

**City of Kingston
Ordinary Council Meeting**

Minutes

25 August 2008

An Ordinary Meeting of Kingston City Council was held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 25 August 2008.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**
Minutes of Ordinary Council Meeting 28 July 2008
- 3. Declaration by Councillors or Officers of any Interest or Conflict of Interest**
- 4. Petitions**
A petition, with 226 signatories, has been received requesting that the City of Kingston support the establishment of a Community Garden in Chelsea Heights, will be tabled by the Ward Councillor.
- 5. Presentation of Awards**
Waste Wise Certificate presentation from the Local Governments Waste Forum.
- 6. Reports from Village Committees**
Recommendations from the August cycle of meetings are enclosed. Page 4
- 7. Reports from Delegates Appointed by Council to Various Organisations**
- 8. Environmental Sustainability Reports**

K 116	Town Planning Application Decisions July 2008	Page 9
K 117	Town Planning Report KP938/07 – 530 Main Street, Mordialloc	Page 17
K 118	KP183/08 – 52 Nurten Parade, Aspendale	Page 45
K 119	KP950/07 – 98 Gladesville Blvd, Patterson Lakes (9 dwellings)	Page 63
K 120	Northern Non – Urban Area Framework Plan	Page 35
K 121	Amendment C79 to the Kingston Planning Scheme – Edithvale Common and Chelsea Public Golf Course	Page 74
K 122	Amendment C98 to the Kingston Planning Scheme – ‘Arnos’ site, 1228 Nepean Highway Cheltenham	Page 78
K 123	Cities for Climate Protection Milestone 5 and Proposed Review of Greenhouse Emissions Strategy	Page 85
K 124	Contract No. 08/33 – Supply of Landfill Services	Page 93
K 125	Contract No. 08/51 – Collins Street, Mentone – Road Reconstruction	Page 96
- 9. Community Sustainability Reports**

K 126	Festivals & Events Funding Policy	Page 99
K 127	Local Law 2.15 Shopping Trolleys	Page 111
K 128	Master Plans for Kingston Arts Centre, Kingston City Hall and Shirley Burke Hall	Page 120
K 129	Revised Policy on Hostel Bonds Collection	Page 123
K 130	Kingston 2009-2013 Cycling and Walking Plan	Page 135
K 131	Dingley Football Club Electronic Scoreboard Proposal	Page 142
K 132	Patterson Lakes Community Centre and Library Redevelopment, Thompson Road, Patterson Lakes	Page 145
- 10. Organisational Development and Governance Reports**
There are no reports from Organisational Development and Governance.
- 11. Corporate Services Reports**
There are no reports from Corporate Services.
- 12. Notices of Motion**
- 13. Question Time**
- 14. Urgent Business**
- 15. Items in Camera**

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25 August 2008

Minutes of the Ordinary Meeting of the Kingston City Council held at the Cheltenham Office at 1230 Nepean Highway, Cheltenham, on Monday, 28 July 2008 at 7.03pm.

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

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

1. Apologies

Nil.

Question Time

The Mayor Cr Nixon advised that question time would close at 7.30pm.

Change of order

With the consent of the Council, the Mayor advised that agenda item K 120 would be dealt with immediately following K 117.

2. Confirmation of Minutes of Previous Meetings

Crs Petchey/Ronke

That the minutes of Ordinary Council Meeting 28 July 2008 be confirmed, subject to the minute with respect to agenda item K 101, *Draft Annual Report of the Chairman of the Audit Committee*, being amended to read as follows:

“That Council note the contents of the 2007/08 Annual Report on the activities of the Audit Committee.”

That Mr. Liggett be thanked for his contribution as Chair and for his presentation tonight to Council and to pass on our appreciation to the independent members of the Audit Committee.”

Carried

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

Cr Petchey declared an interest in relation to agenda item K126, as her husband is a member of the Mordialloc Brass Band.

The Mayor, Bill Nixon, also declared as interest in K126, as he is a life member of the Mordialloc Community Centre.

Cr West declared an interest in relation to agenda items K120, as she is the co-ordinator of the Green Wedge Coalition, but not in relation to the City of Kingston.

4. Petitions

Cr Ronke tabled a petition in relation to the request to Council to support the establishment of a Community Garden in Chelsea Heights.

The Deputy Mayor, Cr McKeegan, tabled a petition in relation to the request to Council to rezone 10 Tradewinds Lane, Patterson Lakes, as Public Park and Recreation and withdraw the recommendation to remove the park and drainage status and grant a permit for a two block sub-division for the same named block.

The petitions were accepted and referred to the Chief Executive Officer for attention.

5. Presentation of Awards

The Mayor, Cr Nixon, advised the meeting that:

“Kingston City Council has been awarded Silver Waste Wise certification by the Metropolitan Waste Management Group for its recycling practices at the Local Government Waste Forum meeting on Thursday 14 August 2008.

The Waste Wise program is Sustainability Victoria’s leading community and organisational environmental change program, certification for which is based on a tiered scale comprising bronze, silver and gold levels. The City of Kingston has been awarded Silver Certification.

The Silver Certification recognises Council for its recycling systems for co-mingled recyclables (paper, cardboard, plastic bottles, steel cans etc), mobile phones, printer cartridges and old computers. It also recognises Council’s commitment to reducing waste by educating school and community groups, conducting Waste Wise community events and purchasing products made from recycled content.

Six Councils received certification on the night, with Maribyrnong, Melton and Wyndham City Councils receiving Bronze Certification and Kingston, Banyule and Darebin City Councils receiving Silver Certification. No Gold certificates were awarded.”

6. Reports from Village Committees

PRESENTATION OF VILLAGE COMMITTEE REPORTS

6(a) Cheltenham Village Committee

Chairperson-John Natoli

Report of Meeting held on 12 August 2008

CT64 Council consider the introduction of a discount for ratepayers

The Committee would like to see “*Council reintroduce a discount for ratepayers that pay in full before the end of September. It is suggested that if Council offered a 2% discount for these ratepayers then Council could invest the funds at 9% and potentially make a profit. It is considered to be a “win-win” situation; as it would be an incentive for ratepayers to pay on time and good for Council to be viewed as generous*”. The Committee felt they would like to see a report back from Council with regard to this idea.

Committee Recommendation

The Committee resolved that the following recommendation be presented to Council by the Chair: “*That Council report to Committee on the possibility of introducing a 2% discount for those ratepayers who will pay their rates in full by the end of September.*”

Officers Comment

Kingston provided a discount for early payment of rates from 1996/97 to 2000/01. As of the 2001/02 year Council decided that it was more appropriate to fund an additional rebate to eligible pensioners rather than the discount for early payment.

Many Ratepayers at the time advised that the scheme did not provide a significant financial incentive for them to take it up. It also led to confusion among ratepayers as to the due date, with many “discounted” payments made after the discount due date, many as late as February. This led to increased administration costs being incurred in following up relatively small amounts and a degree of angst that Council would bother following up such “small” amounts. Calculations indicate that while the incentive scheme may generate a small paper profit from the additional funds invested, the increased rates administration costs would offset most of this.

Mr Ron Brownlees presented this item on behalf of the Cheltenham Village Committee.

Crs West/Alabaster

That Council does not offer a discount to ratepayers, but that it continue to provide a pensioner rebate.

Carried

Highlight **The highlight of the evening was having Warren present to answer the numerous traffic issues the Committee had identified.**

6(b) Mordialloc Village Committee
Chairperson-Andrew Gustke
Report of Meeting held on 12 August 2008

**Highlight: Centreway Project and the presentations by Jonathan Guttman,
Manager Strategic Planning & Building**

6(c) Mentone/Parkdale Village Committee
Chairperson-Dorothy Booth
Report of Meeting held on 12 August 2008

MP 86 Electoral Structure and the 2008 Elections

The Committee believes that “*democracy involves participation on a personal basis because individual participation to local council is vital to keep everyone involved*”. It is conceded that the costs must be huge to the City of Kingston but it is suggested that postal voting is open to abuse.

Committee Recommendation

In relation to future Council elections (after 2008) it is recommended that voting be by attendance voting method rather than the postal voting method.

Officers Comment

The method of voting at local government elections is determined by each Council prior to each election occurring. Postal voting has been this Council’s preferred method for some time.

Dorothy Booth, on behalf of the Mentone / Parkdale Village Committee, presented this item to the Council.

Crs West/Athanasopoulos

That Council note the Committee’s recommendation and that the Committee be advised that the method of voting in future elections will be a matter for future Councils to determine.

Carried

While parts 1 and 2 of **MP 88** were dealt with concurrently at the Council meeting, for the purpose of recording the minutes of the meeting, they have been separately itemised.

MP 88 Village Committee Grants Program (part 1)

The Committee believes that “If there is surplus money in the applicant’s bank accounts, why are they applying for more money? The committee would like to see the guidelines amended to reflect this.”

Committee Recommendation

Some applicants for Community Grants have large amounts of apparently uncommitted funds, often more than adequate to pay for the item for which the grant application is made. It would greatly assist the assessing committee if applicants were required to state the amount of their funds which were not committed to projects scheduled in the next 2 years or to future employee entitlements and explain why their current credit balance is not available for the proposed project.

Officers Comment

The comments of the village committee will be taken on board in preparation of the next round of grants in 2009.

Dorothy Booth, on behalf of the Mentone / Parkdale Village Committee, presented this item to the Council.

Crs West/Alabaster

That the Village Committee’s comments in relation to the grants process be noted and taken into consideration in administering the 2009 grants.

Carried

MP 88 Village Committee Grants Program (part 2)

The Committee believes that “The huge spread sheet format used for the Council agenda was too large and difficult to manage. It is suggested a small document incorporating Committee headings be used to eliminate this problem and assist for quicker reference.”

Committee Recommendation

Having completed the 2008 assessment of the Community Grants Applications we think that the application form should be reviewed. In particular we feel that the questions asked in Part 5 should be simplified and shortened. We consider that specific answers to specific questions are preferable to general statements. Perhaps it would be possible to have a “YES/NO, tick the appropriate box” format so that completing the application form would be easier for both the application and the assessing committee.

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Officers Comment

The comments of the village committee will be taken on board in preparation of the next round of grants in 2009.

Dorothy Booth, on behalf of the Mentone / Parkdale Village Committee, presented this item to the Council.

Crs West/Alabaster

That the Village Committee's comments in relation to the grants process be noted and taken into consideration in administering the 2009 grants.

Carried

Additionally, the Council noted comments from Dorothy Booth, Chairperson, Mentone / Parkdale Village Committee, that the A3 size Village Committee recommendations, referred to in attachment 2 of the Community Grants item at the previous Council meeting, was very cumbersome and difficult to process. Dorothy suggested that there should be a separate sheet for each Village Committee of the Community Grants recommended by the respective Village Committees, as has been presented in the past.

Highlight: Election process.

**6(d) Clayton South Village Committee
Acting Chairperson-David Oates
Report of Meeting held on 12 August 2008**

Highlight: Namatjira Park.

**6(e) Chelsea/Chelsea Heights/Bonbeach Village Committee
Chairperson-Nigel McGillivray
Report of Meeting held on 13 August 2008**

Highlight: The Community Garden.

**6(f) Patterson Lakes/Carrum Village Committee
Chairperson-Glen Baker
Report of Meeting held on 13 August 2008**

Highlight: Discussion on future multi-storey housing developments close to the Cove Hotel on McLeod Road and the need to ensure that a deceleration lane has been included in the planning process.

**6(g) Clarinda/Oakleigh South Village Committee
Chairperson-Robert Rowlands
*Report of Meeting held on 13 August 2008***

Highlight: Namatjira Park presentation.

**6(h) Aspendale/Edithvale/Aspendale Gardens Village Committee
Chairperson- Kevin Griffiths
*Report of Meeting held on 14 August 2008***

Highlight: The success of the Community Grants process.

7. Reports from Delegates Appointed by Council to Various Organisations

Cr Petchey reported on the meeting of the Association of Bayside Municipalities held on 14 August, hosted by the City of Wyndham.

Cr West reported on the meeting of the the Metropolitan Transport Forum.

Cr McKeegan reported on the meeting of the Inner South Metropolitan Mayor's and Chief Executive's Forum.

Crs Ronke/Athanasopoulos

That the reports of the delegates be accepted and the delegates thanked for their reports.

Carried

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8 Environmental Sustainability Reports

K 116 Town Planning Application Decisions – July 2008

Approved By: Tony Rijs-General Manager, Environmental Sustainability

Author: Ian Nice – Manager, Planning

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

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	133	86
Notice of Decision	11	7
Refusal to Grant a Permit	1	1
Other - Withdrawn (2) - Prohibited (1) - Permit not required (3) - Lapsed (3)	9	6
Total	154	100

(NB: Percentage figures have been rounded)

Recommendation:

That the report be noted.

Crs Alabaster/Ronke

That the recommendation be adopted.

Carried

Planning Decisions July 2008					
APPL. No.	PROPERTY ADDRESS	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION
KP01/648-A	7 BEACH PARK RESERVE PARKDALE, VIC 3195	15-Jan-08	3-Jul-08	LIIQUOR LICENCE	Permit Issued
KP100/08	BUSSTOP OPPOSIT 454 CLAYTON RD CLAYTON SOUTH, VIC 3169	22-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP1000/07	152 BALCOMBE RD MENTONE, VIC 3194	18-Dec-07	30-Jul-08	11 DWELLINGS	Permit Issued
KP1026/07	10-12 HOFFMAN ST, CHELTENHAM, VIC 3192	24-Dec-07	7-Jul-08	4 DWELLINGS	Notice of Decision
KP106/08	B/STOP ADJACENT 700 CLAYTON RD CLAYTON SOUTH, VIC 3169	22-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP107/08	OPPOS. 154 CENTRE DANDENONG RD DINGLEY, VIC 3172	22-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP108/08	OPPOS. 180 CENTRE DANDENONG RD CHELTENHAM EAST, VIC 3192	22-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP109/08	ADJACENT CENTRE DANDENONG ROAD DINGLEY, VIC 3172	22-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP110/08	OPPOS. 23 CENTRE DANDENONG RD. DINGLEY, VIC 3172	22-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP113/08	CNR CTR D'ONG RD & OLD D'ONG R DINGLEY, VIC 3172	22-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP114/08	B/STOP OPPOS. 108 WARRIGAL RD MENTONE, VIC 3194	22-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP117/08	B/STP OPPOSITE 359 WARRIGAL RD HEATHERTON, VIC 3202	23-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP118/08	BUSSTOP ADJACENT 268 WELLS RD. CHELSEA HEIGHTS, VIC 3196	23-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP119/08	B/S O/S RD. RESERVE STATION ST ASPENDALE, VIC 3195	23-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP120/08	BUSSTOP ADJACENT 95 WESTALL RD WESTALL, VIC 3171	23-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP125/08	B/STOP OPPOSITE 20 FAIRBANK RD WESTALL, VIC 3171	23-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP132/08	23 WARRIGAL RD MENTONE, VIC 3194	25-Jan-08	24-Jul-08	2 DWELLINGS	Notice of Decision
KP141/08	26 WOODBINE GROVE CHELSEA, VIC 3196	29-Jan-08	24-Jul-08	4 DWELLINGS	Permit Issued
KP151/08	51 MCKAY ST MORDIALLOC, VIC 3195	1-Feb-08	16-Jul-08	2 DWELLINGS	Notice of Decision

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KP152/08	18 GARFIELD ST CHELTENHAM, VIC 3192	4-Feb-08	30-Jul-08	3 DWELLINGS	Permit Issued
KP163/08	35 RAE AVE EDITHVALE, VIC 3196	6-Feb-08	25-Jul-08	2 DWELLINGS	Permit Issued
KP164/08	33 BERRY AVE EDITHVALE, VIC 3196	6-Feb-08	10-Jul-08	2 DWELLINGS	Permit Issued
KP184/08	637 NEPEAN HWY CARRUM, VIC 3197	13-Feb-08	4-Jul-08	CHANGE OF USE	Permit Issued
KP185/08	8 FRANCIS ST MORDIALLOC, VIC 3195	13-Feb-08	1-Jul-08	2 DWELLINGS	Permit Issued
KP187/08	45 CAVANAGH ST CHELTENHAM, VIC 3192	14-Feb-08	18-Jul-08	2 DWELLINGS	Notice of Decision
KP189/08	76 EMBANKMENT GR CHELSEA, VIC 3196	15-Feb-08	18-Jul-08	2 DWELLINGS	Notice of Decision
KP192/08	2 CHADWELL GR CHELSEA, VIC 3196	18-Feb-08	23-Jul-08	3 DWELLINGS	Permit Issued
KP193/08	24-26 PLUMMER RD MENTONE, VIC 3194	18-Feb-08	18-Jul-08	3 DWELLINGS	Permit Issued
KP2/08	15 BALCOMBE RD MENTONE, VIC 3194	2-Jan-08	23-Jul-08	BUILDINGS & WORKS	Permit Issued
KP22/08	BUSSTOP O/S 29 WELLS ROAD CHELSEA HEIGHTS, 3196	15-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP227/08	81 LATROBE ST CHELTENHAM, VIC 3192	27-Feb-08	31-Jul-08	2 DWELLINGS - SBO	Permit Issued
KP23/08	BUSSTOP O/S 54-70 THOMPSON RD PATTERSON LAKES, VIC 3197	15-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP24/08	BUSSTOP O/S 93 WELLS ROAD CHELSEA HEIGHTS, VIC 3196	15-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP243/08	469-472 NEPEAN HWY CHELSEA, VIC 3196	5-Mar-08	22-Jul-08	BUILDINGS & WORKS	Permit Issued
KP244/08	35 LATROBE ST CHELTENHAM, VIC 3192	4-Mar-08	21-Jul-08	4 DWELLINGS	Permit Issued
KP248/08	11 LOCHIEL AVE EDITHVALE, VIC 3196	5-Mar-08	9-Jul-08	2 DWELLINGS	Notice of Decision
KP25/08	CNR EDITHVALE RD & PIPER DRIVE ASPENDALE, VIC 3195	15-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP253/08	190 NEPEAN HWY ASPENDALE, VIC 3195	5-Mar-08	18-Jul-08	3 DWELLINGS	Notice of Decision
KP257/08	38 ACACIA AV MENTONE, VIC 3194	6-Mar-08	30-Jul-08	2 DWELLINGS	Permit Issued
KP258/08	5 MARINA GR BONBEACH, VIC 3196	6-Mar-08	10-Jul-08	2 DWELLINGS	Permit Issued
KP259/08	1/33 ARGYLE AVE CHELSEA, VIC 3196	6-Mar-08	1-Jul-08	REMOVAL OF COVENANT	Permit Issued
KP26/08	BUSSTOP OPPOSITE 29 WELLS RD., CHELSEA HEIGHTS, VIC 3196	15-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP265/05	1/62 BALCOMBE RD MENTONE, VIC 3194	18-Apr-05	1-Jul-08	ALTERATIONS & ADDITIONS	Permit Not Required

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KP27/08	ADJACENT 348 LWR DANDENONG RD MORDIALLOC, VIC 3195	15-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP271/08	1A GARFIELD ST CHELTENHAM, VIC 3192	13-Mar-08	22-Jul-08	5 LOT SUBDIVISION	Permit Issued
KP274/08-A	48 HERBERT ST PARKDALE, VIC 3195	12-May-08	18-Jul-08	THREE (3) LOT SUBDIVISION	Permit Issued
KP279/08	5 HADKINSON ST CLAYTON SOUTH, VIC 3169	13-Mar-08	17-Jul-08	2 DWELLINGS	Permit Issued
KP28/08	OPP 95 Wells Road Aspendale Gardens, VIC 3196	9-Jul-08	9-Jul-08	BUS STOP	Permit Issued
KP285/07	93 WELLS ROAD CHELSEA HEIGHTS, VIC 3196	1-May-07	11-Jul-08	CHANGE OF USE	Permit Issued
KP295/08	16 SHOWERS AVE CHELSEA, VIC 3196	26-Mar-08	10-Jul-08	2 DWELLINGS	Permit Issued
KP30/08	BUSSTOP ADJACENT 136 WELLS RD CHELSEA HEIGHTS, VIC 3196	15-Jan-08	8-Jul-08	SIGNAGE - LSIO	Permit Issued
KP304/08	2 ACACIA AVENUE MENTONE, VIC 3194	26-Mar-08	10-Jul-08	4 LOT SUBDIVISION	Permit Issued
KP305/07-A	580-650 HEATHERTON ROAD CLAYTON SOUTH, VIC 3169	7-May-08	1-Jul-08	3 LOT SUBDIVISION	Permit Issued
KP31/08	ADJACENT 2 GILCHRIST WAY EDITHVALE, VIC 3196	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP316/08	7 DUDLEY GR EDITHVALE, VIC 3196	31-Mar-08	17-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP317/08	37 VENICE ST MENTONE, VIC 3194	28-Mar-08	8-Jul-08	SIGNAGE	Permit Lapsed
KP322/08	631 NEPEAN HWY CARRUM, VIC 3197	3-Apr-08	4-Jul-08	4 LOT SUBDIVISION	Permit Issued
KP34/08	ADJACENT 25 LWR. DANDENONG RD. MENTONE, VIC 3194	17-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP341/08	455 NEPEAN HWY CHELSEA, VIC 3196	9-Apr-08	18-Jul-08	CHANGE OF USE	Permit Issued
KP343/08	173 BALCOMBE RD MENTONE, VIC 3194	8-Apr-08	24-Jul-08	16 LOT SUBDIVISION	Permit Issued
KP346/07	131 BALCOMBE RD MENTONE, VIC 3194	15-May-07	9-Jul-08	3 DWELLINGS	Permit Issued
KP346/08	95-97 BEACH RD MENTONE, VIC 3194	9-Apr-08	10-Jul-08	SIGNAGE	Permit Issued
KP36/08	OPPOSITE 23 LWR. DANDENONG RD. MENTONE, VIC 3194	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP360/08	987 (BOAT SHED), FOY AVENUE CHELSEA, VIC 3196	11-Apr-08	10-Jul-08	RAMP	Permit Issued
KP361/08	1-5 KEYS RD MOORABBIN, VIC 3189	11-Apr-08	30-Jul-08	BUILDINGS & WORKS	Permit Issued
KP37/08	OPPOSITE 264 BALCOMBE ROAD MENTONE, VIC 3194	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP371/08	138 LOWER DANDENONG ROAD PARKDALE, VIC 3195	16-Apr-08	9-Jul-08	4 LOT SUBDIVISION	Permit Issued

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KP372/08	2 MANOON RD CLAYTON SOUTH, VIC 3169	17-Apr-08	3-Jul-08	3 LOT SUBDIVISION	Permit Issued
KP376/06	8-10 LENNOX ST MOORABBIN, VIC 3189	8-Jun-06	9-Jul-08	WAREHOUSE	Permit Lapsed
KP381/08	1 WATKINS ST ASPENDALE, VIC 3195	22-Apr-08	4-Jul-08	1 DWELLING	Permit Issued
KP383/08	9-11 SHEARSON CRES MENTONE, VIC 3194	22-Apr-08	4-Jul-08	BUILDINGS & WORKS	Permit Issued
KP385/02-A	92-100 GLADESVILLE BLVD PATTERSON LAKES, VIC 3197	15-Jul-08	22-Jul-08	EIGHT (8) DWELLINGS	Permit Issued
KP39/08	BUSSTOP OPPOSITE 96 PARKERS RD PARKDALE, VIC 3195	17-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP399/08	15 YORK ST BONBEACH, VIC 3196	22-Apr-08	15-Jul-08	5 LOT SUBDIVISION	Permit Issued
KP402/08	972-988 NEPEAN HWY MOORABBIN, VIC 3189	23-Apr-08	18-Jul-08	SIGNAGE	Permit Issued
KP406/08	121-125 KEYS RD MOORABBIN, VIC 3189	28-Apr-08	24-Jul-08	BUILDINGS & WORKS	Permit Issued
KP409/08	20 PIER ONE DR PATTERSON LAKES, VIC 3197	28-Apr-08	16-Jul-08	1 DWELLING	Permit Issued
KP415/08	652-658 HEATHERTON ROAD CLAYTON SOUTH, VIC 3169	29-Apr-08	16-Jul-08	BUILDINGS & WORKS	Permit Issued
KP416/08	422 WARRIGAL RD HEATHERTON, VIC 3202	29-Apr-08	31-Jul-08	SIGNAGE	Permit Issued
KP43/08	BUSSTOP OPPOSITE 98 COMO PDE PARKDALE, VIC. 3195	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP433/08	610-638 HEATHERTON ROAD CLAYTON SOUTH, VIC 3169	7-May-08	17-Jul-08	SIGNAGE	Permit Issued
KP434/07	3 LATONA ST MENTONE, VIC 3194	21-Jun-07	24-Jul-08	3 DWELLINGS	Permit Issued
KP438/08	37/20-24 CHESTERVILLE ROAD CHELTENHAM, VIC 3192	8-May-08	3-Jul-08	B&W - BALCONY	Permit Issued
KP44/08	ADJACENT 86 CNTR. DANDENONG RD DINGLEY, VIC 3172	17-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP444/08	1 KEATON WAY ASPENDALE GARDENS, VIC 3195	5-May-08	18-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP445/08	50 CLYDEBANK ROAD EDITHVALE, VIC 3196	13-May-08	1-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP448/08	25 BURNS AVENUE CLAYTON SOUTH, VIC 3169	5-May-08	10-Jul-08	3 LOT SUBDIVISION	Permit Issued
KP45/08	ADJACENT 645 LWR. DANDENONG RD DINGLEY, VIC 3172	17-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP450/08	GRNDP1-2/614-616 SOUTH RD MOORABBIN, VIC 3189	13-May-08	11-Jul-08	CHANGE OF USE	Permit Issued

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KP457/08	5 MURPHY ST CLARINDA, VIC 3169	14-May-08	22-Jul-08	1 DWELLING	Permit Issued
KP459/08	282-290 LOWER DANDENONG RD MORDIALLOC, VIC 3195	14-May-08	25-Jul-08	FACTORY/WAR EHOUSE/OFFIC E	Permit Issued
KP48/08	B/S ADJACENT 28 ENGONIA CRES CLAYTON, VIC 3168	17-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP488/08	15 SEAFARER COURT PATTERSON LAKES, VIC 3197	21-May-08	18-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP489/08	8 RONALD STREET MOORABBIN, VIC 3189	21-May-08	17-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP49/08	ADJACENT 210 CNTR DANDENONG RD DINGLEY, VIC 3172	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP504/08	245 NEPEAN HIGHWAY PARKDALE, VIC 3195	27-May-08	22-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP507/08	SPRINGVALE ROAD MEDIAN STRIP BRAESIDE, VIC 3195	28-May-08	3-Jul-08	TEMPORARY SIGNAGE	Permit Refused
KP510/08	11 BROWNING AVENUE CLAYTON SOUTH, VIC 3169	28-May-08	31-Jul-08	4 LOT SUBDIVISION	Permit Issued
KP521/08	3 ARUMA COURT CHELSEA, VIC 3196	30-May-08	30-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP526/08	26 WETLAND DRIVE PATTERSON LAKES, VIC 3197	2-Jun-08	31-Jul-08	1 DWELLING	Permit Issued
KP539/07-A	60-68 GLADESVILLE BLVD PATTERSON LAKES, VIC 3197	11-Apr-08	18-Jul-08	49 LOT SUBDIVISION	Permit Issued
KP546/08	55 FIELD AVENUE EDITHVALE, VIC 3196	2-Jun-08	1-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP55/08	ADJACENT 21 CNTR DANDENONG RD DINGLEY, VIC 3172	17-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP555/08	57 ISLAND POINT AVENUE WATERWAYS, VIC 3195	11-Jun-08	4-Jul-08	1 DWELLINGS	Permit Issued
KP56/08	OPPOSITE 101-105 EDITHVALE RD CHELSEA HEIGHTS, VIC 3196	17-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP563/07	1/33 HERBERT ST PARKDALE, VIC 3195	2-Aug-07	18-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP569/08	46 BOWMAN STREET ASPENDALE, VIC 3195	6-Jun-08	10-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP583/07	47 HILDA ST CHELTENHAM, VIC 3192	7-Aug-07	24-Jul-08	2 DWELLINGS	Permit Issued
KP586/08	OPP 289 CENTRE DANDENONG RD CHELTENHAM, VIC 3192	18-Jun-08	18-Jul-08	ADVERTISING SIGN	Permit Issued
KP587/08	KAREN ST O/S SOUTHLAND BUS BAY CHELTENHAM, VIC 3192	18-Jun-08	22-Jul-08	ADVERTISING SIGNAGE	Permit Issued
KP593/08	21 MACQUARIE CIRCLE WATERWAYS, VIC 3195	19-Jun-08	3-Jul-08	ONE (1) DWELLING	Permit Issued
KP594/08	45 WATERSIDE DRIVE WATERWAYS, VIC 3195	19-Jun-08	10-Jul-08	ONE (1) DWELLING	Permit Issued

