primary land holder in the area covered by this proposed precinct indicated concern that restrictions would be placed over the ability to use Industrial Zoned land north of Ryans Road for other industrial activities. The submission from the City of Boroondara who part own the Clayton Regional site in this identified precinct, support the idea of creating a resource recovery precinct though recognise the need for consideration to be given to the appropriate policies and statutory regime to support its implementation. The submission from the Mordialloc Beaumaris Conservation League supports waste recycling initiatives on former tip sites in Green Wedge areas subject to a number of environmental considerations being met. The Heatherton R.A.I.D Inc have said in relation to a waste management precinct that it should only be considered on the basis of thorough environmental management and ensuring that activities suited to such a precinct are not permitted in other locations and appropriate buffers are provided.

In considering the above and other submissions, Council has been mindful of the broader development of the draft Metropolitan Waste and Resource Recovery Strategic Plan (MWRRSP) mentioned previously in this report. This plan reinforces the challenges previously identified in the Waste Management Framework component of the draft Northern Non Urban Area Framework Plan. It remains the view of Council Officers that it is appropriate that any adopted framework plan for this area identifies a medium to longer term precinct which is available and appropriately buffered to provide for a range of waste management related activities from recycling business to a regional transfer station.

With respect to the statutory changes required, it is apparent that for the components of this precinct presently south of Ryans Road (located outside the Urban Growth Boundary) which are located in the schedule 2 to the Special Use Zone, a planning scheme change will be required in order to provide for acceptable forms of Materials Recycling without this use necessarily needing to be used, in conjunction with a Refuse Transfer Station or Refuse Disposal. Council Officers preliminary view is this may be best addressed by creating a new form of schedule to the Special Use zone that specifically provides for the desired ‘Resource recovery’ purpose of this precinct and then exempting this precinct from Clause 57 to the Kingston Planning Scheme through the use of the schedule to this clause.

It is however recognised that aspects of the Northern Non Urban Framework Plan should be modified to incorporate aspects of the draft MWRRSP to ensure that Council’s work accurately depicts the waste management challenges identified at a broader metropolitan level.
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Recommendation:

- That modifications be made to the Northern Non urban Area Framework Plan to incorporate the draft Metropolitan Waste and Resource Recovery Strategic Plan.

3.7 Appropriateness of the Employment Zone

Council received a number of different submissions in relation to the proposed ‘Employment Zone’. These submissions ranged from those opposed to the creation of such a zone on the basis that it introduced urban related activities into an area designated outside the Urban Growth Boundary to those supporting this initiative given it provided an incentive for the land to be rehabilitated and put to a beneficial purpose. To perhaps most usefully convey the planning challenge created in this precinct it is useful to reflect on the submission of the party understood to own the former Pioneer Sand Processing Plant located on Old Dandenong Road.

This submission reinforced the following about a site which is presently not identified on the draft Metropolitan Waste and Resource Recovery Strategic Plan as one for future filling:

- The subject land which is approximately 28.5 hectares and presently contains four large slimes pits of up to 14 metres in depth.
- The estimated remediation cost in today’s figures is approximately $15 million.
- The current zoning does not provide sufficient incentive to justify the remediation process which is anticipated to take 5 years.

The above illustrates the extent of the challenge and why Council Officers remain of the view that in order to generate a mechanism whereby the land can be put to a productive purpose, incentives including partial urban uses need to be considered. As identified above this site and others in this precinct very accurately fit the criteria identified by the Melbourne 2030 Expert Audit Group where variations to the Urban Growth Boundary should be considered.

Council Officers further wish to reinforce that the draft Northern Non Urban Area Framework Plan seeks to establish a vision within the Employment Zone precinct which would require substantial sophisticated precinct planning that would provide for broader environmental benefits. Such planning does take substantial periods of time irrespective of the lengthy rehabilitation period and would only be advanced if Council received a confidence that the planning controls in the area could be modified to provide some incentive for change which would require clear advice from the Minister for Planning.

Recommendation:

- That Council continue to pursue its intentions for the Employment Zone Precinct as outlined in the draft Northern Non Urban Area Framework Plan.
4. Issues

The following outlines some of the issues that have arisen through the development of the Draft Northern Non Urban Area Framework Plan:

Consultation

It is apparent, having analysed the thirty submissions received that a divergence of views exists in relation to the draft Northern Non Urban Area Framework Plan. The views expressed range from those of groups which have a particular interest in the planning involved in the study area to land owners who are likely to be those most able to directly influence the longer term planning for the area. It is apparent that aspects of the plan which involve delivering the Sandbelt Open Space Project are broadly supported whilst mixed views are apparent in relation to particularly the Employment Zone and Resource Recovery Precinct.

It is however hoped that the consultation process has provided a useful means of informing all interested parties of the challenges which exist in the study area including:

- The length of time required to fill those tip sites remaining in the study area;
- The challenges associated with the rehabilitation of much of the land within the study area;
- Details of the extent of land owned by Council or covered by a Public Acquisition Overlay in favour of Parks Victoria for the Sandbelt Open Space project; and
- The transition from land filling based operations to recycling projects necessary to meet State Government targets in relation to objectives such as Towards Zero Waste.

Statutory Implementation of Framework Plan

Council has also sought through the consultation process to reinforce that adopting a framework plan in itself will not immediately bring about the necessary statutory changes required to implement some of the outcomes sought. The important role of the State Government has been reinforced in relation to key aspects of the plans delivery including:

- The commencement as appropriate of the land identified for acquisition to assist in assembling land to further the Sandbelt Open Space Project.
- A recognition that only through changes to the location of the Urban Growth Boundary in the future will some of the outcomes identified in the Framework Plan be possible.

Council Officers are of the view that retaining much of the land within the existing Schedule 2 to the Special Use Zone or including it in the future in a Green Wedge Zone will not result in a meaningful transformation of some of the more difficult components of the study area. This is perhaps best demonstrated by the views expressed earlier in the report by submissions such as that of the representatives of the owner of the former Pioneer sand processing plant or the Melbourne 2030 Expert
5. Options

The following options are available to Council in relation to this work:

Option A

Abandon the draft Northern Non urban Area Framework Plan

Council Officers remain of the view that it is necessary to have a framework plan for this area which offers a long term vision for delivery of land use change throughout the study area. As such, abandoning the work undertaken for the draft Northern Non Urban Area Framework Plan will place Council in a position whereby its planning intentions for the area are not clear which will result in either a further deterioration of the area or a greater spread of ad hoc land use activity.

Option B

Adopt the City of Kingston’s Northern Non Urban Area Framework Plan

Council Officers have completed the review of the thirty (30) submissions received in relation to the draft Northern Non Urban Area Framework Plan. This report has made a number of recommendations that would require changing in order to finalise the plan and they are put to Council for its consideration.

As previously identified, the adoption of the plan would however only be the first stage of the process with many of the outcomes identified, both in relation to the necessary statutory changes and obtaining the capital funding would be an ongoing process requiring dialogue between State and Local Government.

Officers believe that Option B is the appropriate option to follow.

6. Summary & Conclusion

The development of the City of Kingston’s Northern Non Urban Area Framework Plan has been a significant planning task for Council which has involved extensive community consultation. It is apparent that the consultation processes have been most useful in being able to convey to a large number of participants some of the key issues which exist in the study area. Some of these include:

- The ongoing role that land fill operations will play within the study area into the medium term.
- The extent of land identified through the Sandbelt Open Space Project are core parkland and controlled through acquisition or ownership by State or Local Government.
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• The conflicts between segments of the community’s view and the objectives of
  the State Government in relation to its clearly articulated policies in relation to
  waste minimisation and recycling.

• The actual costs associated with the rehabilitation of much of the land
  contained within the study area.

Irrespective of conveying the above information it is apparent that in some instances
submitters expressed completely opposing views in relation to the framework plan.

Should Council adopt the recommendation as presented and subsequently a revised
Northern Non Urban Area Framework Plan, it will then be provided with a useful
document to engage with the State Government in relation to the longer term planning
for the study area.

The following recommendations are therefore presented to Council for its
consideration.

7. **Recommendation**

1. That the exhibited draft Northern Non Urban Area Framework Plan be
   modified as follows:

   a) Further recognition of the findings of the Kingston Traffic Study (May
      2004).

   b) Incorporate the same naming conventions (existing and identified sites)
      and timing for site filling as indicated in the draft Metropolitan Waste and
      Resource Recovery Strategic Plan.

   c) Modify the Waste Management Framework contained within the draft
      Northern Non Urban Area Framework Plan to accord with the outcomes
      sought through the draft Metropolitan Waste and Resource Recovery
      Strategic Plan.

   d) Reinforce the need to further consult with the Spring Valley Golf Club as
      part of any precinct planning for the Resource Recovery Precinct.

   e) Provide possible alternate options for the alignment of the ‘core parkland’
      aspect of the Sandbelt Open Space project shown proximate to the Spring
      Valley Golf Club in an effort to provide an improved buffer.

2. That a formal report be presented to Council for the adoption of the Northern
   Non Urban Area Framework Plan, once the modifications as set out in Part 1
   have been completed, and the report outline proposals to modify the Kingston
   Planning Scheme in order to achieve the outcomes sought through the
   Northern Non Urban Area Framework Plan.

3 That all submitters to the draft Northern Non Urban Framework Plan be
   notified in writing of the above Council Resolutions.
Cr West declared an interest in relation to agenda items K105, as she is the co-ordinator of the Green Wedge Coalition, but not in relation to the City of Kingston.

Crs Athanasopoulos/Ronke

Motion:
That the recommendation be adopted.

Crs West/Alabaster

Amendment:
That the motion be amended as follow:

- Firstly, by adding the following points to Recommendation 1:
  
  f) Outline in broad terms what uses will be permitted and what will be prohibited in the proposed Employment Zone proposed to be removed from the Green Wedge, and what zone will be applied to achieve these outcomes.

  g) Details of how the arrangement will work for obtaining developer contributions from rezoning land in the Enterprise Sites, Resource Recovery and Urban/Non Integration Precincts, what type of initiatives it will finance and a broad estimate of the amounts that can be expected to be obtained.

  h) Explain why the approximate 100ha of land in the proposed Resource Recovery Precinct that is already zoned Industry is not sufficient to accommodate foreseeable requirements and why it needs to be supplemented by the use of land in the Green Wedge for such purposes.

  i) Explain how the community needs for water supply for farming and recreation and for sportsfields, currently under investigation, are to be met and integrate the results of the land capability study now underway.

  j) Detail the implications and possibilities of retaining the Employment Zone/Enterprise Precinct in the Green Wedge and rezoning it GWZ.

  k) Detail the implications and possibilities of rezoning the other precincts (except for the golf courses and public use zoned parkland) as GWZ.

  l) Detail which parts of the designated non-core parkland area in the Sandbelt Open Space Project will be affected, their size, what the changes will be, why they are necessary and what alternatives are available.

- Secondly, by replacing the word “adoption” in Recommendation 2 with “consideration.”

- Thirdly, by deleting any reference to attachment 1, which is not referred to in the draft recommendation and which may need to be changed as a result of the further work envisaged.
The amendment was put and lost.

