

**City of Kingston
Ordinary Council Meeting**

Minutes

4 February 2008

Notice is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the City of Kingston Municipal Offices, 1230 Nepean Highway, Cheltenham, on Monday, 4 February 2008.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 17 December 2007

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

4. Petitions

- 4a) *Cr Alabaster-Residential Amenity Item*
- 4b) *Cr McKeegan-Traffic in Mernda Avenue, Chelsea*

5. Presentation of Awards

6. Reports from Delegates Appointed by Council to Various Organisations

7. Environmental Sustainability Reports

- | | | |
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8. Community Sustainability Reports

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9. Organisational Development and Governance Reports

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10. Notices of Motion

- | | | |
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11. Question Time

12. Urgent Business

13. Items in Camera

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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
Warren Ashdown- Acting General Manager Environmental Sustainability
Paul Franklin-General Manager Corporate Services
Trevor McCullough- General Manager Community Sustainability
Elaine Sowerby – General Manager, Organisational Development and Governance
Michael Petit-Manager Communications and Promotions
Ian Nice-Manager Planning and Building
Peter Frost-Governance Co-ordinator

1. Apologies

All Councillors were present.

2. Confirmation of Minutes of Previous Meetings

Crs Petchey/Ronke

That the minutes of the Ordinary Council Meeting held on 17 December 2007 be confirmed, subject to the following alterations:

- a) The seconder of the motion moved in respect to Item J183 being Cr McKeegan, rather than Cr Nixon;
 - b) The seconder of the motion moved in respect to Item J184 being Cr West, rather than Cr Nixon.
- 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 item K9 (Notice of Motion-Channel Deepening Project), as Cr Petchey is the spokesperson on channel deepening for the Association of Bayside Municipalities.

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Cr West declared an interest in item K3 (120 Como Parade West, Parkdale), as Cr West is a fellow Rotary club member of a partner of one of the objectors to the application.

4. Petitions

a) Cr Alabaster-Residential Amenity Item

Cr Alabaster tabled a petition from residents in the vicinity of Redholme Street Moorabin regarding a residential amenity issue.

Crs Alabaster/Athanasopoulos

That the petition be referred to the Chief Executive Officer for response. **Carried**

b) Traffic in Mernda Avenue Chelsea

Cr McKeegan tabled a petition regarding traffic in Mernda Avenue, Chelsea.

Crs McKeegan/Athanasopoulos

That the petition be referred to the Chief Executive Officer for response. **Carried**

5 Presentations

There were no presentations.

6. Reports from Delegates Appointed by Council to Various Organisations

There were no reports from delegates.

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7 Environmental Sustainability Reports

K 1 Town Planning Application Decisions – December 2007

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 December 2007.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	58	84
Notice of Decision	7	10
Refusal to Grant a Permit	3	5
Other - Withdrawn (1) - Prohibited (0) - Permit not required (0) - Lapsed (0)	1	1
Total	69	100

(NB: Percentage figures have been rounded)

Recommendation

That the report be noted.

(See Attachment)

Crs Alabaster/Ronke

That the recommendation be adopted.

Carried

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K 2 39 Edward Street Cheltenham

Author: Elizabeth McDonald-Town Planner
Approved by: Tony Rijs-General Manager Environmental Sustainability

Applicant:	Thomas Anderson Design
Address Of Land:	No. 39 (Lot 25 on PS8901) Edward Street, Cheltenham
Melway Ref:	86 J3
Proposal	Three (3) dwellings
Contact Officer:	Elizabeth McDonald
File No:	KP197/07
Zoning:	Residential 1
Kingston Planning Scheme Ordinance Controls:	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
Residential Policy Area:	Increased Housing Diversity
Neighbourhood Character Area:	Area 11
Decision By:	29 th December 2007
Nett Days:	65 days @ 3 rd January 2008

Main Issues Relating to this Application

- Neighbourhood character
- Street setbacks
- Two storey design

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Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room OR A balcony of 8m ² with a minimum width of 1.6 metres and convenient access from a living room OR A roof-top area of 10m ² with a minimum width of 2 metres and convenient access from a living room.	Dwelling 1 – 40.8m ² rear secluded private open space Dwelling 2 – 45.8m ² rear secluded private open space Dwelling 3 – 44m ² rear secluded private open space	As per ResCode
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 (n/a)	All dwellings are provided within a single garage and tandem space: Dwelling 1 – 2 car spaces Dwelling 2 – 2 car spaces Dwelling 3 – 2 car spaces	Adequate car parking for future residents and visitors
Dwelling Setback to Street	Front Street - The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street – 7.92 metres Side Street – Front walls: should be set back at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls: should be set back the same distance as the setback of the front wall of any existing	Dwelling 1 – varies between 4.5m to 11.2m Dwelling 2 and Dwelling 3 – minimum 3.0m Dwelling 1 – 3.0m	As per ResCode

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	building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.		
Site Coverage	Maximum 60%	Site coverage is 44.6%	As per ResCode

Existing Conditions

The subject site comprises a 745.6m² allotment on the north-east corner of Edward Street and Booker Street, Cheltenham. The site currently contains a single storey weatherboard dwelling, with vehicle access from Booker Street. The site contains some established vegetation, concentrated along its Edward Street and Booker Street frontages. The site is encumbered by a 1.83m wide easement along its eastern property boundary. There appears to be no restrictions or Section 173 Agreements registered on the Certificate of Title.

To the north of the site is a single storey weatherboard dwelling with hipped roof, set back 7.92m from Edward Street (No.37 Edward Street). To the east of the site is a single storey cement block dwelling with tiled gable roof, angled towards Booker Street and set back a minimum of 3.665m. To the west, across Edward Street, is the Frankston to Melbourne railway line. To the south, across Booker Street, is a park with children's play equipment.

The surrounding area typically comprises of single storey dwellings with hipped tile rooves. A 2-storey dwelling is located at No.7 Booker Street.

Proposal in Detail

It is proposed to demolish the existing dwelling on the land and construct three double storey dwellings. Dwelling 1 is proposed to front Edward Street, and dwellings 2 and 3 would front Booker Street.

Key elements of the proposal are as follows:

Dwelling	Floor Area	Private Open Space	No. of Bedrooms	Car Parking Spaces
1	133.5m ²	40.8m ² rear secluded private open space	2 plus study	2
2	122.2m ²	45.8 ² rear secluded private open space	3	2
3	122.2m ²	44m ² rear secluded private open space	3	2

Vehicle access to each dwelling would be provided via two new crossovers from Booker Street, and one from Edward Street. The existing crossover from Booker Street would be removed and the nature strip reinstated. Each dwelling would be provided with a single car garage and tandem space.

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K 2

The submitted plans indicate that the established vegetation on the site is proposed to be retained, excluding a Jacaranda which is proposed to be removed from the site's Edward Street frontage in order to make room for the driveway for dwelling 1.

The concept landscape plan indicates that additional spreading canopy trees would be provided at the Edward Street and Booker Street frontages, and within the rear secluded private open space areas of each of the dwellings.

The majority of the existing 1.8m high paling fence extending across the property frontage would be removed and replaced by a 1.2m high brick pier and picket fence, with a section of the existing fence proposed to be retained at the Edward Street and Booker Street intersection.

Building Materials and colours have been nominated as:

Roof:	Concrete tiles – Bristle 'Phoenix'
Walls:	Ground floor: Face brickwork – Austral 'Melbourne Cotham' First floor: Render – Dulux 'Prairie Dust'
Garage doors:	Sectional door – Colorbond 'Classic Cream'
Windows:	Primrose Aluminium
Driveways:	All weather sealed R.C. charcoal
Front fencing:	1.2 metre high brick and pier – colour not specified
Boundary fences:	North – new 2.1m high paling fence East – existing 1.8m high paling fence

The proposal would result in a site coverage of 44.6%, and a site permeability of 47.6%.

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.

Planning Permit History

No previous planning applications have been made for this subject 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).

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

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 8 June, 2007. The amendments included various minor changes in response to Council's further information request of the 12 April, 2007.

Council decided to proceed with the application based on the amended plans.

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 two (2) notices on the subject site for a period of fourteen (14) days

In response to notification of the proposal, fifty-three (53) objections were received, fifty of which were from a pro forma objection letter.

The grounds of concern may be summarised as follows:

- Overlooking from upper level windows into No.37 Edward Street and No.1 Booker Street
- Visual bulk presented towards No.37 Edward Street
- Proposal not in keeping with neighbourhood character
- Proposal overlooks park opposite
- Proposal constitutes an overdevelopment of the site
- Increased traffic on dangerous corner and resulting safety concerns
- Location of crossover to Edward Street conflicts with existing speed hump
- Increased demand for on-street car parking
- Loss of vegetation

Amendment to the Application after Notification and Re-notification

An application pursuant to Section 57A of the Planning and Environment Act 1987 was received on 16 October 2007 following discussions with Council Officers. The amendments include:

- Reconfiguration of the ground and first floor footprints
- First floor areas reduced
- Increased setbacks provided from first floor to site's northern and eastern property boundaries
- Increased setbacks provided from first floor to Booker Street frontage
- Increased separation at first floor level between the dwellings

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- Reduced front setback to Edward Street at ground level

Council decided to proceed with the application based on the amended plans.