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KP599/08	488-490 SOUTH ROAD MOORABBIN, VIC 3189	23-Jun-08	23-Jul-08	ADVERTISING SIGNAGE	Permit Issued
KP600/08	1/72 NEPEAN HIGHWAY ASPENDALE, VIC 3195	23-Jun-08	2-Jul-08	ALTERATIONS AND ADDITIONS	Permit Withdrawn
KP601/08	1/4 PEACE STREET HIGHETT, VIC 3190	23-Jun-08	24-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP604/08	134 PARKERS ROAD PARKDALE, VIC 3195	24-Jun-08	22-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP621/08	52 SWINDEN AVENUE CHELTENHAM, VIC 3192	26-Jun-08	23-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP629/08	18 BOWMAN STREET ASPENDALE, VIC 3195	1-Jul-08	23-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP632/08	979 NEPEAN HIGHWAY MOORABBIN, VIC 3189	3-Jul-08	23-Jul-08	BUILDINGS AND WORKS	Permit Issued
KP633/08	95-97 BEACH ROAD MENTONE, VIC 3194	3-Jul-08	23-Jul-08	SIGNAGE	Permit Issued
KP636/08	39 WATERSIDE DRIVE WATERWAYS, VIC 3195	4-Jul-08	18-Jul-08	ONE (1) DWELLING	Permit Issued
KP638/08	985 NEPEAN HIGHWAY MOORABBIN, VIC 3189	7-Jul-08	23-Jul-08	BUILDINGS & WORKS	Permit Issued
KP64/08	B/S ADJ. 363-369 WARRIGAL RD CHELTENHAM NORTH, VIC 3192	17-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP644/08	2 SOMME PARADE EDITHVALE, VIC 3196	9-Jul-08	21-Jul-08	TWO STOREY DWELLING	Permit Not Required
KP649/08	6 FISHER MEWS WATERWAYS, VIC 3195	11-Jul-08	24-Jul-08	ONE (1) DWELLING	Permit Issued
KP650/08	4 BLACK SWAN LANE WATERWAYS, VIC 3195	11-Jul-08	25-Jul-08	ONE (1) DWELLING	Permit Issued
KP651/07	22 BLACKWOOD AVE MENTONE, VIC 3194	21-Aug-07	17-Jul-08	2 DWELLINGS	Permit Issued
KP654/08	98-108 MCDONALD STREET MORDIALLOC, VIC 3195	3-Jul-08	23-Jul-08	ADVERTISING SIGNAGE	Permit Not Required
KP66/08	BUSSTOP ADJ. 274 CHARMAN ROAD CHELTENHAM, VIC 3192	17-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP660/08	20 LINCOLN DRIVE CHELTENHAM, VIC 3192	15-Jul-08	31-Jul-08	2 LOT SUBDIVISION	Permit Issued
KP673/04	4 VIOLA CRES HIGHETT, VIC 3190	16-Sep-04	28-Jul-08	2 DWELLINGS	Permit Lapsed
KP68/08	B/S OPP 182 CNTR. DANDENONG RD CHELTENHAM EAST, VIC 3192	18-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP70/08	B/S ADJ 120 CNTR. DANDENONG RD DINGLEY, VIC 3172	18-Jan-08	8-Jul-08	SIGNAGE - SBO	Permit Issued
KP71/08	B/S ADJ 134 CNTR. DANDENONG RD DINGLEY, VIC 3172	18-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP72/08	CNR CNTR DAND RD & OLD DAND RD DINGLEY, VIC 3172	18-Jan-08	8-Jul-08	SIGNAGE	Permit Issued
KP753/07	1017 NEPEAN HWY MOORABBIN, VIC 3189	25-Sep-07	21-Jul-08	4 DWELLINGS	Permit Issued

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KP78/08	BUSSTOP ADJACEN 117 BEACH RD MENTONE, VIC 3194	18-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP819/07	51 WHITE ST PARKDALE, VIC 3195	15-Oct-07	1-Jul-08	2 DWELLINGS	Permit Issued
KP82/08	B/S OPP 63 CNTR. DANDENONG RD DINGLEY, VIC 3172	18-Jan-08	9-Jul-08	SIGNAGE	Permit Issued
KP820/07-A	47 OAK AVE CHELTENHAM, VIC 3192	25-Jun-08	18-Jul-08	ALTERATIONS & ADDITIONS	Permit Issued
KP87/08	1/5 LORD WEAVER GR BONBEACH, VIC 3196	17-Jan-08	1-Jul-08	4 DWELLINGS	Permit Issued
KP888/07	48 CHESTERVILLE RD CHELTENHAM, VIC 3192	8-Nov-07	10-Jul-08	CHANGE OF USE	Permit Issued
KP9/08	1/32 TUCK ST CHELTENHAM, VIC 3192	8-Jan-08	10-Jul-08	SATELITE DISH	Permit Issued
KP911/07	2 NEWINGTON LA CHELSEA, VIC 3196	14-Nov-07	24-Jul-08	2 DWELLINGS	Notice of Decision
KP915/07	57 MCLEOD RD CARRUM, VIC 3197	15-Nov-07	9-Jul-08	2 DWELLINGS - SBO	Notice of Decision
KP93/08	B/S OPPOSITE SHOP 3 STATION RD CHELTENHAM, VIC 3192	21-Jan-08	18-Jul-08	SIGNAGE - SBO	Permit Issued
KP935/06	86 MCLEOD RD CARRUM, VIC 3197	11-Dec-06	24-Jul-08	2 LOT SUBDIVISION	Permit Withdrawn
KP965/07	4 STAYNER GR MOORABBIN, VIC 3189	4-Dec-07	21-Jul-08	2 DWELLINGS	Permit Issued
KP97/959-C	918-928 SPRINGVALE ROAD BRAESIDE, VIC 3195	7-Jul-08	25-Jul-08	AMEND PERMIT	Permit Issued
KP973/07	21 THE PARADE CLARINDA, VIC 3169	7-Dec-07	24-Jul-08	2 DWELLINGS	Notice of Decision
KP98/08	CNR EDITHVALE ROAD & PIPER DR ASPENDALE, VIC 3195	22-Jan-08	18-Jul-08	SIGNAGE	Permit Issued
KP99/06-A	71 NEPEAN HWY ASPENDALE, VIC 3195	11-Mar-08	21-Jul-08	AMEND PERMIT	Permit Issued
KP992/07	1209 NEPEAN HWY HIGHETT, VIC 3190	14-Dec-07	25-Jul-08	BOUNDARY RE- ALIGNMENT	Permit Issued
KP998/07	16 MCKAY ST PARKDALE, VIC 3195	18-Dec-07	24-Jul-08	3 DWELLINGS	Permit Issued

**K117 Town Planning Report KP938/07 – 530 Main Street,
Mordialloc**

Applicant: 530 Main Street Pty Ltd
Location: No. 530-540 Main Street, Mordialloc
Melways Ref: 87E12
Proposal: Mixed Use Development (Comprising the development and use of the land for a supermarket, shops, dwellings, basement car parking, advertising signage and a reduction in the car parking (Clause 52.06) and bicycle storage requirements (Clause 52.34) and to demolish buildings on land affected by a Heritage Overlay (Clause 43.01) of the Kingston Planning Scheme).

File Number: KP938/07
Planning Officer: Sherie Kirby
Objections: Fifteen
Zoning: Business 1

Kingston Planning Scheme Ordinance Controls:

Clause 14.01: *Planning for Urban Settlement*
Clause 16.02: *Medium Density Housing*
Clause 17.01: *Activity Centres*
Clause 17.02: *Business*
Clause 18.01: *Declared Highways, Railways & Tramways*
Clause 18.02: *Car Parking & Public Transport Access to Development*
Clause 19.03: *Design & Built Form*
Clause 21.03: *Land Use Challenges for the New Millennium*
Clause 21.04: *Strategic Framework Plan*
Clause 21.06: *Retail and Commercial Land Use*
Clause 22.14: *Mordialloc Activity Centre*
Clause 22.15: *Outdoor Advertising Sign Policy*
Clause 34.01: *Business 1 Zone*
Clause 43.01: *Heritage Overlay*
Clause 43.02: *Design & Development Overlay (Schedule 10)*
Clause 52.05: *Advertising Signs*
Clause 52.06: *Car Parking*
Clause 52.07: *Loading & Unloading of Vehicles*
Clause 52.29: *Land Adjacent to a Road Zone (Category 1)*
Clause 52.34: *Bicycle Facilities*
Clause 65: *Decision Guidelines*
Clause 66: *Referrals*

Residential Policy Area *Not Applicable

Reason for being presented at a Council Meeting

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

*Note: This application has been presented to Council on two separate occasions, (23/07/08 & 7/07/08), and both times was deferred by Council.

Application for Review Against Council's Failure to Determine

The applicant has lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine this application for planning permit within the required statutory time frame.

Development Summary:

<i>SITE AREA</i>	3450m²
<i>FRONTAGE/S</i>	77.91 metres to Nepean Highway (Main Street)
	37 metres to Epsom Road
<i>DEPTH</i>	37 metres
<i>SITE COVERAGE</i>	100%
<i>NO. OF DWELLINGS</i>	39
<i>NO. OF STOREYS</i>	3
<i>NO. OF BASEMENT LEVELS</i>	2
<i>FRONT SETBACK</i>	0 metres to Nepean Highway (Main Street) - East 0 metres to Epsom Road - North
<i>MINIMUM SIDE SETBACK</i>	To the south: 0 metres To the west: 0 metres
<i>REAR SETBACK</i>	0 metres to rear (west) property boundary

Existing Conditions:

The subject site comprises seven (7) allotments and has direct road abuttal to both Nepean Highway (Main Street) and Epsom Road, Mordialloc. To Nepean Highway, the land has a frontage width of 77.91 metres to the east and a frontage width of approximately 37 metres to Epsom Road to the north. The land has an overall area of 3450m² and is irregular in shape. The topography of the land is relatively flat and void of any significant vegetation.

At present, the land is developed and use for a supermarket (NQR Store), three (3) specialty shops and a motor vehicle repairs premises. Vehicle access to the site is available from two (2) access points along the site's Epsom Road frontage and also at the north-west end of the service road that runs parallel to Main Street. The existing entry from the service road predominantly serves as vehicle access to the loading bay area of the supermarket.

Surrounding the subject site, the land is used for a combination of commercial and residential uses. The land to the north of the site is occupied by the Mordialloc Sporting Club at the south-east intersection of Epsom Road and Main Street. To the west, the land is developed and used for medium density housing which fronts Epsom Road. Land to the south along Main Street represents the core commercial precinct of Mordialloc, with a combination of single-storey and double-storey buildings fronting the street frontage. On-street car parking is available within the service road along this section of Main Street. Land opposite the subject site to the east across Nepean Highway is predominantly developed and used for commercial purposes.

The subject site is located within the Mordialloc Activity Centre which is designated as a “major activity centre” under the State Government’s Melbourne 2030 Strategy. The land is situated within close proximity to all forms of physical and social infrastructure, namely the Mordialloc Railway Station to the south-east, local shops to the south and the Mordialloc foreshore reserve to the west.

The subject site and the land directly to the south is zoned Business 1 whilst the land to the north and west is zoned Residential 1. It is noted that Main Street is not a Road Zone (Category 1).

Site History:

Planning Permit No. KP904/03 was issued by the City of Kingston on 6th May, 2004, for the development of the site for a restricted retail premises with a reduced car parking requirement, pursuant to Clause 52.06 of the Scheme.

Planning Permit No. KP99/884 was issued by the City of Kingston on 2nd August, 2000, for the construction of buildings and works on the site.

Proposal:

It is proposed to develop and use the land for a supermarket, three (3) specialty retail stores, thirty-nine (39) dwellings with a basement car parking area. The proposal also seeks approval for the demolition of existing buildings, the display of business identification signage and a reduction in the car parking and bicycle storage requirements of the Kingston Planning Scheme.

A total of 167 car parking spaces would be provided on-site with the two (2) basement car parking levels, with vehicle access to be provided along the site’s Epsom Road frontage.

At ground level, the proposed supermarket (1005m²) would occupy the majority of retail floor space in addition to ten (10) retail premises fronting both Main Street and Epsom Road. The first floor and second floor levels would comprise the residential component of the development.

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A summary of the residential component of the proposed development is provided below:

	Area (m²)	Private Open Space Area (m²)	No. of Bedrooms
Dwelling 1	107	29	3
Dwelling 2	76	27	2
Dwelling 3	148	15	3 + Study
Dwelling 4	72	46	2
Dwelling 5	67	26	2
Dwelling 6	65	17	2
Dwelling 7	72	30	2
Dwelling 8	75	29	2
Dwelling 9	72	30	2
Dwelling 10	68	10 & 5	2
Dwelling 11	72	26	2
Dwelling 12	72	37	2
Dwelling 13	45 & 41	14	2
Dwelling 14	45 & 41	14	2
Dwelling 15	45 & 41	14	2
Dwelling 16	45 & 41	14	2
Dwelling 17	72	22	2
Dwelling 18	72	30	2
Dwelling 19	72	47	2
Dwelling 20	72	49	2
Dwelling 21	72	46	2
Dwelling 22	56	18	1
Dwelling 23	107	48	3
Dwelling 24	76	22	2
Dwelling 25	80	15	2
Dwelling 26	72	21	2
Dwelling 27	67	22	2
Dwelling 28	65	17	2
Dwelling 29	72	21	2
Dwelling 30	75	26	2
Dwelling 31	72	31	2
Dwelling 32	68	10 & 3	2
Dwelling 33	101	35 & 3	3
Dwelling 34	72	15	2
Dwelling 35	72	21	2
Dwelling 36	72	23	2
Dwelling 37	72	29	2
Dwelling 38	72	27	2
Dwelling 39	56	14	1

The proposed development would comprise five (5) levels, with two (2) full basement car parking levels and three (3) above ground levels. It is noted, however, that the third level would be well setback from the site's Main Street frontage.

External building materials would include a combination of different finishes and colours which are contemporary in style and form.

Planning Controls:

Pursuant to Clause 34.01 of the Kingston Planning Scheme, a planning permit is required for a number of purposes, being:

- A permit is required for the use of the land for the purpose of a dwelling given that the frontage at ground level (being the lobby entry) would exceed two (2) metres.
- A permit is required for the use of the land for the purpose of a retail premises.
- A permit is required for the construction of a building and to carry out works.

A planning permit is not required for the use of the land for the purpose of a supermarket as this use is defined as a “shop” which is a Section 1 use.

Pursuant to Clause 43.01 of the Scheme, a planning permit is required to:

- demolish or remove a building.
- Construct a building or carry out works.

Pursuant to Clause 52.05 of the Scheme, a planning permit is required to display business identification signage which exceeds more than 8 square metres in area.

In accordance with Clause 52.06 of the Scheme, the following car parking rates should be applied for the proposed land uses:

- Shop – 8 car spaces per 100m² leaseable floor area.
- Dwelling – 2 car spaces for each dwelling.

Based on the above rates, a total of 265 on-site car parking spaces should be provided as a part of the proposed development. However, a total of 168 car parking spaces are proposed to be provided within the two (2) basement car parking levels. As such, a planning permit is required for a reduced car parking rate under this section of the Scheme.

A number of the policies contained within the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), including Council’s Municipal Strategic Statement (MSS) are considered relevant in the consideration of this proposal, namely:

- Clause 14.01: Planning for Urban Settlement
- Clause 16.02: Medium Density Housing
- Clause 17.01: Activity Centres
- Clause 17.02: Business
- Clause 18.01: Declared Highways, Railways & Tramways
- Clause 18.02: Car Parking & Public Transport Access to Development
- Clause 19.03: Design & Built Form
- Clause 21.03: Land Use Challenges for the New Millennium
- Clause 21.04: Strategic Framework Plan
- Clause 21.06: Retail and Commercial Land Use
- Clause 22.14: Mordialloc Activity Centre
- Clause 22.15: Outdoor Advertising Sign Policy

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- Clause 34.01: Business 1 Zone
- Clause 43.01: Heritage Overlay
- Clause 43.02: Design & Development Overlay (Schedule 10 – Mordialloc Activity Centre)
- Clause 52.05: Advertising Signs
- Clause 52.06: Car Parking
- Clause 52.07: Loading & Unloading of Vehicles
- Clause 52.29: Land Adjacent to a Road Zone (Category 1)
- Clause 52.34: Bicycle Facilities
- Clause 65: Decision Guidelines
- Clause 66: Referrals

Referrals:

Pursuant to Clause 52.29 of the Scheme, the application is required to be referred to the relevant Road Authority (VicRoads) where access to land adjacent to a Road Zone Category 1 is to be altered. A number of separate responses have been received by Council, one of which requires several specific conditions to be included on any permit issued, another states that “VicRoads will not support any access arrangement for this development on Main Street and the service road, and in the latest response received via the VCAT, VicRoads states that “any changes in the proposed access arrangement (particularly at Main Street) may impact on arterial road networks. Consequently, VicRoads expects to be represented at the hearing.”

VicRoads has submitted its Statement of Grounds to the VCAT stating that: **Any changes in the proposed access arrangement (particularly at Main Street) may affect the operational safety and efficiency of Nepean Highway.”**

The application was also referred to the following internal Council departments for comment:

- Development Approvals Engineer
- Vegetation Management Officer
- Council’s Strategic Planning Department – Heritage Advisor
- Council’s Urban Designer
- Council’s Traffic Engineering Department

All relevant internal departments have offered no objection to the proposed development, with the exception of Council’s Urban Designer. However, it is considered that the concerns raised with regards to the visual presentation of the proposal can be satisfactorily addressed through the inclusion of suitable conditions on any planning permit issued.

Advertising:

The application was advertised by letters to all adjoining and surrounding property owners and/or occupiers and two (2) notices placed on the site for fourteen (14) days. The notification process was satisfactorily completed and sixteen (16) objections were received, however, one (1) was subsequently withdrawn.

The main grounds of objection can be summarised under the following headings:

- Overdevelopment;
- Car parking and traffic issues;
- Out-of-character; and
- Amenity concerns (overshadowing, visual bulk, noise, etc.).

A preliminary conference was held at Council's Cheltenham office on 8th April, 2008, with the applicant, objectors and Council officer in attendance. Each of the above issues were discussed at length, however, no resolution was reached. There have also been a number of further meetings held which have involved the applicant, objectors, the Ward Councillor and Council officers, however, no real resolutions appear to have been achieved.

Planning Assessment:

The following section will consider the application against the relevant sections of the State Planning Policy Framework, Local Planning Policy Framework (including the MSS), zoning objectives and Particular Provisions of the Kingston Planning Scheme.

State Planning Policy Framework

Clause 14.01 – Planning for Urban Settlement

One of the key objectives under Clause 14.01 of the Scheme aims *“to ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses”*.

The proposal is considered to satisfy this objective by establishing a medium density housing development on the land that would have a direct interface with both Mordialloc's commercial precinct and existing residential development to the west. Also, the subject site is easily accessible to a well-serviced transport node and is serviced by all reticulated services.

Clause 16.02 – Medium Density Housing

A State Planning Policy for the provision of urban housing aims *“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 and improves energy efficiency of housing”*.

Council officers consider that the proposal addresses the core elements of this objective by providing medium to high density living at the northern end of Mordialloc's commercial precinct. The proposed mixed use development is considered an appropriate response to the demand for smaller, more affordable dwellings in this location. Further, the site's proximity to public transport infrastructure, local shops, schools and the Mordialloc foreshore reserve represents an ideal opportunity for the re-development of this site for a combination of residential and commercial uses.

Clause 17.01 – Activity Centres

The key policy objectives for Activity Centres under Clause 17.01 of the Scheme includes an aim *“to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community”*.

The proposal would provide additional medium density housing close a range of existing facilities within the Mordialloc town centre.

Clause 18.01 – Declared Highways, Railways and Tramways

The State Planning Policy Framework of the Scheme encourages the development of such opportunity sites close to declared highways and railways, as outlined under Clause 18.01 of the Scheme. A key strategic objective under this section is *“to integrate land use and transport planning around existing and planned declared highways, railways, principal bus routes and tram lines”*.

The proposal would be respectful of it’s location with respect to existing main roads (Main Street) and the Melbourne to Frankston Railway line.

Clause 19.03 – Design & Built Form

Council officers consider that the proposed mixed-use development is consistent with the principles outlined under this Section of the Scheme, namely in relation to context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of sites, light and shade, energy efficiency and architectural quality.

Local Planning Policy Framework (including the MSS)

Clause 21.03 – Land Use Challenges for the New Millennium

The relevant objectives under this section are considered to be in relation to an identified future housing need and residential amenity.

Single dwellings on single allotments are the predominant housing form identified within the City of Kingston under Council’s Municipal Strategic Statement. The proposed development would offer an alternative to the typical housing form in Mordialloc through the provision of thirty-nine (39) apartments (if supported the number will be 37) above a retail/commercial development. The subject site is ideally located for future residents being central to the existing shopping facilities and public transport infrastructure.

Clause 21.04-3 – Strategic Framework Plan

Council’s Strategic Land Use Framework Plan identifies the subject site as being located within the “primary activity centre”. The proposed development is considered to be consistent with the objectives of this plan as it would provide medium density housing within an established commercial activity centre.

Clause 21.06 – Retail & Commercial Land Use

One of the key objectives under this section of the Scheme is *“to protect and strengthen the hierarchy of activity centres within Kingston. This is to be achieved through consolidating land use activities which encourage a broader range of cultural, social, commercial and higher density housing opportunities to complement retail functions of activity centres and enhance the economic viability”*.

Council officers consider that the proposed mixed use development would be consistent with the above objective in terms of strengthening the viability of the Mordialloc activity centre. Specifically, the provision of thirty-seven (37) apartments in addition to an active retail frontage at the ground level should enhance the economic viability of the commercial core of Mordialloc.

Clause 22.11 – Residential Development Policy

The purpose of this Policy is to identify those locations where increased housing diversity, incremental housing change, minimal housing change and residential renewal will be encouraged. Whilst this Policy does not directly apply to the application (given the zoning of the land), it does actively promote high-density development around activity centres and locations close to public transport.

Clause 22.14 – Mordialloc Activity Centre Policy

The subject site is located within Precinct 6: Main Street Precinct of the Mordialloc Activity centre.

A number of key policies relating to this precinct include:

- Promote specialised retail and commercial services to continue to address Main Street at the street level, contributing to an attractive and active commercial promenade.
- Enable the activation of upper level Main Street buildings through discreet setback additions behind the primary parapet.
- Reinforce the historic rhythm of commercial street frontages within Main Street through the incorporation of vertical elements, materials and details that reflect these elements but do not replicate or mimic them.
- Ensure buildings provide a zero lot alignment to the street frontage and physically address the street through permeable fenestration and points of entry.
- Reinforce the northern gateway of the Main Street precinct through the redevelopment of the site west of the junction of McDonald Street and Nepean Highway, south of Epsom for a mixed use development comprising of retail and commercial street activity and upper level residential and/or service accommodation.

Clause 22.15 – Outdoor Advertising Sign Policy

A number of policies are relevant in the consideration of the advertising signs proposed as a part of this development, namely in relation to shopping and commercial areas and also main road areas. When considering advertising signage in commercial areas, the policies encourage consideration of the overall role of the activity centre and the type and level of signage which is deemed appropriate. Further, advertising signs proposed along main road areas need to be appropriate with regards to streetscape, amenity impacts and pedestrian and traffic safety.

It is considered that the proposed business advertising signage associated with the development should be consistent with the type and level of signage which exists along this section of Main Street.

As discussed above, the proposed development would satisfy the broader strategic objectives under Council's MSS through the provision of high density housing in an identified retail activity centre.

Zoning Provisions

Clause 34.01 – Business 1 Zone

The subject site is located within a Business 1 Zone, where the purpose of the zone is identified as follows:

- *To encourage the intensive development of business centres for retailing and other complimentary commercial, entertainment and community uses.*

The proposed development is considered to be highly consistent with the above objectives of the zone.

Overlays

Clause 43.01 – Heritage Overlay

The subject site is affected by a Heritage Overlay (No. 123) which applies to the entire Main Street precinct. Council officers consider that the proposed mixed-use development would conserve and enhance the cultural significance of this precinct and would enhance those elements which contribute to the heritage significance of this area.

Clause 43.02 - Design & Development Overlay (Schedule No. 10 – Mordialloc Activity Centre)

Council officers strongly believe that the proposed development would be consistent with the built form provisions under this Schedule, particularly in relation to Precinct A6. Specifically, the proposed development would not exceed the maximum building height of eleven (11) metres and the upper level setbacks have been adequately recessed from the Main Street frontage.

Particular Provisions

Clause 52.05 – Advertising Signs

The proposed advertising signage is considered appropriate with respect to the location within commercial centre and the type proposed. Council is awaiting comment from Vic Roads with respect to the internally-illuminated signage proposed fronting Main Street, given that is deemed a Road Zone (Category 1).

Clause 52.06 – Car Parking

As previously discussed, the applicant is seeking approval for a reduced car parking requirement based on the rates set out under Clause 52.06-5 of the Scheme. Based on the car parking rates set out under this section of the Scheme, a total of 265 car parking spaces would be generated, whereas 168 have been proposed.

Council officers consider that the car parking deficit of 97 car parking spaces should not unduly affect the demand for on-street car parking or the traffic movement on the surrounding roads as a result. Given the mixed-use nature of the development, it is considered that the number of on-site car parking spaces to be provided should adequately accommodate the demand at any time.

Clause 52.07 – Loading & Unloading of Vehicles

The proposed loading bay area for the supermarket (to be accessed from Epsom Road) exceeds the minimum area and dimensions required under this section of the Scheme.

Clause 52.29 – Land Adjacent to a Road Zone (Category 1)

Comments are being sought from Vic Roads regarding the alteration to the existing service road (with the provision of three (3) additional car parking spaces) and removal of access to the subject site at the northern end of the existing service road.

Clause 52.34 – Bicycle Provisions

Based on the requirements set out under this section of the Scheme, a total of (8) bicycle parking spaces would be required on site to serve both the residential and commercial component of the development. Whilst the applicant is seeking approval for a reduction in the number of bicycle parking spaces to be provided on site, it is noted that bicycle parking spaces would be provided within a landscaping area along Main Street.

Response to Objector/s Concerns:

The following responses are offered in relation to the main grounds of objection to the application:

Overdevelopment

The intensity of the development, given the combination of residential and commercial land uses, is consistent with the preferred future development of the northern section of Main Street in accordance with the Mordialloc Activity Centre. The proposed development does not demonstrate characteristics associated with overdevelopment, such as inadequate on-site car parking, overlooking, overshadowing and lack of private open space for individual dwellings.

Car Parking and Traffic Issues

As discussed under previous sections of this report, the number of on-site car parking spaces is considered sufficient for the combination of land uses proposed. Further, the access arrangements for cars and trucks entering the site off Epsom Road is considered adequate based on the comments received from Council's Traffic Engineering Department.

Out-Of-Character

A number of concerns raised were in relation to the impact of the proposed development on the "village atmosphere" of Mordialloc. On the contrary, the proposal is considered to accord with the strategic direction for the future development of the Main Street precinct of Mordialloc. Built form characteristics of the proposal, such as the recessed upper floor levels and the provision of sheltered areas under the canopy structures is considered to be consistent with the existing character of Mordialloc.

Amenity Concerns (Overshadowing, Visual Bulk, Noise, etc.).

Concerns regarding the possible loss of amenity were raised by residents to the west of the subject site from Epsom Road and Montgomery Street. With respect to possible overshadowing, it is noted that the existing walls constructed along most of the length of the site's west (rear) property boundary would be retained and that the new construction at the upper levels would not generate any additional shadow.

The visual impact of the development when viewed from these properties would not be excessive given the existing walls on the west property boundary would be retained and also given that the upper floor levels would be recessed from this boundary.

The issue of noise, however, is a legitimate concern given that no details have been provided with respect to external heating/cooling units, exhaust fans, etc. A condition of any planning permit issued for the proposed development should require details of the location of all external heating and cooling units and exhaust fans.

General Comment:

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

- The proposed mixed use development is consistent with the zoning provisions and the preferred development outcome for the Mordialloc Activity Centre;
- The design and siting of the proposed development is considered 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, Retail and Commercial Land Use, Mordialloc Activity Centre Policy, Outdoor Advertising Sign Policy, Business 1 zoning and the Schedule to the zone and Design & Development Overlay (Schedule 10 – Mordialloc Activity Centre).

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

Recommendation:

That Council resolve to support Planning Application No. KP 938/07 for the construction of buildings and works on the site, comprising a supermarket, ten (10) retail premises, thirty-seven (37) dwellings, the demolition of existing buildings, the use of the land for dwellings and retail premises, to display business identification signage, a reduced car parking rate pursuant to Clause 52.06 of the Scheme, a reduced bicycle parking rate pursuant to Clause 32.34 of the Scheme and to alter access to land adjacent to a Road Zone (Category 1), in accordance with the following conditions:

1. Before the development and/or use 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 with the application but modified to show:
 - a) the location of all externally-located heating and cooling units, exhaust fans, and the like clearly shown;

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- b) the provision of separated vehicle crossings with a maximum width of 5.5 metres (for the car park access) and a maximum width of 7.0 metres (for the access to loading dock) with the note: Vehicle crossings constructed to Council's current standards (industrial strength);
- c) the entry/exit driveway of the basement car park to incorporate an apex of no less than 150mm above existing back of footpath level on Epsom Road;
- d) the provision of a colour, materials and finishes schedule, including samples where appropriate, for all external surfaces of the building;
- e) the Main Street façade of the building further modified so as to present as a two-storey form, which could include balconies, to reflect the existing and preferred street wall presentation for at least two-thirds of the site's Main Street property boundary;
- f) the decorative box shaped frame facing the site's Epsom Road frontage reduced in scale;
- g) dwellings 28 and 32 modified to fully satisfy the provisions of the Design and Development Overlay 10 with regard to building setbacks;
- h) the facades to present a level of material detailing which is considerate of the Main Street character of the area, in particular that:
 - i. the expansive use of rendered walling is kept to a minimum;
 - ii. the modern applied metallic finishes do not dominate;
 - iii. a rendered expression to the balustrades is utilised; and
 - iv. the use of block work and alternate cladding materials (which could include timber) is utilised.
- i) the highlight columns to the upper storeys removed;
- j) the retail premises to incorporate shop wall raisers below windows;
- k) the removal of the street facing planters;
- l) full details of the streetscape treatment fronting Main Street incorporated and detailed to the satisfaction of the local authority, with such works to include paving, planting, street furnishing treatments and power line under grounding, and the a notation that the cost and execution of these works is to be borne by the applicant/permit holder;
- m) the entire length of the new west facing wall of the 'Aldi Storage' set back 1.09metres from the title boundary with No. 10 Epsom Road, with this area to become part of the body corporate, and be provide with a fence and gate to enclose this area from the "delivery and Aldi loading dock";
- n) the removal of the pedestrian door from the "Aldi Storage" into the 1.09 metre wide body corporate area referred to in Condition 1m) of this permit;
- o) the architectural feature over "delivery and Aldi loading dock" removed;
- p) dwelling 24 and dwelling 25 consolidated into one three (3) bedroom dwelling;
- q) dwelling 38 and dwelling 39 consolidated into one three (3) bedroom dwelling;
- r) the planter box outside dwellings 19, 20 & 21 increased in width by 1 metre without altering the setback from the west title boundary, so as to further reduce the potential for overlooking;
- s) security/gate access arrangement to be introduced at the base of the entry ramp from Epsom Road (within upper basement level) to Council's satisfaction, with the gate(s) to carpark to be closed to the public daily in accordance with the trading hours of Aldi, but no earlier than 8:00pm;
- t) the provision of a security system (cameras) to be introduced within the basement carpark levels. The security system is to be monitored by the body corporate;

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- u) the provision of a suitable traffic calming measure(s) introduced along Epsom Road, in front of the subject site, to Council satisfaction, with all costs associated with the installation of this measure nominated as being at the full cost of the applicant/permit holder;
 - v) a notation placed on the plans stating that all condensing units associated with the residential apartments not to be visible from the immediate surrounds;
 - w) all freezers associated with the Aldi supermarket to be located internally within the building; and
 - x) the provision of a 10 000litre rainwater storage tank and integrated sprinkler system into the development to service the communal garden.
2. The development and/or 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 any part of the development hereby permitted, full details of the traffic calming measure(s) as required Condition 1u) of this permit must be submitted to, and approved by Council, with such plans to be prepared by a suitably qualified traffic consultant/engineer, with all costs, including the construction of any required works, to be wholly borne by the applicant/permit holder.
4. Prior to the occupation of any part of the development hereby permitted, the security gate and associated works as detailed under Condition 1s) of this permit, and the security system as detailed under Condition 1t) of this permit must be installed to Council satisfaction, at the applicant's/ permit holder's cost.
5. The dwellings hereby permitted must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the prior written consent of the responsible authority.
6. The development hereby permitted must not be commenced until the Owner of the land has entered into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the following matters:
- a) the construction and maintenance (for a period of no less than 12 months) of any works required in both Main Street and Epsom Road as a result of the development commencing;
 - b) the relocation, removal or replacement of any existing assets that are deemed necessary by the relevant authority;
 - c) the costs associated with the works outlined under conditions 4(a) and 4 (b) of this permit must be paid for entirely by the applicant unless otherwise agreed with the Responsible Authority;
 - d) all issues involved in the construction of components of the building over the public carriageway, including public liability insurance, air space licences etc.;
 - e) any clothes drying on balconies not to be visible from the public realm, and no clothes drying to be permitted on the roof top decks;
 - f) all costs relating to the preparation and registration of the Agreement (including costs incurred by the Responsible Authority) must be borne by the applicant.