During the discussion in relation to the proposed amendment, the General Manager Environmental Sustainability, Tony Rijs, took on notice a question posed by Cr West, with respect to whether Mr Pellicano was liable to make an open space levy contribution, and, if so levied, how much?

Discussion continued with respect to the Motion.

**Crs Athanasopoulos /Ronke**

That the recommendation be adopted.  

Carried

A division was called

**For**
- Mayor Cr Nixon
- Cr Athanasopoulos
- Cr McKeegan
- Cr Petchey
- Cr Ronke

**Against**
- Cr Alabaster
- Cr West

The Motion was Carried.

Attachments
1. Urban Growth Boundary
2. Study Area Boundary
3. ATTACHMENT 1
K 106  **Stanley Avenue, Cheltenham**

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

**Author:** Jonathan Guttmann – Manager Strategic Planning and Building

1. **Purpose of the Report**

The purpose of this report is to address the issue of the land owned by Council located in Stanley Avenue, adjacent to the Cheltenham Library. This report follows consideration of the P.L.A.N (Moorabbin to Mordialloc Integrated Framework Plan) project report at the Special Council Meeting on 7 July, 2008, whereby the report was formally adopted subject to modifications.

2. **Background**

Council considered and adopted, subject to a number of modifications the P.L.A.N document at the July 7, 2008, Ordinary Council Meeting. Although a resolution of Council was made no direction was provided in relation to the land in Stanley Avenue that was discussed in the P.L.A.N document.

**Subject Land**

6-18 Stanley Avenue was purchased by Council over a number of years between 1979 and 1992. The site has been developed as a library and community centre together with car parking. A portion of the site 6-12 Stanley Avenue having an area of approximately 2250 m$^2$ remains undeveloped at the rear of the library. See Attachment 1. The land is included within a PUZ6 zone under the Kingston Planning Scheme which provides for the land to be used for municipal purposes. The land represents a significant strategic holding in the Cheltenham Activity Centre which enables Council to assist in the service needs for future generations. Importantly it is understood that the land in Stanley Avenue was not originally purchased for the purposes of public open space.

**Exhibited P.L.A.N Document**

The exhibited P.L.A.N document illustrated two potential options for the undeveloped owned land in Stanley Avenue. The options were outlined as follows:

- **Option A** Retain the land and develop as a public open space.
- **Option B** Retain the land for civic and community uses that may be required in the future.

Develop a portion of the site for a small pocket park primarily for the purpose of a children’s playground and seek to develop open space within the heart of the activity centre in the form of an urban plaza.
3. Consultation

As part of the extensive consultation process conducted during the exhibition of the P.L.A.N document the community was asked to comment on the options presented for the Stanley Avenue land. The responses to this issue are detailed below.

Option A – Retain the land and develop as a public open space – 11 Respondents supported this option.

Option B – Retain the land for civic and community uses that may be required in the future.

Develop a portion of the site for a small pocket park primarily for the purpose of a children’s playground and seek to develop open space within the heart of the activity centre in the form of an urban plaza – 4 Respondents supported this option.

The 15 responses received came from a total of 56 survey responses for the Cheltenham Area.

4. Issues

In seeking to advise Council on this matter, Council Officers believe that Option B as outlined above is preferable for the following reasons:

- It is recognised that the Open Space Strategy identifies Local Area 4C/6A as having some deficiencies in Open Space and seeks through Pt 10.5 to identify two future opportunities to enhance open space within this Planning Area, neither of which relate to Stanley Avenue. That being said, Officers believe that Option B (outlined above) does provide a new opportunity in that it recommends that a playground could be created on part of the Stanley Avenue land to address the localised recreational needs of the northern part of this identified catchment.

- It is considered that the Stanley Avenue land which is located immediately adjacent to the Senior Citizens centre and Cheltenham Library represents a strategic land holding whereby under Option B, Council would be able to demonstrate it is providing both for the localised recreational need (through the construction of a playground), however in so doing, not compromising other opportunities for the provision of important community services now and into the future immediately adjacent to the Cheltenham Major Activity Centre.

The recent decision to consolidate the Senior Citizens Centre with the Library adjacent to this site, best illustrates why it is important that Council does not compromise the potential for additional consolidation on this site in the future of other important community uses.
5. Conclusion

As identified in this report Council Officers consider that it is appropriate that should Council be seeking to create some additional Public Open Space on the Stanley Avenue Land that it pursue Option B as outlined in the P.L.A.N document. Under this option Council can, when resources become available create a local community playground but importantly in addition not compromise any future opportunities that may exist to consolidate other important community services into this now well established and strategically located community hub.

6. Recommendation

That the P.L.A.N (Moorabbin to Mordialloc Integrated Framework Plan) report be modified to reflect Council’s desire to use the land in Stanley Avenue for a small pocket park primarily used for a children’s playground and preserve the balance of the land for civic and community uses.

Crs Alabaster/Athanasopoulos

Motion:
That the recommendation be adopted.

Crs West/Alabaster

Amendment:

The motion be amended by deleting the words after “Council’s desire” and replacing them with the words:

“to retain the Stanley Avenue land as parkland and public open space.”

The effect of the amendment would be that the motion would then read:

“That the PLAN (Moorabbin to Mordialloc Integrated Framework Plan) be modified to reflect Council’s desire to retain the Stanley Avenue land as parkland and public open space.”

The amendment was put and lost.
Crs Alabaster/Athanasopoulos

That the recommendation be adopted.  

Carried

A division was called

For  
Mayor Cr Nixon  
Cr Alabaster  
Cr Athanasopoulos  
Cr McKeegan  
Cr Petchey  
Cr Ronke  
Cr West

Against  
Nil

The Motion was Carried.

Attachment - Map
K 107  

**VCAT Failure Appeal – KP904/07 Planning Report – 17 Collocott Street, Mordialloc**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Ammache Architects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address Of Land:</td>
<td>No. 17 (Lot 13 on PS5283) Collocott Street, Mordialloc</td>
</tr>
<tr>
<td>Melway Ref:</td>
<td>87F11</td>
</tr>
<tr>
<td>Proposal</td>
<td>Thirteen (13) dwellings</td>
</tr>
<tr>
<td>Contact Officer:</td>
<td>Elizabeth Wickham</td>
</tr>
<tr>
<td>File No:</td>
<td>KP904/07</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential 1</td>
</tr>
</tbody>
</table>

**Kingston Planning Scheme Ordinance Controls:**
- **State Planning Policy Framework**
  - Clause 12: Metropolitan Development
  - Clause 14: Settlement
  - Clause 16.02: Housing – Medium Density Housing
- **Local Planning Policy Framework**
  - 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

<table>
<thead>
<tr>
<th>Residential Policy Area:</th>
<th>Increased Housing Diversity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood Character Area:</td>
<td>Area 27</td>
</tr>
<tr>
<td>Decision By:</td>
<td>-</td>
</tr>
<tr>
<td>Nett Days:</td>
<td>-</td>
</tr>
</tbody>
</table>

**Reason for being heard at Council Meeting**

- Appeal against Failure to Determine lodged – Council resolution required.

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

The appeal date has been set down for the 20th August, 2008.

**Application for Review Against Council’s Failure to Determine**

The applicant has lodged an application with the Victorian Civil and Administrative Tribunal (VCAT) against Council’s failure to determine this application for planning permit within the required statutory time frame. It is important to note that the decision to contest Council’s failure to determine the application is an action taken solely by the permit applicant.

As such, Council is unable to formally determine the proposal though must, however, form a view as to the proposal which will be presented before VCAT on 20th August, 2008.
The purpose of this report, therefore, is to outline to Council its Officers views with respect to the appropriateness of this proposal.

**Development Assessment Table**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>ResCode Requirement</th>
<th>Proposed Development Provision (all ground level secluded private open space)</th>
<th>Clause 22.11- Residential Policy Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Open Space</td>
<td>An area of 40m², with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m², a minimum dimension of 3 metres and convenient access from a living room OR A balcony of 8m² with a minimum width of 1.6 metres and convenient access from a living room OR A roof-top area of 10m² with a minimum width of 2 metres and convenient access from a living room.</td>
<td>Dwelling 1 – 48.6m² Dwelling 2 – 51.1m² Dwelling 3 – 40.0m² Dwelling 4 – 41.2m² Dwelling 5 – 52.1m² Dwelling 6 – 47.8m² Dwelling 7 – 50.0m² Dwelling 8 – 61.95m² Dwelling 9 – 142.6m² Dwelling 10 – 54.85m² Dwelling 11 – 46.5m² Dwelling 12 – 55.1m² Dwelling 13 – 48.3m²</td>
<td>As per ResCode</td>
</tr>
<tr>
<td>Car Parking</td>
<td>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 Total Required: 28</td>
<td>All car parking spaces are provided within a basement car park, and are allocated as follows: Dwelling 1 – 2 car spaces Dwelling 2 – 2 car spaces Dwelling 3 – 2 car spaces Dwelling 4 – 2 car spaces Dwelling 5 – 2 car spaces Dwelling 6 – 2 car spaces Dwelling 7 – 2 car spaces Dwelling 8 – 2 car spaces Dwelling 9 – 2 car spaces Dwelling 10 – 2 car spaces Dwelling 11 – 2 car spaces Dwelling 12 – 2 car spaces Dwelling 13 – 2 car spaces Independent Visitors – 3 car spaces</td>
<td>Adequate car parking for future residents and visitors</td>
</tr>
<tr>
<td>Dwelling Setback to Street</td>
<td>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</td>
<td>9 metres</td>
<td>As per ResCode</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>Maximum 60%</td>
<td>Site coverage is 61.1%</td>
<td>As per ResCode</td>
</tr>
</tbody>
</table>

**Car Parking**

- 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

Total Required: 28

All car parking spaces are provided within a basement car park, and are allocated as follows:

- Dwelling 1 – 2 car spaces
- Dwelling 2 – 2 car spaces
- Dwelling 3 – 2 car spaces
- Dwelling 4 – 2 car spaces
- Dwelling 5 – 2 car spaces
- Dwelling 6 – 2 car spaces
- Dwelling 7 – 2 car spaces
- Dwelling 8 – 2 car spaces
- Dwelling 9 – 2 car spaces
- Dwelling 10 – 2 car spaces
- Dwelling 11 – 2 car spaces
- Dwelling 12 – 2 car spaces
- Dwelling 13 – 2 car spaces
- Independent Visitors – 3 car spaces

Total Provided: 29

Adequate car parking for future residents and visitors

**Dwelling Setback to Street**

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

9 metres

As per ResCode

**Site Coverage**

Maximum 60%

Site coverage is 61.1%

As per ResCode
Existing Conditions

The subject site comprises a rectangular shaped allotment located on the north side of Collocott Street, Mordialloc. It has a frontage width of 30.48 metres, and a maximum depth of 96.6 metres, resulting in an overall area of 2887.58m².

The site rises approximately 5m from its front to rear property boundaries, over its 97 metre length.

The subject site currently contains a single storey weatherboard dwelling and associated outbuildings in the rear yard. A number of established trees are located on the site, including a Norfolk Island Pine and Cedar in the site’s front setback area, and a large Morton Bay Fig which is located at the site’s north-east (rear) corner.

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

Immediately surrounding residential development is characterised by detached, brick and weatherboard dwellings of one and two storeys in height.