Notification of the amended application has been made pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending out notices to the owners and occupiers of adjoining land and to objectors to previously advertised plans;
- Displaying two (2) notices on the subject site for a period of fourteen (14) days.

The notification has been carried out correctly. Council received forty-nine (49) objections, forty-eight of which were from a pro forma objection letter. The key issues raised in these objections are:

- The amended plans reduce the building setback to Edward Street, which is out of character with neighbouring properties
- The amended plans have not addressed the issue of overlooking from upper windows into neighbouring properties, nor the location of the crossover from Edward Street
- Proposal is still an overdevelopment of the site

It is noted that all outstanding objections to all notification processes are considered in the assessment of an application.

Preliminary Conference

A preliminary conference was held on the 23 January, 2007 where the above issues were discussed.

All of the issues raised by objectors in attendance were thoroughly discussed, and some agreement was reached in relation to some of the aspects of the proposal. The following were agreed to be made conditions of any permit issued:

- The existing 1.8m high paling fence at the site's Booker Street and Edward Street frontages removed and replaced with a continuation of the proposed 1.2m high brick pier and picket fence;
- The removal of vegetation at the site's Booker Street and Edward Street corner to improve driver visibility, and their replacement with suitable species;
- The first floor windows of the dwellings on the northern elevation to be fitted with fixed obscure glazing, not 'film application';
- The provision of suitable screening planting within the rear private open space areas of the dwelling adjoining the site's northern and eastern property boundaries;
- The provision of an additional on-site car parking space adjacent to the tandem car space of dwelling 3;
- The garage for dwelling 1 to be offset from the northern boundary fence, and nominated as not to exceed an average wall height of 3.0m from natural ground level, and a maximum height of 3.2m from natural ground level at any point;
- The garage for dwelling 3 abutting the eastern property boundary to be offset 150mm, and nominated as not to exceed an average wall height of 3.0m from

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- natural ground level, and a maximum height of 3.2m from natural ground level at any point;
- The existing 1.9m high paling fence along the northern property boundary to be retained, and fitted with a 600mm high lattice fence extension to the satisfaction of the adjoining property owner from No.37 Edward Street;
 - The existing 1.8m high paling fence along the eastern property boundary to the rear of garage 3 to be fitted with a 600mm high lattice fence extension to the satisfaction of the adjoining property owner from No.1 Booker Street;
 - The proposed 1.2m high brick pier and picket fence at the property frontage to continue from the site's north-west corner along the northern property boundary to where it meets the garage for dwelling 1, to the satisfaction of the adjoining property owner of No.37 Edward Street.
 - The 1.8m high paling fence along the eastern property boundary to taper down to 1.2m in height, 3.0m from the Booker Street frontage, to the satisfaction of the adjoining property owner of No.1 Booker Street.

It was made clear by the residents at the conference that they believed the proposal to be an overdevelopment of the site, and two dwellings on the site would be more appropriate.

The residents were advised that their issues relating to existing traffic and car parking would be relayed to the Council's Traffic Department for investigation. The applicant did however suggest that a \$2000 contribution could be made to Council by the developer of the site to put towards traffic calming measures or additional on-street car parking.

At the time of writing, no objections have been withdrawn.

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.

Internal Council Referrals (where appropriate amended applications have been re-referred)	Advice/Response/Conditions
Drainage Engineer	No objection subject to the inclusion of nominated conditions on any permit issued
Vegetation Management Officer	No objection, subject to the inclusion of suitable conditions on any permit issued.
Tree Operations Co-ordinator	No objection subject to the inclusion of a condition on any permit issued requiring the payment of a removal, replacement and compensation fee.

Assessment

Kingston Planning Scheme Provisions

Clause 12: Metropolitan Development

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

Clause 12.01 A more compact city seeks to:

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

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

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

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

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

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

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

Clause 12.08 Better transport links seeks to:

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

It is considered that this application meets these objectives.

Clause 14.01: Planning for Urban Settlement

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

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

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

Clause 16.02: Housing - Medium Density Housing

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

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

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

Located within the Cheltenham 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 would improve housing choice, providing an alternative more 'compact' form of housing to the area. It is considered that the proposed design is suitable to the existing urban environment, incorporating appropriate building setbacks, design elements which reduce building bulk (including a reduced upper level), materials which are compatible with the existing character of the street, and areas for landscaping to soften the development.

The proposed dwellings would achieve a high level of energy efficiency through the attached form of the development, and the buildings have been orientated to maximise opportunities for north-facing primary living areas and secluded private open space.

Whilst it is acknowledged that the form of development is more intense than surrounding development (typically comprising detached dwellings on single allotments), the proposed number of dwellings on the site is considered wholly consistent with State Planning Policy objectives, having regard to the site's location within an activity centre and its proximity to established services and infrastructure.

This proposed design response provides for an opportunity to meet the urban consolidation principles outlined in this section of the Scheme whilst protecting the amenity of neighbouring properties. Further consideration of the potential off site amenity impacts is provided later in this report.

Clause 21.05 MSS - Residential Land use

Increased Housing Diversity

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

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

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.

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- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

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

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

It is considered that the proposed development is in accordance with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The design

provides a good standard of amenity for the future occupants of each dwelling, and protects the amenity of neighbouring dwellings due to its generous first floor setbacks to the site's sensitive residential abutments at its north and east boundaries. The site's corner location, and its position to the south and west of existing abutting dwellings further reduces potential amenity impacts such as overshadowing.

Although the proposal would present a higher dwelling yield than that on immediately surrounding allotments, it is considered that the proposal is consistent with local planning policy with respect to increased housing diversity areas and responding to the evolving character of this area.

Clause 22.11 - Residential Development Policy

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

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

The proposed dwellings would provide a good standard of amenity for future occupants, and the careful design and siting of the proposed dwellings with respect to adjoining properties ensures that potential off-site amenity impacts are reduced. Substantial setbacks are provided (4.4m minimum) between the first floor level and neighbouring properties. Articulation and visual interest has been achieved through the use of varied colours, materials, finishes, and modulation of the building footprint. The upper level has been set back from the ground level, thus preventing a 'box like' type design in accordance with this policy.

The Residential Development Policy suggests that garages be incorporated within the main roofline of the dwelling. The garages provided for dwellings 2 and 3 feature flat roofs, and are not within the roofline. It is considered that this is appropriate, as the flat roof feature reduces the overall height of the garages, and helps to provide a greater sense of visual separation between the dwellings.

The proposed dwellings are of a high design standard, respect and complement existing neighbourhood character, and are provided with an adequate level of car parking to support the proposed development.

The existing Jacaranda located at the site's north-west elevation is considered worthy of retention. A planning permit condition can require the driveway and crossover for dwelling 1 to be realigned, and tree protection measures imposed to ensure the survival of the tree.

The proposed development incorporates the provision of landscaping, inclusive of canopy trees within the front setback area of the site, and within all private open space areas. This should ensure that landscaping and trees remain an important element in the appearance and character of the locality.

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 11 of the Neighbourhood Character Guidelines. The proposal is not considered to raise any significant areas of non-compliance with these guidelines.

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 as follows:

Street Setback – The proposed front setback to Edward Street (ranging between 4.5m to 11.2m) is considered acceptable having regard to the site's corner location and angled street frontage. An appropriate transition has been provided from the adjoining property at No.37 Edward Street, which is set back a minimum of 7.9m. Despite the concerns of some objectors, it is not considered that the reduced setback would reduce visibility for road users. A planning permit condition is recommended to improve driver visibility through the removal of the existing 1.8m high paling fence at the corner, and the continuation of the proposed 1.2m high brick pier and picket fence. It is noted that the dwelling at No.35 Edward Street is set back a minimum of 5.2m from the street frontage. It is considered that the proposed front setback is consistent with the surrounding neighbourhood character and makes efficient use of the site.

Landscaping – It is considered that the existing Jacaranda located at the site's north-west corner is worthy of retention. A permit condition is recommended to realign the driveway for dwelling 1 to enable its retention, and the imposition of conditions to ensure the tree's protection during construction.

Overlooking –The first floor windows on the north elevation of the dwellings allow direct views into the private open space and habitable windows of the adjoining property (No.37 Edward Street). A permit condition is recommended to ensure that these windows are fitted with fixed obscure glazing to a height of 1.7m above finished floor level in accordance with the requirements of Standard B22 of Clause 55.04-6.

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: *Overlooking from upper level windows into No.37 Edward Street and No.1 Booker Street.*

Response: As stated above, the north-facing first floor windows of the dwellings are not shown to be screened, however a permit condition is recommended to ensure that the windows are fitted with fixed obscure glazing to a height of 1.7m above finished floor level.

Objection: *Visual bulk presented towards No.37 Edward Street.*

Response: It is considered that the proposal's northern elevation has been sensitively designed, incorporating techniques to minimise visual bulk such as reduced upper floor components, substantial building setbacks from the adjoining private open space (well in excess of Rescode requirements), separation between the upper levels of the dwellings (4.3m and 4.0m respectively), a variety of building materials, and generous landscaping areas to soften the development. It was agreed at the preliminary conference that a 600mm high lattice fence extension would be fixed to the existing paling fence on the northern property boundary.