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7. Before the commencement of any building or works on the land a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, existing business operations on the site during construction, arrangement for car parking for the existing businesses during construction, construction over the public domain.
8. The development of the site must be provided with stormwater treatment works which will entail the use of water sensitive urban design principles (including re-use) to reduce stormwater run-off quantity and improve discharge quality. Discussion with Councils Development Engineer on treatment options is advised prior to a design being submitted. The system must be maintained to the satisfaction of the Responsible Authority.
9. Before the development hereby permitted 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.).
10. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties and be in accordance with the approved drainage plan.
11. **Conditions Required by VicRoads**
 - i) Prior to endorsement of the plans and any works authorised by this permit, the applicant must arrange for an updated Traffic Impact Assessment Report to be prepared to the satisfaction of VicRoads. The report must include the analysis of the traffic impact generated by this development on Nepean Highway (U-turn movements and turning traffic at the McDonalds Street roundabout). Additionally an auto-turn diagram for service vehicles should be provided for consideration.
 - ii) Prior to endorsement of the plans and any works authorised by this permit the applicant must;
 - (a) Prepare functional layout plans for the access arrangement and any mitigating works along Nepean Highway, to the satisfaction of VicRoads.
 - (b) Subsequent to the approval of the functional layout plans, prepare detailed engineering plans for the roadworks along Nepean Highway, to the satisfaction of VicRoads.
 - iii) Before the commencement of any roadworks along Nepean Highway authorised by this permit, the developer must:
 - a). Provide a bank guarantee (in the name of the developer/owner) without a termination date, to VicRoads for the estimated cost of works.
 - b) Provide a payment to VicRoads of the pre-estimate certification audit fee.
 - c) Provide evidence that the Contractor has a public liability insurance policy for at least \$10 million, effective for the duration of the works.
 - d) Provide VicRoads with the name, address, business and out-of-hours telephone numbers of the principal roadworks contractor.
 - iv) The applicant must engage VicRoads pre-qualified contractors (pre-qualified at the appropriate level or as otherwise approved) to undertake all roadworks along Nepean Highway.

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- v) Prior to the commencement of any roadworks in, on, under or over the Nepean Highway reservation the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.
 - vi) The applicant must pay the full cost of all roadworks, drainage, service relocations, public lighting and any other costs associated with the subject development.
 - vii) Prior to the commencement of any use authorised by this permit the applicant must complete all roadworks, in accordance with approved plans and to the satisfaction of VicRoads.
12. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- i) fully constructed;
 - ii) properly formed to such levels that they can be used in accordance with the plans;
 - iii) surfaced with an all-weather-seal coat;
 - iv) drained;
 - v) line marked to indicate each car space and all access lanes.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. No vehicles associated with the site must be parked in the privately owned car park abutting the site to the north-west at any time.
14. Construction on the site must be restricted to the following times:
- | | |
|------------------|-----------------------|
| Monday to Friday | 7:00am to 7:00pm; and |
| Saturday | 9:00am to 6:00pm |
- Or otherwise as approved by the Responsible Authority in writing.
15. Exterior lights must be installed in such positions to effectively illuminate all pathways, car parks and other public areas to the satisfaction of the Responsible Authority and designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
16. The maintenance of the buildings, service areas and the surrounds within the site shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the service areas and the surrounds to be neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
17. Council's Waste Management Department must be consulted regarding the location of rubbish bins and the options for collecting waste from the site.
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.
19. All piping and ducting (other than stormwater downpipes) above the ground floor storey of the development must be concealed to the satisfaction of the responsible authority.

20. No external equipment (including, but not limited to: ducting and piping, air-conditioning units, heating units, satellite dishes etc), services and architectural features, other than those shown on the endorsed plan, shall be permitted unless with the prior written consent of the Responsible Authority
 21. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition 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. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.
-

Expiry of permit

This permit will expire if one of the following circumstances applies:

- The development is not commenced before (two (2) years from date of issue).
- The development is not completed before (four (4) years from date of issue).

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

Cr Ronke declared that he owns a unit approximately 500m away from this development, but that he would participate in the vote with respect to this matter.

Crs Athanasopoulos/McKeegan

Motion:

That the recommendation be adopted.

Crs West/Petchey

Amendment:

The motion be amended by the addition of two additional conditions as follows:

1. *“The addition of 60 extra car parking spaces; and*
2. *investigation and, if possible, implementation of an ingress facility off the service road of Main Street.”*

The amendment was put and **lost**.

The motion was put and **lost**.

Crs Petchey/West

That Council resolve to not support the application on the following grounds:

1. The proposal constitutes an over-development of the site.
2. The proposal does not fully satisfy all of the relevant policies under Clause 19.03 (Design & Built Form) of the Kingston Planning Scheme.
3. The proposal would detrimentally affect the amenity of the neighbourhood.
4. The traffic generated by the proposal would aggravate an existing traffic problem in the locality and would cause wider traffic problems to the surrounding road network.
5. An inadequate amount of car parking is provided for the development.

Carried

Question Time

The Mayor, Cr Nixon, advised that no questions had been received.

K 120

Northern Non Urban Area Framework Plan

Approved by:

Tony Rijs – General Manager Environmental Sustainability

Author:

Jonathan Guttmann – Manager Strategic Planning and Building
Luke Connell – Strategic Planner

1. Purpose

This report presents to Council the completed Northern Non urban Area Framework Plan [the Framework Plan] for consideration.

The report provides guidance on how the Kingston Planning Scheme could be modified in order to achieve the outcomes sought through the Framework Plan.

2. Background

This report follows a report considered by Council at its Ordinary Council Meeting on the 28th July, 2008. This earlier report provided Councillors with details of the various forms of community engagement undertaken through the development of the Framework Plan and discussed themes raised through submissions.

Following the consideration of the report of the 28th July, 2008, Council resolved as follows:

1. That the exhibited draft Northern Non Urban Framework Plan be modified as follows:
 - a. Further recognition of the findings of the Kingston Traffic Study (May 2004).
 - b. Incorporate the same naming conventions (existing and identified sites) and timing for site filling as indicated in the draft Metropolitan Waste and Resource Recovery Strategic Plan.
 - c. Modify the Waste Management Framework contained within the draft Northern Non Urban Area Framework Plan to accord with the outcomes sought through the draft Metropolitan Waste and Resource Recovery Strategic Plan.
 - d. Reinforce the need to further consult with the Spring Valley Golf Club as part of any precinct planning for the Resource Recovery Precinct.
 - e. Provide possible alternative options for the alignment of the ‘core parkland’ aspect of the Sandbelt Open Space project shown proximate to the Spring Valley Golf Club in an effort to provide an improved buffer.
2. That a formal report be presented to Council for the adoption of the Northern Non Urban Area Framework Plan, once the modifications as set out in Part 1 have been completed, and the report outline proposals to modify the Kingston Planning Scheme in order to achieve the outcomes sought through the Northern Non Urban Area Framework Plan.
3. That all submitters to the draft Northern Non Urban Area Framework Plan be notified in writing of the above Council Resolutions.

Matters arising from resolution 1 (as above) have now been addressed in the revised Framework Plan which is being presented to Council for its formal adoption (see attachment 1).

The balance of this report addresses the aspects of resolution 2 (as above) which relate to the required modifications to the Kingston Planning Scheme in order to create the statutory environment whereby the outcomes sought through the Framework Plan could be delivered.

3. Issues

3.1 Planning Process

When considering the 'next stage' in moving from the Framework Planning phase to statutory implementation, it is important to recognise the role performed by the Minister for Planning. Sections 8A (3) of the Planning and Environment Act 1987 [the Act] establish requirements for a planning authority to obtain authorisation from the Minister for Planning to prepare a Planning Scheme Amendment. In addition to the initial authorisation process the Minister is required pursuant to Section 46AH of the Act to have an Amendment (relating to land outside the Urban Growth Boundary) ratified by both houses of Parliament. As such it is important that Councillors are aware that the process to make some of the required statutory changes associated with this Amendment will take some time.

It is now proposed to identify within each of the Planning Precincts, identified in the Framework Plan what specific changes could be made to the Kingston Planning Scheme to implement the outcomes sought.

Karkarook Park Precinct

Zoning

It is clear that this land has been purchased by Government to provide for its now well established Public Park and Recreation purpose. As such it would be appropriate that all land within this precinct which is not identified as road reservation be zoned Public Park and Recreation Zone. This would result in the areas zoned Special Use Zone No. 2 (Extractive Industry) and PUZ 1 (Service and Utility) being rezoned PPRZ (Public Park and Recreation Zone) subject to this land not being required for road reservation.

Core Parkland Precinct

Planning controls

At present the two primary sites contained within this precinct which include the Delta Site at 91 – 185 Kingston Road, Heatherton and the Trans Pacific Industry site at 101- 157 Old Dandenong Road, Heatherton have been used for sand extraction and/or land filling. This entire precinct however contains a Public Acquisition Overlay in favour predominantly of Parks Victoria and seeks to provide for a large component of the Sandbelt Open Space Project.

Nursery Precinct

Zoning / Policy

Although as the name indicates much of the land within this precinct contains predominantly wholesale nurseries the land remains located within the Special Use Zone Schedule 2 (Extractive Industry). Given it is not the intentions of the Framework Plan to seek further extraction in this area but rather encourage a consolidation of nursery activities it is considered that the Schedule 2 to the Special Use Zone could be revisited over this precinct and a more appropriate tailored version of a schedule to this zone could be developed.

It is considered however that Local Planning Policy should be used to specifically reinforce, Council's desire through its Framework Plan to strengthen the existing nursery environment located within this area.

Enterprise Sites

As council is aware two land use objectives are sought within this precinct. The first being on the land generally north of the Victory Road alignment being the creation of a Carbon Sink/Urban Forest and secondly for the land generally south of Victory Road, a future Employment Zone. Officers believe that prior to considering the planning controls applicable to this area it would be useful to develop an urban design framework which seeks to bring together in a detailed fashion the future integrated development of this entire precinct. Such a plan would involve land owners and key State Government agencies and will provide for the incremental, though integrated development of the precinct as land becomes available.

As identified in the recent report to Council (28th July, 2008) it is also proposed to include the land at 461 Heatherton Road and 720-726 Heatherton Road, Clayton into the Enterprise Sites Precinct. As such the comments relating to the area south of the Victory Road alignment would also be applicable to this land. The draft Framework Plan has been modified to reflect this.

Upon completion of the urban design framework for this precinct the following would be required in relation to planning responses:

Zoning Changes

It is considered that the area whereby the 'carbon sink' was proposed, would likely be contained in the same Schedule to the Special Use Zone as that revised for the nursery precinct.

Given the Framework Plan discusses the potential to create a working wetland through the improved use of the Clayton South Main Drain consideration may also need to be given to the need for the retention of the existing Urban Floodway Zone which runs through this precinct once detailed design work is complete.

In relation to the zoning for the 'employment activities' it is considered that the appropriate zone would be determined as part of the development of the urban design framework, however it would desirably be a tailored form of schedule to the Special Use Zone.

Overlay Controls

Once the urban design framework is completed Council Officers are of the view that it may be necessary to potentially use an Incorporated Plan Overlay or Design and Development Overlay to give specific guidance as to the desired site layout and development outcomes (environmental performance standards) sought throughout the precinct.

Consideration through the development of the urban design framework would also need to go into determining whether or not the entire existing Public Acquisition Overlay area identified by VicRoads was required.

S173 Agreement / Development Contributions Plan Overlay

Consideration regarding whether an agreement pursuant to Section 173 of the Planning and Environment Act or a Development Contributions Plan Overlay is a more appropriate mechanism to provide for the required infrastructure aspects identified within the Framework Plan will also be required.

Urban Growth Boundary modifications

Council would be required to formally seek authorisation from the Minister for Planning to commence the process of relocating the Urban Growth Boundary in order to provide for the urban 'employment' uses sought through the urban design framework for this precinct.

Urban / Non-urban Integration

This precinct has again been split between the land north of Leslie Road and the land south of Leslie Road. In relation to the land north of Leslie Road the Framework Plan recommends that Council consider initially what opportunities may exist for the provision of organised sporting activities in this area which could provide a linkage into the core parkland component of the Sandbelt Open Space project. As such a key initial planning activity within this part of the precinct will be to undertake a feasibility to determine whether or not Council would wish to acquire any land for recreational purposes beyond a linkage into the adjacent area identified for future core parkland.

Once the above feasibility is undertaken the following planning scheme changes should be considered.

Zoning Changes

For the land located generally north of Leslie Road which Council does not intend to acquire it should seek to apply a Residential 3 zone which is consistent with the identification of much of this land for future housing within its Local Planning Policy Framework. This zone should however only be applied once:

- Appropriate contributions are sought from the land owners which provide for open space linkages between the existing residential community (north of Tully Road) and the alignment of the future Sandbelt Open Space Project (south of Leslie Road); and
- Completion of land filling operations proximate to the area identified for rezoning.

It is recognised that the land south of Leslie Road in this precinct is identified to be used as part of the core parkland in the Sandbelt Open Space Project.

Overlay Controls

A form of overlay control is considered necessary in order to ensure that the planning for this precinct is integrated given the different land parcels which exist.

Section 173 Agreement

An agreement pursuant to Section 173 of the Planning and Environment Act may be required in this instance to ensure that aspects such as the transfer of private land to provide for open space linkages occurs as well as aspects such as the construction of Leslie Road.

Urban Growth Boundary Considerations

Should it be determined once the recreational investigations of the land north of Leslie Road are completed that some opportunities for residential development are possible, once the above mentioned provisions and controls are finalised a request should be made to the Minister for Planning, to realign the Urban Growth Boundary.

Resource Recovery

The Ryans Road alignment generally distinguishes land within the Resource Recovery precinct which is located inside (north) and outside (south) of the Urban Growth Boundary and this is reflected in the zoning which has been applied to these two areas.

Importantly the Minister for Planning has established an Advisory Committee to provide his Department with advice in relation to definitions and siting requirements for activities that are likely to be found within this precinct. It will be important that consideration be given to the work of this Advisory Committee when determining final planning controls for this precinct.

In relation to the land to the north of the Ryans Road alignment it is generally considered that the existing Industrial 1 Zone could be retained, however, comments are offered below about the need for appropriate Local Planning Policy to give directions to Council's intentions regarding land use.

Planning considerations

The area south of the Ryans Road contained within this precinct is proposed to serve two primary purposes in the future either as public open space or as part of the Resource Recovery precinct. The land presently covered by a Public Acquisition Overlay will become part of the core Sandbelt Open Space project once acquired.

The balance of the land however that is proposed to be utilised for Resource Recovery should however be moved from a Special Use Zone 2 which encourages extractive industry to a new form of Special Use Zone, which specifically seeks to encourage recycling activities consistent with the Framework Plan. It is considered that should Council wish to retain this

land outside the Urban Growth Boundary it would need to be included in the schedule to Clause 57 excluding it from the Metropolitan Green Wedge – Core Planning Provisions. The basis for this is under Clause 57 any form of Materials Recycling is only permissible if this use occurs in conjunction with a Refuse Transfer Station or Refuse Disposal.

Policy

As identified given the ‘Resource Recovery’ intentions of Council it would be necessary that a consistent Local Planning Policy exist throughout this entire precinct both North and South of Ryans Road which specifically describes the desired land uses (resource recovery) for the identified areas. Importantly this policy will also need to provide guidance around the appropriate buffers required between the resource recovery activities and the adjacent Spring Valley Golf Course and the Grange Reserve.

Overlay controls

As identified within the Framework Plan, Council may also wish to explore with Parks Victoria whether or not the alignment of the Public Acquisition Overlay immediately adjacent to Heatherton Road could be relocated to provide an increased buffer to Spring Valley Golf Club.

Golf and Leisure

Planning Considerations

It is considered appropriate that the Spring Valley Golf Course is retained in the Special Use Zone Schedule 1 which is a zone purposefully created for the golf courses which exist within the municipality. The balance of the land in the south east corner of the site is presently used as the Heatherton Reserve.

3.2 Existing Local Planning Policy Review

In implementing the Framework Plan it will be necessary for Council to review and modify components of its existing Local Planning Framework in order to accord with the direction sought through the Northern Non Urban Area Framework Plan. Although such changes are best to occur once strategic work on the balance of the Non Urban Area is completed it is considered appropriate to identify which Local Planning Policies will require refinement.

21.10 – Non Urban Areas

It is apparent that components of Council’s Municipal Strategic Statement as they relate to Non Urban Areas are inconsistent with components of the Northern Non Urban Area Framework Plan particularly as it relates to encouraging alternate land uses in certain locations. In addition this section of the Kingston Planning Scheme was prepared prior to the release of Melbourne 2030 and the draft Metropolitan Waste and Resource Recovery Strategic Plan.

22.03 - Sandbelt Open Space Project

The Northern Non Urban Area Framework Plan seeks to reinforce the core parkland components of the Sandbelt Open Space Project which involve the creation of a linked parkland over land either identified for acquisition by Parks Victoria or presently owned by Council. Much of this land is presently being used as landfill. Having reviewed the Northern Non Urban Area Framework Plan it is noted that of the total 615 hectares of land identified within the study area, approximately 362 hectares or approximately 58% will be used for parkland, recreational activities or the suggested carbon sink / urban forest.

22.04 – South East Non Urban Area Policy

This local policy was developed in excess of a decade ago before the release of Melbourne 2030 and provides a regional context for the south east non urban area encompassing the Cities of Kingston, Greater Dandenong, Frankston and Casey. The origins of this policy come from the South East Non Urban Area Study. The local planning policy encouraged the development of local structure plans for each relevant sector of the south east non urban area including Heatherton / Dingley as a means of assisting land use decision making. The development of the Northern Non Urban Area Framework Plan provides the necessary guidance to take forward the need identified through this policy to provide greater guidance to land use considerations.

22.07 – Enterprise Sites Policy

As identified in the Framework Plan the principles behind the Enterprise Sites existing Local Planning Policy have been continued through the creation of a new Enterprise Sites Precinct. It is considered that the existing policy has had limited success in addressing issues raised through the policy of visual design and leveraging contributions towards the Sandbelt Open Space Project. The opportunity presented in the Framework Plan is to create a detailed urban design framework for the revised Enterprise Sites precinct which provides for substantially improved land use integration and improvements to the visual presentation of the identified precinct.

It is apparent that the need to further refine the above local planning policies exists when considering their inability to influence some Planning Permit Applications in relation to the location of certain land uses within the Non Urban Area. Council Officers consider that the existing local planning policy content does not sufficiently express the land use desires of Council spatially across its Non Urban Area which continues to lead to a lack of appropriate clustering of like activities.

It is considered that a substantially more explicit Local Planning Policy Framework is required modelled around the manner in which the Framework Plan has been developed given clear guidance to Council's land use objectives throughout its entire area identified in the above mentioned local planning policies. This approach would then be similar to the manner in which Council has recently sought to address 'bulky goods' retailing whereby its planning scheme is explicit in identifying where a certain form of land use activity should be located within the municipality.

Further, in suggesting the above policies be reviewed it is important to recognise that the State Government Department of Planning and Community Development are presently reviewing the performance of Local Planning Policy and this review may provide further guidance on how local policies may best be formulated in relation to content, in the future.

4. Options

The option available to Council should it wish to implement the draft Framework Plan as presented at the July 28th, 2008, Ordinary Council Meeting and represented now for adoption is to seek statutory changes to the Kingston Planning Scheme. Without the statutory changes to the planning scheme occurring it is apparent that the existing planning regime applied to the study area will not deliver upon many of the changes sought through the Framework Plan.

5. Triple Bottom Line Checklist

- Environmental – It is considered that the Northern Non Urban Area Framework Plan presents a direction in which through the medium to longer term substantive changes could occur to enhance the environmental performance and presentation of the area covered by the Plan. As identified in this report a key component of improving the environmental experience is the potential to create approximately 56% of the total area (615 hectares total) into open space and recreational land.
- Social - The Northern Non Urban Area Framework Plan seeks to strike a balance between the longer term recreation and open space needs of the Kingston community whilst also recognising that much of the study area will remain in private ownership and guidance on viable land use is required. The land use objectives provided within the Framework Plan are purposefully tailored at addressing both emerging environmental challenges as well as making sure that land is put to a future productive purpose whereby community benefit can be derived.
- Financial – As highlighted through the submissions to the Framework Plan substantial resources are required in order to rehabilitate many of the large areas which are presently legacies of the sand extraction process. In addition it is acknowledged that the amount of open space to be created in the plan is significant and will require both in relation to acquisition and development, significant financial resources.

6. Summary and Conclusion

As Council is aware substantial time over recent years has been put into the development of the Northern Non Urban Area Framework Plan. Having undertaken a public information process and subsequently received 30 submissions in relation to this planning exercise it is clear that a diversity of community opinions exist on a number of issues, as discussed in previous reports to Council.

This report seeks:

- Council support for the adoption of the Northern Non Urban Framework Plan; and
- To bring to Council's attention the required statutory changes necessary to provide for the implementation of the Framework Plan.

Council Officers wish to reinforce that the process ahead in relation to changes to the Kingston Planning Scheme to reflect the outcomes of the Northern Non Urban Framework Plan will require the support of the State Government and in fact both houses of State Parliament. As such it is recognised that the adoption of the Framework Plan will provide opportunities for Officers to begin discussions with the State Government regarding its statutory implementation which it is recognised will take some years to complete.

It is considered that Council's focus should now shift to completing a Framework Plan for the balance of its non urban area. Over the coming months background work in relation to land use in this area can be undertaken with a view towards initiating a consultation process involving land owners and other interested parties early in the new year. Once a framework plan for this area is completed it is considered that a thorough review of zoning and Local Planning Policies should be completed with a view towards amending the Kingston Planning Scheme to reflect the outcomes sought through both Framework Plans.

7. Recommendation

That Council:

- a) Adopt the Northern Non Urban Area Framework Plan (August 2008).
- b) Notify all submitters informing them of the above resolution.
- c) Note the contents of this report in relation to the suggested modifications to the Kingston Planning Scheme in order to achieve the outcomes sought through the Northern Non Urban Area Framework Plan.

Cr Athanasopoulos, prior to moving his motion with respect to this matter, welcomed Mr Hong Lim MP, the State member for Clayton, to the meeting.

Crs Athanasopoulos/Ronke

Motion:

That the recommendation be adopted.

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Amendment:

Cr West moved that paragraph (a) of the motion be amended to include the following words:

" subject to the proviso that industrial uses and concrete crushers are to be prohibited from all sites currently outside the Urban Growth Boundary and in the Green Wedge north of Kingston and Heatherton Roads."

Cr West's amendment **lapsed** for want of a seconder.

Crs Athanasopoulos/Ronke

That the recommendation be adopted.

Carried

A division was called

For

Mayor Cr Nixon
Cr Athanasopoulos
Cr McKeegan
Cr Petchey
Cr Ronke

Against

Cr Alabaster
Cr West

The Motion was **Carried**.

Attachment:

Northern Non Urban Area Framework Plan (circulated separately)

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K 118

**Planning Application No. KP183/08 – 52 Nurten Parade,
Aspendale (2 Double Storey Dwellings)**

APPLICANT: Neil Fletcher Design
ADDRESS OF LAND: No. 52 (Lot 131 on PS212221S) Nurten Parade, Aspendale Gardens
Melway Ref: 93C6
PROPOSAL Two (2) Dwellings
CONTACT OFFICER: Girija Shrestha
FILE NO: KP183/08
ZONING: Residential 3
KINGSTON State Planning Policy Framework
PLANNING SCHEME Clause 12: Metropolitan Development
ORDINANCE Clause 14: Settlement
CONTROLS: Clause 16.02: Housing – Medium Density Housing

Local Planning Policy Framework
Clause 21.05 MSS – Residential Land Use
Clause 22.11: Residential Development Policy
Clause 32.06: Residential 3 Zone & Schedule
Clause 55: Two or More Dwellings on a Lot & Residential Buildings
Clause 65: Decision Guidelines
RESIDENTIAL Incremental Change
POLICY AREA:
NEIGHBOURHOOD Area No. 66
CHARACTER AREA:
DECISION BY: 9th August, 2008
NETT DAYS: 57 days @ 6th August, 2008

Main Issues Relating to this Application

- Secluded private open space
- Solar access to proposed open space

Development Assessment Table

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
Private Open Space	An area of 40m ² , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m ² is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 135m ² of which 73m ² is secluded private open space Dwelling 2 – 76.5m ² of which 39.5m ² is secluded private open space	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
Car Parking	Two (2) spaces for each 3 bedroom dwelling.	Dwelling 1 – Two (2) car spaces – Two (2) in double garage Dwelling 2 – Two (2) car spaces - Single garage with tandem space	Adequate car parking for future residents and visitors
Dwelling Setback to Street	Site is technically on a corner – The abutting allotment facing to front street – 5.6metres Dwelling 2 - 3 metres	Dwelling 1 – 5.75 metres Dwelling 2- 3.2 metres	As per ResCode
Site Coverage	Maximum 50%	Site coverage is 48.9%	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas

EXISTING CONDITIONS:

The subject site is located on the south-west corner of Nurten Parade and Derrick Close, Aspendale Gardens. It is generally rectangular in shape with a frontage width (Nurten Parade side) of 13.65 metres, a 31.25 metres frontage to Derrick Close and a 3.05m X 3.05m splay at its north-east corner, resulting in an overall area of 565.61m². The subject site does not contain any significant vegetation. The site is encumbered by an easement along its western property boundary. The site is currently vacant.

Immediately surrounding residential development is characterised by single and double storey brick detached dwellings with pitched roofs. Mostly front setbacks neighbouring dwellings are from 4.6 metres – 6 metres.

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PROPOSAL IN DETAIL:

It is proposed to construct two (2) double-storey dwellings on the site.

Key elements of the proposal are as follows:

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms	Car Parking Spaces
1	205 m ² (Ground Floor area - 109 m ² and First Floor area - 96 m ²)	135 m ² (including 73 m ² of secluded private open space)	3	2 Car Spaces (Double garage)
2	170 m ² (Ground Floor area – 107.6 m ² and First Floor area – 62.4 m ²)	76 m ² (including 39.5 m ² of secluded private open space)	3	2 car spaces (1 in single garage and 1 in tandem)

Vehicle access to the garage of Dwelling 1 will be provided via a new double width crossover along the along the site's south-west property boundary to its Nurten Parade frontage, whilst vehicle access to the garage of Dwelling 2 will be provided via a new single width crossover located on the northern side of the site's Derrick Close frontage.

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.

No fence is proposed along the site's Nurten Parade frontage. However, a 1.2m high brick fence and 1.8m high fence are proposed (the site's) along Derrick Close frontage.

Building Materials have been nominated as:

Roof:	Coloured concrete roof tiles
Walls:	Brick Veneer Face Brickwork
Garage doors	Garage Door Panel Lift or similar Timber-look Finish
Windows:	Anodised Aluminium Natural
Driveways:	All Weather Concrete
Front fencing:	Brick
Boundary fences:	West – Existing 1.8 metre high timber paling fence South – Existing 1.65 metre high timber paling fence and existing 1.8m high brick wall

The colour sample has been provided (Please see attached materials and finishes schedule).

The proposed development would result in a site coverage of 48.9%, and a site permeability of 39.9%.

TITLE DETAILS

The applicant has completed a restrictive covenant declaration form declaring that there is a restrictive covenant on the title but that the application proposed does not breach this covenant.

The covenant states “..Shall not at any time hereafter erect or built on any lot hereby sold or any part of parts thereof any dwelling house (with usual outbuildings) unless 75% of the external walls (excluding windows) shall be constructed of brick, brick veneer, stone or like material and unless the roof of such dwelling house and of any such outbuildings shall be constructed of cement tiles, terracotta tiles, slate or of colourbonded metal and unless such dwelling house shall have a living area of not less than 150 square metres excluding verandahs, garages and carports and for a period of 24 months from the date hereof not to erect or permit to be erected any notice sign board or other display advertising or indication that the land hereby purchased is or may be for sale other than the advertising for sale of a house the said land.”

This has been assessed and it appears that the covenant would not be breached for the following reasons:

- The living areas of both dwellings will not be less than 150 square metres.
- The external walls of both dwellings will be constructed by brick veneer.
- The roof material of both dwellings will be concrete roof tiles.

AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 14th May, 2008. The amendment includes:

- size of secluded private open space is increased from 36m² to 39.5 m²
- the garage of dwelling 1 is setback behind from main building from 0.5 meter to 1 meter

Council decided to approve the amendment.