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

<table>
<thead>
<tr>
<th>Surrounding land uses:</th>
<th>North: Single storey units fronting White Street</th>
<th>East: Single storey brick dwelling fronting Collocott Street, with large area of rear private open space</th>
<th>South: Single storey brick and weatherboard dwellings fronting Collocott Street</th>
<th>West: Single storey, weatherboard dwelling fronting Collocott Street, and rear yards of dwellings fronting Eric Avenue</th>
</tr>
</thead>
</table>

Proposal In Detail

It is proposed to construct thirteen (13) detached dwellings on the site, with basement carparking. The development would comprise four (4) single storey dwellings, and nine (9) double storey dwellings.

Key elements of the proposal are as follows:

<table>
<thead>
<tr>
<th>Dwelling</th>
<th>Floor Area</th>
<th>Private Open Space</th>
<th>No. of Bedrooms</th>
<th>Car Spaces</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>157.25m²</td>
<td>48.6m²</td>
<td>4</td>
<td>2 car spaces</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>151.85m²</td>
<td>51.1m²</td>
<td>4</td>
<td>2 car spaces</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>141.4m²</td>
<td>40.0m²</td>
<td>3</td>
<td>2 car spaces</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>140.1m²</td>
<td>41.2m²</td>
<td>3</td>
<td>2 car spaces</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>142.3m²</td>
<td>52.1m²</td>
<td>4</td>
<td>2 car spaces</td>
<td></td>
</tr>
</tbody>
</table>
Vehicle access to the site would be provided via a proposed 5.0m wide crossover located centrally at the site’s Collocott Street frontage. The existing crossover provided to the site would be removed and the kerb and channel reinstated.

*The submitted plans indicate that much of the existing vegetation on the site is proposed to be removed, with the exception of a Morton Bay Fig at the rear of the site, which is considered significant by Council’s Vegetation Management Officer and worthy of retention.*

The applicant has submitted a landscaping plan, which indicates that landscaping will be provided within the secluded private open space area of each dwelling and within the site’s front setback area. The front setback area would be unfenced.

**Building Materials and colours have been nominated as:**

<table>
<thead>
<tr>
<th>Roof:</th>
<th>Tile - Slate Grey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walls:</td>
<td>Combination of feature stack stone, render, and weatherboard (colours not specified)</td>
</tr>
<tr>
<td>Garage door:</td>
<td>N/A</td>
</tr>
<tr>
<td>Windows:</td>
<td>Aluminium – Black</td>
</tr>
<tr>
<td>Window screens:</td>
<td>Timber panels – Stain colour</td>
</tr>
<tr>
<td>Driveways:</td>
<td>Coloured concrete - Grey</td>
</tr>
<tr>
<td>Paving:</td>
<td>Light Brown</td>
</tr>
<tr>
<td>Front fencing:</td>
<td>None.</td>
</tr>
<tr>
<td>Internal fencing:</td>
<td>Steel picket - Grey</td>
</tr>
<tr>
<td>Boundary fences:</td>
<td>Proposed 1.8m high paling fence with 0.6m trellis to east boundary, proposed 1.8m high paling fence to north boundary, proposed 1.8m high paling fence to west boundary.</td>
</tr>
</tbody>
</table>
The proposal would result in a site coverage of 61.1%, and a site permeability of 36%.

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

There is no relevant planning history relating to 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, fifteen (15) objections were received, including one petition containing 36 signatories. These objections are based on the advertised plans, which proposed fifteen (15) double storey dwellings.

The main grounds of objection may be summarised as follows:

- Loss of privacy, overlooking
- Removal of trees
- Impact on drainage system
- Increase in traffic
- Visual bulk
- Overshadowing
- Not in keeping with neighbourhood character
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- Overdevelopment
- Noise from additional residents and vehicles
- Parking issues
- Lack of landscaping opportunities within development
- Proposal does not comply with relevant Planning Scheme requirements

Preliminary Conference

A preliminary conference was not held given an appeal against Council’s Failure to Determine the application within the prescribed time was lodged.

Amendment To The Application After Notification And Re-Notification

Following the lodgement of the appeal, the applicant has submitted amended plans to Council and the other parties. These are the plans that will be considered at the hearing. The main changes to the advertised plans are listed as follows:

- The deletion of two (2) double storey dwellings, resulting in the overall number of dwellings proposed being 13.
- Four (4) single storey dwellings proposed at the rear of the site.
- The retention of the Morton Bay Fig tree at the site’s rear boundary.

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.

<table>
<thead>
<tr>
<th>Internal Council Referrals (where appropriate amended applications have been re-referred)</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Engineer</td>
<td>No objection subject to the inclusion of nominated conditions on any permit issued</td>
</tr>
<tr>
<td>Vegetation Management Officer</td>
<td>No objection, subject to the inclusion of suitable conditions on any permit issued, including the retention of the Morton Bay Fig Tree at the rear of the site</td>
</tr>
</tbody>
</table>
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 arguably meets these objectives.

Clause 14.01: Planning for Urban Settlement
This section of the Scheme seeks to 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 arguably meets the provisions of the relevant sections of the State Planning Policy Framework as detailed above.

Located within close proximity to the Mordialloc Major 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 can improve housing choice for future occupants of the proposed dwellings.

The proposed dwellings would also achieve a high level of energy efficiency, with living areas and secluded private open space oriented towards the north.

Although the proposed buildings would be more contemporary in architectural form than the existing dwellings within the immediate vicinity of the site, the proposed setbacks and building features including pitched roofs should ensure that the development is compatible with the surrounding streetscape character. It is considered that this form of development is consistent with the ‘evolving character’ of the Increased Housing Diversity area.
This proposed design response provides for an opportunity to meet the urban consolidation principles outlined in this section of the Scheme. The single storey form at the rear of the site, and the provision of physical breaks at first floor level between the two-storey buildings, in association with highly articulated side elevations assist in reducing the building bulk presented to neighbouring properties, and should ensure 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 notes (*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.
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- 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 sensibly 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 should create a good standard of amenity for the future occupants of each dwelling, as well as minimising off-site amenity impacts to occupants of existing dwellings in the immediate area, particularly in terms of potential overlooking, overshadowing and visual bulk.

While the proposed building mass is greater throughout the site 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. The double allotment width lends itself to the form of development proposed, and will essentially present the proposal as two dwellings to Collocott Street, which is in keeping with the streetscape 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.

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 should provide a good standard of amenity for future occupants, and the careful design and siting of the proposed dwellings with respect to adjoining properties should ensure 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 though other detailing to create visual interest in the design. Physical breaks have been provided between the upper levels of the dwellings, and the first floors sit within the footprint of the ground levels, thus avoiding a ‘box like’ type development, in accordance with this policy. The double storey dwellings have been sensitively designed with setbacks from the upper levels to the side property boundaries. 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), and no walls are proposed to be constructed to site boundaries.

The proposed dwellings are considered to be appropriate with respect to the existing neighbourhood character, and although this is a subjective matter, the proposal is considered to be of a design which should allow it to blend with its surrounds. The proposal is provided with an adequate number of car parking spaces (29) to support the proposed development, inclusive of three (3) independent visitor’s spaces. This is consistent with the number of car spaces required to be provided pursuant to ResCode.

The proposed development incorporates the retention of an existing Morton Bay Fig tree, deemed significant by Council’s Vegetation Management Officer, and provides for landscaping opportunities along site boundaries, in the site’s front setback and within private open space areas. The proposal therefore ensures that landscaping and trees remain an important element in the appearance and character of the neighbourhood.

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 27 of the Neighbourhood Character Guidelines. No characteristics have been identified as making a ‘major’ or ‘critical’ contribution to neighbourhood character in the area, however the proposed development is considered to respond to those ‘typical’ identified characteristics including detached building footprints and pitched roofs.

**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: There is conjecture that the proposal does not satisfy the provisions of ResCode with respect to neighbourhood character. It is considered that the issue of neighbourhood character is a subjective matter and in this instance, it is considered that the proposal should not be at odds with the existing character of the area, due to its design and presentation to the street and other property boundaries.

Site Coverage: Standard B8 of Clause 55 of the Kingston Planning Scheme requires that the site coverage not exceed 60%. The development achieves a site coverage of 61.1%. It is not considered that reducing the level of site coverage to 60% would result in any noticeable compliance improvement to the development, given that the increase is only marginal. The development is considered to be acceptable in the context of the surrounding neighbourhood, which features a number of multi-dwelling developments with similar site coverage.

Landscaping: In accordance with Standard B13 of Clause 55.03-8, developments should encourage the retention of mature vegetation on the site, and allow for vegetation growth and the structural protection of buildings. As proposed, the basement carpark would be constructed within the canopy drip line of the Morton Bay Fig at the rear of the site. Council’s Vegetation Management Officer has advised that ideally, no works should occur within this area to enable the protection and future growth of the tree. A condition of permit is recommended to require the basement layout to be redesigned to allow a minimum 7.8 metre setback from the centre of the tree’s trunk, outside of the canopy dripline. The applicant has agreed to a condition to this effect.

Overlooking: The plans indicate that the first floor windows facing neighbouring properties of the proposal have been screened in accordance with the requirements of Standard B22 of Clause 55.04-6. However, a condition on any permit issued is recommended to ensure that the screening of these windows is clearly nominated on the elevations.

Accessibility: Standard B25 of Clause 55.05-1 seeks to ensure that the dwelling entries of the ground floor of dwellings be accessible or easily made accessible to people with limited mobility. Due to the raised basement car park, stairs are required to access the dwellings. Whilst not ideal, it is considered that the design is acceptable as it ensures that the car parking facilities can be located underground to enable considerable areas of ground level open space to be provided for the dwellings.
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: Loss of privacy/Overlooking

Response: The submitted plans comply with the overlooking provisions of ResCode and indicate that any potential views from the development would be limited by appropriate screening devices, where required. As mentioned earlier, a condition of any permit issued should require that the location of screening be clearly nominated on the elevations.

Objection: Removal of trees

Response: The existing vegetation on site has been assessed by Council’s Vegetation Management Officer, and the Morton Bay Fig (Ficus macrocarpa) was deemed worthy of retention. The remaining vegetation was not considered to be highly significant. The Morton Bay Fig is to be retained, and a condition relating to the alteration of the basement car park as described in the above ResCode assessment should ensure the protection and growth of this tree. Further, a concept landscape plan has been submitted as part of the application by Ammache Architects, which provides for the planting of canopy trees within the site’s front setback and planting within the private open space areas of each dwelling. Council’s Vegetation Management Officer has recommended conditions relating to new planting within the development and tree protection measures for the Morton Bay Fig being included on any permit issued.

Objection: Impact on drainage system

Response: The proposal should not overload the existing drainage infrastructure in the area, as any development of the site would 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.

Objection: Increase in traffic

Response: While the number of vehicle movements to and from the subject site would increase as a consequence of the development, it is considered that this additional traffic should be able to be accommodated on Collocott 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 carpark area has been designed to the relevant Australian
Standards, and allows workable turning areas to ensure that vehicles exit the site in a forward motion.