Objection: *Proposal not in keeping with neighbourhood character.*

Response: While the surrounding area typically comprises single storey dwellings, it is not considered that this should preclude double-storey development on the subject site. The proposal has been sensitively designed to respect the character of surrounding properties through varied building footprints, a reduced upper floor area to avoid a 'box-like' appearance, breaks at the upper level between the dwellings, a variety of building materials to provide visual interest, the retention of significant vegetation and the provision of substantial areas for new landscaping. The techniques employed are consistent with those suggested within Council's Residential Development Policy. The proposed development intensity is considered to be consistent with Council's policies for Increased Housing Diversity Areas, and development in and around activity centres. It is considered that the proposed

building would be compatible with the existing character of the area, while contributing to the evolving character of the Increased Housing Diversity area.

As mentioned in the above Rescode assessment, the proposed front setback to Edward Street is considered suitable with respect to neighbourhood character.

Objection: *Proposal overlooks park opposite.*

Response: There is no provision in the planning scheme which suggests that overlooking of public parks should be avoided. It is generally considered good planning practice to provide surveillance of public spaces in the design of new buildings.

Objection: *Proposal constitutes an overdevelopment of the site.*

Response: The proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking (subject to permit condition), overshadowing, excessive site coverage, insufficient car parking and poor internal amenity for future residents of the dwellings. The site is also located within an Increased Housing Diversity area and Activity Centre, where 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: *Increased traffic on dangerous corner and resulting safety concerns.*

Response: It is considered that two additional dwellings on this site would result in a negligible impact on existing traffic levels in Edward Street and Booker Street.

Objection: *Location of crossover to Edward Street conflicts with existing speed hump.*

Response: It is not considered that the proposed crossover to Edward Street would compromise traffic or pedestrian safety. The crossover would serve only one dwelling and thus a low number of movements from the site, and the existing speed hump would assist in slowing traffic at the corner. A permit condition is recommended to relocate the crossover further north, adjacent to the crossover serving No.37 Edward Street in order to allow for the retention of the Jacaranda and to provide a greater distance from the Edward Street and Booker Street intersection.

Objection: *Increased demand for on-street car parking.*

Response: The proposal has provided for on-site car parking in accordance with the requirements of the planning scheme. The site is also well located in relation to public transport infrastructure. It is not considered that on-street car parking demand would increase significantly as a consequence of the proposal.

Objection: *Loss of vegetation.*

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Response: Council's Vegetation Management Officer has considered the existing vegetation on the site, and recommended that the Jacaranda be retained. A permit condition is recommended to require its retention. The remaining vegetation is not considered to be of significance to the site and streetscape. A condition of permit will require a landscape plan to be prepared by a suitably qualified professional, to ensure that the landscape character of the area is maintained and enhanced.

General Comment

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

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

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

Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for three (3) 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 the 16 October, 2007, 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 existing Jacaranda adjacent to the proposed driveway for dwelling 1 from Edward Street to be retained, with the proposed driveway to be realigned to be no closer than 2m from the base of the tree;
 - 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 native 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 removal of the two (2) *Acmena smithii* and one (1) *Liquidamber styraciflua* located at the site's south-west corner;
 - viii. the provision of six (6) suitable small/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, and the location of trees at the site's south-west corner must not adversely impact on driver visibility at the Edward Street/Booker Street intersection;
 - ix. the provision of suitable screening planting within the rear private open space areas of the dwelling adjoining the site's northern and eastern property boundaries;
 - x. sustainable lawn areas and plant species taking current water restrictions into consideration;

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- xii. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - xiii. 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;
 - xiv. the provision of a notation of the Tree Protection Details as provided in Conditions 2, 3 and 4 of this permit. This includes tree all nominated tree protection zones to be drawn to scale on the plans.
-
- b. the realignment of the driveway and crossover for dwelling 1 further north, adjacent to the crossover serving No.37 Edward Street, to enable a minimum 2.0m clearance from the base of the Jacaranda required to be retained under Condition 1a)i.;
 - c. the provision of fixed obscure glazing (i.e. not 'film application') to 1.7m above the finished floor level to all first floor north-facing windows of each dwelling respectively;
 - d. the existing 1.8m high paling fence at the site's Booker Street and Edward Street frontages removed and replaced with a continuation of the proposed 1.2m high brick pier and picket fence;
 - e. the provision of an additional on-site car parking space adjacent to the tandem car space of dwelling 3;
 - f. the garage for dwelling 1 to be offset from the northern boundary fence, and nominated as not to exceed an average wall height of 3.0m and a maximum height of 3.2m from natural ground level at any point directly below it;
 - g. the garage for dwelling 3 abutting the eastern property boundary nominated as not to exceed an average wall height of 3.0m and a maximum height of 3.2m from natural ground level at any point directly below it;
 - h. the existing 1.9m high paling fence along the northern property boundary to be retained, and fitted with a 600mm high lattice fence extension to the satisfaction of the adjoining property owner from No.37 Edward Street;
 - i. the existing 1.8m high paling fence along the eastern property boundary to the rear of garage 3 to be fitted with a 600mm high lattice fence extension to the satisfaction of the adjoining property owner from No.1 Booker Street;
 - j. the proposed 1.2m high brick pier and picket fence at the property frontage to continue from the site's north-west corner along the northern property boundary to where it meets the garage for dwelling 1, to the satisfaction of the adjoining property owner of No.37 Edward Street;
 - k. the 1.8m high paling fence along the eastern property boundary to taper down to 1.2m in height 3.0m from the site's Booker Street frontage;
 - l. deletion of the east-facing kitchen window on the ground floor plan of dwelling 1;
 - m. the provision of a 6m³ externally accessible storage space for dwelling 2;
 - n. the provision of colour samples for all external elevations of the dwellings.

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2. A Tree Protection Zone (TPZ) must be installed at a distance of 2 metres from the Coast *Jacaranda mimosifolia* (Jacaranda) located in the front setback of the property. A qualified arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 2m of the tree:
 - a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - 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;
 - h. mulch (woodchips) must be laid to a depth of 100mm.
3. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 2m in a radius from the *Jacaranda mimosifolia* (Jacaranda) The above requirements in condition 2 must be observed within this area.
4. 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.
5. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
6. Prior to the occupation of the dwellings hereby permitted, the Developer/Owner must pay to the Responsible Authority an amount of \$2000.00 towards traffic calming measures and/or indented on-street car parking spaces undertaken by the Responsible Authority within the immediate vicinity of the site.
7. Prior to the removal of the tree from the site's Edward Street nature strip the Developer/Owner must pay to Council a compensation, removal and replacement fee (\$648.50) (including GST) for the removal of this existing tree. The removal of this tree must be undertaken by Council, and the Developer/Owner must advise Council when this tree is required to be removed.
8. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

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9. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
10. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on treatment options.
11. Before the development commences, a drainage plan showing the method of treatment and discharge to the nominated point must be prepared to the satisfaction of the Responsible Authority. The plan must be prepared by a qualified person and show all details of the proposed drainage works, including all existing and proposed features that may have impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
12. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties.
13. Construction on the site must be restricted to the following times:
 - a. Monday to Friday 7:00am to 7:00pm; and
 - b. Saturday 9:00am to 6:00pm.Or otherwise as approved by the Responsible Authority in writing.
14. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
14. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
15. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
16. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.

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17. 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. The 600mm high lattice fence extensions as required under Condition 1 and as shown on the endorsed plans is to be at the whole cost of the applicant/owner.
18. 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.
19. 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.

20. 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.
21. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
22. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. External clothes drying facilities must be provided for each dwelling.
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.*

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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.

Note: It is noted the development includes garage/storage to be built over the easements. Separate consent from Council and the relevant service authority is required to build over the easements and will need to be obtained prior to the issue of a Building Permit.

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

Crs West/Athanasopoulos

That the recommendation be adopted, subject to the following variations to permit conditions:

- a) add to the end of Condition 1b) the words "and to achieve a greater clearance from the speed hump in front of the site";
- b) modify Condition 1e) to read "the provision of one (1) additional tandem car space in front of the garage for dwelling 3, with the driveway and crossover widened accordingly";
- c) include a new provision 1o) to read "the provision of double glazing or 8mm thick glass to all ground and first floor habitable room windows which face Edward or Booker Streets".

Carried

Cr Petchey asked that the minutes record that she voted against adoption of the motion.

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K 3 120 Como Parade West Parkdale

Author: Elizabeth McDonald-Town Planner

Approved by: Tony Rijs-General Manager Environmental Sustainability

Applicant:	Michelle and John Guiry
Address Of Land:	No. 120 (Lot 1 on TP224645P) Como Parade West, Parkdale
Proposal	Three (3) dwellings
Contact Officer:	Elizabeth McDonald, Author: Zoe Delmenico
File No:	KP496/07
Zoning:	Residential 1
Overlay:	Design and Development Overlay (Schedule 1 – Urban Coastal Height Control Area)
Kingston Planning Scheme Controls:	<p>Ordinance</p> <p><u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing</p> <p><u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone & Schedule Clause 43.02: Design & Development Overlay (Schedule 1) Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines</p>
Residential Policy Area:	Increased Housing Diversity
Neighbourhood Character Area:	Area 19
Decision By:	19 December, 2007
Nett Days:	95 days @ 23 January 2008

Main Issues Relating to This Application

- neighbourhood character
- visual bulk

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Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	An area of 40m ² , with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of 3 metres and convenient access from a living room OR A balcony of 8m ² with a minimum width of 1.6 metres and convenient access from a living room OR A roof-top area of 10m ² with a minimum width of 2 metres and convenient access from a living room.	Dwelling 1 – 62m ² of which 42m ² is secluded private open space and 5m ² is a balcony Dwelling 2 – 59m ² of which 45.5m ² is secluded private open space Dwelling 3 – 64m ² of which 40m ² is secluded private open space	As per ResCode
Car Parking	One (1) space for each 1 or 2 bedroom dwelling Two (2) spaces for each 3 bedroom dwelling	Dwelling 1 – 2 car spaces Dwelling 2 – 2 car spaces Dwelling 3 – 3 car spaces	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 – 4.485 metres	Dwelling 2 – 6 metres	As per ResCode
Site Coverage	Maximum 60%	Site coverage is 48.7%	As per ResCode

Existing Conditions

The subject site is located on the south-western side of Como Parade West, Parkdale, approximately 50 metres from the intersection with Warrigal Road. It is irregular in shape, being particularly wide in comparison to other residential allotments within the area, with a frontage width to Como Parade West 24.79 metres. The site is provided with side boundaries of 20.50 metres, 36.74 metres and 25.78 metres along its east,

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west and south property boundaries respectively, resulting in an overall site area of approximately 663m². The site is not encumbered by any easements.