Advertising

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Twenty eight (28) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Two dwellings on a lot
- Neighbourhood character 66
- Restrictive covenant on the title
- Garages built over easement
- Over Looking
- Over development and visual bulk
- Over shadowing
- Walls on the boundary
- Noise
- Traffic
- Landscaping area

PRELIMINARY CONFERENCE

A preliminary conference was held on the 10th July 2008 where the above issues were discussed. All of the issues raised by objectors in attendance were thoroughly discussed, however no agreement was reached and no objections have been withdrawn.

AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION

No amendments made.

PLANNING SCHEME PROVISIONS

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.06-4 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.

OTHER

The subject land is zoned Residential 3. The site is located in an “Incremental Housing Area”, as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

No overlay controls affect the subject site.

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.

Discussion

Kingston Planning Scheme Provisions:

Clause 12: Metropolitan Development

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

Clause 12.01 A more compact city seeks to:

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

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

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

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

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

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

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

Clause 12.08 Better transport links seeks to:

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

It is considered that this application meets these objectives.

Clause 14.01: Planning for Urban Settlement

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

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

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

It is considered that this application meets these objectives.

Clause 16.02: Housing - Medium Density Housing

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

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

It is considered that this application clearly meets these objectives.

Clause 21.05 MSS - Residential Land use

In accordance with Council's MSS, the subject site is located within an area identified for "incremental housing change".

Incremental Housing Change Area

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

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 lower density housing in established suburban areas that do not have direct access to activity/transport nodes and "encourage" only incremental change in housing density (*incremental housing change areas*). Such areas will retain their predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.
- 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.
- 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.
- 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, double storey form of development which responds to the established, but evolving character of this locality. The proposal creates an adequate standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

Average lot size within this area has been calculated to be 590.6m² and it is therefore acknowledged that this proposal would not meet this strategy as the subject site just falls short with an area of 565m². However, the proposal adequately meets the requirements of site coverage, private open space, permeability, on-site car parking, street setbacks and so on. Further, the proposed built form has been well articulated including graduated elevations in order to avoid a 'box-like' double storey type designs, thus reducing visual bulk. The design and layout of the proposed dwellings incorporates features which minimise overlooking of adjacent properties. The garages are located in the street elevation; and are set back at least 1 metre distance from their respective front wall of the building. Therefore, it is submitted that the slightly smaller than required average lot size does not have great impact on this proposal.

Clause 22.11 - Residential Development Policy

The proposal has been assessed against the objectives and policy of the Residential Development Policy, which can be summarised under the following headings:

- Housing change
- Neighbourhood character
- Built form, siting and scale of development
- Car parking and vehicle access
- Stormwater run-off mitigation and quality management

It is considered that the proposal satisfies the above relevant requirements.

The "*built form, siting and scale of development*" section of the Policy states the following:

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.

- Encourage well-articulated and graduated elevations in order to avoid “box-like” double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- Address potential overlooking through site layout planning as well as individual dwelling planning.

It is considered that the proposed development would satisfy the above policies under Clause 22.11 of the Kingston Planning Scheme.

Clause 32.06: Residential 3 Zone

The purpose of the Residential 3 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.

Schedule

Schedule 1 to the Residential 3 zone imposes higher requirements for new multi-dwelling developments (being private open space, site coverage and front fencing) in areas identified for “incremental change” under Council’s MSS. The proposal meets the additional requirements listed in the Schedule to the Residential 3 zone.

Neighbourhood Character Area Guidelines (Incorporated Document):

The subject site is located within Character Area 66. The Neighbourhood Character Profile identifies one (1) ‘major’ characteristic which is window shapes and have no gap between the top of the window and the eaves. The proposed window shapes is generally in accordance with the applicable character profile.

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 are responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

Clause 55: Rescode

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

Clause 55.05-4 – Private Open Space Objective

The objective under this Clause is “*to provide adequate private open space for the reasonable recreation and service needs of residents.*”

The schedule to the Residential 3 Zone requires an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open space required for the dwelling.

The size of secluded private open space for dwelling 2 is approximately 39.5m² which is slightly less (0.5m²) than the requirement of this standard. However, the total area of private open space for this dwelling is 76.5m², which is more than the required area for a 3 bedroom dwelling. For this reason Council officers consider that the overriding objective to Standard 28 (Private Open Space) has been met, in this instance.

Clause 55.05-5 – Solar Access to Open Space Objective

The objective under this Clause is “*to allow solar access into the secluded private open space of new dwellings and residential buildings.*”

Standard B29 suggests that the southern boundary of open space should be setback from any wall on the north of the space at least (2+0.9h). The proposed private open space for dwelling 2 is located on the south west side of the dwelling. The rear setback from the property boundary should be 4.7m (where garage wall is located) and 6.86 (where dwelling wall is located), whereas the proposed setback is 5.01m. In this instance, the part of the south wall (garage wall) allows solar access into the secluded private open space after 12 pm. Therefore, Council officers consider that the proposed setback should be more than adequate to allow adequate solar access into the secluded open space of new dwellings.

Clause 65: Decision Guidelines

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

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

Response to Grounds of Objection

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

Objection: *There is no other single block of land that has two dwellings on a lot*

Response: There are no provisions in the Kinston Planning Scheme whereby two dwellings are not permissible to be built on a lot. Each planning application is assessed on its own merits and therefore, this concern raised is not considered a valid ground to object to an application.

Objection: *The proposed double storey dwellings do not follow the neighbourhood character of Area 66*

Response: As stated earlier, the Neighbourhood Character Profile 66 identifies window shapes which have no gap between the top of the window and the eaves as a 'major' characteristic of the area. The proposed window shapes is generally in accordance with the applicable character profile. Surrounding dwellings are varied with a mix of single and double storey built form. Importantly, the immediate neighbouring dwellings are double storey and it is therefore considered the double storey proposal responds and compliments its immediate neighbourhood character.

Objection: *The land title states dwelling and not dwellings, therefore construction of two dwellings prohibits.*

Response: Council's interpretation of the covenant that affects the land is that it relates to building material as discussed earlier in the land title section. Accordingly, Council's of the mindset that the proposal does not breach this restriction.

Objection: *Garages built over easement*

Response: The applicant has been informed that to build over easement they would require to provide the consent from the relevant authorities. Further, any permit issued should include a note stating that "a separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit."

Objection: *Overlooking concerns for the neighbouring properties.*

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: *Two double storey dwelling is an over development and creates visual bulk*

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 proposal includes a design which is consistent with the existing neighbourhood character. Surrounding dwellings are of a two storey built form with the first floor the same size as the ground floor. However, the proposed first floor plans of both dwellings have been set back from the ground floor walls, which assist in reducing the visual bulk.

For these reasons, Council Officers do not consider the proposal to be an overdevelopment of the site, nor will it result in any unreasonable overlooking.

Objection: *Over shadowing to habitable windows to neighbouring property*

Response: The submitted shadow diagrams indicate that the proposal complies with the overshadowing provisions of ResCode (Standard B21), and that no unreasonable shadow impact will occur in the existing secluded private open space as a result of the development.

Regarding solar access to existing north facing windows (Standard B20), the proposed development meets the ResCode requirement having first floor setback of 3.215meters. The first floor setback requirement is 2.44meters.

Regarding daylight to existing windows (Standard B19), the proposed development meets the ResCode requirement having first floor setback from the existing window of 5.6 metres.

Objection: *Proposed kitchen wall of dwelling 2 is built on the boundary*

Response: The total length of garage wall of Dwelling 1 and Kitchen wall located on the southern boundary complies with the relevant requirements of ResCode (Standard B18). Due to the site's orientation, the limited height of this wall, and the rear location of secluded private open space area of No. 54 Nurten Parade, 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: *Squeezing two dwellings on a single block of land will cause noise disturbance.*

Response: Noise associated with the proposed use is only likely to be of a residential nature. 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: *Extra traffic problems would be created from two dwellings*

Response: The surrounding street network is capable of accommodating the additional traffic movements created as a result of the additional dwellings on the site. Four (4) on-site car parking spaces have been provided for the development, which meets the ResCode (Standard B16) requirements. In addition to this, there is a space for two tandem car parking space available if future dwellers feel it is necessary.

Objection: *Not enough area for landscaping*

Response: The proposal meets the ResCode requirement of site coverage, permeability and private open space. To meet the landscaping objectives, a standard condition should be placed on any permit issued requiring a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, to be provided.

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 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

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

Recommendation

That a Notice of Decision to Grant a Permit for the development of this site for Two (2) dwellings be issued, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 14th May, 2008, but modified to show:
 - a. the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
 - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees;
 - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);

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- vi. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the secluded open space area of each dwelling with all species chosen to be approved by the Responsible Authority.
 - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
 - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - b. a reduction in the driveway width of Dwelling 2 to 2.6 metres where possible, with the additional areas created to be used for landscaping;
 - c. the materials and finishes of construction for the proposed privacy screens located at first floor level nominated, with such screens nominated as being fixed and permanent; and
 - d. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
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. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. 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.
5. 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.
6. 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.
7. 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.

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8. 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.).
9. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

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17. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced with an all-weather exposed aggregate, natural sand colour, seal-coat to the satisfaction of the Responsible Authority.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

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

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

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

The meeting was addressed by Mr Scott Butler on behalf of the objectors and the Aspendale Gardens Residents Association Inc. (refer to tabled letter) and Mr Neil Fletcher on behalf of the applicant.

Crs Ronke/Petchey

That Council resolve to not support the application 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 55.05-4 Private Open Space Objective and Clause 55.05-5 Solar Access to Open Space Objective.

Carried

Existing Conditions:

The subject site is forms part of a larger allotment which is currently used as car parking for the adjoining shopping centre to the south and also fronts the Patterson Lakes Waterways. The subject land is situated approximately 125 metres south-west of Gladesville Boulevard and features an overall site area of 745 square metres. A walkway easement is contained within the site which provides pedestrian access through the site to Admirals Quay to the north.

At present, the land is developed and used for a fitness centre which is contained within a single-storey building. Car parking is currently available on the adjoining land to the east. A Section 173 agreement affects the subject site which relates to a previous development approval on the land.

The subject site and the land directly to the east is zoned Residential 1 whilst the land directly to the north is zoned Residential 3. To the south, the land is developed and used for commercial purposes and is zoned Business 1. The Patterson Lakes Waterways located directly to the west is zoned Comprehensive Development Zone.

Site History:

Planning Permit No. KP01/228 was issued by the City of Kingston on 20th November, 2001, for the development of the site for nine (9) dwellings.

Planning Permit No. KP385/02 was issued by the City of Kingston on 29th February, 2004, for a mixed use development including six (6) dwellings, a restaurant, offices and shops with a reduced car parking requirement pursuant to Clause 52.06 of the Scheme. This permit was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT).

Proposal:

It is proposed to construct nine (9) dwellings within a three-storey high building on this site, with the existing building to be demolished. A total of thirteen (13) car parking spaces would be provided for the proposed development, with four (4) to be contained with a dual car stacker arrangement.

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A summary of the proposed development is as follows:

	Total Floor Area (m²)	No. of Bedrooms (including study)	No. of Car Parking Spaces	Private Open Space (m²)
Dwelling 1	110	2	1	21
Dwelling 2	95	2	1	21
Dwelling 3	120	2	1	30
Dwelling 4	125	2	1	15
Dwelling 5	125	2	1	12
Dwelling 6	132	2	1	12.2
Dwelling 7	120	2	1	15
Dwelling 8	126	2	1	12
Dwelling 9	128	2	1	12.2

The built form of the proposed development is considered contemporary in nature and would be constructed from pre-fabricated concrete panels and painted in a range of earthy colours. It is noted that all of the upper level balcony areas would be provided with visual screening devices to minimise overlooking into the adjoining residential properties to the north.

The proposed development would feature a maximum building height of 10.97 metres with a site coverage of 83%.

Planning Controls:

Pursuant to Clause 32.01 (Residential 1 Zone) of the Kingston Planning Scheme, a planning permit is required for the construction of two (2) or more dwellings on a lot.

A planning permit is also required to create, vary or remove an easement pursuant to Clause 52.02 of the Scheme.

The application is also required to be considered against Clause 55 (Two or More Dwellings on a Lot) of the Scheme, where applicable.

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A number of the policies contained within the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), including Council's Municipal Strategic Statement (MSS) are considered relevant in the consideration of this proposal, namely:

<i>Clause 12</i>	<i>Metropolitan Development</i>
<i>Clause 14</i>	<i>Settlement</i>
<i>Clause 16</i>	<i>Housing</i>
<i>Clause 18</i>	<i>Infrastructure</i>
<i>Clause 21.03:</i>	<i>Land Use Challenges for the New Millennium</i>
<i>Clause 21.04:</i>	<i>Strategic Framework Plan</i>
<i>Clause 21.05:</i>	<i>Residential Land Use</i>
<i>Clause 22.11:</i>	<i>Residential Development Policy</i>
<i>Clause 32.06:</i>	<i>Residential 1 Zone</i>
<i>Clause 52.02:</i>	<i>Easements, Restrictions & Reserves</i>
<i>Clause 55:</i>	<i>Two or More Dwellings on a Lot (ResCode)</i>
<i>Clause 65:</i>	<i>Decision Guidelines</i>
<i>Clause 66:</i>	<i>Referrals</i>

Referrals:

Pursuant to Clause 66.02 of the Scheme, the application was not required to be referred to any external authority. However, the application was referred to the following internal Council departments for comment:

- Council's Development Approvals Engineer;
- Council's Vegetation Management Officer; and
- Council's Traffic Engineering Department.

No objection was received to the proposal, subject to the inclusion of suitable conditions of any planning permit issued.

Advertising:

The application was advertised by letters to all adjoining and surrounding property owners and/or occupiers and a notice placed on the site for fourteen (14) days. The notification process was satisfactorily completed and seven (7) objections were received. The main grounds of objection can be summarised under the following headings:

- Car Parking;
- Overlooking;
- Visual Impact (Height of Building & Car Stackers);
- Pedestrian Access/Easement; and
- Loss of Amenity (Noise, Location of Bin Area).

A preliminary conference was held at Council's Cheltenham office on 3rd June, 2008, with the applicant, objectors and Council officer in attendance. Each of the above issues were discussed at length, with the only matter being resolved was with respect to an agreement from the applicant to accept a condition of any permit issued requiring a Construction Management Plan to ensure pedestrian access would not be compromised through the construction phase.

Amended Plans received after Public Notification:

Further to the Preliminary Conference, amended plans were received by Council on 2nd July, 2008, showing a number of minor design modifications, which can be summarised as follows:

- An increase in the building setback from the site's south-west (waterfront) property boundary.
- Alterations to the siting of the wall on site's north-west wall to reflect the construction of the light-well on the adjoining property at No. 25 Admirals Quay.
- The realignment of the existing easement created for pedestrian access to ensure that it remains within the title boundaries.

Council officers consider that re-advertising of the application was not required given the minor nature of the proposed amendments.

Planning Assessment:

The following section will consider the application against the relevant sections of the State Planning Policy Framework, Local Planning Policy Framework (including the MSS), zoning objectives and Particular Provisions of the Kingston Planning Scheme.

State Planning Policy Framework

<i>Clause 12</i>	<i>Metropolitan Development</i>
<i>Clause 14</i>	<i>Settlement</i>
<i>Clause 16</i>	<i>Housing</i>
<i>Clause 18</i>	<i>Infrastructure</i>

It is considered that the proposed development of the site would be consistent with the above policy objectives.

Local Planning Policy Framework (including the MSS)

Clause 22.11 – Residential Development Policy

The purpose of this Policy is to identify those locations where increased housing diversity, incremental housing change, minimal housing change and residential renewal will be encouraged.

The subject site is located within an area nominated for “increased housing diversity”, where medium density housing is encouraged in and around areas that established areas.

As discussed above, the proposed development would satisfy the broader strategic objectives under Council's MSS through the provision of medium density housing in an identified retail activity centre.

Zoning Provisions

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 land for two (2) or more dwellings.

The proposed development is considered to be highly consistent with the key objectives of the zone.

Overlays

No overlay controls affect the subject site.

Particular Provisions

Clause 52.02: Easements, Restrictions & Reserves

It is noted that the amended plans show that the existing walkway easement would be re-aligned to reflect the proposed building footprint at ground level. Accordingly, a planning permit is required under this section of the Scheme to vary an easement.

Clause 55 – Two or More Dwellings on a Lot (ResCode)

The proposal has been considered against the relevant objectives and standards of Clause 55 of the Scheme. It is considered that the proposed development demonstrates a reasonable level of compliance, particularly when viewed within the context of the surrounding area. The following areas of non-compliance have been identified:

Clause 55.03-2 – Building Height Objective

Clause 55.03-3 – Site Coverage Objective

Clause 55.03-4 – Permeability Objectives

Clause 55.03-8 – Landscaping Objectives

Clause 55.04-1 – Side and Rear Setbacks Objective

Clause 55.04-2 – Walls on Boundaries Objective

Clause 55.05-2 - Dwelling Entry Objective

Whilst the above standards have not been met with respect to this proposal, Council officers consider that the objectives have been satisfied in this instance.

Response to Objector/s Concerns:

The following responses are offered in relation to the main grounds of objection to the application:

- Car Parking;
- Overlooking;
- Visual Impact (Height of Building & Car Stackers);
- Pedestrian Access/Easement; and
- Loss of Amenity (Noise, Location of Bin Area).

Car Parking

The number of car parking spaces is considered appropriate in this instance given that each of the dwellings would be provided with one (1) dedicated car parking space in addition to four (4) visitor car parking spaces. The subject site is located within an established retail activity centre so any demand for additional car parking spaces could reasonably be accommodated during evening periods and at weekends.

It should be noted that no objection was offered by Council's Traffic Engineering Department.

Overlooking

The amended plans received by Council on 2nd July, 2008, show that all of the upper balcony areas would be provided with adequate visual screening devices, to a minimum height of 1.7 metres above the respective finished floor level.

Visual Impact

A number of objections raised concern with respect to the visual presentation of the development within the context of the surrounding area. Council officers consider that the development would be consistent with existing residential development within the immediate area, both in terms of its scale and built form.

Any visual impact resulting from the building's built form and mass would be minimised due to the graduated building setbacks from the site's waterfront boundary (to the west) and the level of articulation offered along the site and rear (east) elevations.

Pedestrian Access

This issue was raised as a key concern at the Preliminary Conference meeting with the applicant providing a verbal commitment to ensuring pedestrian access would be maintained through the site during construction. It was agreed that a condition of any planning permit issued for the subject site should require the Owner/Developer to submit a Construction Management Plan to manage such issues during the construction phase.

Loss of Amenity

A number of concerns in relation to loss of amenity were raised through some of the objections, notably in relation to overshadowing. The directly abutting residential properties to the north of the site would not be affected by shadowing in this instance, as demonstrated on the submitted shadow diagrams.

General Comment:

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

- The proposed residential development is consistent with the zoning provisions and the existing built form character within Patterson Lakes;
- The design and siting of the proposed development is considered 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 Municipal Strategic Statement (MSS), Residential Land Use Policy, the Residential Development Policy and ResCode (Clause 55 of the Scheme).

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 the site comprising the construction of nine (9) dwellings and to vary an existing easement, in accordance with the following conditions:

1. Before the development and/or use 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 received on 2nd July, 2008, but modified to show:
 - (a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i) an associated planting schedule showing the proposed, 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, paving 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 labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv) a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous plant species;
 - v) adequate planting densities (i.e. plants with a mature width of 1 metre, planted at 1 metre intervals);
 - vi) area of each unit. Species chosen must be approved by the Responsible Authority;
 - vii) sustainable lawn areas and plant species taking water restrictions into consideration;
 - viii) all trees provided at a minimum of two (2) metres in height at time of planting; and
 - ix) medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x) 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;

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- (b) full details of visual screening devices for the upper level balcony areas, including height, materials, level of transparency and the like with such screening devices nominated as being fixed/permanent;
 - (c) the provision of an architectural feature above the ground floor level entry to the residential building so as to ensure that it is easily identifiable;
 - (d) a full set of coloured elevation plans, with all of the external building materials and colours nominated;
 - (e) the provision of an internal clothes drying facility for each dwelling;
 - (f) the location of all external heating/cooling units; and
 - (g) the provision of a site demolition plan which provides full details of the demolition works to be undertaken on the site, including a requirement for a suitably qualified structural engineer to be engaged by the applicant, and another by the abutting objector, with the engineers to be present on site, so as to ensure that no damage or undermining of the footings and slab at No.25 Admirals Quay, Patterson Lakes occurs.
2. Before the development hereby permitted commences, the Site Demolition Plan required under 1(g) of this permit must be submitted to and approved by the Responsible Authority, to its satisfaction.
 3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 4. The subdivision (variation of easement) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 5. The dwellings hereby permitted must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the prior written consent of the responsible authority.
 6. Before the commencement of any building or works on the land a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, existing business operations on the site during construction, arrangement for car parking for the existing businesses during construction, construction over the public domain and maintaining pedestrian access through the site along the “walkway” easement.
 7. The development of the site must be provided with stormwater treatment works which will entail the use of water sensitive urban design principles (including re-use) to reduce stormwater run-off quantity and improve discharge quality. Discussion with Councils Development Engineer on treatment options is advised prior to a design being submitted. The system must be maintained to the satisfaction of the Responsible Authority.

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8. Before the development hereby permitted 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.).
9. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties and be in accordance with the approved drainage plan.
10. Before the occupation of the dwellings hereby commence, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (i) fully constructed;
 - (ii) properly formed to such levels that they can be used in accordance with the plans;
 - (iii) surfaced with an all-weather-seal coat;
 - (iv) drained;
 - (v) line marked to indicate each car space and all access lanes.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

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

Or otherwise as approved by the Responsible Authority in writing.

12. Exterior lights must be installed in such positions to effectively illuminate all pathways, car parks and other public areas to the satisfaction of the Responsible Authority and designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
13. The maintenance of the buildings, service areas and the surrounds within the site shall be the responsibility of the Body Corporate, owner or agent and must be serviced at such frequency as will render the service areas and the surrounds to be neat, tidy and clean at all times to the satisfaction of the Responsible Authority.
14. Council's Waste Management Department must be consulted regarding the location of rubbish bins and the options for collecting waste from the site.
15. 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.
16. All piping and ducting (other than stormwater downpipes) above the ground floor storey of the development must be concealed to the satisfaction of the responsible authority.

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17. No external equipment (including, but not limited to: ducting and piping, air-conditioning units, heating units, satellite dishes etc), services and architectural features, other than those shown on the endorsed plan, shall be permitted unless with the prior written consent of the Responsible Authority
18. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the responsible authority.
19. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
20. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Expiry of permit

This permit will expire if one of the following circumstances applies:

- The development is not commenced before (two (2) years from the date of this permit).
- The development is not completed before (four (4) years from the date of this permit).
- The subdivision (variation of easement) is not commenced within two (2) years from the date of the permit.
- The subdivision (variation of easement) is not commenced within five (5) years from the date of the permit.

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

Crs McKeegan/Ronke

That Council resolve to not support the application on the following grounds:

1. The proposal would have an adverse affect on the amenity of the 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, Clause 55.03-8 Landscaping Objectives, Clause 55.03-9 Access Objectives, Clause 55.04-1 Side and Rear Setbacks Objectives, Clause 55.04-6 Overlooking Objective, Clause 55.05-4 Private Open Space Objective and Clause 55.06-1 Design Detail Objective.

Carried

A draft Management Plan was developed by Kingston City Council and Melbourne Water to provide a balance between the protection of flora and fauna and recreational activities occurring at Edithvale Common, the Chelsea Public Golf Course and adjacent Ramsar listed Edithvale Seaford Wetland. The Draft Management Plan provides for eleven (11) implementation and management initiatives for the site which will be incrementally implemented based against Council's and Melbourne Water's existing priorities within its parks program. A copy of the Plan is provided at Attachment 2.

4. Exhibition of the Amendment

Amendment C79 was placed on exhibition in accordance with the provisions of Section 19 of the Act from 8 November 2007 to 7 December 2007. Notice of the amendment was published in the Government Gazette on 8 November 2007, in the Mordialloc Chelsea Leader on 12 November 2007 and in the Chelsea, Mordialloc, Mentone Independent on 13 November 2007.

Direct notification of the amendment was sent via ordinary mail to the prescribed Ministers, referral authorities and owners and occupiers affected by the amendment including nearby surrounding landowners and occupiers.

The Biosis report and draft Management Plan was made available for public comment with the exhibition of the amendment.

5. Submissions Received

A total of two (2) submissions were received in relation to the amendment.

One submission was received from the Planning section of Melbourne Water, while they were in full support of the introduction of an Environmental Significance Overlay over the Edithvale Common and Chelsea Public Golf Course they raised concern regarding the rezoning of their land from a Public Use Zone 1 (Services and Utility) to a Public Park and Recreation Zone. Discussions with Melbourne Water have revealed that the land is required for its operational purposes and zoned to reflect the lands primary purpose which is for drainage. So while the Melbourne Water land may appear as part of the open space network the land should remain in a Public Use Zone 1 (Services and Utility) Zone. It is recommended that the amendment be modified to remove the proposed Public Park and Recreation Zone over the land owned by Melbourne Water. A map showing the Melbourne Water land to be retained in a Public Use Zone 1 (Services and Utility) is provided at Attachment 3.

The other submission received was from Aspendale Edithvale R.S.L. Cricket Club. The submission raises a number of initiatives for the club, the main issue being the need for an additional oval for Under 12s. The Leisure and Culture Team are supportive of the need for an addition oval on the site for the Under 12s, with the increase in demand for sporting facilities in the area. While, there is no argument regarding the need for such facilities based on advice received from the Leisure Planning Department, the proposed location of the additional oval is not feasible given its proximity to the Edthivale-Seaford Ramsar Wetlands. The draft Management Plan shows the proposed location of the additional oval as a wetland buffer zone (150m to Ramsar Wetland) and has principles of maintaining the buffer zone to allow for suitable passive recreation. Discussions with Melbourne Water have indicated they

would not support a second oval in this proposed location. The buffer zone is proposed to minimise disturbance by human activity to wetland habitat. Councillor John Ronke met recently with the Club and following this meeting the Club have now formally withdrawn its submission.

6. Consideration of Submissions

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

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

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

Issues raised in submissions received have now been addressed and it is considered that the Amendment can proceed to Council for formal consideration.

7. Strategic Justification for the Amendment

7.1 State Planning Policy Framework

The amendment is considered to be consistent with the State Planning Policy Framework. In particular, this proposal gives effect to Clause 15.09 'Conservation of native flora and fauna' by protecting and conserving biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

7.2 Local Planning Policy Framework

The amendment is considered to be consistent with the Local Planning Policy Framework. In particular, the amendment gives effect to Clause 21.09 'Environment Wetlands and Waterways' by:

1. Protecting the physical and habitat diversity of the Edithvale-Seaford wetlands to recognize its role as an internally significant wetland area.
2. Maintaining the diversity of flora and fauna habitats and promoting opportunities for reinstating local native flora.
3. Ensuring new development does not reduce the extent or integrity of significant indigenous vegetation and provides for the reinstatement of native vegetation and/or the creation of wildlife corridors where development is proposed adjacent to areas of environmental sensitivity.
4. Promoting the values and significance of existing flora and fauna habitats that support initiatives that aim to protect and restore the integrity of these.

8. Conclusion

The Edithvale Common has been used for an extensive period of time for a variety of active and passive recreational purposes, the proposed introduction of an Environmental Significance Overlay and draft Management Plan seeks to provide a balance between the active and passive recreational role of the land and the internationally significant Edithvale Wetland. Two (2) submissions have been received, one from Melbourne Water and the other from the Aspendale Edithvale R.S.L. Cricket Club which has now been withdrawn. It is recommended that the amendment be modified in line with Melbourne Water's comments and forwarded to the Minister for Planning for approval. It is also recommended that the Edithvale Common Management Plan and Biosis report which have been prepared to support the amendment be adopted.

9. Recommendation

1. That Council formally adopt Amendment C79 with changes as outlined in this Report and submit it to the Minister for Planning for approval.
2. That Council adopt the Edithvale Common, Edithvale Management Plan dated February 2006.
3. That Council adopt the report entitled 'Edithvale Common & Chelsea Public Golf Course: Review of Site Characteristics and Environmental Features dated July 2007.

Crs Ronke/Athanasopoulos

That the recommendation be adopted.

Carried

- Attachment 1 Biosis Research – Review of Site Characteristics and Environmental Features*
Attachment 2 Draft Management Plan
Attachment 3 Map: Melbourne Water land to be retained in Public Use Zone 1 (Services and Utility)

manner which is consistent with the Business 1 zone and with Council's vision for the future of the Cheltenham Activity Centre - allowing retailing, commercial, entertainment, community uses.

It is noted that some preliminary discussions regarding redevelopment of the site were held between Council and representatives of the owner in late 2007. A multi storey building incorporating showroom, office and car parking facilities was initially being considered for the site. Council raised a number of issues with regard to design and there have been no subsequent discussions. The current application is simply a request to rezone the land. No concurrent application for a planning permit to develop the site has been made.

3. Issues

The proposal needs to be considered in the context of the relevant State and Local Level Policies.

Policy Considerations

This rezoning proposal is considered to be relevant to the following State and Local level policies as outlines below:

State Planning Policy Framework (SPPF):

The proposed Amendment is considered to be consistent with the State Planning Policy Framework (SPPF). The goal of the SPPF is to foster "appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development." More particularly, the Amendment gives effect to the following objectives of the SPPF:

- Clause 12 - Metropolitan Development – aims to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport and communication, water and sewerage and social facilities.
- Clause 14 - Settlement – aims to ensure that a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.
- Clause 17 - Economic Development – aims to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.
- Clause 18 – Infrastructure – aims to integrate land use and transport planning around existing and planned declared highways, railways, principal bus routes and tram lines.

It is considered that the proposed Amendment gives effect to those objectives of the SPPF outlined above.

Local Planning Policy Framework:

Municipal Strategic Statement (MSS)

The following Clauses within the MSS are relevant to the proposed Amendment:

- Clause 21.06 Retail and Commercial Land Use

This clause relates to the need to harness new growth and development opportunities to ensure the longer-term sustainability of local centres. Diversification of land use activity to incorporate residential and mixed-use activity is identified as a key challenge. Objectives are to “protect and strengthen the hierarchy of activity centres in Kingston” and to “reinforce the existing role of the Cheltenham Business Centre”. It is considered that this Amendment responds appropriately to these goals and objectives.