Objection: Visual bulk

Response: It is considered that the proposed development has been appropriately designed to minimise visual bulk through the modulation of the elevations and through the stepping back of the upper levels from the lower levels. Further, the physical breaks provided between the upper levels of the two-storey dwellings reduces the visual impact of the development when viewed from neighbouring dwellings. The use of a combination of colours and materials including render, stack stone and weatherboard also serve to articulate and ‘break up’ the building mass.

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: The proposal is considered to be acceptable with respect to the character of neighbouring properties and the streetscape. The development would essentially present as two double-storey dwellings to Collocott Street, and given the allotment width of 30.48 metres, this is not unreasonable. The dwellings would have a maximum height of 8.0 metres, and the dwellings are a scale that is considered in keeping with dwellings in the immediate neighbourhood. The siting of the development on the high side of Collocott Street and its basement car park are no doubt going to make the development quite visible, but this does not mean that it cannot be supported providing that it is well designed, well articulated and causes no unreasonable amenity impacts on abutting/nearby properties.

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 within close proximity to the Mordialloc Activity Centre, where higher density residential development is encouraged in principle. For these reasons, Council Officers do not consider the proposal to be an overdevelopment of the site.

Objection: Noise from additional residents and vehicles

Response: The vehicles would be fully contained within a basement garage, and therefore any noise impact should be negligible. Further, the vehicle access would be located centrally to the site, and thus vehicle noise to neighbouring properties should be reduced. It is not considered that the noise generated from the future residents would be any greater than that reasonably expected from any residential development. All secluded private open space areas are provided at ground level, and the provision
of new 1.8m high paling fences should also assist in minimising any potential noise impacts.

Objection: Parking issues

Response: The proposal provides for car parking fully in accordance with the requirements of ResCode, including the provision of 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 part of Collocott Street.

Objection: Lack of landscaping opportunities within development

Response: The proposal provides areas of secluded private open space areas for the dwellings in accordance with the provisions of ResCode, given the site’s location within an Increased Housing Diversity area. It should be noted that had balconies of 8sqm been provided for the dwellings, the proposal would have met the requirements of the Planning Scheme. Therefore, subject to the conditions recommended by Council’s Vegetation Management Officer, it is considered that the level of planting provided for the development is sufficient to enhance the landscape character of the site and the neighbourhood generally.

Objection: Proposal does not comply with relevant Planning Scheme requirements

Response: As highlighted above, the proposal is considered to achieve a high level of compliance against the relevant requirements of the Kingston Planning Scheme. Any areas of non-compliance have been discussed above, and are not considered to warrant refusal of the application.

**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.
Recommendation

That Council resolve to support Planning Application No.KP904/07 for the development of this site for thirteen (13) 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 14 July 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. the basement car park redesigned to be set back a minimum of 7.8 metres from the centre of the *Ficus macrocarpa* (Morton Bay Fig);
      ii. 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;
      iii. 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;
      iv. 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;
      v. a range of plant types from ground covers to large shrubs and trees;
      vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
      vii. 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.
      viii. sustainable lawn areas and plant species taking current water restrictions into consideration;
      ix. all trees provided at a minimum of two (2) metres in height at time of planting;
      x. medium to large shrubs to be provided at a minimum pot size of 200mm;
      xi. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
      xii. the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3, 4, 5 and 6 of this permit. This
includes all nominated tree protection zones to be drawn to scale on the plans.

b. the basement car park redesigned in accordance with Condition 1a) i.;
c. the entry/exit driveway of the basement car park provided with a apex no lower than 100mm above the existing footpath at the Collocott Street frontage;
d. the access width, gradient of the ramp, headroom and car space widths to the basement car park constructed in accordance with Australian Standard AS2890.1 to the satisfaction of the Responsible Authority;
e. the five (5) bicycle parking spaces within the basement car park dimensioned in accordance with ‘The Bicycle Parking Handbook’ by Bicycle Victoria;
f. all east-facing first floor windows of dwellings 2, 10, 11, 12 and 13, and all west-facing first floor windows of dwellings 1, 3, 4 and 5 clearly nominated with fixed obscure glazing;
g. the provision of new 1.8 metre high paling fences along the site’s north, east and west property boundaries;
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 full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings and driveway.

2. A Tree Protection Zone (TPZ) must be observed at a distance of four (4) metres in a radius surrounding the *Ficus macrocarpa* (Moreton Bay Fig) (tree number 27 in the Arborist Report).

3. Prior to the commencement of the development herby 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 *Ficus macrocarpa* (Moreton Bay Fig) at the distance specified for the TPZ.

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;
   g) machinery must not be used to remove any existing concrete, bricks or other materials.
5. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) “Pruning of Amenity Trees” and be undertaken by a qualified and experienced Arborist.

6. The footings for the northern wall of Unit 9 must be pier and beam with the edge beam at existing grade. There should be no excavation other than for the pier holes for the building wall. The excavation and construction must be overseen by a suitably qualified Arborist and documentation must be provided to Council by the Arborist stating that no undue damage has occurred to the tree during construction and that pier and beam footings have been used.

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. Prior to the occupation of the dwellings hereby permitted, each dwelling must be provided with an automatic sensor light fitted externally to its entrance.

9. 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.

10. 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.

11. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.

12. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).

13. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.

14. 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.

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 as required pursuant to Condition 1g) of this permit are to be at the whole cost of the applicant/owner.

19. 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.

20. 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.

21. 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.

22. 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.

23. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
24. 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: 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.

Cr Athanasopoulos left the Chamber at 9.04pm during the discussion, and returned 9.13pm, prior to the vote being taken.

**Crs Petchey/McKeegan**

That Council resolve not to support Planning Application No. KP904/07 for 13 dwellings at No. 17 Collocott Street, Mordialloc, on the following 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; and
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 55.03-3 Site Coverage Objective, Clause 55.03-8 Landscaping Objectives, Clause 55.04-6 Overlooking Objective and Clause 55.05-1 Accessibility Objective.

**Carried**
A division was called

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<td>Mayor Cr Nixon</td>
<td>Nil</td>
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The Motion was **Carried**.
K 108  Mordialloc Shopping Precinct Special Charge

Approved by: Tony Rijs – General Manager Environmental Sustainability
Author: Suzanne Ferguson – Manager Economic Development

1. Purpose
Council has received a request from the Mordialloc Traders Association to renew the Mordialloc shopping precinct Special Charge scheme when it expires on 30th June 2009. (Attachment A). This report outlines the rationale for the Special Charge and the statutory process required to give effect to it.

2. Background
A Special Charge has been levied on all commercial properties in the Mordialloc shopping precinct since 1st July 2004 primarily for the purposes of marketing and promotion within the centre. This Charge was put in place for a period of five years and will expire on 30th June 2009.

The Special Charge, which has raised $48,950 per annum, has been used by the Traders Association to fund advertising & marketing initiatives, festivals & events, Christmas promotions, networking events and general administration for the Association. It has allowed the Association to employ a part-time co-ordinator which has significantly improved communication between traders in the centre and with Council.

The current Special Charge is levied on each property on the basis of floor area which is considered to adequately reflect the level of special benefit that each property would gain from the expenditure of the collected funds. It is proposed that this means of levying the Charge be continued.

Council is actively involved in the revitalisation of its strip shopping centres with Mordialloc being a major focus of activity over recent years. Council has commenced the implementation of the Mordialloc Structure Plan which will maintain this focus. Mordialloc is also one of the larger strip centres in the municipality and provides for both community retail needs and tourism opportunities.

Over the last few years the Mordialloc Traders’ Association has been an active group promoting development of the shopping centre, and has expended much effort in developing promotional opportunities for the centre. The most notable aspect of these efforts have been the organisation of an annual traders’ festival and a variety of promotions coinciding with important dates on the retail calendar. The Association produces a monthly newsletter which is distributed to all businesses within the centre. They are also developing a business directory to cross promote businesses within the centre.
3. Traders’ Consultation

Subsequent to the letter of request to Council, the Traders’ Association held an information evening on Tuesday 15th July to outline to interested traders the achievements over the past four years and to seek support for the renewal of the Charge. An invitation to this information evening was distributed to all businesses within the centre.

A Council officer also attended the meeting to explain the statutory process and to advise traders of their rights to make a submission and to lodge objections.

The traders at the meeting were generally supportive of the Special Charge. However, two issues were raised that require further investigation over the course of the notification period. The first issue relates to the degree of special benefit that accrues to properties on the north east side of McDonald street vis-à-vis other properties in the designated Special Charge area. The second issue relates to the situation where a business leases adjacent premises from more than one owner and is therefore required to pay separate Charges based on the floor area of each premises rather than one Charge based on the total floor area of the business. Each of these matters will be examined.

4. Features of Special Charge

The key features of the Special Charge are to be:

- Used for marketing, promotion, business development and centre management of the Mordialloc Shopping Centre;
- Applied to all rateable properties used for retail or commercial purposes in the centre;
- Structured to raise an annual budget consistent with the Charge based on building size as per table;
- Based on a Special Charge Scheme factored on four tiers of property size;
- Levied for a period of five years;
- Capable of being paid in full or in instalments in the same way as other municipal rates.

It is considered that the Special Charge will provide a special benefit to the persons required to pay it over and above that available to persons not the subject of the Mordialloc Special Charge. That special benefit can be demonstrated as follows:

- The viability of the Mordialloc Shopping Centre as a commercial area will be enhanced through increased economic activity.
- The value of properties included in the scheme, their desirability as letting propositions, and their general image and stature will be maintained and enhanced.

The Victorian Civil and Administrative Tribunal (VCAT) have outlined these arguments of special benefit in several decisions upholding the adoption of special rate proposals by other Councils in Victoria.
The boundaries of the centre are outlined in Attachment B. This also reflects the proposed boundary of the Special Charge.

The table below details the proposed Special Charge based on floor area and the numbers of properties in each category.

<table>
<thead>
<tr>
<th>Building Size</th>
<th>Annual Charge</th>
<th>Number of Properties</th>
<th>Amount Raised</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Floor Properties</td>
<td>$220</td>
<td>9</td>
<td>$1,980</td>
</tr>
<tr>
<td>Ground Floor 0 – 300sq.m</td>
<td>$440</td>
<td>85</td>
<td>$37,400</td>
</tr>
<tr>
<td>301 – 1000sq.m</td>
<td>$715</td>
<td>11</td>
<td>$7,865</td>
</tr>
<tr>
<td>1001+sq.m</td>
<td>$2,200</td>
<td>3</td>
<td>$6,600</td>
</tr>
<tr>
<td><strong>Total Raised Annually</strong></td>
<td></td>
<td></td>
<td><strong>$53,845</strong></td>
</tr>
</tbody>
</table>

As is shown in this table, the vast majority of properties proposed to be included in the Special Charge will pay $440 per annum, with only three properties likely to pay $2,200 per annum.

The budget developed by the Mordialloc Traders’ Association has been based on the program of activities under the broad headings of:

- Advertising and Promotions
- Infrastructure and Improvements
- Marketing Assistance

It is considered that the proposed marketing and business development budget for Mordialloc Shopping Centre is in line with budgets from special rate schemes in other similar size shopping centres in Melbourne and is considered reasonable to collectively market and promote Mordialloc.

Special Charge schemes can be used as a means of encouraging strip centres while ensuring that these centres take some responsibility for their own development.