The site is generally undulating, however relatively flat, with a fall of approximately 1 metre from front to rear.

The subject site currently contains an existing single storey brick dwelling and attached garage. Vegetation on the site is not considered to be significant, and comprises landscaping associated with the existing dwelling on the site and typical of urban garden species including a semi-mature Lilly Pilly located to the front of the site.

An existing single width crossover is located on the western side of the site's Como Parade West frontage.

Immediately surrounding residential development is characterised by single and double storey single and multi weatherboard, brick and rendered dwellings. Of important significance is the site's close proximity to the railway reserve to the north, and other larger scale non-residential buildings, such as the Mentone Grammar school (corner of Warrigal Road and Como Parade West) and the Como Private Hospital located to the east of the site along Como Parade West.

Front fencing is generally higher in the vicinity of the site, given the site's close proximity to the Railway Reserve.

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

Surrounding land uses:	North: Railway Reserve East: Single storey multi dwelling development South: Single storey multi dwelling development West: Two-storey dwelling
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Proposal In Detail

It is proposed to construct three (3) attached two-storey dwellings on the site.

Key elements of the proposal are as follows:

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Dwelling	Floor Area (excluding garage)	Private Open Space > 3 metres in width	No. of Bedrooms	Car Parking Spaces
1	150m ²	62m ² of which 42m ² is secluded private open space and 5m ² is a balcony	3	2 car spaces (1 in single garage and 1 in tandem)
2	162m ²	59m ² of which 45.5m ² is secluded private open space	3	2 car spaces (1 in single garage and 1 in tandem)
3	162m ²	64m ² of which 40m ² is secluded private open space	3	3 car spaces (2 in double garage and 1 in tandem)

Vehicle access to the garage of Dwelling 3 will be provided via the existing crossover located on the western side of the site, whilst vehicle access to the garages of Dwelling 1 and Dwelling 2 will be provided via a new double width crossover located on the eastern side of the site's Como Parade West frontage.

The submitted plans indicate that the Lilly Pilly tree located within the front setback area of Dwelling 3 is proposed to be retained.

The applicant has not submitted a full landscaping plan, however has included a concept landscaping design which includes the provision of landscaping adjacent to the driveways, within front setback areas and within all secluded private open space areas of the dwellings.

The existing 1.7 metre high brick fence is proposed to be retained along the site's Como Parade West frontage.

Building Materials and colours have been nominated as:

Roof:	Flat – materials and colours not specified
Walls:	Ground floor: Brick (colour not specified) / Render (colour not specified) / Weatherboard (colour not specified) / Stonework First floor: Brick (colour not specified) / Render (colour not specified) / Shadowclad (colour not specified) / Weatherboard (colour not specified).
Garage doors	Panel lift – Colour not specified
Windows:	Not specified
Driveways:	Exposed Aggregate
Front fencing:	Modified existing 1.7 metre high brick fence
Boundary fences:	East – Existing 1.85 metre high timber paling fence South – Existing 1.92 metre high timber paling fence with 400mm lattice West – New 1.86 metre high timber paling fence

The proposal would result in a site coverage of 48.7%, and a site permeability of 39%.

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

No previous planning applications have been made in relation to the subject 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).

The site is located with the Design and Development Overlay (Schedule 1 –Urban Coastal Height Control Area), and pursuant to Clause 43.02-2 of the Kingston Planning Scheme, a planning permit is not required for buildings and works providing the internal storey height is less than 3.5 metres and the development does not exceed two storeys. The proposed development complies with these requirements.

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

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 14 September, 2007. The amendments included various minor changes to attempt to address the design issues raised by Council in Council’s further information request of the 7 August, 2007.

Council decided to proceed with the application based on the amended plans.

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 site’s Como Parade West frontage for a period of fourteen (14) days

In response to notification of the proposal, five (5) objections were received.

The grounds of concern may be summarised as follows:

- The site is being overdeveloped
- The increase in traffic will be unreasonable
- Overlooking in to the secluded private open space area and habitable rooms of No. 52 Warrigal Road, 1 / 122 Como Parade West, No. 56 Warrigal Road and No. 54 Warrigal Road
- Overshadowing of No. 52 Warrigal Road, No. 1 / 122 Como Parade West, No. 56 Warrigal Road and No. 54 Warrigal Road
- The development will create significant visual bulk to the rear private open space area of No. 52 Warrigal Road, No. 1 / 122 Como Parade West and No. 54 Warrigal Road
- The garage wall on the boundary between the subject site and No. 54 Warrigal Road is inappropriate
- The existing boundary fence between the subject site and No. 50B Warrigal Road is in poor condition and will not prevent overlooking
- The development will result in an unreasonable increase in noise
- The proposed development may cause damage to the existing boundary fence and vegetation at No. 56 Warrigal Road

Preliminary Conference

A preliminary conference was held on the 8 November, 2007 where the above issues were discussed.

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

Amendment To The Application After Notification And Re-Notification

No amendments made.

Planning Scheme Provisions

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

Referral

No external referrals were required in respect of this application.

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

Assessment

Kingston Planning Scheme Provisions:

Clause 12: Metropolitan Development

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

Clause 12.01 A more compact city seeks to:

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

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

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

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

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

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

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

Clause 12.08 Better transport links seeks to:

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

It is considered that this application meets these objectives.

Clause 14.01: Planning for Urban Settlement

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

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

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

Clause 16.02: Housing - Medium Density Housing

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

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

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

Located within an area of increased housing diversity within close proximity to Mentone (major activity centre) and Parkdale (neighbourhood activity centre) the subject site is well serviced by existing infrastructure, including public transport, opportunities for passive and active recreation, education, retail and other community facilities within an existing residential area.

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

The attached form of the proposed dwellings will also ensure that the development achieves a high level of energy efficiency.

Although the proposed dwellings are more contemporary in architectural form than existing dwellings within the immediate vicinity of the site, the form of the dwellings is consistent with the evolving character typical of this beachside location and draws on elements of other nearby buildings, such as Mentone Grammar, the Como Private Hospital and other more contemporary dwellings within the broader area.

Clause 21.05 MSS - Residential Land use

Increased Housing Diversity

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

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

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

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

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

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The specific site context allows for the opportunity for a well-designed, more contemporary form of development which responds to the established, but evolving character of this beachside locality. There are many examples of more recently constructed contemporary dwellings and other education, health and recreational buildings within the local area of the site which confirm the evolving character of the area.

The proposal creates a good standard of amenity for the future occupants of each dwelling, as well as maintaining a good standard of amenity for occupants of existing

dwellings in the immediate area, due to its careful design and siting. The design proposes generous setbacks to the south to avoid any unreasonable overshadowing; habitable rooms at ground level to avoid any overlooking, and measures to ensure that overlooking is limited at first floor level; increased first floor setbacks beyond the minimum requirements of ResCode; and the use of high quality varied materials and finishes to add visual interest to the development and lessen the effect of any perceived visual bulk.

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, given the site's opportune location as outlined earlier in this report.

The proposed dwellings will provide a good standard of amenity for future occupants, and the careful design and siting of the proposed dwellings, including articulation of the elevations, and the provision of generous setbacks to the site's boundaries ensures that potential off-site amenity impacts are mitigated. Articulation has been achieved through the use of varied materials, finishes, modulation of the building footprint, and other detailing to create visual interest in the design, and increased setbacks of upper storey levels as compared to the ground level, which has avoided a 'box like' type development in accordance with this policy.

The front setback has been increased beyond the minimum requirements of ResCode, to provide for the retention of the Lilly Pilly within the front setback area, in accordance with this policy. Adequate landscaping can be accommodated in the development as the area and minimum dimensions of the secluded private open space areas are capable of accommodating a suitable canopy tree in accordance with this policy.

The increased front setback of the dwellings, coupled with the oblique views gained of the development from the street, due to the angled frontage of the site, also serves the purpose of reducing the visual impact of the development to the street, given its boundary to boundary form.

The provision of car parking for the site of seven (7) car parking spaces, exceeds the minimum requirements of ResCode which require a total of six (6) car parking spaces for the proposed development.

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 19 of the Neighbourhood Character Guidelines. The proposal is not considered to raise any significant areas of non-compliance with these guidelines.