- Clause 21.12 Transport, Movement and Access

This clause recognises the need for the City of Kingston to develop a balanced transport system based on public transport, road, pedestrian and cycle systems. It also aims to increase the range of transport choices available to Kingston’s residents. Given that the subject site is in close proximity to Cheltenham Station and to existing bus routes, it is considered this amendment is consistent with reducing pressure on private modes of transport and in offering a wider range of transport alternatives.

Local Planning Policies

- **Clause 22.01 Cheltenham Business Centre Policy**

The Kingston Planning Scheme identifies the Cheltenham Business Centre as “Kingston’s pre-eminent regional retailing activity centre.” It notes the following objectives:

“To recognise the regional role of the Cheltenham Business Centre as a focus for regional office and retailing activities within Kingston’s commercial centre hierarchy”; and

“To promote the restructuring of the built environment of the centre, through improved linkages and pedestrian networks, clustering of like functions, improved management of car parking and traffic management, integrated tree planting and landscaping and high quality urban design in the built form.”

The proposed amendment is considered to be consistent with these objectives.

- **‘PLAN’**

Council’s “Moorabbin to Mordialloc Integrated Framework Plan” for Prosperous, Liveable, Accessible Neighbourhoods (‘PLAN’) is also relevant to this Amendment.

The objectives of ‘PLAN’ are to:

- Provide a diversity of Housing
- Provide for integrated and well designed Activity Centres
- Provide for sustainable Transport
- Connect the Community

More particularly, the subject site has been identified in PLAN as site ‘H’ within the Cheltenham Activity Centre. In terms of future use of this site, PLAN specifies office and residential uses as being appropriate for the site. This is considered to be compatible with the proposed rezoning of a portion of the site from Business 3 to Business 1.

Public Exhibition

Council is required to give notice of an amendment pursuant to Section 19 of the *Planning and Environment Act 1987*. Accordingly, this Report recommends that Council seek authorisation from the Minister for Planning to place the proposed Amendment on public exhibition. It is considered appropriate for the Amendment to be placed on public exhibition for a period of 4 weeks once Ministerial authorisation has been received.

The following consultation is considered to be appropriate in relation to the proposed Amendment:

- Amendment documentation to be made available at Council's Cheltenham and Mentone Offices and on Council's website.
- Notices to be placed in the Government Gazette and local newspaper.
- Direct notification to nearby landowners and occupiers.

4. Triple Bottom Line Checklist

- Environmental –

The Site is potentially contaminated as a result of its past and current use as a manufacturer of stationary items. It is proposed that the site be subject to an Environmental Audit Overlay (EAO) to ensure that any potential contamination issues are appropriately addressed prior to future redevelopment of the site.

- Social –

The Cheltenham Activity Centre serves as Kingston's pre-eminent retail activity centre. The strip shopping centre in Charman Road, to which the subject site is in close proximity, has been described in 'PLAN' as a vibrant strip offering key convenience retailing facilities...".

The proposed rezoning would provide for future use and development of the site in a manner which is compatible with Council's vision for the Cheltenham Activity Centre. In particular, office, retail and residential development may be possible following adoption of the proposed Amendment.

Given the access to public transport and potential employment, retail and residential opportunities afforded by the proposed Amendment, it is considered that the proposed rezoning and potential future redevelopment of the site would be of social benefit to the City of Kingston.

- Financial –

Not applicable

5. Summary and Conclusion

The proposed Amendment is considered to be consistent with the relevant State and Local Planning Policies. The subject site is prominently located within the Cheltenham Activity Centre. The land is generous in size, making it appropriate for the type of redevelopment which is compatible with the uses specified in the Business 1 Zone. It is considered that the proposed amendment has sufficient merit to warrant a request be made to the Minister for Planning to authorise preparation of an amendment and exhibition of the amendment if authorisation is granted.

6. Recommendation

1. That Council resolve to request that the Minister for Planning authorise the preparation of Amendment C98 under Section 9(2) of the Planning and Environment Act 1987 to rezone land at 1228 Nepean Highway, Cheltenham to a Business 1 zone and that the land be subject to an Environmental Audit Overlay.
2. That following authorisation, Amendment C98 be exhibited in accordance with Section 19 of the Planning and Environment Act 1987.

Crs West/Ronke

That the recommendation be adopted.

Carried

Attachment 1: Aerial Photograph of subject site known as 1228 Nepean Highway, Cheltenham
Attachment 2: Existing zoning plan

**City of Kingston
Ordinary Council Meeting**

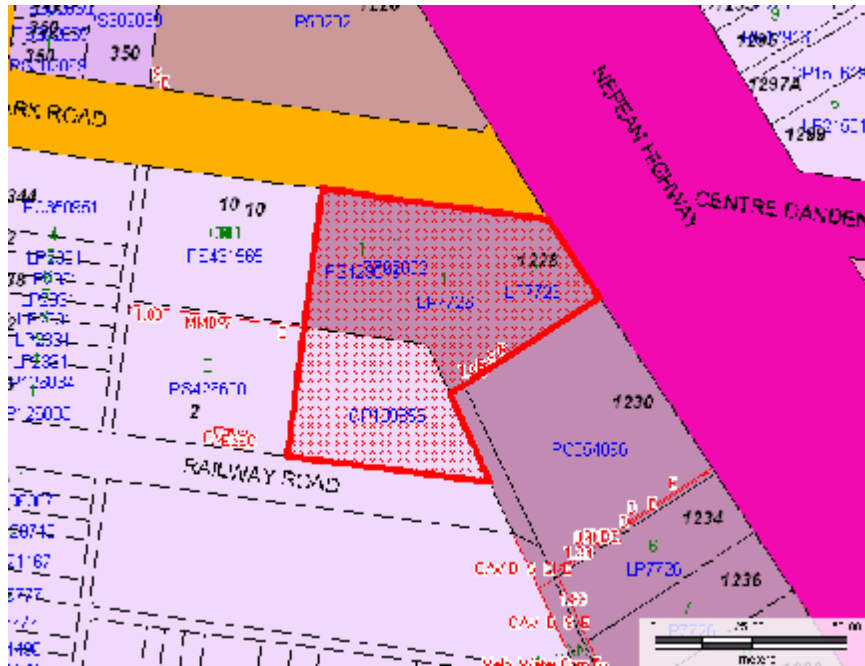
Minutes

25 August 2008

Attachment 1 - Aerial Photograph of subject site known as 1228 Nepean Highway, Cheltenham.



Attachment 2 – Existing zoning plan



K 123

**Cities for Climate Protection Milestone 5 and Proposed
Review of Greenhouse Emissions Strategy**

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Hal Greenham, Greenhouse Inventory Officer

1. Purpose

This report aims to:

- a) Seek Council's adoption of the attached Milestone 5 report on Kingston's greenhouse emissions, in order to fulfil the requirements for Milestone 5 of the Cities for Climate Protection program.
- b) Inform Council that the recently conducted reinventory of corporate greenhouse gas emissions has revealed that Council is not on-track towards the achievement of its emissions reduction targets.
- c) Seek Council's adoption of a process to review and redevelop Kingston's Local Action Plan to Reduce Greenhouse Emissions in accordance with current best practice in emissions management.

2. Background

The City of Kingston committed to completing the Cities for Climate Protection (CCP) program in September 2002. ICLEI Local Governments for Sustainability delivers the program in collaboration with the Commonwealth Department of Environment, Water, Heritage and the Arts. The program aims to assist local government to reduce greenhouse gas emissions through a five milestone program.

In October 2003, Council completed Milestone 1, the production of a greenhouse gas emissions inventory. This provides information on the quantities and sources of Kingston's corporate and community greenhouse gas emissions for the baseline years (2000 and 1996), and forecasts emissions for the year 2010.

In May 2004, Council completed Milestone 2, establishing and adopting greenhouse gas emission reduction goals. The goals adopted by Council are:

- That Council reduce the year 2000 levels of greenhouse gas emissions by 20% for Council's own corporate emissions, by the year 2010.
- That the community emissions be stabilised at the 1996 levels of greenhouse gas emissions, by the year 2010.

In March 2006, Council completed Milestone 3, by developing and adopting a local greenhouse action plan to achieve the above reductions. Milestone 4 is achieved by the implementation of the Local Greenhouse Action Plan. Achieving Milestone 5 requires Council to conduct a reinventory of greenhouse gas emissions and to report on the implementation of actions and measures. The attached Milestone 5 report, when endorsed by Council, will fulfil these requirements.

3. Issues

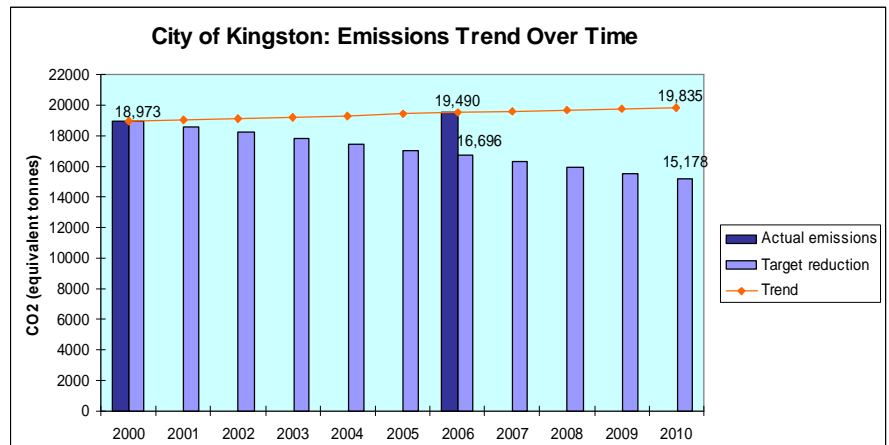
Climate change prognosis

Since Council adopted its emissions reduction targets in 2004, a number of important developments in climate change science have occurred. Firstly, climate change is progressing significantly faster than was anticipated. Secondly, scientific evidence is now growing that the earth’s capacity to absorb carbon dioxide is likely to decline as global temperature increases¹. This suggests that unless large cuts in emissions are made in the next decade or two, there is little chance of avoiding what is generally considered “dangerous” climate change, with profound effects on global quality of life and GDP. In the Australian context this would mean the death of the Great Barrier Reef, the loss of most or all of the productive output of the Murray Darling Basin, a large increase in heat related deaths and the rapid southward spread of dengue fever and other tropical diseases.

Progress towards Council’s reduction targets

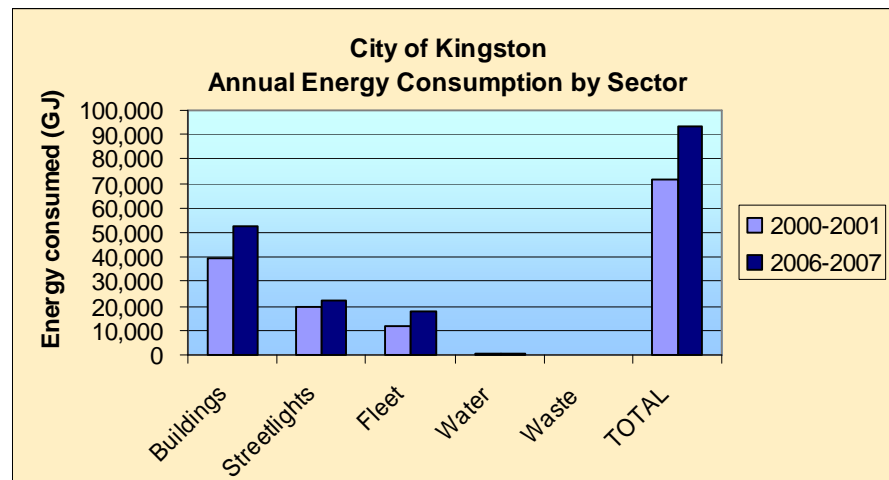
It is therefore concerning that the 2006-07 Milestone 5 re-inventory has revealed Council’s corporate emissions to have increased by 3% (517 tonnes) since 2000-01.

Given Council’s 20% corporate emissions reduction target, an 'on-track' reduction for the 2006-07 financial year would have been around 12% (2200 tonnes). The 3% increase revealed by the re-inventory therefore places Council around 15% above its target at this point in time, which translates to the emission of approximately 2700 tonnes more CO₂ than was planned for this year.



Increasing energy use

Corporate energy use has also increased by 30% between the baseline and reinventory years. This translates to an annual compounding increase of around 3.5% since 2000.



¹ See <http://news.anu.edu.au/?p=447> for a recent report

The reason that this substantial increase in energy use was not accompanied by a similar rise in emissions is that Council purchases a percentage of Greenpower for buildings and streetlights, and carbon offsets for the vehicle fleet (Greenfleet). Effectively, Greenpower is emissions free energy.

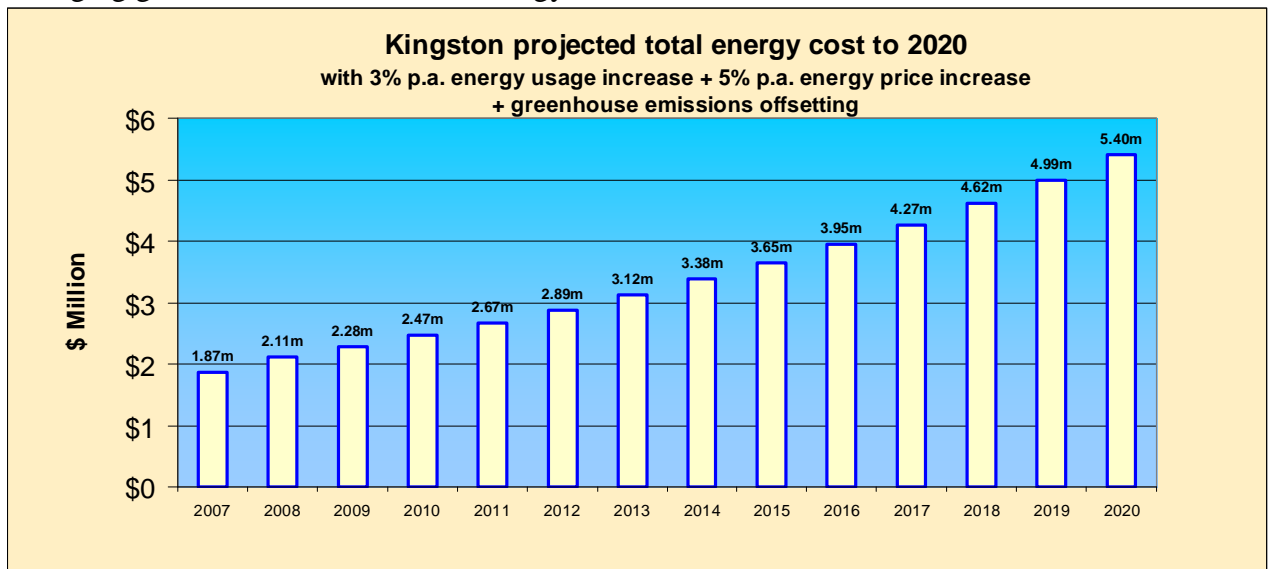
Council did implement some measures aimed at reducing energy use (see page 8 of the Milestone 5 Report for some examples) however the 30% increase revealed by the reinventory suggests that these were not enough to contain the factors underlying the increase (see page 12 for details).

Increasing energy prices and risk management implications

With a total annual energy usage of around 100 terajoules², Council needs to manage the risk of a significant increase in energy prices. The approach Council has effectively used in trying to reduce emissions since 2000 (relying mainly on Greenpower and offsets to keep emissions down, with minor efforts to reduce energy use) is likely to become unaffordable in the short to medium term for a range of reasons:

- Council’s energy use is increasing meaning it needs to buy more units of energy each year
- The prices of petrol, diesel, electricity and gas are likely to keep rising for at least the next 10 years
- Greenpower and offsets are an additional premium on top of the energy price
- Emissions trading will also push up the price of energy

Since 2000, Kingston has been insulated from paying extra for energy by price decreases (notably in electricity). Given that the prices of electricity and oil are now going up and are likely to continue this trend for some years, and the likelihood that carbon trading will further increase the cost of energy, it is recommended that Council reconsider its approach to managing greenhouse emissions and energy use.

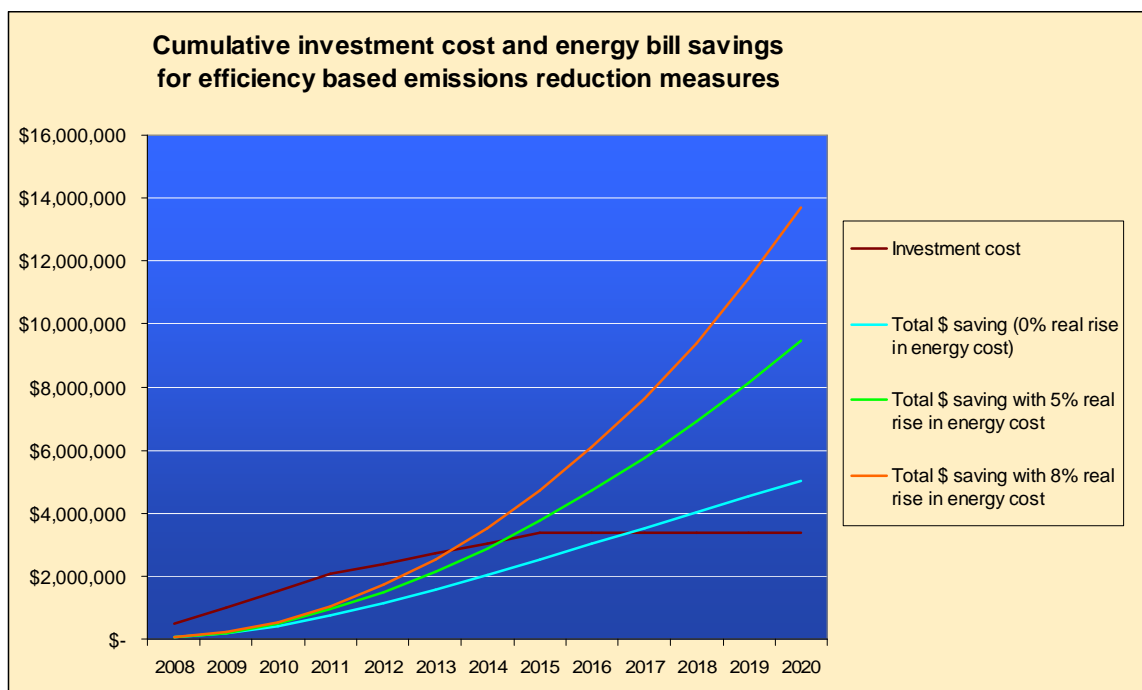


Best practice energy and emissions management

² 1 terajoule = 1,000,000 megajoules = 1 million million joules. Joules are the standard unit of energy consumption and this figure is the sum of all of Council’s energy consumption for one year, i.e. buildings + streetlights + fleet + water related energy use.

In recent years a consensus has emerged on best practice in managing greenhouse emissions, which is outlined in systems such as the Environmental Protection Authority's Carbon Management Principles (see page 14 of the Milestone 5 Report). Such approaches are clear in recommending a hierarchy of measures to reduce emissions, starting with the avoidance of unnecessary emissions (e.g. behaviour change, turning off lights) and reduction of emissions through energy efficient infrastructure (e.g. T5 fluorescent lights, more efficient HVAC systems). After these measures have been taken, switching to less polluting energy sources (e.g. Greenpower, gas), and offsetting (e.g. Greenfleet, AGL's Greenchoice program) emissions is recommended.

The reductions in energy use which are achieved by such an approach translate directly into reduced emissions, and lower energy bills. Increasing energy prices have made such "efficiency driven" approaches not only best environmental practice, but if invested in at a sufficient scale, also financially rewarding.



The graph above is indicative of the investment cost and return over time for an efficiency driven approach as per the EPA Carbon Management Principles examined above. Where the 'investment cost' line intersects each of the 'total \$ saving' lines, this indicates the payback period for the efficiency investments.

Modelling of the net present value³ of the efficiency approach in comparison to continuing with Kingston's current approach is also indicative of the financial value of investing in energy efficiencies (see appendix 1 of the Milestone 5 Report for all scenarios modelled). It was revealed that in the likely scenario of energy costs increasing by 8% p.a., by 2020 the cumulative net financial saving to Council of the efficiency approach would be \$4.9m, compared to maintaining Council's current approach.

³ A standard accounting measure used to assess the profitability of a proposed investment or project, expressed in today's dollars.

Indicative investment cost of the efficiency measures required to deliver these net cumulative savings above is around \$425,000 p.a. for 8 years (\$3.4 m total). Note that even in the near impossible scenario of no increase in energy costs, by 2020 Council could still expect a net financial return.

The financial savings possible in this approach are substantial because of the size of Kingston's total annual energy spend. Smaller councils have a total annual energy expenditure of under \$1m; the fact that Kingston currently spends almost \$2m annually on energy means that there is great potential to achieve savings whilst also reducing emissions.

The actual amount that needs to be invested up-front in such an approach is dependant on a range of factors, and it is recommended that this be properly investigated in a detailed review and redevelopment of Kingston's Local Action Plan to Reduce Greenhouse Emissions.

Kingston's corporate emissions target

Kingston has committed to a corporate emissions reduction target of 20% below 2000 levels by 2010. The reinventory of 2006 emissions just completed has revealed a 3% increase in emissions. At this point, Council could choose to buy more Greenpower or offset products in the next two years to meet the target. As discussed above however, this is not a good ongoing strategy in managing emissions as it will cost us more and more as energy use increases, prices continue to rise, and an additional premium for Greenpower/offsets is paid.

The following factors suggest that it would be appropriate to both adopt an efficiency based approach to reducing emissions and to upgrade the current reduction target:

- The scientific consensus is that large cuts in emissions are needed in the next 10-20 years in order to be confident of avoiding dangerous climate change
- The trend for metropolitan councils in the last few years has been to adopt a carbon neutral corporate target by 2015 or 2020 (adopted: Whitehorse, Knox, Yarra Ranges, Melbourne, Hobsons Bay, Moreland, Maribyrnong, Darebin, Casey and Moonee Valley; in consideration: Bayside, Frankston, Nillumbik, Mornington Peninsula and Wyndham)
- Efficiency based approaches as articulated in the EPA's Carbon Management Principles are best environmental practice because they reduce emissions directly by reducing unnecessary energy use, rather than by using offsetting which indirectly affects emissions after they have happened
- The reduced energy usage which results from the efficiency approach also saves money, and in the context of a large amount of energy and increasing prices, the savings are considerable. These savings can then be used to either fund further energy investments, or to purchase Greenpower / offsets to achieve a zero net carbon position (carbon neutral)
- The leadership position of a credible carbon neutral target is both affordable and achievable by 2020
- ICLEI Local Governments for Sustainability are supportive of an upgraded target if it is accompanied with a credible strategy to meet the target
- This would most effectively manage short to medium term financial and environmental risks, and turn potential bad publicity from the emissions increase into a positive Council initiative

The expected cost and optimal components of such a strategy need to be properly investigated, and this task should be undertaken in the proposed comprehensive review of Kingston's Local Action Plan to Reduce Greenhouse Emissions. Given the significant uncertainties surrounding both climate change and future energy prices, the implications of both of these issues should be considered as part of the review so that Council can position itself appropriately to deal with future potential challenges.

Kingston's community emissions target

The Milestone 5 reinventory data revealed that in 2006, community emissions (comprising residential, commercial, industrial and transport related emissions) had increased by 20% compared to the baseline year 1996. The municipality is therefore also off-track in terms of Council's target to stabilise emissions at 1996 levels by 2010. Whilst Council has much less direct influence over emissions within the municipality compared to its own corporate emissions, the magnitude of municipal emissions are considerable (Council's 2006 emissions of 19,490 tonnes represent only 0.5% of the whole municipality's 4,309,931 tonnes).

Council can have influence in reducing community emissions, and indeed it has already used such influence positively as detailed in the Inventory section of the Milestone 5 Report. However, to be credible in asking the community to make significant reductions the first priority should be to "get our own house in order". This is another important reason for a re-evaluation of the corporate strategy and emissions reduction target.

4. Current and Future Initiatives

Council is currently addressing climate change through the number of ways, including:

- The Corporate Environment Program which focuses on staff behaviour change i.e. turning off computer monitors and lights
- Engaging Planet Footprint (an independent company) to capture and monitor Council's energy consumption data
- Installing pool blankets at Waves Leisure Centre
- Implementing the walking school bus at six local primary schools

Given the emergence of compelling science on the rapid progression and substantial implications of climate change, and the outlook for energy prices, a comprehensive revision of Kingston's Greenhouse Local Action Plan is planned.

The revised Local Action Plan will focus on how to drive energy efficiency in Council operations in order to:

1. demonstrate leadership by reducing corporate greenhouse emissions
2. manage energy costs in a period of rising energy prices
3. reduce the risk of large blowouts in total energy spend
4. most effectively and appropriately respond to climate change

It is critical any future actions undertaken by Council focus on finding energy efficiencies to reduce greenhouse gas emissions, rather than offsets.

5. Triple Bottom Line Checklist

- Environmental - an adequately funded, efficiency driven emissions reduction strategy will drive substantial cuts in Kingston's greenhouse emissions using the current best practice approach and make a carbon neutral target viable.
- Social - taking a leadership position on reducing emissions and being proactive on climate change is likely to improve community morale and to enhance the reputation of Council in the minds of residents in the community who are concerned about the issues.
- Financial - redevelopment of Kingston's greenhouse strategy along efficiency lines will require initial investment but deliver large savings. It also manages the risk of a blowout in our annual energy spend as oil and electricity prices continue to rise.

6. Summary and Conclusion

- Annual corporate greenhouse emissions (as audited in the 2006-07 financial year) have increased 3% (517 tonnes) since the baseline year 2000. We are not therefore on track to meet our reduction target of 20% by 2010.
- Energy use has grown by 30% in the same timeframe.
- Energy prices are rising and are likely to continue doing so for some years.
- Kingston's current emissions management strategy is not effectively reducing emissions, and will become very expensive in the short term as energy prices rise.
- Current best practice in emissions management is to adopt an efficiency based approach which reduces emissions and energy cost by avoiding unnecessary energy usage and investing in efficient infrastructure (in buildings, streetlights and the vehicle fleet). Such an approach will save Council a significant amount of money whilst reducing emissions
- A leadership position on greenhouse emissions and climate change could be taken by considering an efficiency driven carbon neutral target. 15 other councils within greater Melbourne have now adopted or are considering such a target
- Community emissions have increased 20% between 1996 and 2006; Council's adopted target was for stabilisation of 1996 levels by 2006. Action on community emissions is also called for given they are much larger than corporate emissions, however Council needs to "get its own house in order" first.
- A comprehensive review is recommended of the current Local Action Plan to Reduce Corporate and Community Greenhouse Gas Emissions to examine how an efficiency driven approach could be implemented at Kingston

Recommendation

That Council resolve to:

1. Adopt the attached Cities for Climate Protection Milestone 5 Report in order to fulfil the requirements for the attainment of Milestone 5 of the CCP program; and
2. Prepare a greenhouse gas reduction strategy which will outline how Council can achieve further greenhouse gas abatement.

**City of Kingston
Ordinary Council Meeting**

Minutes

25 August 2008

Crs Alabaster/West

That the recommendation be adopted.

Carried

Attachment:

Cities for Climate Protection Milestone 5 Report

K 124

Contract No. 08/33 – Supply of Landfill Services

Approved by: Tony Rijs – General Manager Environmental Sustainability

Author: John Kelly - Team Leader Maintenance Contracts

1. Purpose

This report seeks Council's approval to accept tenders for Contract-08/33, SUPPLY OF LANDFILL SERVICES. It is proposed that THREE tenderers, SITA Australia Pty Ltd trading as SITA Environmental Solutions, TRANSPACIFIC Waste Management Pty Ltd and Clayton Road Landfill Joint Venture be accepted at the tendered rates, for an estimated annual value of \$1.5 million, for a contract term of five years with 2 one-year options.

2. Background

Over the last 5-year period, since the 1st January 2004, Landfill Services have been provided by Transpacific Industries (formerly Baxters) and Sita. Typically waste collected south of the Mordialloc Creek approximately 25 % is disposed of at Sita's Landfill and waste collected north of the Mordialloc Creek is disposed at Transpacific Industries Landfill.

Last year in 2007/08 Council diverted approximately 49% of collected residual waste to recycling. This figure has decreased by 1% in the last two years as the diversion rate was 50% in 2005/06. In the last 2 years recycling of papers/cardboard/bottles/cans has increased by 5.3%. However as result of the drought, this has caused a reduction in grass clippings along with reduced moisture content of the green waste material resulting in overall green waste processing tonnage declining by 17%.

The current split across the 3 waste collection services is as follows

- Waste to landfill 51%,
- Recycling (papers/cardboard/bottles/cans) 30% and
- Green waste processing 19%.

In over all terms Council continues to meet Sustainability Victoria's Waste target of recycling 45% of collected municipal waste.

Sustainability Victoria created a Metropolitan Waste Management Group (MWMG) in 2007 this group is responsible for waste policy and waste planning. The MWMG recently released a *Draft Metropolitan Solid Waste Infrastructure Schedule and a Draft Metropolitan Landfill Schedule*. The major thrust of this Draft Plan is to recover organics from the waste stream going to landfill. The plan details the introduction of alternative waste treatments (AWT) to treat waste; however it is envisaged that the introduction of these facilities is still some 5 years away from becoming an option for the city of Kingston.

3. Brief Description of the Work under the Contract

This schedule of rates contract involves the Supply of Landfill Services for waste from Council's residential and commercial waste bins which are collected on a weekly basis across the municipality.

In 2007/08 Council disposed to landfill approximately 27,500 tonnes of municipal waste and 430 tonnes of waste from Council's depot.

The Contract is for a period of 5 years commencing 1 January 2009 with options at Council's discretion to extend the contract for two, one-year periods.

The Contract is a Schedule of Rates Contract subject to an annual price adjustment based on the CPI.

4. Tenders Received

Tenders were advertised in the Age on Saturday 31 May and 7 June 2008 and closed at 2.00pm on Thursday 26 June 2008. Three tenders were received, details of which are set out in the *Confidential Attachment*.

5. Project Funding

Supply of Landfill Services is funded as apart of the Goods and Services – Waste Management Budget, 2008/09 budget \$1,618,000.