5. **Triple Bottom Line Checklist**

- Environmental – N/A
- Social - Shopping centres are more than merely places for people to purchase their weekly needs. They provide an important focus for community engagement and interaction. Promotional activities around special events play a key role in bringing the community together.
- Financial – There is intense competition for the community’s retail expenditure. Leakage of this expenditure to other centres can have a serious
economic impact for the local community. A vibrant coordinated shopping precinct is more likely to support profitable businesses.

6. **Next Steps**

The process for Council is as follows:

- Council resolve its intention to declare the Special Charge;
- Public Notice of this intention and advice to all property owners and occupiers who would be liable to pay the Special Charge;
- 28 day period for submissions;
- Consideration of submissions by Committee of Council;
- Council’s formal consideration of the declaration of the Special Charge;
- Advice to property owners and occupiers of that decision;
- Any appeals requesting a review of Council’s decision at VCAT.

If Council decides to indicate its intention to levy the Special Charge, it is proposed that a public notice of that decision be advertised in the Mordialloc Chelsea Leader newspaper.

7. **Summary and Conclusion**

The Mordialloc shopping precinct is one of Kingston’s major activity centres. Council is investing significant resources to enhance the amenity of the area. The Mordialloc Traders’ Association has utilised the current Special Charge to productively market the centre and has requested Council to renew the Special Charge so that this work can continue. Many of the most vibrant strip shopping centres have special rates or charges in place.

8. **Recommendation**

1. That Council receive and note the request from the Mordialloc Traders Association for the declaration of a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct.

2. That Council, pursuant to Sections 163 and 223 of the Local Government Act 1989, declare a Special Charge to provide finance for a Marketing and Business Development Fund for the Mordialloc Shopping Precinct. This Special Charge is to be used for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce at the Mordialloc Shopping Centre, for a period of five years, commencing 1st July 2009 and ending 30th June 2014.

3. That Council considers that there will be a special benefit to the persons required to pay the Special Charge (being owners and tenants of the properties) in that there will be a special benefit over and above that available to persons not subject of the Special Charge and directly or indirectly the viability of the Mordialloc Shopping Centre as a commercial area will be enhanced through increased economic activity. Furthermore the value of the properties included in the
scheme, their desirability as letting propositions (where applicable) and their
general image and stature, both separately and severally in the contest of the area
generally, will be maintained and enhanced.

4. That the proposed Special Charge be levied on rateable land (with the exception of
land used for residential purposes) within the following areas:

<table>
<thead>
<tr>
<th>Street</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centreway</td>
<td>2 – 6 (even numbers)</td>
</tr>
<tr>
<td></td>
<td>9 – 11 (odd numbers)</td>
</tr>
<tr>
<td>Beach Road</td>
<td>222 – 231</td>
</tr>
<tr>
<td>Main Street</td>
<td>459A – 541 (odd numbers)</td>
</tr>
<tr>
<td></td>
<td>530 – 626 (even numbers)</td>
</tr>
<tr>
<td>Nepean Hwy/Aspendale</td>
<td>1-4 (even numbers)</td>
</tr>
</tbody>
</table>

5. That the Special Charge be levied on a floor area basis with consideration given
to:

- Tiered (first floor) areas;
- Benefit to McDonald St (north east side) sites; and
- Contiguous occupancies with multiple ownership.

6. That Council convene a panel of Committee of Council made up of the Ward
Councillor Cr Petchey, Manager Economic Development and Retail Liaison
Officer, to hear submissions made for or against the declaration of the Charge.

7. That the Special Charge be payable on dates in accordance with provisions of
s.167 of the Local Government Act 1989 and be billed on Rate Notices for the
relevant properties.

8. That public notice of the intent to declare the Special Charge be published in the
Mordialloc Chelsea Leader newspaper and that written notices be sent to all
owners and occupiers of properties in respect of which the charge is to be levied.

_Crs Petchey/Ronke_

That the recommendation be adopted.  
_Carried_

Attachment A: Letter of request from Mordialloc Traders’ Association to renew Special Charge.
Attachment B: Map of the Mordialloc shopping precinct showing the area to be covered by the Special Charge.
K 109 Vegetation Vandalism Signs - Mordialloc

Author: Rebecca Cohen, Foreshore Coordinator

Approved by: Tony Rijs, General Manager Environmental Sustainability

1. Purpose
For Councillors to consider the installation of ‘view blocking’ signs on the Mordialloc Foreshore between Peter Scullin Reserve and the Mordialloc Life Saving Club following extensive vegetation vandalism late last year.

2. Background
In September 2007 approximately 20 trees were vandalised on the Mordialloc Foreshore between Peter Scullin Reserve and the Mordialloc Life Saving Club. It is presumed that the vegetation vandalism was undertaken to improve views from roof top balconies and private residences across Beach Road.

There was extensive media coverage following this event, and unfortunately the Police were unable to prosecute any persons responsible for these actions.

An onsite meeting was held with officers and a representative from the Department of Sustainability and Environment (DSE) to discuss potential options to undertake in the reserve as a deterrent and to also inform the community of the actions undertaken.

DSE provided an image of the type of sign that they would support Council installing at Mordialloc which has previously been used by Surf Coast Shire Council in response to foreshore vegetation vandalism.

Officers contacted Surf Coast Shire, and obtained the details and specifications of the signs installed and had 6 similar signs constructed which measure approximately 2.5 metres tall by 1 m width. It is important to bear in mind that approximately 0.5 metres will be in the ground so the signs will measure approximately 2 metres high once installed. The signs consist of a steel frame (which should deter vandals) and timber slats (similar to decking timber) which is semi-permeable to views.

The signs can be staggered to give the impression that they are much wider than 1 metre from a distance without compromising the aesthetics of the reserve to visitors.

It is intended to also install signage on the signs to inform the community why the signs have been erected and also send a message to perpetrators. If required additional signs can be manufactured.

The State Government is in the process of drafting appropriate response measures for Committee’s of Management to respond to incidents of vegetation vandalism. As a result, it is unlikely that DSE will issue consent for the installation of view blocking signs, however, as they can be installed as
temporary signs without a planning permit, there will be no automatic trigger for a referral to DSE.

In addition to the erection of signs, additional planting can be undertaken to restore the vandalised vegetation areas.

The Kingston Foreshore Reference Group, Vegetation Management working group has been consulted regarding the proposed location of the vegetation vandalism signs. The Vegetation Management working group would like to see the use of taller signs.

3. Issues
There may be some community uproar from neighbours opposite the reserve whose views may have inadvertently been improved as a result of the vandalism, or alternatively may be impacted from the installation of signs.

4. Options
The options available to Council are:
   1. Install view blocking signs to deter future vegetation vandalism events and inform the community that Council is serious about protecting foreshore vegetation;
   2. Install view blocking signs to deter future vegetation vandalism events and inform the community that Council is serious about protecting foreshore vegetation and undertake additional replanting in the affected area;
   3. Do not install signs and undertake revegetation works; or
   4. Do nothing approach.

5. Triple Bottom Line Checklist
Environmental:
The erection of signs will hopefully act as a deterrent to future incidences of extensive vegetation vandalism occurring thus protecting foreshore vegetation.

Economic:
Signs are relatively inexpensive to construct costing approximately $150 each. Signage will be manufactured as developed by the Kingston Foreshore Reference Group Vegetation Working Group for installation on the signs.

Social:
The community will see that Council is serious about protecting foreshore vegetation.

6. Summary and Conclusion
In response to the extensive vegetation vandalism that occurred on the Mordialloc foreshore in September 2007 officers request Council to support the installation of view blocking signs with appropriate signage to deter future vegetation vandalism events occurring and confirm that Council is serious about protecting Kingston’s foreshore vegetation.
7. **Recommendation**

1. That Council endorse the installation of view blocking signs at strategic locations between Peter Scullin and Mordialloc Life Saving Club and undertake revegetation works to replace vandalised vegetation.
2. When replacement vegetation is re-established to match previously vandalised vegetation signs to then be removed.
3. Advise and engage with the local community to educate why Council are taking proposed actions in response to the vegetation vandalism.

**Crs Petchey/Ronke**

That the recommendation be adopted.  

Carried

Attachment - Map
Draft Kingston Coastal Management Plan

Author:  Rebecca Cohen, Foreshore Coordinator
Approved by:  Tony Rijs, General Manager Environmental Sustainability

1. Purpose

To seek endorsement from Council to publish the draft Coastal Management Plan (CMP) for community consultation during August 2008.

2. Background

In February 2007, Council engaged Beca Pty Ltd to develop a Coastal Management Plan for Kingston’s 13km of foreshore.

The Kingston foreshore has been recognised as having high conservation values with the presence of locally and regionally significant flora species. There is also evidence of the past Aboriginal inhabitants as well as several post settlement heritage features. The commercial and recreational uses of the foreshore create pressures on the natural coastal environment in addition to the challenges of balancing competing demands for limited coastal space. The struggle between the interaction of the coastal environment and human activities are also evident along the Kingston foreshore, and as in most coastal areas, the effects of climate change are becoming more evident and topical.

The purpose of the draft Coastal Management Plan is to:

- Identify coastal values to protect, manage and restore;
- Guide the future use and development of the foreshore;
- Allow for coordinated and informed decision making and management;
- Engage the community and key stakeholders; and
- Establish an agreement between the Committee of Management, DSE and the community on how to manage the foreshore.

The draft Coastal Management Plan (CMP) has been developed within the framework of the Coastal Management Act 1995. Several pieces of legislation, planning documents and projects at federal, state and local levels are also relevant to the management of the Kingston foreshore and were considered during the development of the CMP.

The CMP will be the central guiding document for management of the Kingston foreshore for the future.

The draft CMP was developed through a series of site visits, research exercises and consultation workshops. The development of the draft CMP consisted of three main stages:

- Vision and Values – the identification of issues and values of the Kingston foreshore through detailed investigations, review of existing information, a series of site visits, and agency, stakeholder and community consultation workshops which were hosted in July 2007. The culmination of this first
stage was a Vision and Values report which documented the work undertaken and set a vision for the Kingston foreshore. The Vision and Values report was presented to CIS in September 2007.

- Foreshore Strategic Framework – The development of a strategic framework responding to the issues and values with the aim of achieving the vision developed during stage 1. This included a second round of consultation with agency, stakeholders and community representatives in December 2007 to gain comment on the draft strategies and actions.

- The draft Coastal Management Plan – The writing of the draft CMP, compiling the work undertaken to date and the development of an implementation plan to guide the operation of the CMP.

The next stage in developing the Coastal Management Plan, once Council has endorsed the draft Plan, is to publish the document for community comment. It is proposed to place the draft CMP on public exhibition for 4 weeks in August. An article has been drafted for publication in the August KYC advising of these timelines, and officers are currently drafting advertisements and fliers for distribution to local papers and residents.

It is anticipated that a limited number of hard copies (eg. 150) of the draft Coastal Management Plan will be available for distribution. In addition, the draft CMP will also be available for downloading from the Kingston website. All workshop participants, members of the Kingston Foreshore Reference Group and foreshore stakeholders will be provided with a copy of the draft CMP either electronically or in hard form.

Following exhibition, all comments will be collated and considered for inclusion into the final Coastal Management Plan, which is listed to be endorsed at the Ordinary Council Meeting scheduled in September 2008.