The proposed attached form of the development is considered to be an appropriate design response in this instance, due to the atypical frontage width (24.79 metres) and characteristics of the site with respect to its angled frontage and smaller depth on its eastern side.

Due to the provision of the existing street tree, and Lillypilly proposed to be retained within the front setback area, the oblique views obtained of the development from the street, increased setbacks to the site's street frontage, and the modulation of the various elements of the first floor and ground floor of the dwellings, the development will not have a single plane, bulky presentation to the street, as is sometimes associated with attached buildings.

The attached form of development is the most appropriate response to the site's features, will have minimal impact on the streetscape and will continue to respect the existing neighbourhood character in terms of its contribution to the streetscape. Boundary to boundary, or attached development is not uncommon throughout the surrounding neighbourhood.

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 as follows:

Neighbourhood Character and Design Detail – Although the proposed form of the dwellings is somewhat more intense, as compared to other traditional dwellings immediately abutting the site, it is considered to be reasonable in this instance. The level of bulk has been reduced by the use of varied materials between ground floor and first floor, with the use of weatherboard, brick, render, stone features, and shadowclad, which are materials of construction representative of part of the existing

beachside locality. An attempt has been made to lessen the 'box-like' appearance of the dwellings, and reduce the massing, by the stepping back of the first floor from the ground floor building footprint, large setbacks to the street and increased setbacks to the site's side boundaries, modulated building footprints and the use of balconies, in conjunction with the use of various materials / finishes.

The proposed contemporary design of the development, including the boundary to boundary construction, flat roofs, materials and window proportions appear to contrast with the more traditional housing development in the immediate area, however this is not unreasonable as many newer existing developments incorporate differing elements to those of older properties, creating a distinct identity whilst still complimenting and respecting the existing surrounds.

The form of the dwellings is consistent with the evolving character typical of this beachside location and draws on elements of other nearby buildings, such as Mentone Grammar, the Como Private Hospital and other more contemporary dwellings within the broader area.

The proposed development intensity is considered to be consistent with Council's policies for Increased Housing Diversity Areas, and development in and around activity centres. It is considered that the proposed building will be compatible with the existing character of the area, while contributing to the evolving character of the Increased Housing Diversity area.

Integration with the Street – in order to integrate the layout of the development with the street and to provide adequate pedestrian links that enhance local accessibility, any permit issued should include a condition which requires the provision of a pedestrian path from the driveway to the porch of Dwelling 1.

Access – The proposed width of the crossovers to Como Parade West is slightly in excess of 33% of the site's frontage. This is considered to be acceptable in this instance as the site is remarkably wide in comparison to other typical frontages, and exceeds this standard due to the provision of the proposed double crossover, which is characteristic of the neighbourhood, with a number of double width crossovers being present, including that on the adjoining property at No. 122 Como Parade West.

Parking Provision – In accordance with Standard B16 of ResCode, any permit issued should include a condition which requires the storage area of Dwelling 1 to be provided with sliding doors, and the steps inside the Dwelling 3 garage to be reconfigured to provide an unencumbered internal space clear inside these single and double garages of at least 6 metres long by 3.5 metres wide and 5.5 metres wide respectively.

Noise Impacts – Due to site's proximity to the existing railway reserve, any permit issued should include a condition which requires double glazing to all north-facing habitable rooms windows.

Solar Access to Open Space-The proposed setback of the first floor from the rear property boundary fails to comply with the standard for Dwellings 1 and 2. This

reduced setback is considered acceptable in this instance as the submitted shadow diagrams indicate that the secluded private open space area of each dwelling will continue to be provided with an adequate level of sunlight, so as not to reduce the usability and amenity of these areas. Furthermore an increase in these setbacks in order to meet this standard would not result in a significant improvement to the level of sunlight received by these areas.

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:** The site is being overdeveloped.*

Response: The proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking, overshadowing, excessive site coverage, insufficient car parking and poor internal amenity for future residents of the dwellings. The site is also located within an Increased Housing Diversity area and Activity Centre, where 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:** The increase in traffic will be unreasonable.*

Response: The surrounding street network is capable of accommodating the additional traffic movements created as a result of the two additional dwellings on the site. Seven (7) on-site car parking spaces have been provided for in the development, which is above the requirements of ResCode, whereby six (6) car parking spaces are required for the development.

***Objection:** Overlooking in to the secluded private open space area and habitable rooms of No. 52 Warrigal Road, 1 / 122 Como Parade West, No. 56 Warrigal Road and No. 54 Warrigal Road.*

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

It is however considered that any permit issued should include a condition which requires the materials and finishes of construction for the proposed privacy screens proposed to be utilised to ensure that they are durable.

***Objection:** Overshadowing of No. 52 Warrigal Road, No. 1 / 122 Como Parade West, No. 56 Warrigal Road and No. 54 Warrigal Road.*

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

***Objection:** The development will create significant visual bulk to the rear private open space area of No. 52 Warrigal Road, No. 1 / 122 Como Parade West and No. 54 Warrigal Road.*

Response: The proposed development with respect to the abovementioned properties has been designed to ensure that potential off-site amenity impacts have been mitigated through the incorporation of articulation of the dwellings and the provision of setbacks well above those required by the relevant standard of ResCode.

In addition to this, the adjoining secluded private open space area of No. 52 Warrigal Road is partly segregated from the proposed development by an existing shed and canopied vegetation, and the habitable room windows of the dwelling on this site will be located in excess of 10 metres from the first floor element of the proposed dwellings.

Similarly, the large setback to the dwelling at No. 54 Warrigal Road to the first floor of the proposed dwellings reduces the impact of any perceived visual bulk.

The primary secluded private open space area of the dwelling at No. 1 / 122 Como Parade West is located at the rear of this dwelling, and does not abut the subject site. It is therefore unlikely that any perceived visual bulk will be experienced from this area.

As discussed earlier in this report, the design is provided with good articulation which adds visual interest to the development, and significantly reduces any visual bulk, sometimes associated with two-store dwellings.

***Objection:** The garage wall on the boundary between the subject site and No. 54 Warrigal Road is inappropriate.*

Response: The garage wall of Dwelling 3 located on this boundary complies with the relevant requirements of ResCode. Due to the site's orientation, the limited height of this wall, and large adjoining secluded private open space area of No. 54 Warrigal Road, it is considered that this wall should not result in any adverse amenity impacts to the existing residents of this dwelling through unreasonable overshadowing or visual bulk.

***Objection:** The existing boundary fence between the subject site and No. 50B Warrigal Road is in poor condition and will not prevent overlooking.*

Response: Any permit issued should include a condition which requires the site's southern boundary fence to be replaced with a new 1.92 metre high timber paling

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fence with a 400mm lattice fence extension securely attached to the top of this fence, to ensure any potential overlooking is limited.

***Objection:** The development will result in an unreasonable increase in noise.*

***Response:** There is no reason to conclude that noise from the proposed dwellings will be any greater than typical noise experienced from other residential properties within a suburban residential setting.*

***Objection:** The proposed development may cause damage to the existing boundary fence and vegetation at No. 56 Warrigal Road.*

***Response:** The existing boundary fence adjoining No.56 Warrigal Road is not proposed to be removed, therefore the existing Jasmine creeper on the fence would not be affected by the proposal. A standard condition of any permit issued requires that any boundary fencing damaged as a result of the development must be repaired.*

General Comment

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

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

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

Recommendation

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council, on the 14 September, 2007, but modified to show:
 - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii) the delineation of all garden beds, paved and grassed areas throughout the development;
 - iii) all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labeled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv) a range of plant types from ground covers to large shrubs and trees;
 - v) adequate planting densities (i.e.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi) the provision of a suitable canopy tree located within the front setback area and private open space area of each dwelling;
 - vii) all trees provided at a minimum of 2 metres in height at time of planting;
 - viii) medium to large shrubs to be provided at a minimum pot size of 200mm;
 - ix) the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - x) sustainable lawn areas and plant species taking current water restrictions into consideration;
 - b. the provision of a 1.5 metre splay where the driveways meet the front fence;
 - c. the provision of double glazing to all north-facing habitable room windows;
 - d. the provision of a pedestrian path from the driveway to the porch of Dwelling 1;
 - e. the storage area of Dwelling 1 provided with sliding doors;

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- f. the steps inside the Dwelling 3 garage reconfigured to provide an unencumbered internal space clear inside this garage of 6 metres in length by 5.5 metres in width;
 - g. the accurate nomination of the mailbox for Dwelling 3;
 - h. the site's southern boundary fence replaced with a new 1.92 metre high timber paling fence with a 400mm lattice fence extension securely attached to the top of this fence;
 - i. the materials and finishes of construction for the proposed privacy screens located at first floor level nominated;
 - j. the provision of a full colour, finishes and building materials schedule (including colour samples) for all external elevations of the proposed dwellings.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Prior to the occupation of the dwellings hereby permitted, the new fence required in Condition 1h must be erected to the satisfaction of the Responsible Authority at the developer's cost.
 4. 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.
 5. 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.
 6. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
 7. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
 8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
 9. Construction on the site must be restricted to the following times:

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- a) Monday to Friday 7:00am to 7:00pm; and
b) Saturday 9:00am to 6:00pm.
Or otherwise as approved by the Responsible Authority in writing.
10. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
11. 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.
12. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
13. 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.
14. 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.
15. 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.
16. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- 17.
- 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.
18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

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19. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
20. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
21. External clothes drying facilities must be provided for each dwelling.
22. 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.