6. Evaluation Panel

The tenders were assessed by:

- Team Leader Maintenance Contracts,
- Senior Field Officer

7. Triple Line Checklist

7.1 Budget/Financial Impact

The contract for landfill services the recommended tenders represents the best outcome to Council in terms of value for money and level of risk requirements.

7.2 Social Impact

Not Applicable.

7.3 Environmental Impact

Alternative waste treatment facilities for the disposal of waste are currently not available. The three landfills recommended are all licensed with the EPA and conform to current best practice environmental requirements.

8. Summary and Conclusion

The Evaluation Panel has ranked Clayton Road Joint Venture, Sita Australia Pty Ltd and Transpacific highly. The panel believes that these three companies have demonstrated their ability via their tender submission, to provide the best overall value for Landfill Services.

The reason three tenderers have been recommended is to offer flexibility which thereby reduces risk along with providing a cost effective solution.

9. Recommendation:

1. That Council resolve to award Contract No. 08/33 for SUPPLY OF LANDFILL SERVICES on a Schedule of Rates basis to three tenderers: Clayton Road Landfill Joint Venture, Sita Australia Pty Ltd and Transpacific Waste Management Pty Ltd at the tendered rates as per the “confidential attachment” for an estimated total annual value of \$1.5 million, for a contract term of five-years with 2 one-year options
2. That the two one-year contract optional extensions be at the discretion of the Chief Executive Officer subject to satisfactory performance of the contractors.

Crs Athanasopoulos/McKeegan

That the recommendation be adopted.

Carried

(See Confidential Attachments)

K125

**Contract No. 08/51
Collins Street, Mentone – Road Reconstruction**

Approved by: Tony Rijs, General Manager Environmental Sustainability

Author: Brian Trower – Team Leader Roads and Drains

1. Purpose

This report seeks Council's approval to accept tenders for Contract No. 08/51 – Collins Street, Mentone – Road Reconstruction. It is proposed that Delfino Paving P/L be accepted as the preferred tenderer for this contract based on their submitted tender of \$799,046.00.

2. Background

A public meeting was held in Collins Street in October 2006, to discuss the concerns of the residents. A consultation committee was formed and comprised of residents, Council officers and the Ward Councillor. The main objectives of the committee was to work together to find solutions to a number of concerns including traffic volumes and speeds, the layout of the road, rain gardens and tree issues.

3. Brief Description of the Work under the Contract

The works involved in this contract includes the following items:

- Full reconstruction of Collins Street between the Nepean Highway and the Railway line (outside Council's Mentone depot).
- Road narrowing near the eastern end of the street consisting of a raised exposed aggregate concrete pavement. This will provide a visual barrier for the view along Collins Street as well as providing a single lane slow point for vehicles at this location.
- Traffic island and indented parking at the intersection of Nepean Highway. The traffic islands will provide a separator for the traffic at the intersection and the indented parking will reduce traffic congestion. This will provide two full lanes between Nepean Highway and the road narrowing which will assist the movement of cars in and out of the carpark behind the shops.
- A speed hump will be installed mid way between the road narrowing and Swanston Street to provide an effective speed deterrent.
- A threshold treatment at the Swanston Street intersection will be constructed to visually inform the driver they are entering a different area. The threshold treatment proposed for the Swanston intersection is a high performance, Red Granite coloured surface treatment applied over the asphalt surface.

4. Tenders Received

Tenders were advertised in The Age on Saturday 19 July 2008 and closed at 2.00pm on Thursday 7 August 2008. Six (6) tenders were received, details of which are set out in the *Confidential Attachment*.

5. Project Funding

This project will be funded from Council's 2008/09 Capital Works Budget.

6. Evaluation Panel

The tenders were assessed by:

Tony Pell – Senior Construction Engineer
Chang Wuol – Construction Engineer
Matthew Varcoe – Construction Engineer

7. Triple Line Checklist

7.1 Budget/Financial Impact

For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money and level of risk. The submitted price is below the Design Engineer's estimate.

7.2 Social Impact

There will be inconveniences during the works which are typical of any road reconstruction.

The final outcome of the works will address a number of issues raised during the consultation period, ranging from the treatment of stormwater from the raingardens, to the installation of traffic calming devices to control though traffic in the area.

7.3 Environmental Impact

Environmental impacts during construction of these works will be minimal due to measures put in place for controlling stormwater quality.

Post construction, the nineteen (19) raingardens to be installed as part of the reconstruction works will address stormwater quality by removing gross pollutants, heavy metals, etc prior to it reaching Council's underground system.

The appearance of the raingardens will consist of a surface covering of an attractive sandstone coloured rock mulch which includes large landscaping rocks scattered through the rain garden. The raingardens will then be densely planted with Tasman Flax-lily (botanical name: *Dianella Tasmanica* – refer image). An example of the raingardens proposed in Collins St can be seen in the recently refurbished raingardens in Stawell Street, Mentone.



8. Summary and Conclusion

The Evaluation Panel has ranked DELFINO PAVING P/L highly for this contract. The panel believes that DELFINO PAVING P/L have demonstrated their ability via their tender submission and previous works undertaken for Kingston City Council, to provide the best overall value for the reconstruction of COLLINS STREET, MENTONE – ROAD RECONSTRUCTION.

9. Recommendation

1. That Contract No. 08/51 for the Collins Street Mentone – Road Reconstruction be awarded on a Lump Sum basis to Delfino Paving P/L for the tendered price of **\$799,046.00**. Please refer to the “confidential attachment” outlining the scoring matrix and all other submissions.

Crs West/Alabaster

That the recommendation be adopted.

Carried

(See Confidential Attachment)

9 Community Sustainability Reports

K 126 Festivals & Events Funding Policy

Approved by: John Nevins, Chief Executive Officer

Author: Trevor McCullough, General Manager – Community Sustainability
Gabrielle Nime – Community Events and Marketing Coordinator

1. Purpose

The purpose of this report is to present Council with the proposed Festivals & Events Funding Policy and for Council to approve the policy for adoption and implementation.

2. Background

The City of Kingston recognises the importance of events to the community and makes a significant contribution towards the delivery and support of community festivals and events on an annual basis.

In recent years the number of events seeking support from Council has grown, as has the level of funding required to deliver these events. Public accountability for the sustained level of expenditure on these events requires clarification of: the purpose of Council's involvement in events; what services Council can and cannot provide to assist event coordinators in the delivery of their events; the number of events should Council support; and the most appropriate level of funding Council should contribute towards festivals and events. To address these issues research on community needs and consultation with Council Officers and event coordinators has taken place. Their feedback has enabled a draft Festivals and Events Strategy to be developed and draft funding policy to be produced.

One of the priority actions in the Festivals & Events Strategy suggested that Council develops a funding policy for Festivals and Events in Kingston. The Festivals & Events Strategy Steering Committee felt that it was essential for the policy to be developed alongside the strategy as it not only provides an indication of how much Council should spend on Festivals & Events, but also creates a framework by which Festivals and Events can evolve. This document is attached for Council perusal.

3. Issues

A policy addressing the issue of event funding is required to provide clarity on Council's role in festivals and events, the purpose of events; how much funding Kingston can contribute towards delivering and supporting events; and what services or 'in-kind' support Council can provide to event organisers. Furthermore, the Festivals & Events Funding Policy provides guidance on how Council should approach requests for new events to be added to current Kingston's calendar of annual events and how to respond to requests for financial support for the delivery of community events.

Consultation with Council Officers and event coordinators identified three key issues that needed to be addressed by the design and implementation of Council Policy. These include:

- Ø *Council's role in festivals & events;*
- Ø *Financial contribution to new and existing events; and*
- Ø *In kind support for events.*

In addition, the policy work raises some issues in relation to the Globe to Globe Festival and the Harvest Festival. These matters are discussed below, with a full copy of the draft policy presented in Attachment 1.

Council's Role in Festivals & Events

The City of Kingston has been involved in delivering, supporting and planning events, however this involvement has not been formally acknowledged as Council's role. It has therefore been unclear when Council should be the deliverer or supporter of an event, and planning for new events has occurred on an ad-hoc basis without clarity or guidelines on why and how new events can be introduced to the current schedule.

In formally acknowledging Council's role as the deliverer, supporter and planner of events, Kingston is able to specify which events it will deliver and which it will support and why. Parameters have been placed around each of these roles to clarify the level of involvement Council has in various events.

Financial Contribution to New & Existing Events

The level of financial contribution towards events both delivered and supported has continued to grow at a variable rate over the years, and the level of contribution has in some cases been inconsistent with community expectation and intended outcomes.

For existing Council delivered events, it appears that the main reason for an inconsistent rise in event cost is due to the effects of sponsorship and grant income. As sponsorship and grant funding is incurred, the funding has not always been used to off-set event costs, instead in some cases the funding is used to add to the event output. Whilst this may allow the community to experience something new, it also means that in subsequent years where the same level of funding is not available, the community now expects that this experience will be made available to them on this occasion also. Therefore, Kingston delivers the same standard of event as the previous year, but has not necessarily obtained the same level of funding from external sources to cover the cost of event delivery. As time goes by and new funding is obtained, the scenario repeats so that the event continues to grow, however Kingston is unable to keep pace with the levels of funding required to deliver the event at the same cost as in previous years. The proposed funding policy will see the financial investment in the delivery of festivals and events capped at \$679,000 in comparison to the current budget of \$595,000, but with a clear strategy and policy for managing future growth. This represents a growth of \$84,000 against the current festivals & events budget.

Over the past few years, Kingston has received a number of proposals for new events for Council to invest in. Establishing an appropriate level of financial support for new event proposals has been challenging as the level of support requested varies greatly between proposals and funding is not always readily available in the budget to accommodate requests. Requests are not always received in time for referral to the community grants program and some proposals do not qualify for community grants (such as International Women's Golf

Open). Furthermore, once Kingston has committed to supporting an event, there is an expectation created that support will be ongoing without consideration of when funding will cease. The proposed funding policy recommends that two new opportunities be made available for investment in Council supported events. These opportunities include the introduction of Council sponsoring events of international/national significance; and introducing a triennial funding program to go towards ward-based events.

It is envisaged that the implementation of these two new opportunities will cost Council up to an additional \$125,000 per annum as follows:

It is recommended that \$80,000 is set aside for sponsorship purposes to attract international/national events to Kingston, which will improve the profile of the municipality beyond its borders. Events of international/national significance that would be eligible for sponsorship funding include the 470 World Sailing Championships or the Women's International Golf Championships. The proposal further suggests, that any unspent funds are invested in maintaining current or purchasing new event infrastructure.

Funding towards ward-based events will see the implementation of a triennial grant for one event to take place in each ward. Applicants will be eligible for up to \$15,000 per annum for festivals or events that are of municipal or local significance. Funding will be provided for 3 years, where Council will work with the event co-ordinator to ensure their event is financially sustainable by the end of the agreement. Current events that may be eligible for this level of funding includes the Chelsea Flower Show Down Under, Big Band Sunsets, Mordigras and the Hellenic Festival.

By categorising events and capping the maximum amount Council will invest (including funding from external sources such as sponsorship and grant income) as suggested in the funding policy, Kingston is able to better manage event growth and rising costs. Council is also able to accommodate new events through sponsorship requests and place parameters around the types of events it supports and can impose a timeframe for when funding will cease.

In-kind Support

In addition to requests for financial support for events, Kingston receives numerous requests for in-kind support also. The boundaries on what can and cannot be provided are unclear and therefore Council Officers are unsure what they should or should not provide and as a result the level of support provided to the community is inconsistent.

The proposed policy provides specific guidelines on what will and will not be provided in-kind from Council ensuring all parties are familiar with what they can expect to receive and ensuring Council has the available resources to accommodate requests.

Future Changes to Globe to Globe & Harvest Festivals

In developing a structure for determining the appropriate level of funding for each event, it was essential to ask questions about the purpose of each event and the amount of resources required to deliver it. In making this assessment, Council Officers considered a number of factors including the number of attendees at the event, its current profile, target audience and current level of funding required to deliver the event.

The assessment revealed that within the current event schedule two events were able to be classified ‘Major Council Festivals’ (being the Globe to Globe Festival & Harvest Festival) and one was of ‘Signature Festival’ status (Fine Food, Wine and Music by the Bay). The Signature Festival is deemed to be the largest tourist drawcard on Council’s event calendar and so has the most significant economic and community pride benefits. It is these superior benefits that justify the additional funding, quality and scale of this level of event. The Major Council Festivals (Globe to Globe Festival and Harvest Festival) are targeted more at the local communities and building a sense of community identity and pride. Whilst each event is at different stages of development as is reflected in their timing and scale, they both essentially serve a similar purpose. There has been considerable community feedback expressing support for the harvest Festival to be an annual event.

4. Options

The development of a policy framework to guide Council resource allocation toward festivals and events has highlighted differences in resource allocations between the Globe to Globe and Harvest Festivals with similar if not identical objectives. In implementing the policy framework Council has a couple of options in how they can respond to this highlighted issue.

The option of moving to an annual one day event for the Harvest Festival has already been mentioned. This option is recommended to commence from 2009 with an annual budget allocation of \$100,000 per annum.

The option of reducing the Globe to Globe Festival to a one day event (to achieve equal resource allocation) was examined but is not favoured for the following reasons:

- i. The event is well established as a two day event and any reduction would be negatively viewed by the community.
- ii. Any reduction may jeopardise state funding.
- iii. The event has special significance as a focus for the multi-cultural community and two days provides a better opportunity to showcase more acts from a broader range of community groups.

It is, however, recommended that the Globe to Globe expenditure budget be fixed at \$150,000 with any external funding being used to offset Council’s contribution. The format and duration of the Globe to Globe Festival should be kept under review as part of any future review of the future review of the festivals and events strategy.

5. Triple Bottom Line Checklist

- Environmental – The delivery of festivals and events does have an impact on the environment. The proposed Strategy provides actions that allow Council to work towards reducing the impact of events on the environment and further encourages Council to lead and educate the community on how to do the same.

- Social - Festivals and events play an important role in contributing to healthy and vibrant communities and promoting the mental health and wellbeing of community members (VicHealth, 2005). They provide opportunities for people to come together, to celebrate, to express themselves, to showcase achievements and to share with others. They are drivers of local economic opportunity (Arts & Cultural Strategy, 2005). The proposed policy ensures the geographic spread of festivals and events enables all members of the community can access an event; that continue to be delivered at a high quality; and ensures similar funding opportunities are available to all members of the community.

- Financial –

Council Delivered Events: Expenditure against current actual cost would rise by \$30,000 per annum due mainly to moving the Harvest Festival to an annual event.

Council Supported Events: The financial implications of the proposed policy on Council supported events is difficult to measure as the current level of funding provided varies from year to year depending on the requests obtained. The allocation of \$45,000 towards ward-based events would eliminate requests outside of the grants program such as the Chelsea Flower Show and Big Band Sunsets; hence this allocation is likely to have a positive effect on budget.

The allocation of \$80,000 for sponsorship of international/national events is a new initiative. It is proposed that unspent funding will be invested into events infrastructure.

Total Financial Impact of Policy & Strategy Implementation:

	Against Current Expenditure
<i>Council Delivered events</i>	+ \$30,000
<i>Council Supported Events</i>	+ \$125,000 change to budget, however variance to current spending is likely to be less than \$80 k.
<i>Additional Staffing resources</i>	+ \$30,000 p.a.
<i>Strategy Implementation</i>	+ \$140,000 over 3 years

These figures do not include income, hence net outcomes may be further reduced once taking incoming resources into consideration.

6. Summary and Conclusion

In recent years the number of events seeking support from Council has grown, as has the level of funding required to deliver these events. The community continue to ask questions about the future and purpose of events in Kingston, which has led to the compilation of a Festivals and Events Strategy. The Festivals and Events Strategy provides a systematic approach towards consolidating the delivery and support of events within Kingston, however, as the strategy was being produced; it became evident that a framework was required to enable festivals and events in Kingston to evolve. A Festivals & Events Funding Policy has been drafted along with the Strategy, which clarifies Council's role in festivals and events, the purpose of events; how much funding Kingston can contribute towards delivering and supporting events; and what services or 'in-kind' support Council can provide to event organisers. It also provides guidance on how Council should approach requests for new events and how to respond to requests for financial support for the delivery of community events. The policy also recommends changes to the delivery of the Southern Festival so that the resource allocation is more evenly distributed and represents better value for money in terms of the benefits gained from delivering these events.

7. Recommendation

That Council resolve to adopt the proposed Festivals & Events Funding Policy as presented above.

Cr Petchey declared her interest in this item, as did the Mayor, Cr Nixon, being a life member of the Mordialloc Community Centre.

The General Manager Community Sustainability, Trevor McCullough, advised that the printed agenda contained an error, in that the second paragraph under section 4, Options, indicated that the option commenced from 2010 as opposed to commencing from 2009. It was noted that the electronic document on the Council's website showed the correct year.

Crs McKeegan/Athanasopoulos

That the recommendation be adopted.

Carried

Attachments:

Festivals & Events Funding Policy

Festivals & Events Funding Policy Appendix 1 & 2

FESTIVALS & EVENTS FUNDING POLICY

1. INTRODUCTION

The City of Kingston actively encourages local and cultural events, however with many things to celebrate the Council recognises that accommodating all needs with limited resources in can be challenging. Quality events need careful planning and time to consider the risks. Events also need to comply with all relevant laws and regulations, which can often increase the cost of event management. This policy has been designed to create guidelines around what events will be delivered by Council, and for what purpose. It will also clarify Council's role by providing a systematic process for the allocation of funding to support various events held within the municipality.

Factors taken into account during the development of this policy include the ongoing financial sustainability of events, the availability of resources including human, infrastructure and financial to manage the event. The well being of local residents, event patrons, participants and volunteers, as well as the needs of event coordinators, have been considered in developing this policy.

2. POLICY OBJECTIVES

This policy aims to clarify Council's role and the level of resources dedicated to festivals and events conducted within the municipality. This policy also aims to:

- § promote event activity within the municipality that celebrates culture and diversity and where a heightened sense of community spirit and social engagement is achieved;
- § inform event organisers of resources available for events held in Kingston; and
- § provide guidelines on how to access available resources.

3. DEFINITIONS

"Event Organiser" or **"Event Coordinator"** refers to the individual responsible for coordinating the event.

"Event Host" means the organisation or group responsible for staging the event.

"Resources" refers to the supply of staff, infrastructure and financial assistance provided for the delivery of events.

"Council" refers to the City of Kingston.

“**Sustainability**” refers to the longevity of an event without causing negative long-term impacts on the environment, financial resources or infrastructure.

4. ROLE OF COUNCIL

The City of Kingston has three key roles in festivals and events: delivering, supporting, and planning.

The City of Kingston will deliver events to celebrate the municipality’s identity, generate a sense of community pride, promote activities that make the area unique and to thank residents for their contribution to the community. The Council invests in the delivery of events to stimulate economic growth and to allow people to come together, to share with others and to celebrate

The list of potential events that Council could deliver is excessively large, hence Council plays a part in supporting community groups, businesses and individuals run their own events to minimise the demand on limited Council resources. It also gives groups, businesses and individuals an opportunity to get together and celebrate things important to them.

Kingston’s role in planning events ensures that Council meets community expectations and that the events delivered and supported reflect the local identity and cultural values of the community, as well as working to a philosophy of continuous improvement.

DELIVERING

For the purposes of this policy, Council has developed five categories of festivals & events to balance resources with community need and benefit. These categories are Signature Events, Major Council Ward Festivals, Events of Global Significance, Community Events for Communities of Interest and Civic Events. As outlined in Appendix 1, the categories are differentiated by event purpose; the level of funding required to run the event; the catchment area; estimated audience size; and event duration. The structure also stipulates the net cost of the event provided by Council will be capped as per Appendix 1. This amount *includes* any funding sought from other sources such as government grants, sponsorship and user fees.

The program of events that Council will deliver across each category will be:

- § determined on an annual basis;
- § subject to review as carried out during Council’s event planning;
- § scheduled within the financial year; and
- § ready for implementation prior to the commencement of the new financial year.

SUPPORTING

Various levels of support for events will be provided by the City of Kingston depending on the classification of the event type. Similar to the delivery of events, supported events will fall into one of five categories – International/National, Ward-based, Community, Corporate or Private. Categories have been used to

distinguish between event types and are summarised in Appendix 2. This structure looks at the level of funding eligible to event hosts; the level of in-kind support eligible to the event host; the number of events Council is able to support per annum, catchment area, and event notification timelines. The level of funding provided by Council will be capped as identified in appendix 2; however, groups and individuals are encouraged to seek additional funds from other sources such as state government grants and sponsorship.

The program of events that Council will support across each category will be:

- § determined on an annual basis;
- § scheduled within the financial year; and
- § subject to terms and conditions as specified in an agreement between Council and the Event Host.

PLANNING

Council has a role in planning events to ensure community needs and event objectives continue to be met and that events are continuously delivered at a high quality standard. In order to do so, the current schedule of events delivered by Council will be reviewed every three years against the following criteria:

- § Audience attendance and satisfaction levels;
- § Event objectives;
- § Total event cost;
- § Risk management principals; and
- § Identified community needs.

Council must also be able to participate in and benefit from one-off events that are of state/national significance such as participation in lead-up activities to the Commonwealth Games. In planning for one-off events, Council's Events team will identify what, when, where and how Kingston can be involved. A proposal will be presented to Councillors for consideration. Where possible, this will be presented to Councillors in the financial year prior to the event occurrence in order for it to be included in the relevant financial year budget.

5. FUNDING FOR COUNCIL DELIVERED EVENTS

- § Each event will be allocated into one of the five categories as indicated in Appendix 1.
- § Using the structure as per Appendix 1, funding is allocated to each event and included in the appropriate department's budget for the following financial year.
- § Upon final approval of the budget allocation, funding will be available for use by relevant departments as allocated in Council's financial management system.
- § The allocation of funding will be reviewed every 3 years to ensure relevant distribution of resources.

**6. FUNDING ASSISTANCE FOR COUNCIL SUPPORTED
EVENTS**

INTERNATIONAL/NATIONAL EVENTS

- § An allocation of \$80,000 will be added to the annual Festivals & Events budget to go towards supporting signature events.
- § To access funding, applicants are required to submit a sponsorship proposal to the City of Kingston outlining event details, target audience, benefit to Kingston and anticipated level of exposure.
- § Proposals must be submitted a minimum of 6 months prior to the event date and will be assessed by Council Officers. Recommendations will be presented to Councillors for ratification.
- § The Event Coordinator will be advised of outcomes and if successful will enter into a sponsorship agreement with Council.
- § Funding which remains unallocated as at 31st December, will be redirected to event related capital projects

WARD-BASED EVENTS

- § An allocation of \$45,000 will be added to the annual Festivals & Events budget to go towards 3 ward-based events (\$15,000 funding per event, per ward, per annum).
- § An expression of interest will be called for once every three years (prior to the opening of the Community Grants process), seeking applications from groups to enter into a 3 year agreement with Kingston for the implementation of a ward-based festival or event.
- § Applications will be assessed by Council Officers and recommendations will be forwarded to Councillors for ratification.
- § The Event Coordinator will be advised of outcomes and if successful will enter into an event funding agreement with Council.
- § The allocation of funding will be reviewed every 3 years to ensure relevant distribution of resources.

COMMUNITY EVENTS

- § As per the Community Grants Policy, an allocation of \$60,000 will go towards the delivery of community events. Applicants can receive a maximum of \$10,000 through this process and must comply with Kingston's Community Grants Policy.
- § Applications will be assessed by Council Officers and recommendations will be forwarded to Councillors for ratification.
- § The grant applicant will be advised of outcomes and if successful will enter into a grant funding agreement with Council.

**7. IN KIND ASSISTANCE FOR COUNCIL SUPPORTED
EVENTS**

PROVISION OF IN KIND SUPPORT

Eligibility for in kind support will depend on the category which the event falls in and is specified in Appendix 2. Council support includes:

- § Acting in an advisory capacity to the event organiser to ensure compliance with relevant laws and regulations;
- § Assisting with promotional marketing of the event using existing Council publications and resources. This includes possible advertising/editorial in 'Kingston Your City' and in Council's e-newsletters, mention during Council's radio hour on 88.3 Southern FM and possible inclusion of media release during Council's weekly media briefing;
- § Advice on funding opportunities; and
- § Servicing the event, which includes:
 - Ø the provision and collection of up to 4 rubbish and 4 recycle bins;
 - Ø street sweeping – minimum of 2 months notice required;
 - Ø beach sweeping – minimum of 2 months notice required;
 - Ø access to electricity and water – where possible;
 - Ø access to public toilets – where possible;
 - Ø aerial photo of event location for site-layout plans;
 - Ø advice on suitability of site-layout (regarding the installation of temporary structures);
 - Ø photocopying of up to 200 colour pages in A4 or A3 size;
 - Ø issuing traffic management permits, occupancy permits, building permits, and food permits (some fees may be involved in obtaining these permits); and
 - Ø issuing permits for the installation of real-estate boards/promotional signage at approved sites.
 - Ø Services outside of the above-mentioned items may be able to be provided, however associated costs will be transferred to the event host.

ITEMS INELIGIBLE FOR SUPPORT

The City of Kingston is unable to provide support for the following items:

- § Traffic Management Planning and Implementation – including the preparation of traffic management plans;
- § Provision of signage for implementation of traffic management plans;
- § Provision of public liability insurance (street parties excepted);
- § Other plans including site, risk and emergency management, public transportation and environment management plans;
- § Infrastructure and equipment including marquees, chairs, tables, PA Systems, lecterns, etc; and
- § Delivery of services that attract a direct or additional cost to Council.

8. NEW FESTIVALS & EVENTS

New festivals and events can be added to the current schedule of events that Council delivers in three ways as identified through the planning process. These include:

- § Identification of one-off events that Council should be involved in;
- § An existing event is replaced with a new event that better meets community needs and intended event objectives; or
- § Identification of a gap in the current schedule of events, where significant community need and community benefit has been established and where resources for event delivery have been secured.

New events can be freely added to the schedule of events that Council supports; however support for Ward-based events will be determined on a triennial basis, hence new events can only be added once every three years.

9. REFERENCE TO OTHER DOCUMENTS

- § Community Grants Policy
- § Access to Periodicals Policy
- § Sponsorship Policy

K 127

Local Law 2.15 Shopping Trolleys

Approved by: Trevor McCullough
General Manager Community Sustainability

Author: Neil Sheppard Team Leader Local Laws

1. Purpose

The purpose of this report is to commence proceedings to amend Local Law No. 2.15 Roads and Traffic (referred to as ‘Shopping Trolley Local Law’ in this report). The amendment is aimed at reducing the numbers of abandoned shopping trolleys in the community. The proposed amendment to the Local Law will require Supermarket operators to fit coin lock mechanisms to shopping trolleys.

2. Background

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

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

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

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

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

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

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

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

These initiatives by Council Officers have included:

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

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

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

3. Issues

Objectives of the Roads and Traffic Local Law include:

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

City of Kingston Experience

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

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

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

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

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

Experience in Other Municipalities

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

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

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

The City of Frankston has also recently implemented a similar Shopping Trolley Local Law, which took effect on 1 July, 2007. The main concern raised by the supermarket chains with the City of Frankston has been Frankston's original proposal to limit the coin operated lock to a \$2 coin or equivalent token. From the outset of Frankston's discussions with the supermarket operators, the flexibility of \$1 and \$2 coins was requested. Given the collective view of the Supermarket chains, the flexibility of \$1 and \$2 coins was included in the Shopping Trolley Local Law adopted by the City of Frankston.

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

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

Feedback from Supermarket Operators

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

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

Supermarkets contacted were

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

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

If Council decides to proceed with the proposed amendment to the Shopping Trolley Local Law it is required to follow the procedure prescribed in Section 119 of the *Local Government Act 1989*. Section 119 requires Council to give notice of its intention to amend the Local Law in the Victorian Government Gazette and in local newspapers. Any person affected by the proposed amendment may make a

submission, in writing. All submissions received must be considered by Council, or where Council so determines, by a Committee of Council. It is proposed that Council's Section 223 Submission Committee hear any submissions received in regard to the Shopping Trolley Local Law and report to Council.

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

Officers submit the following timeline for implementation of the Shopping Trolley Local Law:

- August 2008 Public Notice of Council's intention; local papers, Government Gazette, letters to supermarkets in Kingston; editorial in 'KYC; display information on Kingston website; and submissions invited.
- September 2008 Submissions close (following a 14 day period to receive submissions).
- October 2008 Section 223 Submission Committee hearing (verbal submissions).
- October 2008 Report to Council (Council Meeting) including consideration of Section 223 Committee submissions; National Competition Policy Review; and Council resolves to amend the Local Law.
- November 2008 Public Notice of making new Local Law; and Local newspapers and Government Gazette.
- November 2008 to January 09 Retailers to fit coin mechanisms and change their processes; and time for limited education and publicity.
- 1 February 2009 Local Laws come into operation; and Copy of Local Laws to Minister.

4. Options

Option 1

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

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

This option is recommended

Option 2

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

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

Option 3

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

Actions to be taken may include:

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

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

*This option is **not** recommended*

5. Triple Bottom Line Checklist

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

Environmental

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

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

Social

A reduction in abandoned shopping trolleys will improve neighbourhood amenity and reduce resident complaints. Abandoned shopping trolleys add to the perception that an area is not cared for, which can lead to safety concerns. There are also safety risks associated with abandoned shopping trolleys and they are often used in the breaking

of windows on shop fronts, at great expense to traders, property owners, and insurance companies.

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

Financial

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

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

6. Summary and Conclusion

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

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

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

7. Recommendation

That Council:

1. Resolve to commence the process to amend Local Law 2.15 as set out in the attached to this report that will require supermarket operators to fit coin mechanisms to shopping trolleys, and
2. Appoint a Section 223 committee comprising Councillor _____, the General Manager Community Sustainability and the Manager Local Laws and Health Services to hear submissions on the proposed amendment and report to Council.

Crs McKeegan/Alabaster

Motion:

That the recommendation be adopted, with Cr Alabaster nominated as the Councillor member of the Section 223 committee appointed to hear submissions on the proposed amendment and report to Council.

The Motion was **carried**.