3. Issues

Given the extent of Kingston’s foreshore area, and the diverse nature and range of activities that occur along it, it is likely a diverse range of views will be expressed during the consultation period.

4. Triple Bottom Line Checklist

Environmental:
Currently many coastal projects are undertaken in an ad hoc manner. The Coastal Management Plan will ensure that works are undertaken in a consistent manner along Kingston’s foreshore, and will address environmental issues that are currently being experienced such as erosion and vegetation management, and set achievable targets to address issues such as these in a coordinated manner over the life of this plan.

Economic:
The endorsed Coastal Management Plan will include a detailed business plan identifying expected capital expenditure along the foreshore for the life of the
Social:
The development of the Coastal Management Plan has fostered community stewardship through its development with residents, key stakeholders and visitors to Kingston’s foreshore having the opportunity to provide input and comment. The community has another opportunity to contribute to the future management of the foreshore through the public exhibition of the Plan, and further opportunities will be available for them to contribute to its implementation. In addition to the broader community consultation, the Kingston Foreshore Reference Group has had numerous presentations and opportunities to contribute to the development of the draft CMP along the journey.

5. **Summary and Conclusion**
The draft Coastal Management Plan for Kingston’s foreshore forms a strategic management tool for Kingston’s foreshore, whilst reviewing existing foreshore documents. The process to develop the draft Coastal Management Plan has maximised collaboration between Council staff, local community and the Department of Sustainability and Environment. It is proposed that Council endorse the draft Coastal Management Plan for community consultation during August 2008.

6. **Recommendation**

1. Council endorse the draft Coastal Management Plan for community consultation.
2. The draft Coastal Management Plan be reproduced in hard form and electronically for community consultation.
3. Officers produce advertisements and fliers for distribution.
5. Following community consultation, officers prepare a report to council to formally consider the adoption of the draft Coastal Management Plan.

Crs Petchey and West declared interests in relation to agenda item K110, as they are foreshore residents.

**Crs Petchey/McKeegan**

That the recommendation be adopted.  

Carried

Crs Petchey and McKeegan each thanked the officers and the members of the community, in particular the members of the Kingston Foreshore Reference Group, for their work in relation to this matter.

*Attachment – Draft Coastal Plan*
1. Purpose of Report
The purpose of this report is to present the recommended funding allocations for the 2008/2009 Community Grants Program to Council and to seek approval for the distribution of the funding from the 2008/2009 budget. The recommendations specifically relate to the annual funding streams of City Wide Grants and Village Committee Grants.

2. Background
The City of Kingston offers a range of opportunities for groups and individuals that service the municipality of Kingston to apply for financial assistance by way of a Community Grant. Grants are primarily offered to:

- Enable not-for-profit organisations to deliver services, programs, special events and other activities to the community, which would not otherwise be provided; and
- Enable the community to participate in a broader range of activities than those directly funded by Council, through full or partial funding of costs.

Six funding streams are supported through Community Grants: City Wide Grants, Village Committee Grants, Sports & Recreation Development Grants, Arts & Culture Development Grants, Schools Development Grants, and Access & Equity Grants.

In 2007 the Community Grants program underwent a review resulting in changes to the policy and the application process. The most significant change was the introduction of funding limits: $2000 for equipment and $5000 for minor capital works on a dollar for dollar basis. The application period was also changed from December to February to better coincide with the allocation of funds at the commencement of the financial year.

In addition, the Village Committee apportionment of funding was recalculated using the population figures obtained from the 2006 ABS Census and distributed on percentage of population.

This report provides recommendations for the allocation of funding for City Wide Grants and Village Committee Grants applied for on an annual or triennial basis, comprising:

- Community Centres & Neighbourhood Houses (triennial agreement);
- Citizens Advice Bureaus (triennial agreement);
- Emergency Services (triennial agreement);
City of Kingston
Ordinary Council Meeting
28 July 2008

- Major Community Agencies (triennial agreement);
- St Vincent de Paul’s (triennial agreement via Community Services);
- Municipal Bands (triennial agreement via Arts & Culture);
- City Wide Grants (annual agreement); and
- Village Committee Grants (annual agreement).

2.1 Process

The 2008/2009 Community Grants round opened on the 15\textsuperscript{th} February 2008 and closed 15\textsuperscript{th} April 2008. The Community Grants funding opportunity was promoted through:

- \textit{Kingston Your City} (KYC);
- Mail out to organisations who expressed a wish to be on a mailing list;
- A public notice in local newspapers;
- Council’s telephone on-hold message;
- Distribution of flyers;
- Word of mouth; and

Three information sessions were held, on the 3rd March at Clarinda, the 5th March at Cheltenham and 6\textsuperscript{th} March at Chelsea, a total of 56 people attended these sessions. The sessions provided information about the changes to the guidelines and the new application process. Individual “help sessions” were also offered and 7 different groups availed themselves of this support. Interpreters were available but no requests for this assistance were received.

On receipt, all applications were scanned into TRIM and reviewed by Council Officers for their completeness. Where possible applicants were provided with an opportunity to supply further information if required.

A cross-Council panel was formed and met three times to assess annual City Wide Grant applications. The panel comprised:

- (Acting) Sponsorship & Grants Co-ordinator;
- Community Events and Marketing Coordinator
- Team Leader Leisure Planning
- Property Compliance Coordinator
- Team Leader Arts and Cultural Services
The cross-council assessment panel reviewed each application on its individual merits. A deliberation process was decided on and adhered to throughout the three meetings. At the conclusion of the process there was unallocated funds of $5688 and rather than review the amounts allocated to “use up” the funds and undermine the integrity of the process the funds were left unallocated.

For Village Committee Grants, each Village Committee nominated representatives to form a Grants Sub-Committee. It was the responsibility of these committees to develop grant recommendations for applications made to their Village Committee. To assist the Sub-Committees, an information session was held on 29th April 2008 to discuss the assessment process, clarify the new funding limits and any grants policy queries, and distribute relevant applications.

### 2.2 Summary of Applications

The 2008/2009 Community Grants Program attracted 186 new applications comprising of

- 50 City Wide applications
- 136 Village Committee applications

Attachments A and B provide full details of the assessment of 2008/2009 City Wide and Village Committee grant applications.

### 2.3 Budget

As part of its 2008/2009 budget deliberations, Council increased the 2008/2009 Community Grants budget by 3% lifting the total dollar value of funding available from $1,007,456 to $1,036,746.
The table below summarises the financial details for the 2008/2009 grants:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1818.2397</td>
<td>Community Centres / Neighbourhood Houses</td>
<td>$388,684</td>
<td>$400,530</td>
<td>$400,530</td>
<td>3% increase as per agreement</td>
</tr>
<tr>
<td>1818.2396</td>
<td>City Wide Grants Annual Grants (Total)</td>
<td>$275,924</td>
<td>$223,476</td>
<td>$222,788</td>
<td>Unallocated funds of $888</td>
</tr>
<tr>
<td></td>
<td>• CAB’s</td>
<td>$113,600</td>
<td>$117,008</td>
<td>$117,008</td>
<td>Triennial</td>
</tr>
<tr>
<td></td>
<td>• Major Community Agencies</td>
<td>$76,500</td>
<td>$78,795</td>
<td>$78,795</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Emergency Services</td>
<td>$50620</td>
<td>$52,139</td>
<td>$52,139</td>
<td>Triennial</td>
</tr>
<tr>
<td></td>
<td>• Key Organisations</td>
<td>$32,256</td>
<td>$32,414</td>
<td>$32,414</td>
<td>Triennial</td>
</tr>
<tr>
<td></td>
<td>Village Committees (Total)</td>
<td>$349,671</td>
<td>$173,350</td>
<td>$166,575</td>
<td>Unallocated funds of $6775</td>
</tr>
<tr>
<td>1818.2383</td>
<td>Aspendale VC</td>
<td>$29,437</td>
<td>$22,137</td>
<td>$21,137</td>
<td>Unallocated funds $1000</td>
</tr>
<tr>
<td>1818.2385</td>
<td>Chelsea VC</td>
<td>$44,310</td>
<td>$22,137</td>
<td>$22,137</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2386</td>
<td>Clarinda VC</td>
<td>$32,850</td>
<td>$16,693</td>
<td>$16,693</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2387</td>
<td>Clayton South VC</td>
<td>$32,010</td>
<td>$14,891</td>
<td>$14,891</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2388</td>
<td>Cheltenham VC</td>
<td>$22,251</td>
<td>$21,876</td>
<td>$16,101</td>
<td>Unallocated funds $5775</td>
</tr>
<tr>
<td>1818.2389</td>
<td>Dingley VC</td>
<td>$30,882</td>
<td>$15,411</td>
<td>$15,411</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2390</td>
<td>Moorabbin VC</td>
<td>$28,319</td>
<td>$10,869</td>
<td>$10,869</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2391</td>
<td>Mordialloc VC</td>
<td>$41,047</td>
<td>$13,591</td>
<td>$13,591</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2392</td>
<td>Patterson Lakes VC</td>
<td>$14,026</td>
<td>$13,349</td>
<td>$13,349</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2393</td>
<td>Mentone VC</td>
<td>$46,333</td>
<td>$22,396</td>
<td>$22,396</td>
<td>Total budget allocated</td>
</tr>
<tr>
<td>1818.2394</td>
<td>Individual Sporting Grants</td>
<td>$20,600</td>
<td>$20,600</td>
<td>$20,600</td>
<td>Applications accepted on an ongoing basis.</td>
</tr>
<tr>
<td></td>
<td>Individual Arts and Cultural Grant</td>
<td></td>
<td>$2000</td>
<td>$2000</td>
<td>Applications accepted on an ongoing basis.</td>
</tr>
<tr>
<td>1818.2410</td>
<td>Access and Equity</td>
<td></td>
<td>$10,000</td>
<td>$10,000</td>
<td>Applications accepted on an ongoing basis.</td>
</tr>
<tr>
<td>1818.2398</td>
<td>Supplementary Grants</td>
<td>$18,935</td>
<td>$18,935</td>
<td>$18,935</td>
<td>Applications accepted on an ongoing basis.</td>
</tr>
<tr>
<td>1818.2395</td>
<td>School Development Grants</td>
<td>$7,500</td>
<td>$7,500</td>
<td>$7,500</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>$1,287,255+ ongoing</td>
<td>$1,036,746</td>
<td>$1,029,284</td>
<td>$7,463 surplus</td>
</tr>
</tbody>
</table>
3. **Issues**

**Quality of Applications in 2008/09**

The groups that attended the information sessions understood the new process and submitted applications within the guidelines. The organisations that didn’t attend assumed that the process was the same as in previous years and they neglected to read and follow the new guidelines and application. This highlighted a need to continue with the information sessions and individual help sessions to educate the community. Applicants that submitted ten days or more prior to the closing date were all contacted and given the opportunity to change incorrect information or provide additional supportive documentation as required. This was very well received and many applicants took this opportunity to improve their applications.

**Unallocated Funds**

After assessment of all grant applications, some money has remained unallocated.

- **City Wide grants: $688**
  
  Funding requests for items such as salaries and ongoing programs; project/programs/activities in excess of the new funding limits; and multiple applications are ineligible for funding and cannot be supported under the 2008/2009 grants policy.