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

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The meeting was addressed by Martin Bolger on behalf of objectors, and by the applicant, Mr Gyrie.

Crs West/Alabaster

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

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood;
 2. The proposal constitutes an over-development of the site;
 3. The proposal exhibits excessive bulk and mass;
 4. The proposal does not satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objectives, Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.03-11 Parking Provision Objectives, Clause 55.04-8 Noise Impact Objectives and Clause 55.05-5 Solar Access to Open Space Objective.
- Carried**

K 4 Section 173 Agreement- 98 Fairbank Road Clayton South

Author: Tony Rijs-General Manager Environmental Sustainability
Approved By: John Nevins-Chief Executive Officer

The owner (98 Fairbank Road Pty Ltd) of the above property at 98 Fairbank Road as a condition of planning permit KP 889/06 is required to transfer portion of the allotment to Council.

Under the provisions of the agreement the owners will transfer the land at no cost and Council will be responsible for the setting of levels and be responsible for the road construction.

The respective responsibilities of the parties has been documented in a Section 173 Agreement pursuant to the Planning and Environment Act 1987 between the owner and Council.

Recommendation

That Council execute the Section 173 Agreement between Council and the owner of 98 Fairbank Road to provide for the transfer of portion of the allotment to Council.

Crs Athanasopoulos/Alabaster

That the recommendation be adopted.

Carried

8 Community Sustainability Reports

K 5 Adoption of Community Grants Program Policy & Recommendations

Author: Gabrielle Nimé, Community Events & Marketing Coordinator
Susy Onnis, Sponsorship & Grants Coordinator

Approved by: Trevor McCullough, General Manager Community Sustainability

1. Purpose

The purpose of this report is to present the final draft of the revised community grants policy and recommendations to Council for adoption.

2. Background

The City of Kingston presently offers a Community Grants Program to financially assist the activities of community groups and individuals that service or are based in the municipality.

With a current funding pool of approximately \$1 million, the existing Community Grants Program provides funding through the following categories:

- **Corporate Grants** offer triennial funding to Community Centres and Neighbourhood Houses, Citizens' Advice Bureaus, Emergency Services, selected Major Community Agencies and Emergency Relief providers, and municipal bands. Annual grants to groups for Arts and Culture, Community Services, and Access and Equity initiatives are also funded under this stream. **Supplementary Grants** were added in 2007-08 to respond to areas of emerging need across the entire Program.
- **Village Committee Grants** provide annual funding to support groups to deliver projects and activities within ten local neighbourhood areas defined by Kingston's Village Committee boundaries of Aspendale/Edithvale/Aspendale Gardens, Chelsea/Chelsea Heights/Bonbeach, Cheltenham, Clarinda/Oakleigh South, Clayton South, Dingley/Heatherton, Mentone/Parkdale, Moorabbin/Highett, Mordialloc and Patterson Lakes/Carrum.
- **Development Grants** fund Kingston residents to reach their potential in the arts and sports. Through this stream, Kingston schools also receive a grant to recognise and encourage student excellence and achievement.

In May 2007, Council undertook to conduct a review of the Community Grants Program to ensure that it is relevant to current and future community needs and most effectively uses Council's financial resources in helping to address those needs.

With the current Community Grants Program structure and recently emerging issues as a platform, the approach to the review involved gaining a better understanding of

the program's policies and processes within Council as well as looking externally to see how Kingston's program measures up against other grantmakers and notions of best practice.

The body of work informing the review included community and staff consultation, 5-year historical analyses of financial data and applications, desktop research of 8 other Councils' policies and application forms, benchmarking with 3 Councils, and review of Kingston's policies as well as external literature relating to grantmaking trends and practices. The data collected and analysed identified a range of key issues and findings that need to be addressed to optimise delivery and outcomes of the Community Grants Program.

In response to the review's findings, 32 recommended responses were developed around:

- Policy;
- Making and application;
- Assessing and approving applications;
- Monitoring, acquittal and evaluation;
- Communications and promotion; and
- Budget and resources.

These recommendations, together with a summary of issues and a draft revised policy for the Community Grants Program were distributed in December 2007 for comment by all Village Committees, Council officers, and Maddocks Lawyers.

3. Issues

Feedback from consultation

A total of 10 written submissions (attached) were received over the consultation period received via:

- Minuted comments from the December meetings of the Village Committees of Aspendale/ Edithvale/Aspendale Gardens, Chelsea/Chelsea Heights/Bonbeach, Mentone/Parkdale, Moorabbin/Highett, and Patterson Lakes/Carrum;
- Emailed comments from Clyde Rose and Norm Bury on behalf of the Clarinda/Oakleigh South and Clayton South Village Committees respectively. These committees did not have a meeting scheduled for December 2007;
- Individual comment from Robyn Cochrane of Moorabbin/Highett Village Committee;
- Individual comment from Council's Community Events & Marketing Coordinator; and
- Written advice from Maddocks Lawyers in relation to legislative matters.

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Overwhelmingly the feedback strongly supported the future direction proposed for the Council's Community Grants Program through the draft revised policy and suite of recommendations made in response to the issues identified through the review. Original copies of received feedback are attached to this report.

Nevertheless, some minor changes were proposed as part of the comments received. Council officers have also deliberated further about the practical application of some components of the policy. As a result some modifications have been made to the originally proposed policy and recommendations, which are summarised in the table overleaf and highlighted in the attached documents pertaining to the *Community Grants Program Policy* and *Summary of Recommendations*.

Please note that some further minor amendments not affecting the overall direction of the policy and recommendations have also been made, also highlighted in the attached documents.

Issue/proposed change	Action taken
Ref: Policy general There was suggestion that the language used in the policy could be simpler.	No change made. Primarily an internal Council document, the policy needs to be precisely worded to guide decision-making and state Council's position. As per recommendations, separate guidelines are to be developed for public use that will draw on relevant policy details and use a more plain language style.
Ref: Policy clause 3.0 The proposed revised titles were thought to not best communicate the program and its categories. Officers deliberated and sought to again revise proposed program titles to retain brand recognition for the Community Grants Program and better communicate the hierarchy of grants available through each of the funding categories.	Change made. Program titles revised to: <ul style="list-style-type: none"> • Community Grants Program (retain as overall title. Was proposed to change to Kingston Grants Program) • City-wide Grants (change from Corporate Grants. Was proposed to change to Community Grants). • Village Committee Grants (retain as category title). • Individual Development Grants (retain as proposed category title).
Ref: Policy clause 3.0 Benevolent Societies to be added to organisations eligible for triennial funding.	Change made. Benevolent Societies now included as eligible for triennial funding.
Ref: Policy clause 3.4 / Recommendation 6 Individual Development Grants have been extended to support other fields of pursuit including Environmental and Humanitarian activities..	Change made. Areas for support for Individual Development Grants include Sports & Recreation, Arts & Culture, Student Achievement, Environmental and Humanitarian activity.
Ref: Policy clause 3.4 There was concern that assessing Individual Development Grant applications every 3 months would compromise Council's ability to process requests that were responsive to activity occurring within a short time.	Change made. Policy revised to return to the current process of on-going assessment for Individual Development Grants.

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Ref: Policy clause 3.4 Officers felt the proposed policy position regarding Student Achievement grants (under Individual Development Grants) to be received by schools within 25 metres of the Kingston boundary could stretch current resources and that this position needed to be tightened.	Change made. Policy revised to allow only schools located directly on the Kingston municipal boundary with at least 40% of their school population drawn from Kingston to be eligible for a grant. All primary, secondary and special development schools within Kingston will continue to be eligible for a grant.
Ref: Policy clause 4.0 Both officers and some Village Committees felt that the issue of budget increases needed to be clarified.	Change made. Issue of budget increase highlighted in the policy reflecting Council's budget processes.
Ref: Policy clause 5.2 Maddocks shared concern around Individual Development Grants being unavailable to teams/groups.	Guidelines will clarify that individuals can apply on their own or as part of a team, and that groups can apply to other grant categories for funding assistance.
Ref: Policy clause 6.0 There was concern that blanket ineligibility for Clarinda Community Centre hire would impact on opportunities for one-off issue based projects to be run in the area. It was noted however that Council provides sizeable subsidies for Clarinda Community Centre hire.	Change made. Policy changed to allow support to be sought for hire of Clarinda Community Centre for one-off projects, but not for ongoing hire.
Ref: Policy clause 6.0 There was some officer concern that website development and maintenance was not highlighted as an ineligible item. Supporting such requests was not seen as the best use of public resources when cheap or free web-based communication methods were now available.	Change made. Policy revised to add website development and maintenance as ineligible for support.
Ref: Policy clause 6.0 Maddocks was concerned about indirect discrimination, especially in relation to allowing only seniors groups to access funds for outings whilst others could not.	Change made. Policy amended to make outings an ineligible item for all groups to prevent discrimination and maintain good use of funding. Seniors groups will not be disadvantaged as they can still to apply for funding towards other program-based costs. Note that 12 seniors groups requested funding towards trips in 07/08, nine of which were funded to some level.
Ref: Policy clause 8.0 Officers felt that the policy was silent on the requirement for recipients to report on spending of a grant.	Change made. Bullet point added in relation to the requirement to report on the spending of a grant.
Ref: Policy clause 8.0 There was officer concern that the return of small amounts of unspent monies could create unnecessary additional administration.	Change made. Policy revised to limit return of unspent funds to Council to amounts of 5% or more than the original grant provided, where this amount is \$50 or more. Council to forego unspent funds of less than \$50.
Ref: Policy clause 11.0 A clearer definition between the Charitable Trust and the Community Grants Program was requested.	No change made. Further clarification at this time is seen as premature as the Charitable Trust is yet to confirm its grants procedures. Could be revisited in future.
Ref: Recommendation 8 The suggestion was made to obligate intending applicants to attend an information session.	No change made. Obligating intending applicants to attend an information session could be construed as indirect discrimination. The guidelines for intending applicants will encourage attendance.
Ref: Recommendation 11 There was some concern that the 'pre-assessment' of applications infers officer influence over Village Committee decision-	Change made. Recommendation 11 has been reworded to remove the word 'pre-assessment'.