Crs Athanasopoulos/Ronke

That Council:

1. Resolve to commence the process to amend Local Law 2.15 as set out in the attached to this report that will require supermarket operators to fit coin mechanisms to shopping trolleys, and
2. Appoint a Section 223 committee comprising Councillor Alabaster, the General Manager Community Sustainability and the Manager Local Laws and Health Services to hear submissions on the proposed amendment and report to Council.

That the recommendation be adopted.

Carried

Attachment:

Proposed wording of new amendment for Shopping Trolley Local Law.

Attachment 1

SHOPPING TROLLEYS AND COIN MECHANISMS

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

Penalty: 2 Penalty Units;

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

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

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

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

Penalty: 20 Penalty Units.”

K 128

**Master Plans for Kingston Arts Centre,
Kingston City Hall and Shirley Burke Hall**

Approved by:

Trevor McCullough,
General Manager Community Sustainability

Author:

Catherine Rinaudo
Co ordinator Arts and Cultural Development

1. Purpose

This purpose of this report is to present Council with the final master plan report for the Kingston City Hall, the Kingston Arts Centre and the Shirley Burke Hall.

2. Background

Theme one of the 2005-2008 Arts and Culture Strategy identified the importance of Cultural Capital with the key aim of increasing access to, awareness and use of Kingston's cultural facilities and environments. In order to ensure the future availability of cultural facilities that are appropriate for intended cultural use and maximise community benefit in culture. Clause two of the strategy calls for the development of master plans for the Kingston City Hall, Kingston Arts Centre and the Shirley Burke Hall.

The primary goal of the master plans is to ensure that Council arts facilities meet the needs of the Kingston Community now and into the future. The master planning process explored the current usage of each facility and looked at future trends and expectations.

Architects Priors, Cheney and Suter were appointed to develop the Master Plans. Brecknock consulting led stage one, which involved consultation with Council staff, user groups and the community. The stage one report takes into consideration Council policy, current usage levels, community expectations, demographic analysis and trends. The results are summarised in the master plan report, Attachment One.

The preliminary master plan report was presented to the Master Plan Advisory Committee and current user groups for discussion before being formally considered by Council.

3. Issues

The architects Prior, Cheney and Suter along with Brecknock Consulting presented their findings and the preliminary master plan for the three facilities to the Master Plan Advisory Committee and current user groups on Thursday 24 July 2008 in the Chamber at the Arts Centre. The process of developing the master plans and the findings were described along with the recommendations and the three priority areas. Priority One addressing safety and compliance, priority two addressing functionality and costed over a five to ten-year plan, depending on budget availability. Priority three are the longer-term enhancements that would require further exploration before

being considered by Council and do not represent a commitment at this stage. The priority three recommendations are identified as works that would enhance the functionality of each facility and would require further detailed analysis prior to any consideration by Council.

There are no changes to the master plan recommendations as a result of the consultation held on Thursday 24 July.

4. Triple Bottom Line Checklist

Financial

Safety and compliance are high priority recommendations and are currently underway within the 2007/08 and 2008/09 financial years. Bids in the capital works budgets over the next five years will determine priority allocations for the three facilities. The recommendations are spread over a ten-year cost plan and are consistent with Council's ten-year capital works strategy. Attachment Two provides a summary of the master plan recommendations alongside the ten-year cost plan.

Social

The consultations with user groups and the needs analysis undertaken through the development of the master plans have confirmed the social importance of arts facilities to the Kingston community. The master plans ensure that Kingston's Arts Facilities will continue to make a significant contribution to the quality of life of Kingston residents and be an important ingredient in the mix to ensure the vitality of the arts in Kingston.

Environmental

Improvements to the facilities will improve efficiency and minimise environmental impact.

5. Summary and Conclusion

Master planning for the three Kingston Arts Facilities, Kingston City Hall, Kingston Arts Centre and the Shirley Burke Hall provides Council with an understanding of the current conditions, user expectation and potential of the three facilities to meet community need and deliver arts and cultural services.

The recommendations in the master plans are prioritised into three categories and a ten-year cost plan, these categories are:

1. Priority One: Occupational Health and Safety issues for immediate attention;
2. Priority Two: Longer term works that address amenity and efficiency; and
3. Priority Three: Facility Enhancements.

Adoption of the final master plan will enable Council Officers to take the necessary steps and integrate capital works planning over the next ten years to ensure the continued high level of arts and cultural services for the City.

6. Recommendation

That Council resolve to adopt the Master Plans for the Kingston City Hall, Kingston Arts Centre and the Shirley Burke Hall.

Crs Alabaster/Athanasopoulos

That the recommendation be adopted and the members of the Consultative Committee and officers involved in this process, be congratulated and thanked for their efforts.

Carried

Attachment 1: Master Plan (circulated separately)

Attachment 2: Ten-Year Cost Plan

K 129

Revised Policy on Hostel Bonds Collection

Approved by: Trevor McCullough, General Manager Community Sustainability

Author: Rob Crispin, Manager, Community & Aged Services

1. Purpose

This report proposes a revised Bonds Policy for Council's Residential Aged Care Hostels. The last revision of the Bonds Policy was conducted in October 2006, however, since then house values on which bonds are primarily based have increased. Consequently, there is a need to review the level of bonds which may be taken.

This report relates to Council's Plan 2007/2012, Planned Outcome 5: Quality Leadership and Governance "5.4 Ensure a Financially Viable and Accountable Organisation".

2. Background

Bonds have been collected for entry into Council's three residential aged care hostels according to the ability of people to pay under the Commonwealth Government's regulations. These regulations stipulate that assets testing of an individual must be conducted by Centrelink or the Department of Veteran's Affairs. This financial assessment takes into account asset values (usually the person's home, and other cash, property and/or investment portfolios).

The value of hostel bond collections held in trust by Council is currently \$8.7M. The interest and retentions allowable under the legislation are used to provide for the needs of the 142 residents in care at one of Council's aged care facilities.

Council's Hostel Bonds Policy no longer reflects current market value of houses. In some cases, house values have increased by more than 30% since 2006. Consequently, there are a number of residents with asset values exceeding \$500,000 although Council's current Bonds Policy has an upper collection limit of \$300,000 for assets valued \$500,000 and over. This means that the resident and perhaps their independent children are retaining a benefit that would otherwise support the resident in the hostel. It is therefore proposed that bond limits are revised as house values continue to rise. For example, to cater for recent and near future rises in asset values it is proposed that the top assessed value is increased to \$700,000 and over with the corresponding bond to increase to \$450,000 or higher.

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The following table demonstrates the proposed changes for Bond collection:

Description and Current Bond Amount	Corresponding Proposed Change
Assets less than \$200,000 - negotiated	No change
Assets between \$200,000 and \$299,999 - \$160,000	No change
Assets between \$300,000 and \$399,999 - \$200,000	Bond of \$250,000
Assets between \$400,000 and \$499,999 - \$250,000	Bond of \$300,000
Assets exceeding \$500,000 - \$300,000	Assets between \$500,000 and \$599,999 Bond of - \$350,000
Nothing current	Assets between \$600,000 and \$699,999 Bond of- \$400,000
Nothing current	Assets exceeding \$700,000 Bond of - \$450,000 or greater as negotiated

It is also proposed that the administrative fee for varying a bond amount is increased from \$250 to \$300. This would better cover the actual cost involved in adjusting a bond following initial agreement on the ingoing contribution.

The revised proposed policy continues to reflect legislative requirements and industry practices.

3. Issues

The need to revise the Bonds Policy is based on the following factors:

- Residents are being assessed as having the capacity to pay more in bonds due to the increased value of their houses which is usually the major component of assets.
- The policy needs to reflect increases in collectible bonds if Council is to meet the Commonwealth Government's expectation for the financial sustainability of residential aged care facilities.
- Council's Hostel Managers must seek managerial approval when bonds exceeding \$450,000 become available.
- The revised policy retains its "easy to read" style and aligns with legislative requirements.
- The policy continues to form part of the Resident's Agreement.

Council's current Hostel Bonds Policy is included as Attachment A.

The Hostel Bond Policy revision is included as Attachment B (with changes indicated in bold, and italic font).

4. Options

Option A – Endorse the revised Bonds Policy.

The revised policy provides Council and applicants for hostel accommodation with an easy to read document which contains all the relevant details regarding bond collection in the current residential aged care market.

The revised policy conforms to legislative requirements and is in keeping with industry practice. Adoption of the revised policy will benefit the care of residents in Council's hostels.

Option B – Not endorse the revised Bonds Policy.

Council may chose to retain the current version of the policy. This will limit the funds available to Council and thus some hostel capital and operational costs may be subsidised by ratepayers.

5. Triple Bottom Line Checklist

5.1 Budget/Financial Impact

The revised policy optimises income for hostel services and provides sufficient information to ingoing residents which may minimise costly legal challenges in the event of disputes.

5.2 Social Impact

Adoption of the revised policy is a responsible approach to meeting the needs of residents and their relatives. Funding from various sources allowed through the legislation is used to provide and enhance hostel services and thus Council meets the social needs of its community in providing residential care facilities.

5.3 Environmental Impact

Not applicable.

6. Summary and Conclusion

Bond collection is a vital part of responsible financial management of residential aged care services. The proposed revised policy is clear and provides appropriate information regarding bond handling by Council. Endorsement of the revised bond policy will ensure Council is aligned with good industry practice and optimises the allowable revenue for the service.

7. Recommendation

That Council approves the revised Hostel Bonds Policy included as Attachment B.

Crs Athanasopoulos/Ronke

That the recommendation be adopted.

Carried

Attachment A - Council's current Hostel Bonds Policy.

Attachment B – Revised Hostel Bonds Policy

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ATTACHMENT A

Accommodation Bonds Policy

AGED HOSTELS

Policy No: 2
 Page: 1 of 4
 Issue: 2
 Prepared: 25 September 2006
 Adopted by Council on: 20 November 2006
 Trim No: 08/60821

Purpose: To ensure that accommodation bonds are obtained from eligible persons in accordance with legislative requirements.

Responsibility: Community Services Manager, Team Leader (Hostels), Hostel Managers

Para	Policy Statement	Ref
	Note: In cases of discrepancy between this policy and the legislation, the legislation should be relied upon. Applicants are advised to seek independent financial advice regarding the payment of bonds.	
<p>1 Bond payment</p> <p>1.1 All eligible persons requesting admission to Kingston Council's Hostels shall be financially assessed for eligibility to pay accommodation bonds that can be paid:</p> <ul style="list-style-type: none"> • as a lump sum, • by periodic payment, or • a combination of both. <p>1.2 Bond payment is not applicable for residents assessed as 'concessional'.</p> <p>1.3 A lump sum amount must be paid within six months of entry. Periodic payments must be paid as agreed between Council and the resident/relative.</p> <p>1.4 The resident/relative shall be required to pay interest daily, at the rate set by the Department of Health & Ageing, on the outstanding amount from the date of admission until the full amount of Bond is paid.</p> <p>1.5 Failure to pay amounts as agreed with Council's representative and subsequently documented may lead to a discharge of the resident from the facility. Council will pursue full recovery of all outstanding debts.</p>	<p>The Aged Care Act 1997</p> <p>The Aged Care Act 1997</p>	
<p>2 Bond Assessment</p> <p>2.1 Prior to entry, either Centrelink or the Department of Veterans' Affairs must determine the total value of a resident's assets. This asset value is used to determine the bond amount to be paid or a concessional status if applicable. If an applicant's asset information is not provided to Centrelink or the Department of Veterans' Affairs that person may not qualify for admission to a City of Kingston Hostel, or they may be asked to pay the maximum income-tested fee.</p>	<p>The Aged Care Act 1997</p>	

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2.2	<p>The resident's former home is not included as an asset for calculating an accommodation payment under these circumstances that are described by Centrelink or the Department of Veterans' Affairs (DVA):</p> <ul style="list-style-type: none"> • If the resident's partner or dependent child is living in it; • A carer of the resident has been living there for at least two years, and is eligible to receive an income support payment, such as Centrelink or DVA means tested pension or benefit; or • If a close relation has been living there for at least five years, and is eligible to receive an income support payment, such as Centrelink or DVA means tested pension or benefit. <p>Centrelink generally postpones counting the former home as an asset for up to two years after a person enters residential care. The former home does not need to be occupied in order for this exemption to apply. This enables the resident time to seek financial advice about options relating to the home.</p>	
3 3.1 3.2 3.3	<p><u>Retention Amount</u></p> <p>A specified capped retention amount determined by the Department of Health & Ageing and included in the Accommodation Bond Agreement is to be deducted from an Accommodation Bond balance for each month, or part of a month, for a maximum of five years from the date of entry.</p> <p>Where a bond is paid partly by lump sum and partly by periodic payments, the maximum retention amount applies to the total lump sum accommodation bond</p> <p>If the resident is provided with care for two months or less, retention amounts will be retained for the whole of the month in which the resident entered the aged care home, and the following two months.</p>	The Aged Care Act 1997
4	<p><u>Bond Refund</u></p> <p>Documentation is required to prove that the refund is being made to a legally authorised person. Upon receipt by Council of a formal notification for refund from this authorised person the following conditions apply:</p> <ul style="list-style-type: none"> • If more than 14 days notice is provided, the bond balance will be refunded on the day the resident leaves. • If less than 14 days notice is provided, the balance of the Bond will be refunded within 14 days after the authorized person gives notice. • If no notice is given before departing, the refund will be made within 14 days after the resident leaves the facility. • Upon the death of a resident, the accommodation bond balance will be refunded within 14 days of Council being provided with a probate or a Letter of Administration. 	The Aged Care Act 1997
5 5.1	<p><u>Bond Calculations</u></p> <p>The following schedule is to be adhered to for Bond collection:</p> <ul style="list-style-type: none"> • Assets exceeding \$500,000 = Bond of \$300,000 • Assets between \$400,000 and \$499,999 = Bond of \$250,000 • Assets between \$300,000 and \$399,999 = Bond of \$200,000 • Assets between \$200,000 and \$299,999 = Bond of \$160,000 • Assets less than \$200,000 = Negotiated 	

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5.2	<u>Negotiated bonds must be recommended by the relevant Hostel Manager for consideration and authorisation by the Chief Executive Officer or approved delegate.</u>	
5.3	<u>Residents cannot be charged an accommodation payment if a determination is in force that paying an accommodation payment would cause them financial hardship. Capital retention rates set by the Commonwealth Government also apply.</u>	
6	<u>Alterations to Bond Amount</u> The bond amount which is agreed upon prior to a resident's entry to a Kingston Hostel is final. Consideration to vary the bond will only be given in exceptional circumstances. Administration charges apply to all alterations processed. The charge for each Bond alteration in the 2006-2007 financial year is \$250 plus any legal costs.	
7	<u>Non Payment of Bond Owing</u> <u>All monies owed shall be collected as per Kingston Council's Debt Recovery Policy including interest and administration charges.</u> This policy is subject to the Aged Care Act (1997) and its Regulations. Consequently, any fee changes approved by the Commonwealth Government will become effective immediately unless existing arrangements are exempt.	The Aged Care Act 1997
8	A copy of this policy is to be provided to all applicants for admission to Council's Residential Aged Care Hostels. <u>A signed copy of this policy shall be provided to Council by all applicants or their authorised agents in the format included on Page 4 below.</u> Note: The term 'resident' also refers to an applicant for a place at one of Council's hostels.	

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Declaration by the Applicant or his/her Legally Recognised Representative

I, (Print full name)

of

.....

.(Address)

being the applicant or legal recognised representative of the applicant for admission to a Kingston Council's Hostel hereby declare, affirm and accept full responsibility to pay a bond, interest, and retentions in accordance with this policy. I have received a copy of this document and understand and agree to the requirements contained therein.

(Print Name of Applicant/Representative)

(Signature of Applicant/Representative)

Date

Witnessed by Kingston Council Representative of its Hostel Service

(Print Name of Council Representative)

(Signature of Council Representative)

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ATTACHMENT B

Accommodation Bonds Policy

AGED HOSTELS

(Proposed Revision – July 08 – seen in bold/italics)

Policy No: 2
 Page: 1 of 4
 Issue: 3
 Prepared: 25 September 2006
 Adopted by Council on: 20 November 2006
 Revision adopted by Council on: (to be inserted)
 Trim No: 08/60826

Purpose: To ensure that accommodation bonds are obtained from eligible persons in accordance with legislative requirements.

Responsibility: Manager, Community & Aged Services, Team Leader (Hostels), Hostel Managers

Para	Policy Statement	Ref
	Note: In cases of discrepancy between this policy and the legislation, the legislation must be relied upon. Applicants are advised to seek independent financial advice regarding the payment of bonds.	
<p>1</p> <p>1.1</p> <p>1.2</p> <p>1.3</p> <p>1.4</p> <p>1.5</p>	<p>Bond payment</p> <p>All eligible persons requesting admission to Kingston Council's Hostels shall be financially assessed for eligibility to pay accommodation bonds that can be paid:</p> <ul style="list-style-type: none"> • as a lump sum, • by periodic payment, or • a combination of both. <p>Bond payment is not applicable for residents assessed as 'concessional'.</p> <p>A lump sum amount must be paid within six months of entry. Periodic payments must be paid as agreed between Council and the resident/relative.</p> <p>The resident/relative shall be required to pay interest daily, at the rate set by the Department of Health & Ageing, on the outstanding amount from the date of admission until the full amount of Bond is paid.</p> <p>Failure to pay amounts as agreed with Council's representative and subsequently documented may lead to a discharge of the resident from the facility. Council will pursue full recovery of all outstanding debts.</p>	<p>The Aged Care Act 1997</p> <p>The Aged Care Act 1997</p>
<p>2</p> <p>2.1</p>	<p>Bond Assessment</p> <p>Prior to entry, either Centrelink or the Department of Veterans' Affairs must determine the total value of a resident's assets. This asset value is used to determine the bond amount to be paid or a concessional status if applicable.</p> <p>If an applicant's asset information is not provided to Centrelink or the Department of Veterans' Affairs to determine the value of bond, that person may not qualify for admission to a City of Kingston Hostel, <i>or they may be invited to pay a Bond as determined suitable at that time as offered by Council's delegated manager responsible for the service. This offer will be based on the higher contribution levels.</i></p>	<p>The Aged Care Act 1997</p>

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<p>2.2</p> <p>2.3</p> <p>2.4</p>	<p><i>There are provisions under the Act for people to apply for “financial hardship” if they have difficulty in paying their aged care payments or accommodation bonds. If a determination under the Act is in force, residents cannot be charged a bond.</i></p> <p>The resident’s former home is not included as an asset for calculating an accommodation payment under these circumstances that are described by Centrelink or the Department of Veterans’ Affairs (DVA):</p> <ul style="list-style-type: none"> • If the resident’s partner or dependent child is living in it; • A carer of the resident has been living there for at least two years, and is eligible for income support payment from Centrelink or DVA means tested pension or benefit; or • If a close relation has been living there for at least five years, and is eligible for income support payment from Centrelink or DVA means tested pension or benefit. <p>Centrelink generally postpones counting the former home as an asset for up to two years after a person enters residential care. The former home does not need to be occupied in order for this exemption to apply. This enables the resident time to seek financial advice about options relating to the home.</p>	
<p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><u>Retention Amount</u></p> <p>A specified capped retention amount determined by the Department of Health & Ageing and included in the Accommodation Bond Agreement is to be deducted from an Accommodation Bond balance for each month, or part of a month, for a maximum of five years from the date of entry.</p> <p>Where a bond is paid partly by lump sum and partly by periodic payments, the maximum retention amount applies to the total lump sum accommodation bond</p> <p>If the resident is provided with care for two months or less, retention amounts will be retained for the whole of the month in which the resident entered the aged care home, and the following two months.</p>	<p>The Aged Care Act 1997</p>
<p>4</p>	<p><u>Bond Refund</u></p> <p>Documentation is required to prove that the refund is being made to a legally authorised person. Upon receipt by Council of a formal notification for refund from this authorised person the following conditions apply:</p> <ul style="list-style-type: none"> • If more than 14 days notice is provided, the bond balance will be refunded on the day the resident leaves. • If less than 14 days notice is provided, the balance of the Bond will be refunded within 14 days after the authorized person gives notice. • If no notice is given before departing, the refund will be made within 14 days after the resident leaves the facility. • Upon the death of a resident, the accommodation bond balance will be refunded within 14 days of Council being provided with a probate or a Letter of Administration. 	<p>The Aged Care Act 1997</p>
<p>5</p>	<p><u>Bond Calculations</u></p> <p>The following schedule is to be adhered to for Bond collection:</p> <ul style="list-style-type: none"> • <i>Assets exceeding \$700,000 = Bond of \$450,000 or greater as *negotiated</i> • <i>Assets between \$600,000 and \$699,999 = Bond of \$400,000</i> • <i>Assets between \$500,000 and \$599,999 = Bond of \$350,000</i> • <i>Assets between \$400,000 and \$499,999 = Bond of \$300,000</i> • <i>Assets between \$300,000 and \$399,999 = Bond of \$250,000</i> • <i>Assets between \$200,000 and \$299,999 = Bond of \$160,000</i> 	

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	<ul style="list-style-type: none"> • Assets less than \$200,000 = Negotiated <p>*must be approved in accordance with point 5.2 below.</p> <p><u>Negotiated bonds must be recommended by the relevant Hostel Manager for consideration and authorisation by the Chief Executive Officer or approved delegate.</u></p> <p><i>(for 5.3 see 2.2)</i></p>	
<p>6</p> <p>6.1</p> <p>6.2</p>	<p><u>Alterations to Bond Amount</u></p> <p>The bond amount which is agreed upon prior to a resident's entry to a Kingston Hostel is final. Consideration to vary the bond will only be given in exceptional circumstances</p> <p>Administration charges apply to all alterations processed. The charge for each Bond alteration <i>will be determined by Council through its annual budget process plus any legal costs. The fee commencement in the 2008-09 financial year is \$300.</i></p>	
<p>7</p> <p>7.1</p> <p>7.2</p>	<p><u>Non Payment of Bond Owning</u></p> <p><u>All monies owed shall be collected as per Kingston Council's Debt Recovery Policy including interest and administration charges.</u></p> <p>This policy is subject to the Aged Care Act (1997) and its Regulations. Consequently, any fee changes approved by the Commonwealth Government will become effective immediately unless existing arrangements are exempt.</p>	The Aged Care Act 1997
<p>8</p> <p>8.1</p> <p>8.2</p>	<p>A copy of this policy is to be provided to all applicants for admission to Council's Residential Aged Care Hostels.</p> <p><u>A signed copy of this policy shall be provided to Council by all applicants or their authorised agents in the format included on Page 4 below.</u></p> <p>Note: The term 'resident' also refers to an applicant for a place at one of Council's hostels.</p>	

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Declaration by the Applicant or his/her Legally Recognised Representative

I,

(Print full name)

of

.....

.(Address)

being the applicant or legally recognised representative of the applicant for admission to a Kingston Council's Hostel hereby declare, affirm and accept full responsibility to pay a bond, interest, and retentions in accordance with this policy **and the Aged Care Act 1997**. I have received a copy of this document and understand and agree to the requirements contained therein.

(Print Name of Applicant/Representative)

(Signature of Applicant/Representative)

Date

Witnessed by Kingston Council Representative of its Hostel Service

(Print Name of Council Representative)

(Signature of Council Representative)

Date

K 130

Kingston 2009-2013 Cycling and Walking Plan

Approved by: Trevor McCullough, General Manager Community Sustainability

Author: Hannah Croughan, Leisure Planner

1. Purpose

The purpose of this report is to present the draft 2009-2013 Kingston Cycling and Walking Plan to Council for formal adoption.

2. Background

In 2006 Council requested that the 2003-2008 Kingston Bicycle Strategy be reviewed and a new document be prepared to guide the provision of cycling opportunities in the municipality over the five-year period from 2009-2013. A detailed review of the 2003-2008 Strategy was completed in 2007 and Council was provided with a report summarising the issues influencing the delivery of the original strategy. Subsequently, a new Plan which draws on the findings of the 2003-2008 Kingston Bicycle Strategy Review as well as an extensive consultation process and literature review was prepared to provide a framework for implementation of an annual based capital works program for cycling. Walking was not included in the 2003-2008 Strategy however the Review suggested the inclusion of walking as a leisure/recreation activity which shared paths also specifically cater for, hence the title and content of the new document was expanded to become a Cycling and Walking Plan.

3. Issues

3.1 Review Issues

The review of the 2003–2008 Kingston Bicycle Strategy and associated capital works program revealed a variety of issues and opportunities that Council could pursue with regard to future provision of cycling opportunities and facilities. The 2009-2013 Kingston Cycling and Walking Plan provides responses to the identified issues with the aim of improving future outcomes for cycling as well as walking (the majority of trails within Kingston are shared use paths, encouraging both pedestrian and cyclist use. Additionally, the literature review revealed a distinct need to improve both pedestrian and cyclist access across the city. Consequently, the new Facility Plan will address both activities, as opposed to cycling alone).

A summary of the issues and responses are listed below:

- **Funding**
Council has limited ability to fund all projects solely through the Capital Works Program and should seek to partner where possible to access additional financial resources.

- **Collaborative Implementation**
Council must ensure that an integrated approach to implementation occurs across all departments and that external partners are engaged as appropriate. The Plan recommends the creation of a Cycling and Walking Network Management Group which will comprise representation from a range of Council Departments (and external organisations as necessary).
- **Maintenance**
Council must ensure that adequate and timely maintenance is proactively implemented across the network. Council's Asset Management Planning process will assist to determine agreed service levels.
- **Risk Management**
Council currently responds to risk on the bicycle network in an ad-hoc manner. There is a need to pro-actively identify and respond to risk issues.
- **Accountability and Reporting**
There is a need to report regularly to the community and to Council regarding the implementation of cycling and walking facility improvements – it is proposed that quarterly reporting be built in to departmental reporting processes.
- **Project Priority Setting**
Implementation of the Facility Plan should reflect the community's aspirations and needs as expressed via the Plan's objectives and priority areas.
- **Project Feasibility**
All proposed capital works projects must be determined feasible before being committed to the implementation program. This must include preparation of concept designs to inform budget allocations.
- **On-Road vs. Off-Road**
Commuter and recreational cyclists have distinct perspectives, with recreational cycling and walking being encouraged predominately through the provision of off-road trails. Council should recognise the different needs of each and nominate responsible officers dependent on areas of expertise.
- **Bay Trail Integration**
When completed, the Kingston Bay Trail will form an important part of the Kingston cycling and walking facility network. The 2009-2013 Kingston Cycling and Walking Plan will consider connectivity and linkages between the Bay Trail and the broader network however it will not include capital works planning for the Bay Trail.

3.2 Research

In preparing the draft facility plan, a range of data sources were consulted in order to build an accurate representation of cycling and walking in Kingston. A comprehensive literature review of federal, state and neighbouring local government strategies relating to cycling and walking was performed, current and previous census data was reviewed and a targeted survey was undertaken by Bicycle Victoria for the study area.

This survey known as "Bike Scope" received over 1000 responses and identified respondents' most accessed cycling routes in Kingston as well as the areas that current users deemed to require improvement.

It is acknowledged that the survey was limited somewhat in the information it provided e.g. it targeted current cyclists and pedestrians, the majority of whom resided in suburbs along the bay. In acknowledgment of this fact additional data of relevance to the northern suburbs of Kingston including Clarinda, Clayton South, Waterways and Dingley was located within

Trim to ascertain issues previously highlighted by those communities about cycling and walking facilities.

Additionally, staff from Parks and Urban Design; Engineering Design; Strategic Planning; Traffic and Transport; Roads and Drains; and Leisure Planning have been consulted including input in the review of the 2003 – 2008 Bicycle Strategy as well as comments/feedback regarding the proposed objectives of the 2009 – 2013 Cycling and Walking Plan.

3.3 Facility Plan Objectives

The objectives of the draft Facility Plan were formulated from the review of the 2003-2008 Bicycle Strategy and the research as detailed above. The objectives provide the framework for identifying and prioritising projects to be implemented across the network. The objectives are:

1. Provision of a quality network of cycling and walking routes with an emphasis on local activity hubs, major trails, cross municipal access and provision of supporting network infrastructure.
2. Integration of Council policy and practice to facilitate cycling and walking
3. Provision of supporting amenities and end of trip facilities
4. Effective co-ordination and monitoring of implementation plan
5. Improved maintenance and management of existing facilities
6. Improved safety for cyclists and walkers
7. Effective encouragement and promotion of cycling and walking

3.3 Public Comment Period

Following approval by Council in March 2008, the draft Plan was made available for a four week public comment period in order to test the proposed principles, objectives and priority areas as well as receive capital works proposals detailing projects local cyclists and pedestrians would like to see completed across the network over the coming five years. This public comment process was well received by the community with a total of 74 submissions and 68 project proposals received during the four week period. Below is a summary of the key issues raised during the public comment period:

- **Maintenance** – Many respondents to the public comment period noted maintenance of existing facilities as a high priority. The suggestions made regarding improvements to the current maintenance regime are being considered at present via the development of an Asset Management Plan (2008) for cycling and walking facilities. This plan will eventuate in agreed service levels for maintenance including how often it should be undertaken, what should be completed during each maintenance cycle, who is responsible for such tasks, as well as financial allocations required for the completion of such tasks.

- **Shared Use issues** – the issue of shared use was raised by a variety of users of shared trails including people with limited mobility using motorized scooters, cyclists and pedestrians. The general theme seems to be around educating all users to share the facilities. It is recommended that a key component of the Cycling and Walking Management Group's role will be to investigate signage/education options and develop design standards for provision of shared paths which ensure the safety of all users is considered. This will include education around user etiquette and could involve partnering with Bicycle Victoria and/or VicRoads to access existing education programs such as 'Share the Road'.
- **Commuter Vs Recreational cycling and walking** – The scope of the 2009-2013 Kingston Cycling and Walking Plan focused largely on the creation and enhancement of new and existing infrastructure for the purposes of recreational walking and cycling. Feedback received during the public comment period suggests that a greater emphasis should be placed on the environmental benefits of walking and cycling as a sustainable transport mode. The environmental benefits of walking and cycling will be included in the Plan along with the physical and mental health, and economic benefits. However, it is recommended that further work be undertaken as a result of this Plan regarding the specific needs of commuter cyclists including end of trip facilities, cycling and walking access to and from public transport such as rail stations, and specific desire lines for commuter cyclists.