- **Cheltenham Village Committee: $5775**
  
  Cheltenham Village Committee had requests totalling $22,251. They received an application from Farm Road pre-school School for $5000 which was ineligible due to a current debt to Council of $35,000 it was removed from the list of applications. They also received an application from Cheltenham baseball club that exceeded the equipment limit of $2000 reducing the total requested to $16101. With a budget of $21,876 this leaves a surplus of $5775.

- **Aspendale /Edithvale/Aspendale Gardens Village Committee: $1000**
  
  $1000 left unallocated by the Village Committee.

4. **Unallocated Funds: $7,463**

This report highlights that $688 remains unallocated in the City Wide Grants, $5775 in the Cheltenham Village Committee grants and $1000 in the Aspendale/Edithvale Village Committee grants. It is proposed that we retain these funds to respond to emerging requests during the year.

5. **Triple Bottom Line Checklist**

- **Social**
  
  The funding provided to successful applicants demonstrates Council’s commitment to working in partnership with local groups and allows Council to support events, projects, services and/or initiatives that are of benefit to the community that are not currently being delivered directly by Council.

- **Financial**
  
  The 2008/09 Council Budget has a provision of $1,036,746 to fund the 2008/09 Community Grants. It is recommended that the grants be distributed to organisations as per Attachments A, B and C.
Environmental
Not applicable to this report.

6. **Summary and Conclusion**
The 2008/09 Community Grants Program attracted 186 applications for consideration with requests for funding reaching $1,287,255. The Council Assessment Panel and Village Committees recommend that the grants be distributed to organisations as per Attachment A, B and C for the Community Grants Program for 2008/09.

7. **Recommendation**

<table>
<thead>
<tr>
<th>That Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Endorse the proposed allocations for the 2008/2009 Community Grants Program as per attachments A, B and C.</td>
</tr>
<tr>
<td>• Retain unspent funds to respond to emerging requests during the year.</td>
</tr>
</tbody>
</table>

Cr Petchey declared an interest in relation to agenda item K111, with respect to the Yarrabah School, Chelsea Community Support Services and Mordialloc Brass Band.

The Mayor, Bill Nixon, declared as interest in K111, with respect to the Mordialloc Community Centre, Central Bayside Community Health Services and St Vincent de Paul Society.

**Crs Ronke/Petchey**

That the recommendation be adopted.

Carried

Councillors also noted advice that there was not a substantial amount of funds left over following the allocations approved by Council.

**Attachments:**
- A - Community Grants –City Wide Grants 2008/-09 Recommended Allocations (TRIM 08/51465)
- B - Community Grants - Village Committee Grants 2008/08 Recommended Allocations (TRIM 08/51469)
- C – Community Grants – Triennial 2008/2009 recommended Allocations (TRIM 08/51483)
City of Kingston  
Ordinary Council Meeting  
28 July 2008

K 112 Draft 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 draft Walter Galt Reserve Master Plan to Council for explanation and discussion. Support to make the draft master plan available for a four week public comment period 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’s 2000 Recreation Open Space Strategy and the more recent Open Space Strategy Evaluation completed in 2005 support Walter Galt Reserve’s function as a significant sporting space. In 2007/2008 the sporting pavilion underwent a significant redevelopment. To compliment these works, a master plan has been developed for the Reserve which addresses existing user’s sporting requirements; local community passive leisure and recreational needs; the location and orientation of minor infrastructure and facilities within the Reserve eg. tennis wall, cricket nets, seating, shade; the way in which the Reserve links to neighbouring open space, residential areas, community centres and schools; pedestrian and vehicle access within the Reserve; and future management of the Reserve and its elements.

Council engaged Sykes Humphreys Consulting in February 2008 to undertake the development of the master plan.

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 Reserve Management Committee, Mordialloc Village Committee, the Ward Councillor - Mayor Bill Nixon, two Council Officers and the project consultants.

Preparation of the draft 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.
3. Issues

The draft Walter Galt Reserve Master Plan identifies a number of usage issues and proposes solutions which should be further investigated and implemented. The 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 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 car parking presents an issue and 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 around 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.

Reconfiguration of the sporting grounds and current open space area was requested by the two sporting club users including the creation of a third sporting ground. This option was investigated however was not pursued nor supported by Council 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.

It is proposed that all sporting clubs and community groups consulted during development of the master plan be specifically invited to provide feedback, as well as those stakeholders that provided a survey response or made a written submission. The draft Walter Galt Reserve Master Plan will be available on Council’s website and at the Mentone Customer Service Centre and Parkdale Library for the four week public comment period.

4. Triple Bottom Line Checklist

- Environmental – No significant environmental impact will result via a four week public comment period. 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 planning of the Reserve to become a place of opportunity and activity for all. 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 - Cost implications of a four week public comment period are minimal (advertising costs only). 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 and external funding programs.

5. Summary and Conclusion

This report seeks support from Council to publicly advertise the draft Walter Galt Reserve Master Plan for a four week public comment in the following manner:

• All sporting clubs and community groups consulted in the study’s development will be specifically invited to provide feedback;
• All survey respondents to be specifically advised that the draft master plan is available for their consideration and comment;
• The draft Walter Galt Reserve Master Plan will be made available on Council’s website and at the Mentone Customer Service Centre and Parkdale Public Library;
• The Mordialloc Village Committee to be provided with a copy of the draft Walter Galt Reserve Master Plan for review and comment via their August meeting; and
• A Council media release will be prepared and issued to the media.

Recommendation

That Council resolves that the draft Walter Galt Reserve Master Plan being made available for a four week public comment period commencing 29 July 2008.

Crs Ronke/Petchey

That the recommendation be adopted. Carried

The Mayor took the opportunity to thank the staff and various members of community and sporting groups involved in the preparation of the draft Master Plan

Attachments:

Walter Galt Reserve Draft Master Plan Drawing
Walter Galt Reserve Draft Master Plan
1. **Purpose**

The purpose of this report is to present the draft Bonbeach Sports Reserve Master Plan to Council for explanation and discussion. Support to make the draft master plan available for a four week public comment period is also sought.

2. **Background**

Bonbeach Sports Reserve is bounded by residential areas to the west and north, a Melbourne Water Retarding Basin to the east and Patterson River Country Club to the south. The 13.57ha Reserve is predominantly an active sporting reserve and is long and narrow in its design. The Reserve comprises:

- 5 sports grounds (3 with turf cricket wickets and the remainder synthetic)
- 2 court indoor basketball stadium
- 3 football/cricket pavilions
- 2 sets of cricket nets
- A playground and large grassed informal play area
- SES and nursery depots
- 3 formal and informal car parking areas

Over a period of time existing user groups, residents and Council have identified a range of issues which impact on Bonbeach Sports Reserve’s functionality including ageing, single purpose infrastructure; the condition and configuration of the five existing sports grounds; local community passive leisure and recreational needs; the location and orientation of infrastructure and facilities within the Reserve; the way in which the Reserve links to neighbouring open space and residential areas; the way in which the Reserve links to neighbouring residential areas and access routes including the Long Beach Tail; and vehicle and pedestrian movement to, from and within the Reserve.

In response to these issues Council elected to prepare a master plan for the Reserve and established a Bonbeach Sports Reserve Master Plan Working Group to guide the development of the Plan. The Working Group comprised representatives from each user group including sporting groups, scouts, SES, and the Bonbeach Depot as well as the Ward Councillor, Justin McKeegan, two Council Officers and the project consultants.

Council appointed Mike Smith & Associates in February 2008 to assist with the development of the master plan.

Preparation of the draft 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.

3. Issues

The draft Bonbeach Sports Reserve Master Plan identifies a range of issues and solutions which should be further investigated and implemented. The Master Plan found that the Reserve caters for a large quantity and diversity of sporting and community use. The overall amenity of the Reserve is currently poor as there is no standard provision of park infrastructure such as fencing, seating, and signage. Opportunities to enhance the appearance and functionality of infrastructure on the Reserve exist also and could include consolidation of old infrastructure within a proposed new building.

Significantly it was identified by neighbouring residents that vehicular access to, from and within the Reserve should be addressed as a priority. Council’s Traffic Engineer has provided advice regarding this matter and it is recommended that further assessment of this issue be undertaken in year one of the master plan’s implementation. Casual users also highly valued the creation of a shared path within the Reserve, linking to the Long Beach Trail which runs along the eastern boundary of the Reserve.

Reconfiguration of the five sporting grounds to allow for more efficient use was a priority for the sporting clubs as was sustainable water use across the Reserve. It was also identified that car parking was a priority for sports clubs.

In response to these issues, the key recommendations made by the master plan include:

- Redeveloping the main sporting pavilion;
- Improving vehicular entry and egress at the Reserve;
- An educational campaign aimed at sporting clubs regarding traffic management and alternative modes of transport which can be used to access 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;
- Reconfiguration of three of the sports grounds; and
- Development of the existing playground to a District level which caters for a broader range of ages and abilities.

A master plan implementation plan will be developed via the four week public comment period in consultation with other Council Departments and will be presented to Council for adoption as part of the final master plan report.

It is proposed that all sporting clubs and community groups consulted during development of the master plan be specifically invited to provide feedback, as well as those stakeholders that provided a survey response or attended the public forum. The draft Bonbeach Sports Reserve Master Plan will be available on Council’s website and at the Chelsea Customer Service Centre and Public Library for the four week comment period.
4. **Triple Bottom Line Checklist**

- **Environmental** – No significant environmental impact will result from a four week public comment period. 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/provision of significant vegetation.

- **Social** - Positive social outcomes have already been attained via this project by partnering with the Chelsea Community Renewal project which seeks to redress social disadvantage and inequality. The consultation process meaningfully engaged the community and involved them in the planning of the Reserve to become a place of opportunity and activity for all. 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** - Cost implications of a four week public comment period are minimal (advertising costs only). 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 and external funding programs.

5. **Summary and Conclusion**

This report seeks Council support to advertise the draft Bonbeach Sports Reserve Master Plan for a four-week public comment. The following consultation is proposed:

- All sporting clubs and community groups consulted during development of the master plan will be specifically invited to provide feedback (including Bonbeach Sports Reserve Master Plan Working Group);
- All survey respondents to be specifically advised that the draft master plan is available for their consideration and comment;
- All attendants at the Public Forum who registered their interest in future consultation opportunities to be advised that the draft master plan is available for their consideration and further comment;
- The Chelsea/Chelsea Heights/Bonbeach Village Committee to be provided with a copy of the draft Bonbeach Sports Reserve Master Plan for review and comment via their August meeting; and
- The draft Bonbeach Sports Reserve Master Plan will be made available on Council’s website and at the Chelsea Customer Service Centre and Public Library.
City of Kingston
Ordinary Council Meeting

Agenda 28 July 2008

**Recommendation**

That Council resolves that the draft Bonbeach Sports Reserve Master Plan be made available for a four week public comment period commencing 29 July 2008.

<table>
<thead>
<tr>
<th><strong>Crs McKeegan/Ronke</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>That the recommendation be adopted.</td>
</tr>
</tbody>
</table>

Cr McKeegan took the opportunity to thank the staff and various members of community and sporting groups involved in the preparation of the draft Master Plan.