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making. However the recommendation explains that the purpose of officer involvement prior to assessment is to ensure that Village Committees have adequate information on hand to confidently undertake assessment.	
Ref: Recommendation 16 There was a request from a Village Committee to provide a clear 3 months to assess requests received.	No change made. The request conflicts with broad community feedback that sought a faster turn-around between making an application to the time of funding announcements. Officers will work with the Village Committees in advance of the assessment period to ensure they are ready to conduct assessments.
Ref: General There was some officer concern that the Individual Development Grants budget was more heavily weighted to Sports & Recreation, with only a small amount of funds available for Arts & Culture making it hard to promote.	No immediate change. However Council officers will monitor grant applications received and make modify the distribution of available funds if required.
Ref: General Maddocks shared concern around ensuring that the proposed guidelines and application forms refer back to policy more clearly so applicants gain a better understanding of the program overall, other grants available, and Council's corporate objectives.	Guidelines will include information about the Community Grants Program and overview of Council's strategies. The application form will promote access to Council publications and free internet access at Council-managed libraries.

Timelines

Time is of the essence towards adoption of the new policy and recommendations as the 2008/09 annual grants round is scheduled to open in mid-February 2008, as endorsed by Councillors at the CIS meeting of 12 November 2007. The opening date has since been set for 15 February 2008.

As a result, it is essential to meet the following schedule:

- 14 Jan Policy and recommendations to CLG
- 29 Jan Policy and recommendations to CIS for approval
- 4 Feb Policy and recommendations to Ordinary Council for adoption
- 15 Feb Open 2008/09 annual grants round.

Community Grants Program Budget

An immediate increase to the Community Grants Program budget is not listed as a recommendation however it is foreseeable that implementation of some policy and program changes may prompt discussion and potential action in regards to existing budget levels for grants.

4. Discussion

In its consideration of the recommendations and revised policy Councillors should note that the implementation of endorsed recommendations would be staggered in order of time priority. This will help to manage resources and any community sensitivity.

5. Options

This section is not relevant to this report.

6. Triple Bottom Line Checklist

Financial

Will ensure the most effective use of Council financial resources in its support of community activity.

Social

Will ensure that grant programs are most appropriately directed in addressing feedback and need, encourage greater access to funding opportunities, and ensure improvement of processes integral to grant management.

Environmental

Not relevant to this report.

7. Summary and Conclusion

In response to Council's decision to progress a review of the Community Grants Program, research was undertaken through financial and application analyses over 5 years, community and staff consultation, benchmarking with other Councils and a literature review. An examination of this data has highlighted a range of improvement opportunities that have been presented through 32 recommended responses and a draft revised community grants policy. A consultation period was conducted through which Village Committees, Council officers, and Maddocks Lawyers were able to provide final comment. Feedback has been considered and amendments have been made where deemed appropriate. Council adoption of the final version of the recommendations and draft revised policy is now sought with a view to proceeding to implementation, beginning with the opening of the 2008/09 annual grants round scheduled for 15 February.

Recommendation

That Council adopt the revised policy and recommendations for the Community Grants Program.

Attachments:

- 08/711 – 2007 Community Grants Review – Draft Revised Community Grants Policy (Post-consultation FINAL)
- 08/881 – 2007 Community Grants Review – Summary of Recommendations (Post-consultation FINAL)
- 08/3215 – 2007 Community Grants Review – Written Submissions (collated)

Crs McKeegan/Ronke

That the recommendation be adopted.

Carried

K 6 Variation to Contract No 04/2 - Delivered Meals

Author: Georgia Hills, Team Leader Aged and Disability Services
Rob Crispin, Manager Community Services

Approved by: Trevor McCullough, General Manager Community Sustainability

1. Introduction

This report recommends a variation to contract number 04/2 -Delivered Meals to adjust the contract meal price. The report also recommends an increase in client fees to help offset the additional cost to Council of the increase in contract price.

2. Background

The Council's delivered meals contract was awarded in 2004 to ICOOK Catering. Council's delivered meals program provides meals to eligible frail and elderly people within the City. Approximately 144,000 meals are delivered annually.

ICOOK has fulfilled the requirements of the contract over the past 3 years and has continued to provide a service at a very competitive price. In June 2007, Council exercised its discretion under the contract to extend the contract term for a further 2 years, now expiring on 30 June 2009.

Council has been advised by the contractor that recent significant cost increases for meal ingredients has made the continuation of the contract at the current contract price untenable. Whilst there is a formula in the contract to adjust the meal price on an annual basis the current formula does not adequately take into account the significant increases in the specific ingredients such as grain, meat and some vegetables and fruits that have been incurred in recent times.

The current unit price for Council's contract is \$6.70 per meal.

ICOOK have requested a new unit price of \$7.58 per meal effective from 1 January 2008. This takes into account movements in the price of key ingredients.

Comparative prices of delivered meals contracts in nearby Councils are as follows:

Glen Eira	\$8.59 per meal
Stonnington	\$9.50 per meal
Casey	\$8.05 per meal
Bayside	\$8.72 per meal (including delivery)

3. Issues

Council has the option of enforcing the current contract formulas which would see a CPI increase in the unit rate (3.7%). There is a likelihood that if Council takes this approach that ICOOK would default on the contract leaving Council to seek an alternative supplier. Given that the likely outcome of this if that Council would end up paying a much higher contract price from another supplier, this approach is not recommended.

The proposed revised contract price of \$7.58 per meal is very competitive compared to the current rates being paid by nearby Councils as listed above. It is considered that the proposed price represents a fair allowance for movements in the price of ingredients.

If Council agrees to this new rate along with a more appropriate formula for future price adjustments, the security of supply of Council's delivered meals would be assured to the end of the contract period.

The total cost of the proposed price increase would be \$126,720 per annum. Council has already allowed for a 3.7% increase in costs this financial year, so the unbudgeted increase would be \$110,200 over a full year or \$55,100 unbudgeted for the 2007/08 financial year, assuming a 1 January 2008 effective date.

4. Options

Council could increase its budget allowance in the 2007/08 financial year by \$55,100 to fully cover the additional costs of the proposed fee increase.

Alternatively Council could review the meal charge to clients to absorb part of the cost increase.

Council currently charges clients \$6.20 per meal compared to Casey \$7.90, Bayside \$6.60, Stonnington \$6.00 and Glen Eira \$6.50 per meal. Based on this comparison it is considered that Kingston clients could absorb a fee increase of 50 cents per meal, taking the per meal charge to \$6.70. This option is recommended.

5. Summary and Conclusion

Council's current delivered meals contractor has advised that they can no longer sustain the current contracted meal price under the current arrangement. The contractor has requested a unit price increase from \$6.70 per meal to \$7.58 per meal. It is proposed to accept the proposed price increase on the basis that it is a fair reflection of actual cost increases to the contractor and that it is still a very competitive price compared to the prices paid by other Councils.

It is further proposed to increase client charges by 50 cents per meal to partially cover the increased cost.

It is also proposed to negotiate a more appropriate annual price variation formula with the contractor that more appropriately recognises increases or decreases in the price of ingredients used to prepare meals.

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Recommendation

That Council:

1. Approve an increase in the unit meal price for contract number 04/2 Delivered Meals from the current \$6.70 per meal to \$7.58 per meal effective from 1 January 2008.
2. Authorise the CEO (or delegate) to negotiate a revised formula for annual contract variations on contract number 04/2 which more appropriately reflects variations in delivered meal ingredients; and
3. Approve an increase in the client fee for delivered meals of 50 cents per meal effective from 1 March 2008.

Crs Petchey/Alabaster

That the recommendation be adopted.

Carried

9 Organisational Development and Governance Reports

K 7 2008 Council Election –MAV Tender Agency Proposal

Author: Caroline Kinnear – Manager, Governance

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

1. Purpose

To inform Council about a proposal for the MAV to act as an agent assisting councils with their election tender process.

2. Background

In late 2007, officers attended a MAV governance officers' meeting to workshop ideas for a proposed tender agency process with the MAV. The MAV has since written to all Councils on an individual basis inviting them to either engage the MAV as its tender agent, or to agree to use MAV-prepared standardised tender documentation.

3. Issues

The MAV has offered Councils the following options:

- a) appoint the MAV as tender agent, and access the MAV's contract documentation, to which Kingston will have the option to ask for Kingston-specific requirements to be added by way of a separate schedule. *This option is recommended;*
- b) access the MAV's contract documentation, but not engage the MAV as its agent (ie Council would continue carry out its own tender administration and evaluation processes as in past elections); This is not recommended.