The capital works proposals made by local cyclists and pedestrians were varied and ranged from bicycle parking and drinking fountains to an on road lane the length of the Nepean Highway. The most commonly requested projects were as follows:

- Access to, from and within Waterways
- Springvale Road
- Westall/Clayton South east west link including access to open space and community facilities
- Nepean Highway – intersection treatments, delineation of wide Kerbside lanes
- Supporting amenities – shading/seating/bicycle parking/drinking fountains
- Linkages to neighbouring municipalities – particularly at South Road.
- Beach Road – on road safety/clearways.

All capital works projects suggested during the public comment period will be assessed along with others identified during the literature review, as prescribed within the Facility Plan i.e. by the Management Group on an annual basis and in accordance with the specified principles, objectives, and priority areas. This will allow the community to continue to make suggestions for network enhancements throughout the year and will ensure that at any given time the highest priority projects are able to be completed.

3.4 Implementation

Achievement of the Plan's objectives requires a cross-organisational approach to planning and implementation. The Plan recommends the formation of an inter-departmental Kingston Cycling and Walking Management Group. Its role is to ensure an integrated process for developing the network including project management for all network improvements, lifecycle planning including maintenance, risk management, reporting and promotion.

It is proposed that the Kingston Cycling and Walking Management Group be led by a Support Officer. Ideally this role would become the focal person for all cycling and walking matters within Kingston and would facilitate the activities of the Cycling and Walking Facility Management Group. This role would be known as the Cycling and Walking Management Group Support Officer and would be responsible for overseeing and facilitating the implementation of the 2009-2013 Kingston Cycling and Walking Plan; internal and external liaison for any cycling and walking issues raised internally or by the community

and/or stakeholders; identification of alternative funding opportunities; identifying opportunities to improve cycling and walking infrastructure as part of any urban, road or park proposals; review of any proposed infrastructure and landscaping projects initiated by Council or others to ensure cycling and walking access/opportunities are enhanced where possible; promotion of cycling and walking in local newspapers, Council newsletters and updating the Council cycling webpage; and creation of partnerships with neighbouring LGAs, appropriate agencies and Bicycle User Groups.

4. Triple Bottom Line Checklist

- **Environmental** – No significant positive or negative environmental impacts will result from formal adoption of the 2009-2013 Kingston Cycling and Walking Plan. Implementation of the adopted Plan can have a positive environmental effect through amenity and landscaping improvements. Positive environmental impacts may also result when the uptake of more sustainable modes of transport such as cycling and walking is increased. The Plan recommends that all works across the Cycling and Walking network be completed with an environmentally sensitive design focus including use of recycled materials where possible.

- **Social** - Positive social outcomes have already been attained via this project including a consultation process which meaningfully engaged the community and involved them in the planning of cycling and walking facilities in their community. Additionally, planning the network to be consistent with existing and forecast cycling and walking facility needs will ensure that the community's ability to gain the social, health and wellbeing benefits associated with both cycling and walking is improved.

- **Financial** - Council has supported the implementation of the 2009-2013 Kingston Cycling and Walking Plan through a provisional allocation of \$150,000 per annum in the five year capital works program. Depending on the identified projects, this allocation can be expected to complete between 3-5 projects per financial year. Additional funds from grants, developer contributions and other external sources will enable the number of identified projects that can be undertaken in any one year to be increased.

5. Summary and Conclusion

The review of the 2003-2008 Kingston Bicycle Strategy identified a series of constraints impacting the implementation of the strategy objectives and capital works projects. Analysis of the constraints has informed the objectives and recommendations of the 2009-2013 Kingston Cycling and Walking Plan.

The Facility Plan is backed by a comprehensive research and analysis process including literature reviews, targeted surveying, one-on-one meetings with relevant stakeholders such as the Kingston Bicycle Users Group, Bicycle Victoria and neighbouring LGAs, as well as a four week public comment period during which in excess of 100 submissions were received.

The review process and research has produced a set of objectives that reflect community expectations and which learn from the issues identified in the 2003-2008 Bicycle Strategy Review.

A coordinated internal planning and implementation process is required to ensure Council efficiently responds to community needs and aspirations for cycling and walking facilities across the municipality. As such, the creation of a Kingston Cycling and Walking Management Group to facilitate coordinated implementation of the Facility Plan is a key recommendation of the draft Plan. In 2008-2009 the role of the Cycling and Walking Management Group Support Officer will be incorporated in an existing Officer's position. This will be reviewed for the 2009-2010 financial year.

In order to meet community aspirations and expectations with regard to the local cycling and walking network it is imperative that the organisation views implementation of the Cycling and Walking Facility Plan as a whole of Council document requiring shared responsibilities.

Annual capital works planning will be a key role of the Kingston Cycling and Walking Management Group. Projects will be assessed by the Group, against the criteria as prescribed in the Plan. Leisure Planning will take a lead role to establish and support this Group during 2008-2009.

Council has supported the implementation of the 2009-2013 Kingston Cycling and Walking Plan through a provisional allocation of \$150,000 per annum in the five year capital works program. Depending on the identified project priorities, this allocation can be expected to complete between 3-5 projects per financial year.

6. Recommendation

That Council resolve to formally adopt the 2009-2013 Kingston Cycling and Walking Plan.

Crs Ronke/West

That the recommendation be adopted.

Carried

Attachment(s):

2009-2013 Kingston Cycling and Walking Plan (*circulated separately*)

Consultation Plan for the 2009-2013 Kingston Cycling and Walking Plan

Public comment period submissions

Capital Works Proposals including Public Comment period project proposals

K 131

Dingley Football Electronic Scoreboard Proposal

Approved by: Trevor McCullough – General Manager Community Sustainability

Author: Nigel Brown – Team Leader Leisure Planning

1. Purpose

The purpose of this report is to request Council's support on a proposal to install an electronic scoreboard at Dingley Recreational Reserve, Dingley Village.

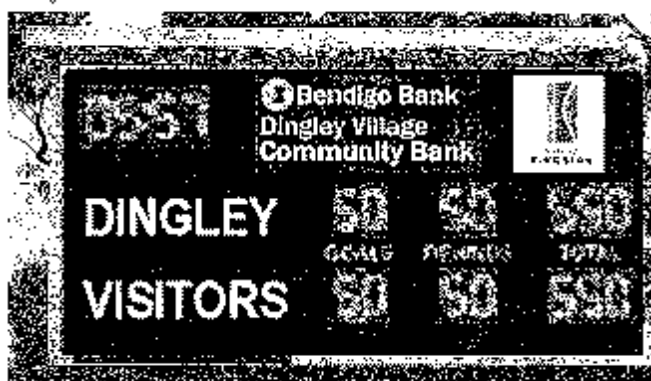
2. Background

Dingley Football Club has approached Council with a proposal to install an electronic scoreboard facility to replace their existing manual scoreboard. The proposal has the financial support of the Bendigo Bank, Dingley Village and the support of the other major user of the facility, the Dingley Cricket Club. The club is seeking approval and part financial support for the project from Council.

3. Issues

The scoreboard facility at Dingley Recreational Reserve is located on a 2nd floor above the canteen in the change room pavilion. It has been traditionally been accessed via ladder from the canteen into a hatch in the roof. There have been a number of incidents in recent years where people have been injured or had close misses due to the accessibility issues associated with the scoreboard facility.

The proposed new electronic scoreboard, works via infrared signal and can be used remotely from other points around the ground. It will remove the need for people to access the 2nd floor scoreboard, thus eliminating the risk to users. The scoreboard can be configured for both cricket and football use so will be utilised twelve months of the year at the reserve.



Picture 1: Proposed look of the new electronic scoreboard

It is proposed that the new scoreboard will be mounted to the front of the existing scoreboard and will be installed using volunteer labour and in-kind donation of equipment from club sponsors. The club have nominated a registered builder to supervise the installation and they have provided all relevant insurances and paperwork to ensure that the job is undertaken safely. The club will be responsible for ongoing maintenance and repairs to the scoreboard.

There is no specific capital works funding allocated to this project in 2008/2009, however an opportunity exists to access unallocated funds within the Leisure Planning Capital Works budget area.

4. Triple Bottom Line Checklist

4.1 Budget/Financial impact

The project has been costed at \$20,003.50, with Bendigo Bank providing \$10,003.50 & Council providing \$10,000. It is proposed that Council's contribution comes from the \$31,000 remaining unallocated in the 2008/2009 capital works program for Council contributions to Sport & Recreation Victoria Projects. This funding source has been previously allocated to sports facility improvement projects such as the resurfacing of the Chelsea Netball Association courts.

4.2 Social impact

Positive social impact for the sports clubs based at the reserve who will have a functional and safe scoring facility. The in-kind labour donated to the installation is likely to improve the clubs sense of community and pride in the facility.

4.3 Environmental impact

No significant environmental impact. The electronic scoreboard will be mounted to the existing scoreboard facility in its present site.

5. Summary and Conclusion

The proposal is in line with Council's move to more sustainable sports ground infrastructure. Works to an existing building or construction of a stand alone structure to house a scoreboard facility would be expensive and contrary to Council's pavilion development principles. The clubs have provided all required details to ensure that the installation is carried out in a professional and safe manner. It is a good opportunity to fund a project in a partnership with the user groups and the Bendigo Bank. Implementation would commence immediately upon approval.

6. Recommendation

That Council resolve to partner with Bendigo Bank and Dingley Football Club to purchase and install an electronic scoreboard for use at Dingley Recreational Reserve. Council agrees to utilise \$10,000 from the 2008/2009 Capital Works Program as Council's contribution to the project.

Crs Ronke/Athanasopoulos

That the recommendation be adopted and the members of the Dingley Football Club, Dingley Village, Bendigo Bank, and the officers involved be congratulated and thanked for their work in bringing about this initiative.

Carried

K 132

**Patterson Lakes Community Centre and Library
Redevelopment, Thompson Road, Patterson Lakes**

Approved by: Trevor McCullough, General Manager Community Sustainability

Author: Steve Lewis, Capital Works Co-ordinator, Leisure and Culture
Joe Capomolla, Capital Works Project officer, Leisure and Culture

1. Purpose

The purpose of this report is to advise Councillors on the tender submissions of the Patterson Lakes Community Centre Redevelopment Project which includes alterations to the existing facility and new additions. The report seeks approval to accept the successful tenderer as outlined.

2. Background

Following submissions from the Community Centre and the community, Council allocated capital funding towards redevelopment of the Patterson Lakes Community Centre. The scope of works for these alterations and additions under this contract includes the following:

- a child care and multipurpose room,
- additional meeting rooms
- new office and reception area
- community library
- computer training room
- upgrade of the existing facility

The Contract is a Fixed Lump Sum Contract not subject to price adjustment for rise and fall in prices.

3. Issues

Following tenders submissions from five of the seven contractors approved from the Expression of Interest Shortlist, we have noted that the tender cost for the project can be accommodated with the proposed project funding. The project is being funded from Council's 2008/2009 "Capital Works Budget" and State Government Funds. The following funding sources are available for the project:

Council capital budget (08/09 including carry forwards)	\$2,210,000.00
State Government Grants	\$ 916,150.00
Total project budget	\$3,126,150.00
Less design costs in previous years	\$ 122,000.00

Total Funds available	\$3,004,150.00
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4. Options

In order to maintain the existing high levels of service to the community, tenderers have been requested to provide two options with their submission, as follows:

- | | |
|----------|---|
| Option A | Existing centre completely closed for the duration of the contract. |
| Option B | Operation of the existing centre to be maintained for as long as practical during the building works. |

The costs associated with closing the existing centre and relocating all the services would be in the order of \$100,000.00 plus.
Following assessment and taking into consideration the disposition to the local community, it would be recommended option B.

5. Summary and Conclusion

The report seeks approval to accept the successful tenderer and advise Councillors on the tender submissions of the Patterson Lakes Community Centre Redevelopment Project which includes alterations to the existing facility.

It is considered appropriate to recommend option B to maintain the existing facility in operation for as long as practicable during the course of the building works.

6. Recommendation

- Council approve option B for the project with the existing facility maintained in partial operation for as long as practical during the building works.
- Council accept the tender for the Patterson Lakes Community Centre and Library Redevelopment , Thompson Road, Patterson Lakes be awarded to **FIMMA Constructions Pty Ltd** for the fixed lump sum of, **\$2,629,804.00** exclusive of GST.
- Council authorise officers to utilise council resources up to 5% of the approved contract value to act as a contingency sum to address minor site issues, should they arise.

Crs McKeegan/Ronke

Motion

That the recommendation contained in the report be adopted with the addition of a further dot point as follows:

- *“Council officers be thanked for facilitating the continuation of the Community Centre during the construction works”*

The Motion was **Carried**.

Crs McKeegan/Ronke

- Council approve option B for the project with the existing facility maintained in partial operation for as long as practical during the building works.
- Council accept the tender for the Patterson Lakes Community Centre and Library Redevelopment , Thompson Road, Patterson Lakes be awarded to FIMMA Constructions Pty Ltd for the fixed lump sum of, \$2,629,804.00 exclusive of GST.
- Council authorise officers to utilise council resources up to 5% of the approved contract value to act as a contingency sum to address minor site issues, should they arise.
- Council officers be thanked for facilitating the continuation of the Community Centre during the construction works.

Carried

Confidential Attachment: *Tender Assessment Report*

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10 Organisations Development and Governance Reports

Nil

11 Corporate Services Reports

Nil

12 Notices of Motion

Nil

14 Urgent Business

Nil

15 Items in Camera

Nil

There being no further business, the meeting closed at 9.41pm.

Confirmed His Worship The Mayor 22 September 2008

**City of Kingston
Special Council Meeting**

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1 September 2008

A Special Meeting of the Kingston City Council was held at 7.15pm at 1230 Nepean Highway, Cheltenham, on Monday, 1 September 2008.

Business will be as follows:

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

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4. **Urgent Business**
5. **Confidential Items in Camera**

**City of Kingston
Special Council Meeting**

Minutes

1 September 2008

Minutes of the Special Meeting of the Kingston City Council held at 1230 Nepean Highway Cheltenham, on Monday 7 July 2008 at 7.36pm.

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

In Attendance: John Nevins – Chief Executive Officer
Trevor McCullough –General Manager Community Sustainability
Duncan Kelly – Acting General Manager Corporate Services
Tony Rijs –General Manager Environmental Sustainability
Mike Petit –Manager Communications and Promotions
Bernard Byrden – Manager Financial Services
Michael Fry – Team Leader Council Business

1. Apologies

An apology was received from Cr Ronke.

Crs Petchey/Athanasopoulos

That the apology from Cr Ronke be received and leave of absence from this meeting be granted.

Carried

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

Nil.

K 133 Draft 2007/2008 Annual Statements – Report to Special Council

Approved by: Paul Franklin-General Manager Corporate Services

Author: Bernard Byrden-Manager Finance

Pursuant to Section 126 of the Local Government Act 1989 and Part 4 of the Local Government Regulations 2001, Council's 2007/08 Annual Statements have been prepared for adoption in principle and the authorisation of two Councillors and the Chief Executive Officer to certify the Annual Statements following their review and clearance by the Auditor-General.

Council's independent Audit Committee has reviewed the 2007/08 Draft Annual Statements at its meeting on 21st August 2008 and has recommended that the Statements be adopted by Council and forwarded to the Auditor-General for final clearance. The Audit Committee also commended Council for the strong financial result that was achieved in 2007/08 and complimented Councillors and Officers on the good financial management practices clearly evident at Council.

Copies of the "In Principle" Annual Statements are on display in the public gallery foyer for perusal by interested members of the gallery and have been forwarded separately to Councillors.

Financial Statements

Included are the Financial Statements for Kingston City Council for the year 1 July 2007 to 30th June 2008, which have been drawn up so as to present fairly the financial transactions of Council for the 2007/08 financial year and to report on the financial position of Council as at 30 June 2008. The Financial Statements have been prepared in accordance with the Local Government (Democratic Reform) Act 2003, Australian Accounting Standards and other mandatory professional reporting requirements.

To assist understanding of these Financial Statements and accompanying notes it is pertinent to point out circumstances that have an impact on the statements in 2007/08.

Income Statement

The reported Operating Surplus of \$9.6 million has been added to the brought forward accumulated surpluses which now total \$772 million which reflects sound financial management of the affairs of the City. The operating Surplus is \$9.6 million favourable to the budgeted surplus of \$0.4 million. This result is influenced by the following:

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Special Council Meeting**

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1 September 2008

- § Developer Asset donations from new estates \$4.2 million, exceeding budget expectations by \$3.2 million. This consists of:
1. \$0.6 million: representing land of approximately 4,300 square meters.
 2. \$2.5 million: of roads, kerbs and footpaths.
 3. \$1.1 million: of drainage assets.
- § Developer cash contributions of \$1.6 million, which are \$0.9 million above budget and subsequently transferred to the Open Space Development Reserve.
- § Cash Contributions of \$0.7 million have been taken directly to accumulated surplus, and transferred to reserves including deductions from Hostel Bonds taken to the Hostel Asset Replacement reserve. This is an accounting treatment issue only.
- § Grants and Subsidies received in advance amounting to \$1.3 million for 2008/09 financial year. Accounting Standards require this revenue to be taken into account in the 2007/08 financial year.
- § Council's total Capital Budget expenditure was \$20.2 million of which \$15.9 million was capitalized. A total of \$4.3 million was taken to the Income Statement which was \$1.1 million favourable to the budget of \$5.4 million.

Adjusting for these items would indicate an "underlying" Operating Surplus of \$2.4 million and this result compares favourably to the budgeted underlying Operating Surplus of \$0.4 million. This favourable variance includes the following items:

Interest Income	\$0.9m F
Rate Income	\$0.3m F
Hostel Retention Revenue not budgeted	\$0.3m F
Net movement in other Operating Accounts	\$0.5m F
Total	\$2.0m F

Ø Rate Revenue

Rate revenue totalled \$73.6 million and is \$0.3 million favourable to Council's 2007/08 Budget. This follows the decision by Council to increase overall rates and charges by 6.0%. The rate revenue also includes \$0.6 million derived during the year from Supplementary Valuation assessments issued in which the value of the property was adjusted to reflect a physical change to the property and to ensure that all ratepayers continue to contribute equitably to the City.

Ø Grants and Subsidies

The amount of revenue has increased from \$22.9 million in 2006/07 to \$25.5 million in 2007/08 largely related to the net additional funding for operational expenditure of \$1.8 million (most of which was for increased funding for Aged and Disability services) and increased funding for Capital Works activities (\$0.8 million).

Ø Contributions, Reimbursements & Donations Revenue

The amount of revenue recognised has decreased from \$11.8 million to \$6.5 million in 2007/08, which includes an anticipated decrease in contribution from developers for new estates which totalled \$4.2 million (non-cash) compared to \$10.5 million in 2006/07. Cash contributions from developers were above budget by \$0.9 million. All of these developer cash contributions are transferred to a Reserve Account that can be utilised by Council in the future to acquire and/or develop open space.

Ø User Fees & Charges

User Fees & Charges increased by \$0.3 million to \$21.4 million and largely reflects a CPI increase in some of Council's fees for service offset by Hostels Retention Interest income decrease which was \$0.3 million in 2007/08, compared to \$0.4m in 2006/07. These amounts are transferred to a reserve account to allow investment of capital funds in renewing the three hostels that Council operates.

Ø Employee Costs

Employee Costs increased by a marginal \$0.2 million during 2007/08 and were \$1.8 million favourable to budget. This was due to a large number of vacancies that were difficult to fill in a tight labour market. This includes movements in remuneration for staff in accordance with Council's Enterprise Agreement.

Ø Materials and Services

Materials and Services expenditure has decreased by \$6.0 million to \$56.6 million in 2007/08 when compared to \$62.6 million in 2006/07 financial year and was \$2.6 million favourable when compared to Budget. This includes a favourable variance of \$1.1 million related our capital works program (\$4.3 million was taken to the Income Statement of the total capital works expenditure of \$20.2 million) with the balance related to improved operating efficiencies.

Ø Depreciation

In accordance with Australian Accounting Standard AASB 116 *Property, Plant and Equipment*, all non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the service potential of those assets. In 2007/08 \$15.5 million was taken up as an expense in the Income Statement, \$0.6 million over the budgeted amount of \$14.9 million. This is a "non-cash" book entry.

Balance Sheet

The 'current portion' of the Balance Sheet has remained healthy. The Working Capital ratio has increased from 147.4% in 2006/07 to 159.5% in 2007/08. This increase can be attributed to the increase in Cash holdings of \$5.4 million and the reduction of \$0.3 million in Trade and Other Receivables.

Australian Accounting Standard AASB 116 *Property, Plant and Equipment* requires that the carrying amount of all non-current assets be kept current. Most significantly, a full revaluation was conducted of Council's Land and Buildings as at 30th June 2008, by our valuers K.A. Reed (Group) Pty Ltd. This revaluation identified a \$108m increase in the value of land and buildings. Transport and Drainage assets have been revalued to their current replacement cost as at 30 June 2008 to reflect a minor but material change (net \$2.0m) in their underlying value. Council now manages almost \$1.7 billion of assets on behalf of the community.

Non Current Assets include an Intangible Asset classification representing the value of our Hostel Bed Licences at \$7.2 million (revalued from \$6.1 million in 2006/07 requiring an adjustment to the revaluation reserve of \$1.1 million) plus \$0.6 million for capitalisation of Software related to our new corporate information system. Non-current Assets also includes Investment Property valued at \$2.0 million which includes a revaluation amount of \$0.7 million.

In accordance with Council's 2007/08 Budget, overall debt has reduced from \$8.5 million as at June 2007 to \$6.6 million at June 2008. Council remains on track to be debt free by June 2011.

Cash Flow Statement

In total, Council's cash holdings have increased by \$5.4 million during 2007/08 to \$28.4 million. \$3.1 million of this will be utilised to pay for capital works carried forward from 2007/08 to 2008/09 and expenditure related to Grants received in advance of \$1.3 million.

- Ø Net cash provided by operations is \$24.0 million, being \$13.4 million more than 2006/07. This is largely due to \$5.3 million increase in Rates receipts and \$6.2 million reduction in payments to suppliers largely as a result of the increased capitalisation of the capital works program, reducing the amount of expenditure transferred to the Income Statement.
- Ø Net cash provided by investing activities has increased by \$12.1 million largely due the increase in payments to fund capital works of \$11.7 million when compared to the prior year.
- Ø Net cash from financing activities has increased by \$0.8 million when compared to 2006/07 largely due to a reduction of \$0.7 million for payments to Trust Funds and Deposits.

Performance Statement

Section 132 of the Local Government Act 1989 requires local government authorities to develop a performance accountability mechanism which allows for a consistent approach in the collection and reporting of information regarding financial performance, operating costs and community satisfaction.

The published performance standards identified areas of customer satisfaction or financial goals by which Council sought to measure its performance.

Detailed commentaries of the outcomes are noted in the Statements.

Standard Statements

The Local Government (Democratic Reform) Act 2003 requires local government authorities to prepare four Standard Statements and explanatory notes to form a special purpose financial report. Council is required to prepare a Standard Income Statement, a Standard Balance Sheet, a Standard Cash Flow Statement and a Standard Statement of Capital Works that compares the financial results with the original budget. The statements show the difference between the actual result and the original budget. Detailed explanations of the variances are detailed in the Standard Statements.

Standard Income Statement

The Standard Income Statement demonstrates the year's financial performance in terms of revenue, expenses and other adjustments from all activities compared to the Adopted Budget. The 'Total Changes in Equity' or 'bottom line' shows the total difference between the financial position at the beginning and the end of the year.

Income was \$7.3 million (6.0%) favourable variance to budget including; Grants \$1.7 million favourable and Contributions \$4.6 million favourable (primarily due to Developer asset donations from new estates of \$3.2 million) and interest revenues of \$0.9 million favourable.

Total expenditure was favourable to budget by \$2.1 million (1.7%) primarily related to Materials and Services \$2.6 million favourable. This is largely due to a favourable variance of \$1.1 million related to our capital works program (\$4.3 million was taken to the Income Statement of the total capital works expenditure of \$20.2 million), \$0.7 million related to the capitalisation of Library stock with the balance related to improved operating efficiencies.

Council's total Capital budget of \$22.5 million included \$5.5 million relating to renewal expenditure now taken to the Income Statement. This compared to actual renewal expenditure of \$4.5 million.

Standard Balance Sheet

The Standard Balance Sheet shows Councils Assets and Liabilities as at 30th June 2008 compared to the Adopted Budget. The accumulated surplus reflects the year on year Surpluses / (Deficits) that Council has achieved.

Total Assets is \$1,732 million and is favourable by \$116.8 million (7.2%). This consists of:

- Ø Cash was favourable by \$13.8 million due to an increase in funding from the State and Commonwealth government (\$1.6 million), greater than budgeted cash developer contributions (\$0.9 million), higher interest revenue (\$0.9 million), reduction in Materials and Services (\$2.6 million) and a carry forward related to capital works expenditure (\$3.1 million).
- Ø Trade and Other receivables were favourable by \$1.5 million predominantly due to GST receivable from the Commonwealth Government (\$0.9 million) and larger than budgeted prepayments (\$0.5 million) for 2007/08.
- Ø Property, Infrastructure, Plant and Equipment of \$1.7 billion was favourable to budget by \$98.1 million (6.2%) which includes a net revaluation of \$110.4 million in asset values.
- Ø Investment Property \$0.7 million favourable variance due to a revaluation from \$1.3 million to \$2.0 million, associated with two properties (Windows by The Bay and 42 Florence St.).
- Ø Intangible Assets of \$7.7 million were favourable by \$1.7 million following a revised valuation of hostel bed licenses as at June 2008.

Total Liabilities total \$34.8 million and is favourable by \$8.5 million. This consists of:

- Ø Trade and Other Payables favourable \$4.8 million and \$0.6 million favourable to last year. This is largely a budgeting issue related to under estimate on Trade Creditors.
- Ø Trust Funds and Deposits of \$3.1m were favourable by \$0.8m reflecting the changing resident mix from incoming and outgoing bonds.

Equity total \$1,697 million and was \$108.3 million (6.8%) favourable to budget as a result of better than anticipated performance (\$9.6 million), increase in accumulated surplus of \$32.2 million largely as a result of a conservative nature of the 2007/08 budget and greater than anticipated asset revaluations \$72.5 million.

Standard Cash Flow Statement

A Standard Cash Flow Statement shows what has happened during the year in terms of cash compared to the Adopted Budget. It explains what cash movements have resulted in the difference in the cash balance at the beginning and the end of the year.

Total Cash increased to \$28.4 million compared to the budget of \$14.5 million due to:

- Ø Capital carried forward to 2008/09 budget of \$3.1 million.
- Ø Grants and Subsidies were \$1.7 million favourable largely due to grants received in advance of \$1.3 million.

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- Ø Contributions, Reimbursements & Donations were \$1.4 million favourable and include cash contributions from Developers (\$0.9 million)
- Ø Interest \$0.9 million favourable due to higher than anticipated return on investments.
- Ø Savings in salaries of \$0.8m
- Ø Trust Funds and Deposits \$0.6m favourable due to the difference between the value of incoming and outgoing bonds, reflected the changing resident mix.

Detailed explanations are included in the Standard Statements.

Standard Statement of Capital Works

A Standard Statement of Capital Works shows what has been spent on Capital Works program during 2007/08 compared to the Adopted Budget. The projects not completed due to delays brought about by extended consultation, statutory planning or timing issues totalling \$3.1 million will be carried forward to 2008/09. Total Capital Expenditure was \$20.2 million compared to the Budget of \$21.6 million, that is \$1.4 million favourable.

The main variances included:

- Ø Information Services is underspent (\$0.8 million) due to the delay in the implementation of the new corporate system and will be carried forward to 2008/09;
- Ø Economic development is underspent (\$0.3 million) with delays on Cheltenham Shopping Centre Works, Carrum Activity precinct and Mordialloc Structure Plan (Bay to Rail project);
- Ø Balance of \$0.3 million related to a combination of all the other categories.

Further detailed explanations are included in the Standard Statements.

Independent Audit Committee Review

Council's Independent Audit Committee has reviewed the 2007/08 Draft Annual Statements and has recommended that Council adopt the statements in principle. (Audit Committee Minute is in the Statements).

Certification Process

A council cannot submit its Performance and Financial Statements to the Auditor-General or the Minister unless the council has passed a resolution giving "in principle" approval to the Performance and Financial Statements and authorising two Councillors and the Chief Executive Officer, on behalf of the council, to certify the statements once amendments or changes requested by the Auditor-General have been made. It is recommended that the Cr Nixon, as the current Mayor, and Cr Alabaster as the second Councillor on the Audit Committee, be authorised to sign off the statements following clearance by the Auditor-General.

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Should the Auditor-General require any changes to the Annual Statements these will be brought to the attention of the two Councillors, the Chief Executive Officer and the Audit Committee prior to signing the Statements.

It should be borne in mind that the purpose of this process is to ensure that Council is aware of, and supports, the annual statements and that the Councillors and the Chief Executive Officer when signing the statements do so with the knowledge, support, commitment and acceptance of responsibility by the Council.

Recommendation

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2007/08 Annual Statements as Council's "in principle" statements for 2007/08 and that these statements be forwarded to the Auditor-General;
3. Authorise Cr Nixon and Cr Alabaster and the Chief Executive Officer to formally sign off the 2007/08 Annual Statements following clearance from the Auditor-General; and
4. Appoint Mr Bernard Byrden, Manager Finance, as the Principal Accounting Officer for the authorisation of the 2007/2008 Annual Statements.

It was noted that an alternative page 6 of the attached Financial Report 2007/2008 was provided. The alternative page provided for an additional sub-total line and did not affect the figures quoted in the financial report.

Crs McKeegan/Athanasopoulos

That Council:

1. Note the recommendation from Council's Audit Committee;
2. Adopt the 2007/08 Annual Statements as Council's "in principle" statements for 2007/08 and that these statements be forwarded to the Auditor-General;
3. Authorise Cr Nixon and Cr Alabaster and the Chief Executive Officer to formally sign off the 2007/08 Annual Statements following clearance from the Auditor-General; and
4. Appoint Mr Bernard Byrden, Manager Finance, as the Principal Accounting Officer for the authorisation of the 2007/2008 Annual Statements.

Carried

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4. Urgent Business

The Chief Executive Officer advised that in accordance with section 84(4) of the Local Government Act 1989, as not all Councillors are present, the meeting is not able to deal with another matter.

5. Confidential Items in Camera

There were no items in camera.

The meeting closed at 7.39pm.

Confirmed.....His Worship The Mayor 22 September 2008.