**Attachments:**

- Bonbeach Sports Reserve - Existing Issues and Opportunities
- Bonbeach Sports Reserve draft master plan drawing
- Bonbeach Sports Reserve draft master plan report
K 114  Naming Proposal – “The Horse Paddock” Mordialloc

Approved by: Elaine Sowerby, General Manager Organisational Development and Governance
Author: Michael Fry, Team Leader Council Business

1. Purpose

To inform Council of submissions received in relation to the naming proposal of a site “The Horse Paddock” alongside the Mordialloc Foreshore in the area now used as a car park immediately south of Bay Street.

2. Background

The site proposed to be so named is historically associated with racehorses from the Epsom and Mentone racetracks, which were frequently tethered at the site by strappers prior to and subsequent to the horses bathing in the bay.

It is considered that formally naming the site “The Horse Paddock” will formalise a name already in common use by locals.

Council resolved to give notice of the proposal at its April Ordinary Meeting and notice was duly given requesting submissions on the proposal.

3. Submissions

Four submissions were received, 3 of which are supportive of the proposal and one proposes an alternative name.

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitter 1</td>
<td>Supports proposal</td>
<td></td>
</tr>
<tr>
<td>Submitter 2</td>
<td>Supports proposal</td>
<td></td>
</tr>
<tr>
<td>Submitter 3</td>
<td>Supports proposal</td>
<td></td>
</tr>
<tr>
<td>Submitter 4</td>
<td>Proposes Brumby Park</td>
<td>Submission not related to proposal</td>
</tr>
</tbody>
</table>

4. Triple Bottom Line Checklist

Financial
Not applicable.

Environmental
Not applicable.

Social
The new name will appropriately recognise and preserve the historical connection between the former racetracks, racehorses and this site.
5. **Conclusion**

Council is invited to consider whether it wishes to proceed with, vary, or abandon this proposal. If Council wishes to proceed, it would be necessary to request VicNames to agree to proceed to gazette the new name.

The following recommendation is predicated on Council wishing to proceed to request VicNames to gazette the proposed name “The Horse Paddock”.

**Recommendation**

1. That Council request VicNames to proceed to gazette the new name of “The Horse Paddock” for the site alongside the Mordialloc Foreshore as shown in attachment A:
2. The submitters be advised of the outcome and be thanked for their submission.

**Crs Petchey/Athanasopoulos**

That the recommendation be adopted.

*Carried*

*Attachments:*

* A – Map
* B – Submissions*
K 115 Quarterly Reports to the Council Plan and the Community Plan for the period to 30 June 2008

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

Author: Kim Oakman, Team Leader Performance Planning

1. Purpose
To present the Quarterly Reports for the June 2008 quarter in respect of the Council Plan and the Community Plan.

<table>
<thead>
<tr>
<th>Highlights of the June 2008 Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>The fourth and final quarter of the 2007 / 2008 financial year produced a number of highlights and achievements against the Council and Community Plans. In particular:</td>
</tr>
<tr>
<td>- Cheltenham Plaza works completed</td>
</tr>
<tr>
<td>- Extensive community consultation undertaken for PLAN and structure plans for non urban areas</td>
</tr>
<tr>
<td>- Peter Scullin Reserve planting completed, with 2900 plants and 50 advanced trees planted</td>
</tr>
<tr>
<td>- Staff survey conducted</td>
</tr>
<tr>
<td>- Beazley Reserve Pavilion works completed. Chelsea Heights Football and Cricket Clubs have moved in to utilise the premises</td>
</tr>
<tr>
<td>- Master Plans for Shirley Burke Hall, Kingston City Hall and Kingston Arts Centre presented to CIS and now being circulated to user groups for comment</td>
</tr>
<tr>
<td>- Draft Regional Soccer Strategy issued for public consultation</td>
</tr>
<tr>
<td>- Sandbag erosion wall construction completed at North Aspendale beach</td>
</tr>
<tr>
<td>- 51 Waste Education sessions delivered across 11 schools</td>
</tr>
<tr>
<td>- 2,711 recycling bins inspected with a 1.62% rejection rate and 15.1% warning rate; 1,793 green waste bins inspected with a 0.84% rejection rate and a 5.3% warning rate</td>
</tr>
<tr>
<td>- Perceptions of Local Safety Survey undertaken which will inform the Community Safety Strategy, due for completion October 2008.</td>
</tr>
<tr>
<td>- Domestic Animal Management Plan issued for community comment</td>
</tr>
<tr>
<td>- Corporate Information system roll out progresses with the Land Information System now ‘gone live’ with Rates, as well as the Electronic Purchasing module.</td>
</tr>
</tbody>
</table>

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 quarterly since then. The bulk of the agreed actions arising out of the Community Plan
have now been completed or are ongoing in nature. The two actions that have not been finalised are broad in scope and involve extensive, ongoing development work (refer Item 3.2 of this report). Achievement of milestones has been noted against each of the actions, including the two incomplete items.

3. Issues

3.1 Council Plan

Progress against the milestones adopted for the Council Plan is noted graphically in the right hand column of the report - % complete. Most milestones have been achieved but some require ongoing work beyond the end of the 2007 / 2008 financial year.

The milestones requiring additional work beyond 30 June 2008 are:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Project milestone</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.2</td>
<td>Implementation of Carrum Structure Plan</td>
<td>The recent sale of Old Post Office Lane will enable progression of the Structure Plan.</td>
</tr>
<tr>
<td>1.1.2</td>
<td>Implementation of Mordialloc Structure Plan</td>
<td>Amendment C91 not approved re heritage controls. Bay to Rail Stage 2 (foreshore to Main St, along Centreway) concept design underway but not complete</td>
</tr>
<tr>
<td>1.1.2</td>
<td>Implementation of Highett Structure Plan</td>
<td>Permanent Planning Scheme controls adopted by Council and will go to the Minister for Planning next quarter</td>
</tr>
<tr>
<td>1.1.3</td>
<td>Master Plan for Shirley Burke Hall</td>
<td>Preliminary Master Plan to CIS June 2008. Now out for comment with user groups. Final Master Plan to Ordinary Council September 08</td>
</tr>
<tr>
<td>1.1.3</td>
<td>Master Plan for Kingston City Hall</td>
<td>Preliminary Master Plan to CIS June 2008. Now out for comment with user groups. Final Master Plan to Ordinary Council September 08</td>
</tr>
<tr>
<td>1.1.3</td>
<td>Master Plan for Kingston Arts Centre</td>
<td>Preliminary Master Plan to CIS June 2008. Now out for comment with user groups. Final Master Plan to Ordinary Council September 08</td>
</tr>
<tr>
<td>1.1.4</td>
<td>Replace footpath in Mentone from Balcombe Rd to Brindisi St</td>
<td>Mentone works delayed by ongoing investigation of underground powerlines in Mentone. Footpath won’t be replaced until this issue is resolved.</td>
</tr>
<tr>
<td>1.1.5</td>
<td>Patterson Lakes Community Centre and Library project</td>
<td>Design work continuing. Construction tenders to be advertised July 08. Construction planned to commence September 08. Funding affected by Tradewinds decision.</td>
</tr>
<tr>
<td>Agenda</td>
<td>Master Plan for Moorabbin Reserve</td>
<td>Resolution subject to negotiations with St Kilda Football Club</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>2.1.3</td>
<td>PLAN</td>
<td>PLAN adopted by Council. Council to now request interim controls.</td>
</tr>
<tr>
<td>2.1.4</td>
<td>Structure Plans for non-urban areas</td>
<td>Report scheduled to be considered by Council July 2008. Agricultural viability and water harvesting investigation work also progressing. Study to be presented to August CIS.</td>
</tr>
<tr>
<td>2.1.5</td>
<td>Planning scheme amendment to recognise Council’s significant trees and vegetation</td>
<td>Uncontested properties complete; contested properties subject to consideration by independent panel early 2008/09 year</td>
</tr>
<tr>
<td>2.2.3</td>
<td>Finalise the Coastal Management Plan for Council endorsement and referral to Minister</td>
<td>The Coastal Management Plan went to CIS 14/7/08 with a proposal that it be released for community comment. This will now occur and the final Plan will go to Ordinary Council Sept 08 and then be referred to the Minister.</td>
</tr>
<tr>
<td>3.2.1</td>
<td>Develop a Community Arts strategy</td>
<td>Commencement of the community art policy and strategy as been delayed as other major planning work and projects are finished. The master plans for Kingston Arts Facilities and the Coastal Art: Pioneer Project are nearing completion. Calls for Expressions of Interest to sit on the Arts and Culture Advisory Group about to commence and this group will inform the development of new policy</td>
</tr>
<tr>
<td>3.3.4</td>
<td>Develop a Children’s Services policy</td>
<td>Milestones renegotiated for this project. Project anticipated to be completed by Nov 2008.</td>
</tr>
<tr>
<td>3.4.3</td>
<td>Review community facilities and services in Clayton South / Westall area</td>
<td>Community Resource Guide incorporated into Clayton South Directory; strategic planning re Clayton South facilities commenced.</td>
</tr>
</tbody>
</table>
5.5.2 Undertake occupancy compliance audit

Inclusion of additional buildings constructed by third parties on Council land has delayed the completion of the compliance audit.

These milestones will be carried over into quarterly reports for the 2008/09 reporting year.

The Quarterly Report to the Council Plan also notes triple bottom line indicators where a specific quarterly figure is available. The 2007 / 2008 Annual Report will report fully on these indicators.

3.2 Community Plan

All but two of the actions in the Community Plan have been achieved. The two ongoing matters from the Community Plan are:

<table>
<thead>
<tr>
<th>Area</th>
<th>Action Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarinda / Oakleigh South</td>
<td>Initiate further research into facilities for sports teams</td>
<td>Kingston Sporting Needs Analysis continues to be developed and will include Clarinda &amp; Oakleigh South. This will inform decisions about sports facilities across the municipality.</td>
</tr>
<tr>
<td>Moorabbin / Highett</td>
<td>Enhance Moorabbin as an arts and culture focal point</td>
<td>Improvements have been made at Kingston City Hall to provide spaces for community cultural events. The refurbishment of the Hall’s foyer to include a box office and café is near completion. And Master Plans for the City Hall and Arts Centre will be completed in the first 2008/09 quarter.</td>
</tr>
</tbody>
</table>

4. Triple Bottom Line Checklist

- Environmental – not applicable
- Social - not applicable
- Financial – not applicable

**Recommendation**

That Council note the Quarterly Reports

**Crs McKeegan/Athanasopoulos**

That the recommendation be adopted. **Carried**
Cr McKeegan thanked the officers involved in preparing this document.

The Mayor reiterated Cr McKeegan’s comments advising that this is a great reference document which shows the wider community the amount of work undertaken and completed by the Council.

**Attachments:**
1. Quarterly Report to Council Plan June 2008 quarter
2. Quarterly Report to Community Plan June 2008 quarter
12. Notices of Motion

Nil.

13. Question Time

Dealt with prior to agenda item K105 (refer page 24.

14. Urgent Business

Nil.

15. Items in Camera

Nil.

The meeting closed at 9.50pm.

Confirmed……………………..His Worship The Mayor 25 August 2008.