The other alternative is to preserve the status quo and not use the MAV's proposal in any way, but to re-use Council's existing documentation (used in the 2005 election), and to administer the tender process ourselves, as in past elections. However, this is not recommended either.

The MAV's two proposals are aimed at achieving a more efficient process which avoids duplication of effort between councils, and more standardised documentation and procedures.

Officers have examined each option, and have concluded that appointing the MAV as tender agent has the most merit. Participating councils would pay the MAV a set fee of up to \$2,000 for them to act as our agent for the tender and, under this option, to also use their tender documentation. The MAV has verbally advised that the cost will definitely not be greater than \$2,000 and may be less depending on the exact quantum of legal fees incurred by the MAV, and the take up rate from councils. If the legal

fees in total result in a shortfall after council contributions, the MAV will absorb that cost. Whilst the MAV's liability is very small, the risk of the process "going off the rails" from Council's point of view is also minimal given that the MAV is a reputable peak body.

If the MAV's offer is accepted to act as Council's agent for the tender process (ie option a), the MAV will provide standardised, legally vetted tender and contract documentation, will administer the tender process, and will provide recommendations to councils in relation to the tender(s) ultimately received (eg the appropriateness of costings). The \$2,000 reflects the cost of providing the legally vetted documentation. The MAV is not charging an administration fee.

MAV's and Kingston's Obligations

If engaged as agent, The MAV will:

1. issue the tender;
2. co-ordinate a tender evaluation group which will consider tenders received (the MAV advises that each participating council will receive an invitation to this group);
3. negotiate the services agreement with the successful tenderer.

Kingston will:

- (i) provide all information reasonably required by the MAV;
- (ii) nominate a representative to participate in an evaluation group to be established by the MAV to evaluate tenders received. The MAV has indicated that whilst every participating council will be invited to send a representative, it will not be mandatory to send one. Councils can opt to ask other councils (or the MAV) to keep them updated on this matter. It is however suggested that Kingston sends a representative;
- (iii) accept the successful tenderer selected through the tender evaluation process.

The advantages of participating in such an agency arrangement for the tender are:

- Access, for participating councils, to legally vetted tender documentation for a fairly small cost. Using Kingston's own legal counsel to do this review on Kingston's own documentation would quite possibly be more expensive;
- The VEC will be able to prepare tenders more efficiently in response to standardised tender documents and thereby possibly reduce costs due to economies of scale;
- Significant time savings at officer level, with the MAV undertaking tasks previously carried out by officers (such as preparing tender contract documentation and administering the tender);
- The ability to customise the eventuating contract documentation and to have influence on the tender evaluation panel. Kingston has significant concerns about the VEC's potential not to declare the election results on the weekend

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of the election, as well as the decision to have any computer count conducted outside the municipality. Kingston will be seeking to reverse both decisions during the tender/contract process. Whilst there is no guarantee either request will be granted by the VEC, officers will continue to make Council's views on these matters known.

It is also to be noted that the suite of standard contract documentation provided by the MAV requests that the election provider indicate the costs applicable to provide a declaration date by no later than the Tuesday following the election (2nd December 2008), as well as requesting the election provider to detail the costs of providing a computerised count within the municipality (refer page 19, service specification, sections 2.6 and 2.7) The MAV has therefore, in preparing these standard documents for councils, taken into account the concerns of Kingston (and presumably other councils) about these two issues. Whilst costs may be considerably higher for Kingston to avail itself of either or both of these two options, at the very least Council may be given the choice.

The disadvantages might be:

- Kingston already has tender documentation potentially available for use for the 2008 election (ie adapt the documentation used in 2005). The 2005 documentation was deemed satisfactory for our purposes for the last election.
- The potential loss of direct control over the tender process given that Council is not running the process itself. Having a Kingston representative on the tender evaluation panel may allay some of these concerns.

Officers are of the view that the tender agency proposal has significant merit and the advantages outweigh the disadvantages.

The MAV has recently indicated that a large number of councils have expressed interest in the tender agency proposal, and some have already signed agreements.

It should be noted that LGPro recently wrote to the Minister for Local Government requesting that the Local Government Act be amended to permit councils to contract directly with the VEC given the absence of any other realistic election provider (should the Australian Electoral Commission again choose to not participate in the tender process). This would have removed the legislative need for all councils to go to tender. The MAV advises that there has only ever been one electoral services exemption granted since 1989 and that was to Melbourne City Council for quite different, software related, reasons. It is therefore unsurprising that LGPro received a letter from the Minister on 7 January 2008 refusing their request.

4. Summary and Conclusion

The MAV wrote to all Councils on 10 December setting out two options in relation to the election tender process. As indicated above, the appointment of the MAV as tender agent, being the first option outlined by the MAV seems very attractive

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based on the advantages outlined above and it is recommended that this option be taken up.

The MAV has indicated verbally the deadline to take up this option is 29 February 2008.

Recommendation

That Council:

1. Agree to the MAV Tender Agency for the November 2008 Kingston Council elections; and
2. Delegate to the CEO the ability to sign the election tender agreement with the MAV.

Crs McKeegan/Petchey

That the recommendation be adopted.

Carried

K 8 Quarterly Reports to Council Plan and Community Plan for the Period to 31 December 2007

Author: Caroline Kinnear - Manager, Governance
Approved by: Elaine Sowerby - General Manager,
Organisational Development and Governance

1. Purpose

To present to Council the quarterly reports for the December 2007 quarter in respect of the Council Plan and the Community Plan.

2. Background

A) Report against the Council Plan

The 2007-12 Council Plan was adopted by Council in June 2007 with five planned outcomes and this quarterly report is the second progress report against that new Council Plan.

The format of reporting against the Council Plan continues to be as follows:

- Where appropriate, milestones for the 2007-08 year are nominated against each Council Plan target;
- Progress on milestones for the financial year to date (ie not just for the December quarter);

Each financial year, new milestones will be allocated for the subsequent year, and reported on for those Council Plan targets that are due for completion over a five-year period.

Councillors are asked to note that items shaded green are those which are ongoing projects, whereas those shaded blue are time based projects.

All milestones are progressing on track and are expected to be completed during the financial year with the exception of the replacement of the footpath in Mentone from Balcombe Road to Brindisi Street which will be delayed due to the proposal to underground the power lines.

This quarterly report also reports on triple bottom line indicators where a quarterly assessment has been able to be made for the 2007-08 year (eg volunteers in community programs). Full reporting on these indicators will take place in the 2007-08 Annual Report which will be available from October 2008.

Further information about full year triple bottom line indicators for the previous (2006-07) financial year is available in Council's graphically designed and printed 2006-07 Annual Report which can be viewed at Council's Customer Service Centres,

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at our Libraries or online at www.kingston.vic.gov.au. A large print version of the Annual Report is also available on request.

B) Report against the Community Plan

Community workshops across Kingston were held prior to the completion of the first formalised and published Community Plan for Kingston. This Community Plan was launched in March 2007. As a result of the workshops, priorities and visions for the relevant local areas were identified and included in the Council's adopted Community Plan.

This quarterly report against the Community Plan indicates progress made since the launch of the Plan against the ten local area plans.

Significant work has been undertaken this quarter to progress the actions required, and it is expected actions will be progressed as scheduled as at the end of the 2007-08 financial year.

Councillors are asked to note that items shaded grey are those which have been completed to date or which are ongoing projects.

Recommendation

That Council notes the reports.

Attachment(s):

*December 2007 Quarterly Report to Council Plan
December 2007 Quarterly Report to Community Plan*

Crs Alabaster/McKeegan

That the recommendation be adopted.

Carried

10 Notices of Motion

K 9 Cr Petchey-Channel Deepening Project

Cr Petchey has given notice of intent to move the following motion:

“That Kingston Council requests that the State Government ensure that:

- a) adequate time is allowed for peer review of the Channel Deepening Project Environmental Management Plan (EMP) documentation, before any project works are allowed to commence;
- b) real time monitoring is in place at the commencement of any works;
- c) evidence of core sampling to the depth of dredging in any area be forthcoming; and
- d) the community liaison group be appointed and terms of reference set before dredging commences”.

Crs Petchey/West

That Kingston Council requests that the State Government ensure that:

- a) adequate time is allowed for peer review of the Channel Deepening Project Environmental Management Plan (EMP) documentation, before any project works are allowed to commence;
- b) real time monitoring is in place at the commencement of any works;
- c) evidence of core sampling to the depth of dredging in any area be forthcoming;
- d) the community liaison group be appointed and terms of reference set before dredging commences; and
- e) That this resolution be communicated urgently to the relevant state and federal Ministers and to all Kingston parliamentary representatives.

Carried

DIVISION

A Division on the voting for the motion was called for by Cr Petchey, which resulted as follows:

- FOR- Crs Petchey, West, Ronke, Athanasopoulos, McKeegan, Alabaster and Nixon
- AGAINST- No Councillor was recorded as voting against the motion.

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11 Question Time

There were no questions.

12 Urgent Business

There were no items of urgent business.

13 Items in Camera

There were no items in camera.

There being no further business, the meeting closed at 8.06pm.

Confirmed.....

His Worship The Mayor 25 February 2008